

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JERMAINE DEMARCUS GRIER,

APPELLANT.

APPELLATE CASE NO. 2021-000444

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STATE OF SOUTH CAROLINA
COURT OF GENERAL SESSIONS
COUNTY OF LANCASTER

2014-GS-29-01090, 1094, 1095, 1096

State of South Carolina

Vs.

Jermaine Demarcus Grier

Lancaster, South Carolina
April 12-16, 2021

Before the Honorable Brian M. Gibbons

APPEARANCES

For the State: Lisa Collins, Nichole Bonine
For the Defendant: Kay Boulware, William Frick

Reported by: Michael C. Watkins
Official Court Reporter

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PRETRIAL MATTERS

1 MS. COLLINS: We can go ahead and hear the motion to
2 sever.

3 THE COURT: All right. Do y'all waive your client's
4 presence to hear the motion to sever?

5 MS. COLLINS: Oh, I'm sorry. No, he does need to be
6 here. I will go ahead and tell you, we've made the decision
7 not to go forward on the pointing or presenting a firearm --

8 THE COURT: Okay.

9 MS. COLLINS: -- charges, and the unlawful carrying. I
10 just want to focus on the main charges.

11 THE COURT: It's just a murder and the PWVC.

12 MS. COLLINS: Yes. And the attempted murder and the
13 burg first.

14 THE COURT: Those are all of the same instances?

15 MS. COLLINS: Within 30 minutes or so of each other,
16 within .3 miles.

17 THE COURT: Well, are y'all -- we'll still hear your
18 motion to sever, but --

19 MS. BOULWARE: Yeah. He's made a big deal out of one
20 case is different from the other so he may want to be in
21 here for that.

22 THE COURT: Sure, that's fine.

23 (Break in proceedings.)

24 THE COURT: All right. The defendant is present.
25 Madam Solicitor, if you will call the case and let me --

PRETRIAL MATTERS

1 let's go ahead and deal with some pretrial issues before we
2 bring the first panel of reported jurors in.

3 MS. COLLINS: Yes, sir. The State of South Carolina
4 calls the following case for trial: State versus Jermaine
5 Grier, indictment for murder, 2014-GS-29-1090; indictment
6 for possession or display of firearm or knife during the
7 commission of a violent crime, 2014-GS-29-1094; indictment
8 for attempted murder, 2014-GS-29-1095; and indictment for
9 burglary in the first degree, 2014-GS-29-1096. All of these
10 indictments have been true billed by the grand jury. Has
11 the clerk of court provided those to Your Honor?

12 THE COURT: I do not have the indictments at this point
13 in time, but for the purpose of these motion hearings we can
14 go forward with the motions. I'll have them before we
15 actually bring the jury in. All right. Mr. Frick and Ms.
16 Boulware, y'all represent the defendant?

17 MS. BOULWARE: Yes, sir.

18 THE COURT: All right. And y'all are prepared to go
19 forward with any pretrial motions that we can do prior to
20 the first wave of jurors coming in?

21 MS. BOULWARE: Yes, sir.

22 THE COURT: All right. Thank you. All right. So the
23 four indictments that have been handed up in no particular
24 order, it's attempted murder, burglary first degree,
25 possession of a weapon during the commission of a violent

PRETRIAL MATTERS

1 crime, and murder, all with the alleged incident date of
2 June 10 of 2014. All right. Madam Solicitor, go ahead.

3 MS. COLLINS: Your Honor, the first order of business,
4 I believe, is a Blair hearing. We have present Dr. Matthew
5 Gaskins. Dr. Matthew Gaskins from the Department of Mental
6 Health is present and ready to testify. I've handed up and
7 have premarked four exhibits as Court's Exhibits. Court
8 Exhibit 1 is the order previously issued by this Court for
9 the defendant to be evaluated for competency to go forward
10 with a legal proceeding, and that directs the Department of
11 Mental Health to do a competency evaluation. Court's
12 Exhibit 2 directs the same for the Department of
13 Disabilities and Special Needs, DDSN. Court's Exhibit 3 is
14 the report in which Dr. Gaskins has previously prepared and
15 submitted to the Court, as well as counsel for both parties
16 reflecting his findings previously that the defendant is
17 competent. Also is Court Exhibit 4, which is a letter from
18 DDSN stating that they did not feel that the defendant
19 qualified as meeting an evaluation by their department, and
20 that they did not feel that he qualified with an
21 intellectual disability. Your Honor, Dr. Gaskins has had
22 the opportunity this morning to meet with the defendant,
23 Jermaine Grier, as well, and I believe he's ready to testify
24 as to his findings as to whether or not the defendant is
25 competent to go forward today with these legal proceedings.

PRETRIAL MATTERS

1 THE COURT: All right. Thank you. And Ms. Boulware, I
2 believe you sent me an email over the weekend saying that
3 y'all believe he's competent.

4 MS. BOULWARE: Yes, sir. That was my opinion as of
5 Friday.

6 THE COURT: All right. Has that been changed?

7 MS. BOULWARE: I haven't talked much with him today but
8 he seems to be doing okay today.

9 THE COURT: All right. You can call your witness.

10 MS. COLLINS: Your Honor, the State calls Dr. Matthew
11 Gaskins from the Department of Mental Health. Dr. Gaskins,
12 if you'll come forward to the witness stand.

13 THE COURT: And while he's approaching I have reviewed
14 Courts Exhibits 1, 2, 3 and 4 as well, they're in the
15 record. All right.

16 The witness, MATTHEW GASKINS, M.D., was first duly
17 Sworn and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. COLLINS:

20 Q Would you state your name for the record?

21 A My name is Matthew English Gaskins.

22 Q What is your occupation?

23 A I'm a psychiatrist, forensic psychiatrist.

24 Q And where are you employed currently?

25 A Multiple places, it's best to just kind of go through

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1 them. I'm a founding partner of a practice in Columbia
2 called Southern Psychiatry where I perform both clinical
3 work and private forensic evaluations. I work for Prisma
4 Health, formally Palmetto Health, where I work in the --
5 which is the HIV clinic providing psychiatric care to those
6 folks. And lastly, I am employed at the Department of
7 Mental Health where I conduct forensic evaluations for
8 competency to stand trial and criminal responsibility.

9 Q Thank you. Would you tell the Court regarding your
10 education and experience in the field of forensic
11 psychiatry?

12 A I will. I completed my Doctor in Medicine from the
13 University of South Carolina School of Medicine in Columbia
14 in 2010. I then joined a general psychiatry residency
15 program from 2010 to 2014, the final year of which I served
16 as the chief resident in general psychiatry. After
17 completing the four year training program I did an
18 additional one year forensic psychiatry fellowship at the
19 same location, Palmetto Health at that time. Since then I
20 have been board certified by the National Board of
21 Psychiatry and Neurology --

22 THE COURT: Ms. Boulware?

23 MS. BOULWARE: Judge, we stipulate to his credentials.

24 THE COURT: All right. I so find he's qualified as
25 what?

PRETRIAL MATTERS

1 MS. COLLINS: A forensic psychiatrist?

2 THE WITNESS: That's right.

3 THE COURT: All right. I find he's so qualified. He's
4 testified in front me numerous times and around the state as
5 I recall. The defense stipulates that he's an expert
6 witness in the field of forensic psychiatry.

7 MS. BOULWARE: Yes, sir, Your Honor.

8 MS. COLLINS: Thank you, and we would offer him as
9 such.

10 THE COURT: So ordered.

11 Q Dr. Gaskins, have you had an opportunity to meet with
12 Jermaine Grier pursuant to the order of this Court for an
13 evaluation of Mr. Grier for purposes of finding whether or
14 not he's competent to proceed with legal proceedings?

15 A Yes.

16 Q And when did you first meet with him?

17 A First date of evaluation was August 3rd of 2018.

18 Q All right. And how long did you meet with him, do you
19 know?

20 A It was about an hour.

21 Q And at the conclusion of that meeting -- did you have
22 to meet with him again before you formed a conclusion at
23 that time as to his competency?

24 A No.

25 Q Okay. At the conclusion of the meeting with Mr. Grier

PRETRIAL MATTERS

1 on that date, did you conclude that he was competent to go
2 forward with legal proceedings?

3 A It was opinion that he had the capacity to stand trial,
4 yes, ma'am.

5 Q And so that is your opinion to a reasonable degree of
6 medical or scientific certainty as to the time you evaluated
7 him, I believe that was in 2018 you stated?

8 A Yes, and yes.

9 Q And pursuant to that you prepared a report. You said
10 the date was August 3rd of 2018 in terms of the date of
11 evaluation, but you prepared a written report as well for
12 the Department of Mental Health with that finding; is that
13 right?

14 A I did.

15 Q Did Mr. Grier cooperate with that report? Did he
16 cooperate with your interview of him? Did he speak with
17 you?

18 A He did speak with me.

19 Q All right. And you ultimately -- you noted that he had
20 a diagnosis of antisocial personality disorder and
21 malingering; is that correct?

22 A Yes.

23 Q But despite those two diagnoses you concluded that he
24 does have the capacity to stand trial; is that correct?

25 A Yes.

PRETRIAL MATTERS

1 Q You concluded that he understood and had the capacity
2 to understand the proceedings against him and to assist in
3 his own defense; is that correct?

4 A Yes.

5 Q We have submitted to the Court a copy of your report
6 from August 10th of 2018 as Court's Exhibit 3 for the
7 purposes of this hearing. Have you had an opportunity to
8 meet with Mr. Grier today to determine that he's still
9 competent to proceed with legal proceedings?

10 A Yes.

11 Q And between the date of August 3rd of 2018, when you
12 first evaluated him, and today, did you have an occasion to
13 meet with him?

14 A No.

15 Q So today was the second time that you saw Mr. Grier; is
16 that correct?

17 A Yes.

18 Q And did Mr. Grier speak with you today and cooperate
19 with your evaluation of him today?

20 A He did.

21 Q And at the -- did you have an ample opportunity to
22 speak with him?

23 A Yes, ma'am, sufficient to form an opinion.

24 Q It was sufficient?

25 A Yes, ma'am.

PRETRIAL MATTERS

1 Q And as a result of meeting with him this morning, do
2 you have an opinion as to whether or not today, April 12th
3 of 2021, as of 9:40 a.m. the defendant has the capacity to
4 stand trial and go forward with legal proceedings?

5 A Yes. My opinion didn't change.

6 Q So your opinion to a reasonable degree of medical or
7 scientific certainty is that he does have the capacity to
8 stand trial; is that correct?

9 A Yes.

10 Q And that he does have the capacity to understand the
11 legal proceedings against him; is that right?

12 A Yes.

13 Q And that he does have the capacity to assist in his own
14 defense; is that correct?

15 A Yes.

16 MS. COLLINS: Thank you. Please answer any questions
17 of the defense.

18 THE COURT: Ms. Boulware?

19 MS. BOULWARE: Thank you, Judge. Briefly.

20 CROSS EXAMINATION

21 BY MS. BOULWARE:

22 Q In your report from the August 3rd of 2018 report you
23 described what the indications for malingering would be and
24 that he did seem to be doing that that day, or the day of
25 this evaluation. Is he showing any signs of malingering

PRETRIAL MATTERS

1 today?

2 A So malingering -- it's important to keep in mind that
3 there's two different things in malingering, and actually
4 the most common form of malingering isn't faking or
5 feigning, it's exaggerating the symptom. It's kind of like
6 if you go to the doctor and you want them to give you pain
7 medicine for your arm you're not going to say it's a two out
8 of ten pain, you're going to say it's a seven or eight out
9 of ten, that's human nature. Exaggeration is the most
10 common type of malingering. The two things that really
11 stood out to me from the initial interview were some of the
12 answer styles I note in the report, which didn't really seem
13 like they followed the questions that were being asked, and
14 then also the report of memory deficits. There had been
15 previous evaluations that kind of established that the
16 memory deficits were likely being exaggerated and I was
17 noticing the same patterns in 2018 from the previous
18 evaluations. This morning he still reports some memory
19 deficits but the answers were much more succinct, they were
20 more pertinent, so he did bluntly better this morning as far
21 as his answering questions. He still reports differently
22 with memory, but his, lack of a better word, nonsensical
23 answers were absent to. So there was more cooperation
24 today.

25 Q Were you given any information as to what medication he

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1 is currently taking?

2 A No.

3 MS. BOULWARE: That's all, Your Honor, thank you.

4 THE COURT: All right. Any redirect?

5 MS. COLLINS: No, Your Honor.

6 THE COURT: All right. Thank you, Doctor, you may step
7 down. Any further witnesses from the State on the issue of
8 competency?

9 MS. COLLINS: No, Your Honor.

10 MS. BOULWARE: None from the defendant.

11 THE COURT: None from the defense. All right. Any
12 argument from either side on the issue of competency? I
13 think it's abundantly clear what my finding is going to be
14 but I'll allow both sides to make an argument if they wish.

15 MS. COLLINS: Your Honor, may Dr. Gaskins be excused?

16 THE COURT: Absolutely. Thank you, sir, have a good
17 day.

18 MS. COLLINS: No argument from the State. We ask that
19 you find the defendant is legally competent to go forward
20 with the proceedings.

21 THE COURT: Ms. Boulware?

22 MS. BOULWARE: Defense concedes to competency of the
23 defendant.

24 THE COURT: Defense concedes to competency, and I think
25 it's amply in the record that the defendant is competent. I

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1 have reviewed both Court's Exhibits 3 and 4, considering the
2 doctor's expert testimony today I find that the defendant is
3 competent. All right.

4 MS. COLLINS: And, Your Honor, just for the record, we
5 did confer with the Department of General Counsel with the
6 Department of Corrections, and we ensured that they provided
7 us with the list of medicines that the defendant is
8 currently on at the Department of Corrections. We shared
9 that information with Captain Larry Deason of the detention
10 center and they secured those medicines so that they could
11 continue to administer them to him as prescribed while he is
12 in our detention center during these proceedings.

13 THE COURT: All right. Any issues as to that, Ms.
14 Boulware?

15 MS. BOULWARE: No, sir, Your Honor.

16 THE COURT: Thank you very much. All right. The next
17 matter it appears, and Madam Solicitor, you prepared a list
18 for me and I appreciate you doing that, motion for joinder
19 or consolidation of charges for the trial. I believe at the
20 outset you indicated the State was not electing to proceed
21 on some indictments, but the four indictments that the State
22 is proceeding on, that of the attempted murder, burglary
23 first degree, possession of a weapon during the commission
24 of a violent crime and murder, let me hear -- well, those --
25 that's what the State is proceeding on?

PRETRIAL MATTERS

1 MS. COLLINS: In regards to that, Your Honor, I did
2 serve a request for notice of mental defense upon the
3 attorneys for Mr. Grier, and they had provided me with their
4 notice that they can present a defense of not guilty by
5 reason of insanity. That was prior to their receiving and
6 subsequently given to us the final report of the defense
7 expert, or the report of the defense expert, Dr. Donna
8 Maddox, which concluded that the defendant is competent,
9 that the defendant is criminally responsible but he lacked
10 the capacity to conform. Therefore it's my understanding
11 that her report, then, does not support the not guilty by
12 reason of insanity defense, but it support only a guilty but
13 mentally ill position of the defense. But again, we don't
14 have to get into that at this time, but I did want to put
15 everyone on notice that I anticipate moving that the
16 Court -- or asking that the Court not charge, unless
17 evidence is presented by an expert, and Dr. Frierson also
18 expressed his opinion and it will be and per his report that
19 he provided for for the Department of Mental Health as of
20 April of 2015 that the defendant is not even guilty but
21 mentally ill, that he was malingering and that he did not --
22 that he knew the difference between right and wrong and that
23 he did not suffer from any problem with conforming his
24 behavior to the requirements of the law dealing with mental
25 disability.

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1 THE COURT: Has there ever been a finding by any
2 psychiatric expert or psychiatrist that he was, I hate to
3 use the term insane because that's a legal definition, but
4 has there been any determination that he lacked the capacity
5 to conform his conduct? Has there ever been
6 any determination?

7 MS. COLLINS: I believe Dr. Maddox will testify that he
8 lacked the capacity to conform his conduct, which would be
9 guilty but mentally ill, but that he knew the difference
10 between right and wrong.

11 THE COURT: Right, right from wrong.

12 MS. COLLINS: There has not been any finding that I'm
13 aware of whatsoever that he was not able to discern the
14 difference between right from wrong, but both legal right
15 and legal wrong or moral right from moral wrong, and
16 therefore that is what supports a defense of not guilty by
17 reason of insanity. And if that is not presented then we
18 will be asking that Your Honor not charge the jury, that
19 there will be no evidence from an expert as to that.

20 THE COURT: I mean, if it -- that was the basis of my
21 question, if it hadn't been discovered or found from 2014
22 until now, I mean, are y'all expecting to call a witness to
23 testify that he was "insane?"

24 MS. BOULWARE: Well, Judge, I do have a couple of
25 things on that. I would like to reserve this, or reserve a

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1 ruling on this until after my expert testifies. She did
2 file a report but she may get up there and form a new
3 opinion for some reason. Also, I think you can put in
4 evidence by lay witnesses as well under the NGRI, so -- and
5 I know they're not going to hold as much weight as an
6 expert, but I would still ask that the ruling on that be
7 reserved until and at the time when we know for sure --

8 THE COURT: Yeah, I'll hold off on it. I haven't even
9 seen Dr. Frierson's opinion yet, I haven't heard from him
10 yet so we'll all deal with that at the appropriate time. Is
11 there a motion to suppress testimony of the defense expert?

12 MS. COLLINS: We had filed that, but since that time --
13 well, there were two things. Number one, we had not
14 received a report, we have now received a report of Dr.
15 Maddox. And also the defense was indicating that they might
16 move for a continuance and we were also going to say that
17 the discovery rules had not been complied with and therefore
18 we were moving to suppress her testimony and therefore a
19 continuance would not be necessary. However, we did have a
20 conference call with Dr. Maddox and determined that she
21 would be available this afternoon, and therefore the
22 decision -- she had a family vacation starting tomorrow and
23 therefore the decision was made and the agreement was that
24 we could have her be called out of order as the first
25 witness and the defense was agreeable to that.

VOIR DIRE

1 THE COURT: Is she coming or is she going to testify by
2 video?

3 MS. BOULWARE: She's supposed to be here in person,
4 Your Honor.

5 THE COURT: This afternoon at 2:00.

6 MS. BOULWARE: She apologized profusely. There was a
7 mixup on her calendar, I believe. She had emailed me
8 earlier like the beginning of March saying she was available
9 everyday this week except for today, which would be fine.
10 And then I get a call last week saying oh no, she doesn't
11 know what happened, but --

12 THE COURT: It was probably Judge Maddox's fault. I'm
13 sure it was Judge Maddox's fault.

14 MS. COLLINS: Your Honor, the defense has mentioned
15 that their client might request a bench trial rather than a
16 jury trial, but it's understanding they wanted, and we, of
17 course, do, too, before we make a decision regarding our
18 position, wanted to see the jury be qualified.

19 THE COURT: Sure. And we have the jury coming in in
20 three phases, the second phase is coming shortly, so we're
21 going to knock out the first phase. And like I told y'all
22 before, what we're going to do, due to space limitations,
23 y'all come up here and y'all can just have a seat in the
24 jury box over here. We're going to bring the jury over here
25 since the defendant is already here and seated and

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1 THE COURT: All right. Well, y'all just approached the
2 bench about an issue, what issue is that?

3 MS. BOULWARE: You're correct. Judge, if you would
4 address with Mr. Grier a jury versus a bench trial. Mr.
5 Frick and I have both tried to talk with him about that and
6 he has not given us a clear answer on which way he would
7 prefer to go, so we would just ask that you address him on
8 that.

9 THE COURT: I'll be glad to do that right now. I'm
10 going to come over there where I can see you because I've
11 got a glare in the plexiglass. Can you see me, Mr. Grier?
12 Can you see me, sir? Can you hear me?

13 THE DEFENDANT: Yeah.

14 THE COURT: Okay. You have the right to have a jury
15 trial, a jury has been picked in your case. And the
16 benefits of a jury trial is that the State has to prove you
17 guilty beyond a reasonable doubt to all 12 jurors. All 12
18 of them have to be unanimous in whatever verdict they make
19 against you if they're going to make a verdict. Do you
20 understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You also have the right, if you want to, to
23 not have a jury if you don't like the way the jury is made
24 up and you can have what's called a bench trial where I'm
25 the trial judge and the jury. Okay? So I hear everything

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1 and I'm the one who makes the decision not only as to what
2 the evidence is, but I also make the decision, if you're
3 convicted, I also make the decision what your punishment is
4 going to be. All right? Do you understand that?

5 THE DEFENDANT: Right.

6 THE COURT: So my question to you is do you want to
7 have a jury trial, go with those 12 people, or do you want
8 to have me as a bench trial?

9 THE DEFENDANT: It really don't matter, you know what
10 I'm saying?

11 THE COURT: Well, you've got to make a decision. If it
12 doesn't matter to you I'm going to order that we go forward
13 with the jury trial just to protect your rights, you know,
14 that's going to be a decision I make. Would you rather go
15 forward with a jury or would you rather go forward with just
16 me just hearing the case?

17 THE DEFENDANT: You can pick what you want to pick.

18 THE COURT: Okay. Does the defense have a position on
19 that?

20 MS. BOULWARE: Judge, if he wants to go to the jury I
21 think that's what we should do if that's his decision.

22 THE COURT: Well, he said he's going to let me decide.

23 MS. BOULWARE: If that's your decision then.

24 THE COURT: Okay. Understood. Anything from the State
25 on that issue?

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1 MS. COLLINS: No, Your Honor.

2 THE COURT: All right. We're going to have a jury
3 trial then, Mr. Grier. Okay?

4 THE DEFENDANT: Okay.

5 THE COURT: All right. Let's bring the jury in.

6 (The jury returned to the courtroom.)

7 THE COURT: All right. Thank you. Madam Clerk, if
8 you'll go ahead and swear in the trial jury.

9 (The trial jury was sworn.)

10 THE COURT: Ladies and gentlemen, again, thank you for
11 your patience, thank you for your understanding. We have
12 this beautiful courthouse and this beautiful courtroom in
13 Lancaster County, but unfortunately with the pandemic going
14 around and trying to keep CDC guidelines y'all are seated
15 the way you are. Okay? And just -- we'll ask for your
16 continued patience as we get through this together to
17 maintain the proper protocols, and thank you thus far for
18 doing what you're doing. Okay? Let me speak to you briefly
19 before we start the trial of this case, and let me tell you,
20 this trial is probably going to be different from what you
21 might expect. Many people don't have the chance to attend
22 actual court sessions like you're doing now and may think
23 from watching TV or what you see in the movies or read in
24 books that trials are always full of high drama, riveting
25 circumstances and intense action. Now, while sometimes that

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1 may be true, this trial is not for entertainment. This
2 trial is a fundamental part of our democracy in an effort to
3 make sure that justice is done between the parties before
4 the Court. You know, making sure that justice is done can
5 sometimes be an -- can sometimes be a slow, deliberate,
6 repetitive process, the opposite of what you may be
7 expecting just from seeing stuff on TV. Now, this courtroom
8 is a place of honor dedicated to the protection and
9 preservation of citizen's rights through what many have
10 called the greatest justice system ever created. The
11 attorneys who are appearing before you are advocates for the
12 parties they represent, but first and foremost they are
13 officers of this Court sworn to uphold the integrity and
14 fairness of our judicial system and help you reach a
15 verdict. You should expect them to be professional,
16 competent and ethical in the representation of their
17 respective clients. Remember, that you've taken an oath to
18 try this case, to reach a verdict, you're also expected to
19 act that way. Thank you, again, for accepting this
20 important responsibility. Let me tell you briefly how a
21 trial is going to proceed. First the State will make an
22 opening statement to you. An opening statement, ladies and
23 gentlemen, is not evidence, it's simply a lawyer's
24 opportunity to speak directly to you to kind of give you an
25 outline of what that party expects that the evidence will

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1 show. Following opening statements, and the defense doesn't
2 have to make an opening statement if they don't want to, and
3 I'll get into those reasons later on, but following openings
4 statements you will then hear testimony and evidence in the
5 case. This will consist of testimony from various witnesses
6 as well as any physical exhibits which may come into
7 evidence. Following the completion of the testimony and
8 evidence phase of the trial, that's when the lawyers will
9 again be able to address you directly in the form of what's
10 called closing arguments, which just like openings
11 statements, aren't evidence but it's simply that lawyer's
12 attempt to try to persuade you as to what your verdict
13 should be based upon the evidence which has been shown.
14 Okay? And then following all of that, that's when me, I as
15 the trial judge, I will instruct you on the law as it
16 pertains to the issues which have arisen in this case. So
17 you see, I'm the judge of the law. Okay? You're the judge
18 of the facts, that's how it works. Y'all hear the facts,
19 y'all hear and look at and consider the evidence, and then
20 you take the law as I instruct it to you during and at the
21 end of the trial and you use that law together with your
22 determination of the facts, you use that to reach whatever
23 your verdict is going to be. And, of course, I'll go into
24 more detail later on with that. Now, as you know, this is a
25 criminal case, which has been brought by the State of South

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1 Carolina who has charged the defendant with attempted
2 murder, burglary first degree, possession of a weapon during
3 the commission of a violent crime, and murder. The charges
4 against the defendant is contained in these indictments.
5 Now again, like I told you during qualifications, these
6 pieces of paper is not evidence of anything, it's simply the
7 written description of the charges that's been made by the
8 State against the defendant. The defendant has pled not
9 guilty to these charges and is presumed innocent unless and
10 until proven guilty beyond a reasonable doubt. A reasonable
11 doubt is the kind of doubt that would cause a reasonable
12 person to hesitate to act. A defendant has the right not to
13 testify and never has to prove innocence or present any
14 evidence. The burden of proof is always upon the State of
15 South Carolina. Please don't take anything I may say or do
16 during this trial as indicating to you what I think of the
17 evidence. Again, that's not my job. Your job is to
18 consider the evidence and to determine the facts, my job is
19 to give you the law. Now, just like rules which govern
20 sports and other activities, we have certain rules of
21 evidence which control what can come into evidence. So when
22 a lawyer on the one side asks a question that the lawyer on
23 the other side thinks may violate the rules of evidence,
24 that lawyer will stand and say, "Objection." Y'all have all
25 seen that and heard about objections, and that lawyer is

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1 notifying me that there may be an evidence issue, and then I
2 will rule on the objection. If I sustain an objection, that
3 means the witness cannot give the answer or the question
4 cannot be answered, or the thing cannot come into evidence.
5 If I overrule an objection, that means the question must be
6 answered or the thing may come into evidence. And the
7 reason we have these rules, ladies and gentlemen, is because
8 it's not that we want to keep anything from you because we
9 don't, but we want you as the jury to have the best evidence
10 available. That's why we have these rules and my job is to
11 rule upon that. So you're not to speculate about -- if I
12 sustain an objection, you're not to speculate about like,
13 "Wonder what that witness would have said if the judge would
14 have allowed them to answer," or, "Wonder what that thing
15 would have shown." Because, see, you wouldn't be
16 considering something that's in evidence, you would be going
17 outside of what's in evidence. Your duty as the trial jury
18 is to determine based upon the evidence received in this
19 courtroom and this courtroom alone what the evidence is, and
20 that's how you reach a verdict. Okay? So that means
21 whenever you go back to your jury room or whenever you leave
22 this courthouse for the day you can't talk about this case,
23 not even with yourselves, until the very end when I tell you
24 you can. Okay? Because you have to keep an open mind. You
25 have to hear all sides. You have to consider all of the

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1 evidence, and you also need to know what the law is, and I'm
2 going to tell you that at the end of the process. Okay?
3 And in deciding this case and deciding what the facts are,
4 you may have to decide which witnesses to believe and which
5 witnesses not to believe. Ladies and gentlemen, you can
6 believe everything a witness says, part of what a witness
7 says or none of what a witness says. That's called
8 credibility of the witness' testimony. Now, during the
9 trial, you know, you're not going to be allowed to take
10 notes concerning the testimony of the witnesses, so please
11 pay particularly close attention to what goes on during the
12 trial, what a witness says, how a witness says it, and pay
13 attention to everything as it's happening. Because at the
14 end of the trial when you're actually deliberating whatever
15 your verdict is going to be, you're not going to have a
16 written transcript to consult. My court reporter, who is
17 seated just below me, it's very difficult and time consuming
18 for him to read back or play back lengthy testimony, so
19 please pay close attention as the trial is going forward so
20 you can accurately reflect upon that when you deliberate.
21 And until I advise you to start deliberating -- and I'm
22 almost done so we can get started with openings -- again,
23 you cannot discuss this case with anyone including
24 yourselves. Okay? I'm not naive, I know when you go home
25 your better half or somebody in your family may ask you,

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1 "Did you get picked? Yeah. What kind of case is it?" I'm
2 not naive. You can say what the case is about but that's
3 all you need to know. And then if they keep asking you
4 questions just say, "Look, the judge says I can't talk
5 anymore about it because I haven't heard anything about it
6 yet." Okay. And you are not to go on social media or pull
7 up stuff on Google or on your phone and try to look out for
8 information about the case, because again, that would be
9 violating your oath as a juror to try this case justly going
10 by the evidence received in this courtroom alone. Okay? So
11 you cannot do that and I'm ordering you not to. And if
12 anybody continues to press you about getting information
13 about it, you just let me know who it is and I'll assure you
14 I will deal with it. Okay? Ladies and gentlemen, lastly
15 it's important that you keep an open mind, don't decide
16 anything in this case until you have heard everything, the
17 parties have made their closing arguments to you and until
18 I've given you the law. It is your solemn responsibility to
19 determine the guilt or innocence of this defendant, and your
20 verdict must be based solely on the evidence presented to
21 you in this trial in this courtroom and on the law as I
22 instruct you during and at the close of the trial. Thank
23 you, again, for your undivided attention. I would ask that
24 you extend the attorneys the same courtesy you've just given
25 me. Madam Solicitor, opening statements.

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1 MS. BONINE: Thank you, Judge.

2 THE COURT: And I'm going to ask, ladies and gentlemen
3 of the jury, those who are facing me, if y'all could just
4 turn your seats. Again, because of protocols I'm not going
5 to allow the lawyers to kind of walk around and that kind of
6 thing, I am going to allow them to remove their masks since
7 they're behind plexiglass and just listen as best you can.
8 And all of them are loud so y'all should be able to hear
9 them good. Madam Solicitor.

10 MS. BONINE: Thank you, Judge. May it please the
11 Court? Defense? This case is about connecting the dots.
12 This defendant, Jermaine Grier, murdered James Hood. James
13 Hood was a paraplegic in a wheelchair. James Hood was this
14 defendant's brother-in-law. He killed James Hood with one
15 gunshot wound to the back killing him in his own home. This
16 defendant, Jermaine Grier, is also charged with attempted
17 murder of Shareika McIlwain, a cousin of this defendant. He
18 shot at Shareika, the bullet grazed her neck and luckily she
19 survived. This defendant, Jermaine Grier, is also charged
20 with burglary in the first degree when he crossed into the
21 home of Roger Lowery in an attempt to continue attacking
22 Shareika McIlwain. And lastly this defendant, Jermaine
23 Grier, is charged with possession of a weapon during the
24 commission of a violent crime. There's a lot of moving
25 parts and a lot of people in this case, but as the Judge has

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1 mentioned, I'm going to give you a brief general roadmap of
2 what you're going to hear over the next few days, the
3 testimony and the evidence. Moments ago I just introduced
4 briefly James Hood, Shareika McIlwain and Roger Lowery, who
5 were all in their own homes on the night of June 10th, 2014,
6 but they're all connected to this case today through this
7 defendant, Jermaine Grier, because he attached them that
8 night. Together with the witness testimony and the evidence
9 exhibits that you will see will connect the dots between
10 each of them, and the State will prove that this defendant,
11 Jermaine Grier, is guilty of murder, he is guilty of
12 attempted murder, he is guilty of burglary in the first
13 degree, and he's guilty of possession of a weapon during the
14 commission of a violent crime. You're going to hear
15 testimony from Angela Hood, that is James Hood's widow.
16 She's going to testify that they were married for 14 years,
17 they lived together with their children in their family home
18 at [REDACTED] Caroline Court in Lancaster County, South Carolina.
19 Three years prior to Mr. Hood's death he suffered a stroke.
20 The stroke devastated his body and his mind and confined him
21 to a wheelchair and a hospital bed depending on his family
22 to help his physical care needs everyday. You're also going
23 to hear Angela Hood testify that the last time she saw her
24 husband alive was the night of June 14th, 2010. She had
25 just cooked him dinner and she left to go to the grocery

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1 store to continue providing for her family. She left her --
2 I'm sorry, she just left her brother -- I'm sorry. She left
3 her brother on the evening of June 10th, 2014, I apologize.
4 But when Ms. Hood left her brother and her husband together
5 in the home, she had no concerns about leaving them
6 together. She had no concerns that her husband was in a
7 wheelchair and that her brother was there, no reservations
8 whatsoever, and that was the last time that she saw her
9 husband alive. Angela Hood's testimony is going to tell you
10 that the next time she saw her husband, he was lying on the
11 floor dead with a gunshot wound to his back, blood pooled
12 around his body, he had fallen out of his wheelchair and he
13 was wearing only a diaper. Law enforcement that responded
14 to the scene is going to testify as to when they responded
15 there was a security threat. They were unsure if there was
16 still an armed attacker or armed suspect inside this
17 residence so they secured the scene, they went through the
18 scene in the house methodically but there was no one else in
19 the house except for the body of James Hood. The shooter
20 had fled. Law enforcement, just after their arrival at [REDACTED]
21 Caroline Court that night, heard radio traffic from other
22 law enforcement agencies about another shooting that had
23 just taken place. This other shooting, while it was in the
24 county jurisdiction of the sheriff's office here in
25 Lancaster, this murder occurred in the city. But I want you

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1 to know that the two incident locations, while they were in
2 the city and the county jurisdiction of law enforcement,
3 they happened 30 minutes apart and only two streets apart.
4 Next you're going to hear testimony from Shareika McIlwain
5 who I said was the defendant's cousin. She was in her home
6 that night on June 10, 2014, when the defendant, Jermaine
7 Grier, showed up unannounced, uninvited and unexpected.
8 Shareika will testify as to how the defendant had a gun.
9 That made her feel uneasy and uncomfortable to the point she
10 decided she would rather leave her home than stay with her
11 cousin in the home who had a gun. As Shareika got up to
12 leave the house that night the defendant pointed the gun
13 directly at her and pulled the trigger. That bullet grazed
14 her neck, she still has a physical scar that she carries to
15 this day, but thankfully she did survive. After the shot
16 rang out and grazed her on the neck, Shareika immediately
17 fled her house desperately seeking help anywhere she could
18 get it. It's nighttime, it's about 10:00 at night, it's
19 June and it's hot outside. Shareika runs across the street
20 to her neighbor, which was at [REDACTED] West Brooklynn Avenue, her
21 address is [REDACTED] directly across the street. She gets up on
22 the porch, starts pounding on the door for her life. This
23 defendant, Jermaine Grier, is still following her running
24 behind her. He was not done with her yet. You're also
25 going to hear testimony from Roger Lowery who lived at that

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1 house at ■■■ West Brooklynn Avenue. He was asleep in his
2 bed. He had to get up early for work like most of us do.
3 He was alerted to the screams for help coming from his front
4 porch. He will testify about what he saw that night when he
5 got to the front door of his home. He saw the defendant,
6 Jermaine Grier, attacking Shareika McIlwain, punching her,
7 kicking her, shoving her and pulling hair out of her head.
8 Roger and Shareika didn't know each other. Sure, they were
9 neighbors and had lived near each other, but they were just
10 friendly, they weren't friends. Shareika ran to that house
11 to save her life, and Roger's quick thinking that night
12 surely saved Shareika's life. You're going to hear from
13 Roger about how he demanded this man, this defendant, to
14 stop attacking this woman who he had never interacted with
15 before, but it's happening right in front of him. He is
16 attacking her. He demands to stop, get off his property,
17 immediately leave. These orders, though, fell on deaf ears.
18 Roger warned the man, "If you don't stop, if you don't leave
19 her alone I will shoot you." When he tried to intervene
20 physically and help Shareika, he opened the storm door of
21 his front porch where he was standing and Shareika was able
22 to scurry inside to safety. However, the defendant,
23 Jermaine Grier, also managed to get inside. He crossed
24 through the doorway into Roger's house to continue attacking
25 Shareika. At that point Roger had his wife in the house and

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1 two sons, and now Shareika was in the house. He told the
2 man again, "Get off my porch, get out of my house or I will
3 shoot you." Didn't listen. Roger fired one shot at this
4 man, it hit him in the lower abdomen and this man stumbled
5 backwards out onto the porch. Roger's wife was on the phone
6 with 911, and Roger saw this defendant, Jermaine Grier, run
7 off the porch and run around the side of his house towards
8 the street back towards the direction that Shareika came
9 from, or they came from where Shareika lives. And as he
10 said, it's dark. Moments later, though, the defendant
11 returns, gets back up on his porch, on Roger's porch and
12 Roger holds him at gun point until law enforcement arrives
13 moments later. The connection between these three people is
14 this defendant, Jermaine Grier. SLED scientist testimony is
15 going to show you, and you will hear from this testimony and
16 from the evidence that you see, you will be able to connect
17 the murder of James Hood at [REDACTED] Caroline Court, of the
18 attempted murder of Shareika McIlwain at [REDACTED] West Brooklyn
19 Avenue, and the burglary in the first degree of [REDACTED] West
20 Brooklyn Avenue of Roger Lowery's home, as well as
21 possession of a weapon during the commission of a violent
22 crime. You will see photographs from these locations to
23 help understand the events and the layouts of what I just
24 described. You're going to hear testimony from the victims
25 who survived, but through the bullet extracted from James

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1 Hood's body you will also hear from the victim. Lastly, the
2 scientific evidence will show in this case that the bullet
3 recovered from James Hood's body, the shell casing recovered
4 from Shareika's house on the floor, and the shell casing
5 recovered in this defendant's pocket that night when he was
6 apprehended by law enforcement are all connected. They're
7 connected to the firearm that was found on the driveway of
8 Shareika's house of her property just across the street from
9 where this defendant was finally stopped that night. This
10 case is simply a matter of connecting the dots. It does not
11 create a pretty picture or one that's very pleasant to think
12 about, but the dots connect to create a clear and vivid
13 picture of all of those events of that night. And that's
14 why at the end of this trial I am confident you'll return a
15 guilty verdict of murder, attempted murder, burglary in the
16 first degree and possession of a weapon during the
17 commission of a violent crime. Thank you for leaving your
18 families and your jobs and your homes to be here and bring
19 justice to this courtroom today.

20 THE COURT: Thank you, Madam Solicitor. Ms. Boulware?

21 MS. BOULWARE: Thank you, Your Honor. Thank you,
22 jurors, for being here this afternoon. I'm going to keep
23 this very short. You guys have a lot of testimony to get
24 through for the week and I don't want to keep you any longer
25 from getting started on that. But I do want to let you know

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1 that your being here in some of those slightly uncomfortable
2 chairs is important to my client and it's important to the
3 legal system, even though we do have a pandemic happening
4 right now. This is an old case but it's not a simple case
5 as the solicitor said. Jermaine has struggled with mental
6 illness his entire life. You're going to hear that he has
7 been in prison, and that's not something I would normally
8 tell a jury up front, but I will tell you all this. He
9 wasn't out of prison long before this incident occurred.
10 But he does not know what happened that day or if he was
11 even involved in it, because you'll hear testimony that he
12 was not on medication that day, so he has no idea what
13 occurred. He can't say. I would like you to listen closely
14 and carefully to all of the witnesses before you come to any
15 conclusions in this case. I would just like to thank you
16 again for being here and do this service to the citizens of
17 Lancaster County, to Mr. Grier and to all of us. Thank you.

18 THE COURT: Thank you, Ms. Boulware. Is the State
19 ready to proceed with its first witness?

20 MS. COLLINS: Your Honor, the State is ready. However,
21 upon conferring with defense counsel they had a witness who
22 was only available this afternoon. We expect her to be
23 somewhat lengthy, and therefore we blocked this afternoon
24 for the testimony of that witness, so we need to take her
25 out of order. And so at this time we yield to allow the

DONNA MADDOX, M.D. - DIRECT

1 defense to call their witness out of order.

2 THE COURT: All right. Ms. Boulware; is that correct?

3 MS. BOULWARE: Yes, sir, Your Honor, that is.

4 THE COURT: And you've talked this over with your
5 client as well?

6 MS. BOULWARE: Yes, sir.

7 THE COURT: All right. And this is what y'all want to
8 do?

9 MS. BOULWARE: Yes, sir.

10 THE COURT: All right. Thank you. Ladies and
11 gentlemen, typically the State does go forward first because
12 the State has the burden of proof, the defense doesn't have
13 to prove anything. So in this case the defense has decided
14 to call a witness first out of order because that witness is
15 scheduled to be out of town or something, has another
16 scheduled issue later on this week so the lawyers have
17 gotten together and have agreed to call that witness out of
18 order and so that's just for your consideration. So at this
19 time I'm going allow Ms. Boulware to call this witness. Ms.
20 Boulware?

21 MS. BOULWARE: Thank you, Judge. The defense calls
22 Dr. Donna Maddox.

23 THE COURT: All right. Doctor, come on up. And ladies
24 and gentlemen, if you don't mind rearranging your chairs
25 because she's going to be testifying right here beside me.

DONNA MADDOX, M.D. - DIRECT

1 All right. Ms. Boulware?

2 The witness, DR. DONNA SCHWARTZ-MADDOX, was first duly

3 Sworn and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BOULWARE:

6 Q Dr. Maddox, please state your full name for the record.

7 A Sure. Donna, middle name Schwartz, S-c-h-w-a-r-t-z;
8 last name Maddox, M-a-d-d-o-x.

9 Q Thank you, Dr. Maddox. And what is your education,
10 training and current licensing?

11 A I'm licensed to practice medicine in the State of South
12 Carolina. I graduated from Furman University in 1985 with a
13 Bachelor of Arts Degree in Psychology. I graduated from
14 medical school in 1989 from the University of South Carolina
15 School of Medicine. I completed a residency in Psychiatry,
16 which is a four year program after medical school. And then
17 I completed an additional year of training in forensic
18 psychiatry, which was after my general psychiatry residency.
19 I worked for the Department of Mental Health, I think, for
20 about four or five years, then I worked at the medical
21 school for the next 17 years, 13 to 17 years. Then I
22 finished up my career and retired from the state three years
23 ago. I worked for the Department of Mental Health until I
24 retired. And I've been in the private practice of forensic
25 psychiatry ever since.

DONNA MADDOX, M.D. - DIRECT

1 Q And are you a member of any professional associations,
2 Dr. Maddox?

3 A I have been, but I'm certainly not active at this time.
4 The main activity I'm involved in, I'm a board visitor at
5 the University of South Carolina so I'm busy with that.

6 Q I understand. Any prior qualifications in the field of
7 forensic psychology for other trials?

8 A Forensic psychiatry, yes.

9 Q Psychiatry, excuse me, I'm sorry. And how many times
10 would you estimate you've testified in court?

11 A Over 800 times.

12 Q Thank you.

13 MS. BOULWARE: The defense moves to enter Dr. Maddox as
14 an expert in the field of forensic psychiatry.

15 THE COURT: Any further voir dire from the State?

16 MS. COLLINS: I do, Your Honor.

17 THE COURT: All right.

18 VOIR DIRE EXAMINATION

19 BY MS. COLLINS:

20 Q Dr. Maddox, you testified that you've testified in
21 court 800 times; is that correct?

22 A Yes, ma'am, approximately.

23 Q And during those approximate 800 times, were you
24 qualified by the Court to testify as an expert witness?

25 A Yes, ma'am, every time.

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1 Q And was that in the field of forensic psychiatry each
2 time?

3 A Yes, ma'am.

4 Q Okay. Now, of course, you were licensed to practice
5 medicine here in South Carolina, correct?

6 A Yes.

7 Q And you were board certified in the field of forensic
8 psychiatry; is that correct?

9 A I am no longer actively certified. I was for 20 years.
10 We just had a recertification test and since I've retired I
11 did not recertify, but I was for 20 years.

12 Q So at this time you're not certified as a forensic
13 psychiatrist in South Carolina?

14 A No. I'm certified but not board certified. Board
15 certification, what it is, when you have a specialty you
16 take an exam and you pass this exam and then you're licensed
17 by -- it's called a board. And so after -- you take your
18 license every ten years. And so I took my license for 20
19 years -- I actually was on the committee that developed the
20 test questions for those licensing boards, but after the
21 20th year I did not recertify.

22 Q Well, you retired from the Department of Mental Health
23 and you've retired from state employment but clearly you
24 have not retired from the practice of medicine, correct?

25 A I am trying to, but no, I have not.

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1 Q I've tried that myself, a lot. And you have not
2 retired as a forensic psychiatrist. You have consulted with
3 the defense on this case, correct?

4 A That's correct, yes.

5 Q And yet knowing that you were still active, you've
6 chosen not to continue with your board certification. I'm
7 just a little confused about that.

8 A That's correct. The only thing board certification
9 would do for me at this point is if I were still treating
10 patients I might get a higher rate of insurance from
11 insurance companies if I set out a billing procedure, but
12 there's really been no other reason. I don't treat patients
13 any longer. I just do 100 percent of forensic work, so
14 there's just no value at this point.

15 MS. COLLINS: No further voir dire questions.

16 THE COURT: All right. Any objection from the State to
17 have this witness qualified as an expert in the field of
18 forensic psychiatry?

19 MS. COLLINS: No.

20 THE COURT: All right. Ladies and gentlemen,
21 normally -- and this is the first witness so let me go ahead
22 and explain to you what's going to happen. Normally when a
23 witness testifies, a witness testifies as to what the
24 witness saw, heard, smelled, et cetera. Okay? That's
25 typically what we call lay witnesses. Okay? And that's

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1 what the law refers to them as. There is an exception,
2 however, for witnesses who have been qualified as an expert
3 in a particular field because of their education,
4 experience, et cetera. You've heard that the parties -- the
5 defense moved without objection by the State to qualify this
6 witness as an expert in the field of forensic psychiatry.
7 Being qualified as an expert means that this witness can
8 testify in the form of opinions. Normally lay witnesses
9 can't give opinions, expert witnesses can give opinions.
10 Now, just because an expert witness gives an opinion doesn't
11 mean you have to accept that opinion. You will consider
12 that expert's opinion together with all of the evidence at
13 the end of the trial when you start deliberating. Okay?
14 That's what an expert witness can do. All right. You may
15 continue with your questions, Ms. Boulware.

16 MS. BOULWARE: Thank you, Judge.

17 BY MS. BOULWARE:

18 Q Dr. Maddox, have you ever had the opportunity to speak
19 with the defendant here, my client, Mr. Jermaine Grier?

20 A I did. I evaluated him on the computer because of
21 covid, and I evaluated on March 18th of this year.

22 Q Okay. March 18th of this year.

23 A Yes.

24 Q Thank you. And where was he located when you did that?

25 A I believe at Lee County Correctional Institute.

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1 Q Okay. Would that have been Kirkland maybe?

2 A Yes. I'm sorry, it was, it was Kirkland.

3 Q That's fine. Did you review any types of records
4 before speaking with Mr. Grier?

5 A I did.

6 Q Can you describe what type of records you reviewed?

7 A Yes. I had the discovery that was related to this case
8 provided by your office. He had Mental Health Center
9 records from Lancaster County that I evaluated. He had
10 records from -- as a child where he was at the Department of
11 Juvenile Justice, and I reviewed those records. He had been
12 evaluated by the Department of Mental Health, and I had
13 those records as well. And I had some EMS records. So I
14 looked at basically prior treatment, prior records from
15 where he had previously been confined.

16 Q Okay. Did you look at records from around the time of
17 this incident as well?

18 A I did.

19 Q Okay. What was your ultimate diagnosis of Mr. Grier
20 after reviewing these records?

21 A If you look at his history and also the symptoms he
22 qualifies for a diagnosis called intermittent explosive
23 disorder. Intermittent explosive disorder.

24 Q Can you describe to the jury what that is exactly?

25 A Yes, it's a mental illness. In psychiatry we use a

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1 book called DSN, and basically we use this book so if a
2 doctor in one area of a country is describing a mental
3 illness we understand that we're talking about the same
4 symptoms. And what this diagnosis means is that he has a
5 history of aggressive explosive behavior that is sometimes
6 unprovoked or out of proportion to any kind of provocation
7 he would have. These diagnoses were made when he was in the
8 Department of Corrections by the doctors who were treating
9 him there. He was under psychiatric care and those have
10 been their work diagnoses for him. When he got out of
11 prison and went to mental health after his release from the
12 Department of Corrections they also -- the history he had
13 given them, that was also their diagnosis as well. And
14 looking at him, evaluating him, and mainly looking back,
15 he's got a lot of records, and looking back at them I do
16 believe that that diagnosis is correct. He also has other
17 diagnoses. He has a personality disorder, and that
18 personality disorder has caused him to be in a lot of legal
19 trouble over the years. It's caused him some problems while
20 he was confined to the Department of Corrections in terms of
21 adapting. He's had a pattern of doing things that are
22 against the law, some things that are reckless and sometimes
23 things that are aggressive to other people. So he's kind of
24 got two sources that may cause him to be aggressive and
25 unprovoked at times. He also has a history of cannabis

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1 issues, which is a marijuana use, and he's done that -- he's
2 had that issue for a period of time as well.

3 Q Thank you, Judge (sic) -- excuse me, Dr. Maddox, not
4 Judge. When you were reviewing the prior records, did he
5 have any other diagnoses that you did not include in those
6 records?

7 A Oh, yes.

8 Q What would those be?

9 A He had a diagnosis a malingering. And what malingering
10 means is the intentional feigning of symptoms. He
11 certainly -- in reviewing those records he's had that
12 history in the past, but he did not during the time that I
13 evaluated him on March 18th of this year. There was no
14 evidence -- I did not opine that he was malingering or
15 faking symptoms or exaggerating symptoms.

16 Q Is it fair to say then that he's had instances in the
17 past of not malingering as well, or would it have just been
18 now?

19 A I don't know. That would be up to the person that saw
20 him at that point in time, what their expertise is in
21 malingering and picking up whether someone is feigning
22 symptoms or not. It's clear in looking at the records from
23 the Department of Mental Health on two separate occasions
24 when he was seen by a psychiatrist there he was feigning
25 symptoms.

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1 Q Okay. Was there also a conflicting note as well as to
2 the malingering?

3 A Oh, yes. There have been other people who have
4 observed him that thought his symptoms were not being
5 feigned.

6 Q Thank you. As far as the diagnoses that you have
7 concluded, the intermittent explosive disorder and the
8 antisocial personality disorder, what kind of medications
9 are normally used to treat those types of disorders?

10 A Mr. Grier has been routinely placed on a medication
11 which is called an anticonvulsant, and what that is, that's
12 a seizure medicine. In psychiatry a lot of times we can use
13 a lot of these anticonvulsive medications. They help
14 stabilize many symptoms. They can stabilize aggression that
15 sometimes are indicated for the treatment of aggressive
16 disorders as well. And he has also been on an
17 antidepressant in the past.

18 Q What generally happens in folks who do not keep up with
19 their medications with these diagnoses?

20 A Just as with any other medical illness, your symptoms
21 return. So for example, people with hypertension, high
22 blood pressure, they may get off their medications and for a
23 period of time they may do well until they have a
24 complication like a stroke. Psychiatric medicines are
25 similar. It takes awhile for some of them to build up a

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1 level in the system. The medication that he's been
2 consistently prescribed, which is called Tegretol, that's
3 the layperson's name, it requires blood monitoring to take.
4 And he is complying with his medications. There is ample
5 evidence that he takes his medications when they're
6 prescribed most of the time.

7 Q Okay. Do you know of any memory loss that could be
8 associated with these diagnoses as well?

9 A Not with intermittent explosive disorder, but there
10 could be situations where that could happen. Sometimes
11 intermittent explosive disorder can be seen where people
12 have had maybe a history of closed head injuries or things
13 like that. But in his case I did not see -- I did not have
14 any history that would suggest that he should have memory
15 loss secondary to that illness.

16 Q How about with antisocial personality disorder?

17 A No.

18 Q Okay. And you mentioned head trauma. Did he ever tell
19 you or did you see in any of the records that he may have
20 had some sort of head trauma or brain damage?

21 A He reported -- my understanding, and please correct me
22 if I'm wrong, my understanding of what happened is after he
23 was shot but Mr. Lowery he went to the hospital and had
24 surgery. And I watched a videotape where police were
25 interrogating him, and I believe that was some days later,

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1 it may have been a week or so, a few weeks later, and during
2 that period of time he did say that he could not remember,
3 and he said in the video that he had brain damage.

4 Q Okay. You mentioned looking at his DJJ records. Why
5 were they important to look at?

6 A Well, his DJJ records were important for a number of
7 reasons. First of all, he had a pretty thorough evaluation
8 back then. I knew the -- actually the doctor -- what
9 happened in DJJ, that's family court and those are people
10 that are less than ages of 18, they have criminal charges,
11 they are sent to be evaluated. I worked at the DJJ for 20
12 years -- approximately 20 years doing evaluations of
13 juveniles that would have been in his similar situation. So
14 he had a community evaluation which had a team, and then
15 there's a team that provides evaluations if you're detained
16 in the Department of Juvenile Justice. His testing back
17 then showed -- Dr. Hart had tested him and thought that his
18 IQ was low, and she was concerned that he may have had an
19 intellectual disability. We just used to call that mental
20 retardation but with the new DSN Five we now call that
21 intellectual disability. She was concerned because his test
22 scores were very low. He had very poor achievement in
23 reading and very poor achievement in math. He was
24 eventually sent to DJJ, and at that time they had what's
25 called a subclass evaluation. I used to perform those. I

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1 was one of the team that did those while children were at
2 DJJ. And what happened some years ago, if children came
3 into DJJ and they were mentally ill and they were identified
4 as mentally ill, they would have a specialized evaluation to
5 determine whether they would remain in DJJ or go to the
6 Department of Mental Health for care. And so when they did
7 Mr. Grier's evaluation it was -- they had DDSN come in,
8 which is the Department of Special Needs, and they give him
9 a different test. This test that DDSN gave him was more
10 specific, and they determined that he did not have
11 intellectual disability, but they noted that he had some
12 depressive features, and depression could make you
13 irritable. At that time he had not had any crimes of
14 violence against anyone. He was in there for stealing a jar
15 of coins from a neighbor. But it was important at that time
16 that they did know that he had some significant achievement
17 problems, problems with his learning, and that he had some
18 depressive features.

19 Q Thank you, Dr. Maddox. Did you have an opportunity to
20 review any records from Catawba Mental Health in Lancaster
21 County on or around the time of June 5th, or after, of 2014?

22 A Yes, I did.

23 Q What did you see in those records?

24 A To me those records are some of the most important
25 records that we have in his history, and the reason is he

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1 was only seen once and his mother took him to his
2 appointment. She later died. She died while he was
3 confined, but she was alive at the time. And I think those
4 records are so important, because it's the only time he
5 wasn't involved in the legal system. When he was at the
6 Department of Juvenile Justice, of course, there was some
7 legal charges and there would be reasons maybe to not be
8 forthcoming or to exaggerate symptoms. When he's been in
9 the Department of Corrections under supervision there's also
10 some legal ramifications. But this was the one time he was
11 seen that it was because he needed follow-up. And he went
12 to the appointment within a week, I believe -- and I am
13 sorry, I wrote the report, I apologize to the prosecution if
14 I made a mistake in the date, but he was seen shortly after
15 he was discharged from the Department of Corrections. It
16 was on June 5th. He went for an appointment and he was
17 evaluated, and the mental health specialist that saw him,
18 she did think that he needed mental health services. He had
19 reported to them that he began having symptoms of mental
20 illness in 2006, and he stated that he was complaining of
21 headaches. And he also told them about -- I guess they knew
22 about his record, or they knew of his symptoms because they
23 diagnosed him with intermittent explosive disorder as well.
24 They were going to make an appointment for him to follow-up.
25 Typically the way mental health works now is you go in and

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1 you might see a counselor, but it may be a week or so before
2 he gets to see a psychiatrist because there's just not that
3 many psychiatrists. It depends on which mental health
4 center that you're attending. And so unfortunately,
5 although he was seen on June 5th, he did not see a
6 psychiatrist that day. So he was not on his medications
7 that he was discharged from the Department of Corrections,
8 and so this crime happened a few days later.

9 Q When were those medications that he was prescribed to
10 take?

11 A He was on the medicines he's on now, it's Tegretol,
12 which is an anticonvulsant, and then the other medicine the
13 Department of Corrections had him on. They had him on a
14 various number. They tried different antidepressants for
15 him, and the one they give him as Desipramine, which is one
16 of the older antidepressant medications.

17 MS. BOULWARE: Beg the Court's indulgence one second.

18 THE COURT: All right.

19 (Break in proceedings.)

20 Q Did you have a chance you review Mr. Grier's records
21 from EMS on the night of June 10th -- excuse me, ER records
22 on the night of June 10th of 2014?

23 A I did.

24 Q What was his toxicology report that night?

25 A It was positive only for marijuana.

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1 Q Only for marijuana. Okay.

2 MS. BOULWARE: Beg the Court's indulgence.

3 (Break in proceedings.)

4 Q So all he had in his system was marijuana, no Tegretol,
5 or the medications he was actually prescribed to take?

6 A I don't think -- the urine drug screen would have
7 not -- it may have -- I'm sorry, I didn't look at that
8 specifically. You could have checked the Tegretol level by
9 blood and I don't believe that was drawn. I'm not sure if
10 the drug screen that that hospital used would have picked up
11 for tricyclic antidepressants. But from what I reviewed
12 there was no presence of those in his system, but again, I
13 don't know if that drug screen tested for those.

14 Q Would you need to look at it probably just to refresh
15 your memory on that?

16 A Sure. That would be great. This drug screen does not
17 test for those drugs.

18 Q Okay. Thank you, Dr. Maddox. What is the highest
19 dosage of Tegretol that a person is allowed to have in a
20 daily -- on a daily basis?

21 A Well, I believe the PDR recommends 1200, but it's going
22 to depend on the person. Some people, you may be on other
23 medications that affect the metabolism a bit, so some people
24 may need a higher dose.

25 Q Did you ever note if Jermaine Grier was on the maximum

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1 dosage on a daily basis?

2 A I didn't recall. I believe he was on 600 milligrams
3 twice a day, yes, which is a maximum range. But more
4 importantly his blood levels have been therapeutic.

5 Q Did you happen to come across any evidence of psychosis
6 at all in his SCDC records that you reviewed?

7 A Yes. There have been some conflicting notes. There
8 has been some behaviors that certainly cause me some
9 concern. There have been times where he's been quite
10 paranoid. Some of the records noted that there were periods
11 of time where he refused to eat the food because he believed
12 that it was poison. There's been other periods of time
13 where he was sent to the hospital there because he was
14 neglecting himself, he was neglecting his hygiene. He
15 wasn't going out of his cell and his cell was quite dirty.
16 So there's been some symptoms there. There's also been
17 times where he is described as muttering and confused. So
18 there have been some symptoms there, certainly behaviors
19 that could cause him concern.

20 Q Okay. Is all of this consistent with your diagnosis of
21 him?

22 A I didn't codify those symptoms, because there has been
23 history that they've been malingered as well. I have some
24 concern about them, but all I could do it base my diagnosis
25 on the time that I evaluated him and looking at the history.

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1 He was not psychotic when I evaluated him. I did
2 specifically ask him -- people with psychosis, they have
3 certain symptoms that psychiatrists look for. They can
4 believe things that are not true, we call them delusions.
5 So for example, a delusion would be I am married to Brad
6 Pitt, that's obviously not true but I have a delusion that I
7 am, so that would be a symptom. Another symptom of mental
8 illness could be you hear voices, you hear things or people.
9 They are very real, they sound like voices and you hear
10 things and they can comment upon your behavior. He denied
11 those symptoms. I asked him specifically and he said, "No,
12 I don't hear voices. But I hear thoughts in my head that
13 tell me to do the opposite of what I should be doing." So,
14 again, because I didn't really appreciate those symptoms --
15 and he did not malingering with me. He gave me a very good
16 history, he answered my questions, he was cooperative so I
17 did not diagnose him with a psychotic disorder.

18 Q Thank you, Dr. Maddox.

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

20 THE COURT: Okay.

21 (Break in proceedings.)

22 Q Dr. Maddox, I just have one more question for you.
23 Would it be your opinion that mental health treatment has
24 evolved -- or mental health diagnoses and treatment has
25 evolved a lot in the last century or so?

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1 A Certainly I hope so in the last century, yes. But even
2 more so the treatments are evolving. The diagnoses pretty
3 much stayed the same. The only really big difference has
4 been the recognition of autism spectrum disorders. There's
5 been a lot of research and kind of upgrading the diagnoses
6 in that area, but certainly treatment. The medications --
7 when I started as a psychiatrist in 1993 the medications we
8 had then versus now, it's unbelievable. They really
9 improved the quality of life for many people with mental
10 illness.

11 MS. BOULWARE: Thank you. I appreciate that,
12 Dr. Maddox. If you would, answer any questions the State
13 has.

14 THE COURT: All right. Madam Solicitor, your witness.

15 CROSS EXAMINATION

16 BY MS. COLLINS:

17 Q I notice that the defense did not ask you the question
18 that you were hired to answer, and that is do you have an
19 opinion to a reasonable degree of scientific or medical
20 certainty as to whether or not the defendant, Jermaine
21 Grier, lacked the capacity to know right from wrong, whether
22 legal right from legal wrong or moral right from moral
23 wrong, on June 10th of 2014. And so I will ask you that
24 question. Do you have such an opinion, Doctor?

25 A I do.

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1 Q And that opinion, according to the report that you
2 prepared that was provided to me by the defense, is that the
3 defendant did not lack the capacity to know right from
4 wrong; is that right?

5 A That's correct. It's my opinion, even though he was
6 mentally ill on June 10th, he knew right from wrong. What
7 we look at -- sometimes in forensic psychiatry we're asked
8 to go backwards in time and look at someone's behavior to
9 try to figure out what they were thinking, what they were
10 feeling or why they were acting a certain way. And so based
11 on just my evaluation with him and review of the discovery
12 and all of the records, it's my opinion that he knew right
13 from wrong. And I give that opinion based on a number of
14 reasons, and you'll hear later in the trial. When -- after
15 the uncle -- his brother-in-law was found deceased, the
16 nephews that were there on the scene reported that he came
17 out and he had gloves on, dish washing gloves. So from --
18 based on that there was, in my opinion, evidence that he may
19 have been trying to clean up or cover up. And then he fled
20 the home after Mr. Hood was killed. So based on that in my
21 opinion he clearly, at least for the offense with Mr. Hood,
22 knew right from wrong. After he left Mr. Hood's house he
23 rode on a bicycle down the road. And after Ms. McIlwain was
24 shot and he was shot by Mr. Lowery, he left the scene again.
25 So the fact that he left the scene would give someone --

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1 again, he doesn't have -- he doesn't give memory of these
2 events so I would have to base my opinions on the evidence
3 that he had at the time of his symptoms.

4 Q All right. Now, Dr. Maddox, you were hired by the
5 defense team to evaluate the defendant, Jermaine Grier,
6 correct?

7 A Yes.

8 Q You are aware that he had already been evaluated by
9 your Department of Mental Health colleagues, correct?

10 A Yes.

11 Q In fact, you reviewed the report of Dr. Richard
12 Frierson, right?

13 A Yes, and Dr. Gaskins.

14 Q Who, like you, Dr. Frierson has been a forensic
15 psychiatrist for many years, correct?

16 A Yes. He was one year ahead me in medical school.

17 Q And y'all worked together at the Department of Mental
18 Health for a long time, correct?

19 A And at the University of South Carolina School of
20 Medicine before I moved to Anderson, yes.

21 Q And you are familiar with the conclusion that Dr.
22 Frierson agrees with you, that the defendant on June 10th,
23 2014, had the capacity to distinguish right from wrong,
24 correct?

25 A Yes.

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1 Q And therefore that is one -- that is what y'all
2 evaluate in determining whether or not you can express the
3 medical opinion or scientific opinion as to whether or not
4 the defendant is not guilty by reason of insanity, correct?

5 A Yes.

6 Q And so you are not here today to say that it's your
7 opinion that Mr. Grier is not guilty by reason of insanity;
8 is that right?

9 A That's correct.

10 Q Because he did have a capacity to distinguish and to
11 recognize legal right from legal wrong, correct?

12 A In my opinion, yes. Again, just based on looking at
13 the evidence and what I know about his condition, yes.

14 Q And your opinion, as you noted, that was also shared by
15 Dr. Frierson in his report, correct?

16 A Yes.

17 Q And also to distinguish moral right from moral wrong,
18 correct?

19 A Correct.

20 Q That he had the capacity for both of those, correct?

21 A Correct.

22 Q Now, let's talk about your involvement in this case.
23 Obviously as a professional you are paid for your services,
24 correct?

25 A Yes.

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1 Q What is your rate?

2 A \$375 per hour.

3 Q And you were paid that by the defense team, correct?

4 A Well, I haven't been paid yet. What I do is after I
5 finish I submit a bill and then it goes to the Office of
6 Indigent Defense, and then they will -- I guess then it
7 returns to Lancaster and I would be paid then.

8 Q Thank you. So Dr. Maddox, these incidents occurred on
9 June 10th of 2014, you're aware of that, correct?

10 A Yes.

11 Q So when did you examine the defendant in 2014?

12 A Not at all.

13 Q When did you examine the defendant in 2015?

14 A Not at all. The only time I saw him was March of this
15 year, March 18th of 2021.

16 Q So March 18th of 2021. That means you didn't see him
17 in 2014 at all, correct?

18 A Correct.

19 Q Didn't see him at all in 2015, correct?

20 A Correct.

21 Q Not at all in 2016, correct?

22 A Correct.

23 Q Not at all in 2017, correct?

24 A Correct.

25 Q Not at all in 2018, correct?

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1 A Correct.

2 Q Not at all in 2019, correct?

3 A Correct.

4 Q Not at all in 2020.

5 A Correct.

6 Q And when you did see him to evaluate him, you saw him
7 how many times?

8 A Just once.

9 Q Just one time.

10 A Yes.

11 Q And that one time was not even here in person as we are
12 today, it was by computer, correct?

13 A That's correct, which is the way I've done all of the
14 evaluations for the last year. This is the first time I
15 physically have been in court since covid.

16 Q I understand completely. It's changed the world, no
17 question.

18 A Yes.

19 Q But when you were trained -- before covid when you were
20 trained, wasn't it the preferred practice to evaluate
21 someone on person?

22 A Oh, always. Always, if possible, yes. When I
23 worked -- I finished up my career at mental health I worked
24 at Patrick Harris Hospital, which is an inpatient
25 psychiatric unit, and even then we were beginning -- I would

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1 perform evaluations for the Court. We did some by computer
2 even back then. But yes, it's always preferable -- you
3 always can gather more information and it's always
4 preferable to see somebody in person.

5 Q Certainly. And when you saw him that one occasion on,
6 I believe, March 18th of this year, I see today is
7 April 12th, so less than a month ago, right?

8 A Yes, ma'am.

9 Q How long did you spend with him on the computer?

10 A An hour.

11 Q An hour?

12 A Yes.

13 Q So you had not clearly had him as your patient, had
14 never seen him before March 18th of 2021, right?

15 A That's correct. And just to correct you, in forensic
16 psychiatry we don't treat. There's a big difference in
17 forensic psychiatry versus general psychiatry. In a
18 forensic psychiatric role I'm doing an evaluation for a
19 legal system, to give an opinion about somebody, how they
20 think, how they feel, how they act. So I've never treated
21 Mr. Grier, and have no -- and would not be in a position to
22 treat him.

23 Q Because your role isn't to treat, it is to evaluate,
24 correct?

25 A That's correct in this case, yes.

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1 Q But when you were with the Department of Mental Health
2 for many, many years, it was not uncommon to sometimes see a
3 patient more than once to do an evaluation, correct?

4 A Certainly. And I've done that now even with the
5 computers during covid, if I can't get enough information --
6 or sometimes there's problems with the computer setups and
7 those sorts of things, and so there certainly have been
8 times where I've evaluated someone more than once and could
9 have been displaced had I had a reason to.

10 Q Sure. For instance, had Mr. Grier appeared to have
11 signs of malingering with you, then you might have felt the
12 need to perhaps have some testing done and then reestablish
13 having other evaluations later, correct?

14 A That's correct. What I normally do in those
15 circumstances, if someone is not giving me a good effort I
16 will call their attorneys and ask them to please meet with
17 their client and explain to them how important the
18 evaluation is and to please cooperate.

19 Q And, in fact, that's what happened in January of 2015.
20 You know from reviewing Dr. Frierson's records that when he
21 first went to meet with him per the Court's request that he
22 evaluate him, he determined that Mr. Grier was not
23 cooperating, was malingering and they had to stop the
24 evaluation at that time, correct?

25 A Correct.

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1 Q And later reconvened it in April, I think, of that same
2 year, 2015, right?

3 A Yes.

4 Q At the conclusion of that, which he expressed the
5 opinion that the defendant, Jermaine Grier, is criminally
6 responsible for his actions, correct?

7 A That's my understanding, yes.

8 Q And again, that's your statement, correct? That's your
9 opinion, that he is also -- he is criminally responsible for
10 his actions, correct?

11 A Correct.

12 Q And again, it is not your opinion that he is not guilty
13 by reason of insanity, correct?

14 A That's correct.

15 Q Now, let's look at your report as you've provided it to
16 the Court. You prepared, I believe, a three and a half page
17 report and submitted it to the attorneys for Mr. Grier,
18 correct?

19 A Yes.

20 Q And you've stated the records that you reviewed, right?

21 A Yes, ma'am.

22 Q And, in fact, the records from the local Catawba Mental
23 Health, that was important for you to see those records.

24 You stated you felt that they were very important because
25 those show -- those were right before this incident

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1 happened, correct?

2 A Yes. But not only for that, but there would have been
3 no reason to feign symptoms. There wasn't -- normally when
4 people will feign symptoms, there's a reason they do it,
5 there's a gain for it. For example, maybe you can get
6 disability, maybe you can get out of legal trouble, there
7 may be different reasons. So this was the one time where
8 there was not an obvious reason for him to exaggerate
9 symptoms, so in my opinion that was one of the better
10 sources, because the history he gave, there would have been
11 no secondary gain for it.

12 Q But there's been another time that he had a motive not
13 to exaggerate his symptoms, right, another time that he
14 should have cooperated, and that was with you, right?

15 A Oh, he still could have had a reason to exaggerate
16 symptoms even with me. Even when I've been retained by
17 defense there are times where defendants would over-report
18 their symptoms.

19 Q But in this case I believe you state in your report
20 that he not do so.

21 A That's correct. No, he cooperated. He answered
22 questions. He gave me the history that I asked for. I
23 didn't observe any of the bizarre motor movements that have
24 been described sometimes in the Department of Corrections
25 records. He was cooperative.

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1 Q And you explained to him that you had, in fact, been
2 hired by his attorneys to evaluate him, correct?

3 A Yes.

4 Q I believe you stated that you are aware that the
5 Department of Disabilities and Special Needs determined in
6 2018 that the defendant does not have an intellectual
7 disability, what we used to call mental retardation,
8 correct?

9 A Yes. But I am so sorry, I believe that was in 2000, or
10 somewhere around 2001 maybe.

11 Q I think you're right. I think that's subsequent --
12 subsequently sent a letter to this Court that you should
13 have saying that they did not feel the need to do an
14 evaluation in this case because they had earlier determined
15 that; is that right?

16 A Yes, ma'am, that's correct.

17 Q Now, you stated that the records that were provided to
18 you were provided to you by the defense team, correct?

19 A Yes.

20 Q What we call discovery, right?

21 A Yes.

22 Q But you didn't list out what those records were so we
23 don't know that the defense team provided you with
24 everything. For example, I was confused when you put in
25 your report that the defendant was shot in his left scapula,

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1 because, in fact, he was shot in his left abdomen. Are you
2 aware of that?

3 A Yes. I was aware he was shot in the abdomen. I just
4 didn't see in my report where I put his scapula.

5 Q In fact, the victim, James Hood, is the one that was
6 shot under his left scapula in his back.

7 A I would certainly agree with that. I was aware --

8 Q And you would agree, that's a big difference for
9 someone to be shot in the back compared to being shot in the
10 front. Because being shot in the front indicates a position
11 where you're facing the person with the gun, correct?

12 A Certainly.

13 Q Whereas being shot in the back, as James Hood was, is a
14 more vulnerable position, wouldn't you agree certainly?

15 A It depends where you are, but in his case absolutely I
16 agree.

17 Q If you're wearing a diaper in a wheelchair, would you
18 say that's a vulnerable position?

19 A Absolutely.

20 Q Are you familiar and aware that James Hood had suffered
21 from a stroke and that, in fact, he was in a wheelchair and
22 bedridden at the time of his death?

23 A Yes.

24 Q On page two of your report, the third paragraph down
25 third sentence from the bottom states, talking about Mr.

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1 Grier, "He was shot in the left scapula while attempting to
2 enter the home, the Lowery home." But he wasn't, right? He
3 was shot in the lower right quadrant of his abdomen; isn't
4 that right?

5 A Yes.

6 Q And, in fact, I think if you'll look at the last
7 sentence of that paragraph there's also an error. It states
8 that the autopsy of the victim revealed his toxicology was
9 positive for cocaine. Have you reviewed the toxicology
10 report that was provided to Dr. Ross who did the autopsy?

11 A I reviewed a SLED record that showed that. And I'm
12 sorry -- I need to let you know, my preparing this report, I
13 was under the impression I was testifying at the sentencing.
14 I had no clue I would be testifying today in a trial, and I
15 apologize. I got this report to you all -- I was asked to
16 do it over the weekend, I worked on Friday and got the
17 report to you. But I recall looking at a SLED toxicology
18 report, and if I'm mistaken I apologize, but I recall seeing
19 that.

20 Q Dr. Maddox, with all respect you don't have to
21 apologize to us, we appreciate you being here. We
22 appreciate your background and your experience.

23 A Yes.

24 MS. COLLINS: But I would ask defense counsel to
25 stipulate for the record, SLED did not do a toxicology

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1 report on the victim's blood sample in this case.

2 MS. BOULWARE: Not that I'm aware of.

3 MS. COLLINS: And there was no indication of
4 toxicology -- of the victim's blood being positive for
5 cocaine. I would ask that the defense also stipulate that's
6 an error in the report of Dr. Maddox.

7 MS. BOULWARE: I'll stipulate there was no cocaine in
8 the victim's system.

9 MS. COLLINS: Thank you.

10 Q So with that stipulation, your statement and your
11 report that the victim had cocaine -- that his toxicology
12 was positive for cocaine, would you concede that would be in
13 error?

14 A I will, because I have no reason to doubt you. But I
15 absolutely saw a document -- I didn't fabricate that, and I
16 apologize. But I certainly have no reason to doubt you.

17 Q You work a lot of cases, right? You have to do a lot
18 of reports and sometimes in a hurry, right?

19 A I don't -- again, I don't know what to say. I
20 apologize. I have no reason to doubt you, but I reviewed a
21 document that I base that on. I don't know what to tell
22 you. I apologize.

23 Q Lancaster Mental Health Center records were compromised
24 of approximately five pages; is that right?

25 A I'm sorry.

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1 Q The Lancaster County Mental Health records that you
2 said were very important in your report because they also
3 were in June of 2014, and also because of you said he wasn't
4 under legal difficulties at that time, they were comprised
5 of approximately five pages; is that right?

6 A Yes.

7 Q Do you have those with you today?

8 A No. I just had my report and my handwritten notes.

9 Q I'm going to refer to those reports in some detail so I
10 want to find you a clean copy of that. He went to that
11 appointment.

12 THE DEFENDANT: There's nothing else to say. There's
13 nothing else to say! (Defendant yelling.)

14 THE COURT: Mr. Grier, be quiet!

15 (Break in proceedings.)

16 Q He went to that appointment with his mother; is that
17 right?

18 A Yes.

19 Q His mother is now deceased, correct?

20 A That's correct, she died in 2017.

21 Q And you were hired subsequent to that, correct?

22 A Correct.

23 Q Because if she had still been alive when you were hired
24 it might have been preferable for you also to speak to her,
25 correct?

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1 A Absolutely, that would have been helpful.

2 Q Are you aware in the report that you reviewed from June
3 of 2014, you said that was just a few days after the
4 defendant got out of prison, and you were aware he had been
5 in prison for about eight years, correct?

6 A Yes.

7 Q And you stated, I believe, that the psychiatric
8 medicine he was on, or the medicine he was on, builds up in
9 your system, correct?

10 A Yes.

11 Q So if he was released -- I think by his report he was
12 released on June 2nd of 2014, and he was seen on June 3rd of
13 2014, and the incident happened on June 10th of 2014, the
14 incident would have happened eight days after his release
15 from the Department of Corrections.

16 A Yes. Except that he was seen on June 5th, but yes.

17 Q He was seen on June 5th. So released on June 2nd,
18 incident happens on June 10th, right?

19 A Yes.

20 Q And these substances you say build up in the system,
21 correct?

22 A Correct.

23 Q And I believe you said that when he was treated for the
24 gunshot wound that he sustained when he went into the home
25 of Roger Lowery and was shot by Roger Lowery, when he was

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1 treated -- and remember, Ms. Boulware handed you up that
2 toxicology report from that hospital in Columbia where the
3 defendant was flown, you said these drugs were not screened.
4 He wasn't -- his blood wasn't screened for these drugs,
5 correct?

6 A That's correct, as far as I know, based on my memory.
7 And then just this sheet that -- urine drug screens, you can
8 have -- certain drug screens can sometimes pick up medicines
9 if that's what you ask for. But if they are just routinely
10 done, they're just looking for illegal drugs, or perhaps
11 drugs that are abused.

12 Q So we don't know if he, in fact, had those drugs in his
13 body at that time or not, right? At least from that drug
14 screen at the hospital, right?

15 A Well, based on that. But also just knowing the pharma
16 therapy, the pharmacokinetics, it would have been
17 subtherapeutic. The Tegretol, the way it works, there's a
18 window, and there's a window where it works. So -- you're
19 right, nobody knows, he could have still had some in his
20 system. But based on going eight days without medications
21 it wouldn't have been a level where it would have been
22 therapeutic.

23 Q After eight days it wouldn't have been totally out of
24 his system, right?

25 A Good question. I don't know. It would have been

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1 minimal but there still could have been some in there.

2 Q Can't DHEC check the records of all of the pharmacists
3 in the state to see if, in fact, a prescription medicine was
4 issued to someone?

5 A Yes.

6 Q And so you just went by the history presented by Mr.
7 Grier that it never happened. He was supposed to have
8 Catawba Mental Health set up those meds for him but it never
9 happened, right?

10 A No. I just didn't see it in those records anywhere
11 where they had made the appointment or put in their notes
12 where they were going to refer them. And then I asked
13 him -- he did what -- where I did rely on him is he said
14 they were going to call it in. But you're right, whether it
15 was called in or not I don't know.

16 Q So again, that's just by history, correct?

17 A Correct.

18 Q By history presented by Mr. Grier, correct?

19 A Correct.

20 Q Did you review, I believe you stated you did, the
21 Department of Mental -- Department of Corrections records
22 from when the defendant was in the Department of Corrections
23 for 2006 to 2014?

24 A Yes, ma'am.

25 Q Are you familiar how he would often state to them that

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1 he was diabetic so he needed more food?

2 A Yes.

3 Q Are you aware from the Lancaster County or Catawba
4 Mental Health Records that we've been referring to on
5 June 5th of 2014, his mother indicated she had gestational
6 diabetes, correct? But there's no indication Mr. Grier was
7 ever diagnosed with diabetes, correct?

8 A That's correct. And I looked at -- actually looked at
9 his labs and I didn't see any glucoses in his records or
10 anything that would have been --

11 Q You reviewed the EMS run report from when he
12 was treated -- well, with ambulance going to -- before he
13 was lifted by the helicopter to go to Columbia, right?

14 A I did.

15 Q And it said that he was alert and oriented, correct?

16 A Yes.

17 Q And that he was on medicine for hypertension he shared.

18 A Yes.

19 Q And he didn't -- did you see the pictures, that he
20 didn't have a medical alert bracelet?

21 A I did not see those, but I would not be surprised.

22 Q And from the records that you've reviewed, none of his
23 family members were around to tell EMS, "Hey, he is on
24 medicine for hypertension," right?

25 A Correct.

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1 Q And hypertension is high blood pressure, right?

2 A Correct.

3 Q So he was on that medicine, right?

4 A Yes.

5 Q At least again by his history.

6 A Correct.

7 Q But that doesn't show up in the hospital records
8 either.

9 A Correct.

10 Q All that shows up in the hospital records is that he
11 was positive for marijuana, correct?

12 A That's correct.

13 Q Because as you noted, it's not that they screened for
14 the other meds, the psychiatric meds or hypertension and
15 ruled them out negative, it was that those drugs were not
16 screened for, correct?

17 A That's correct.

18 Q And so you -- or as far as you know, the defense team
19 didn't request that DHEC check the records of the
20 pharmacists in the state to see if in June of 2014 the
21 defendant had been prescribed these drugs after he went to
22 the Catawba Mental Health or not, right?

23 A Correct.

24 Q Okay. Now, you made a statement that he had previously
25 been diagnosed with intermittent explosive disorder; is that

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1 right?

2 A Yes.

3 Q Now, he certainly shared that with Catawba Mental
4 Health on June 5th. He stated he had been diagnosed in
5 prison, correct?

6 A Yes.

7 Q He also said something about a brain injury or
8 something, right?

9 A Yes.

10 Q But isn't it true you've reviewed the Department of
11 Corrections records, there's no indication he ever suffered
12 from a brain injury there, correct?

13 A No, not that I saw, and I looked for those. I believe
14 his report was that he was assaulted in prison and had a
15 brain injury. But I looked for those records to see if
16 there was any kind of assault and I wasn't able to
17 corroborate those.

18 Q And he told Catawba Mental Health that he denied
19 suicidal ideations, denied homicidal ideations, correct?

20 A That's correct. I believe his main complaint was that
21 he was having trouble adapting after eight years of being
22 incarcerated.

23 Q Sure. And he'd been out three days, right?

24 A Yes.

25 Q And that he felt anxiousness, right?

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1 A Yes.

2 Q He denied -- under urgent needs risk assessment he
3 denied a history of violence, right?

4 A Correct.

5 Q It says, "Steps taken. 24 hour ER services reviewed
6 with Jermaine and his mother to voice understanding," right?

7 A Correct.

8 Q And so that would include that there's an ER 24 hours
9 and if y'all are feeling like he can't control his behavior,
10 that something is going to happen, y'all need to go confer
11 with some of the doctors there, right?

12 A Correct.

13 Q And they voice understanding, right?

14 A Correct.

15 Q Family mental health history is questioned in the
16 Catawba Mental Health records, that's denied, right?

17 A Correct.

18 Q And, in fact, according to Dr. Frierson's report,
19 didn't the mother deny that the defendant had ever been in a
20 mental hospital or ever been diagnosed with any mental
21 illness whatsoever?

22 A Yes, that's correct. And they -- part of -- when these
23 evaluations were done at the Department of Mental Health,
24 prior to examining him DMH has a social worker that would
25 normally reach out to gather some history from a family

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1 member. So, right. Even though his mother had been with
2 him to that appointment, when she was asked if he had a
3 history outpatient treatment she denied it, that's correct.

4 Q Trauma history. History of trauma, none apparent.
5 Type of trauma, none is what is checked at the Catawba
6 Mental Health records. So that would rule out what he said
7 earlier about the brain injury, at that point he's saying no
8 trauma, right?

9 A It depends on the questions they asked him. I'm very
10 literal. I say, "Tell me every time you've ever hit your
11 head and you saw stars, or you were knocked out." And for
12 trauma I ask very specific questions. Those are usually
13 different lines of questioning. Trauma I will say, "Have
14 you ever seen someone hurt? Have you ever been seen blood?
15 Have you ever been shot at?" I ask very specific questions.
16 So it's not uncommon that those two would be negative. But
17 you are correct, I couldn't find any independent
18 verification where he indeed had some kind of head injury.

19 Q And at the Catawba Mental Health evaluation on June 5th
20 of 2014, the educational background described was that he
21 had gone into the tenth grade, correct?

22 A Yes.

23 Q And that he had worked a job. He worked at Springs in
24 2006 prior to going to the Department of Corrections, right?

25 A Correct.

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1 Q On that date he had been out of the Department of
2 Corrections for three days. His appearance and hygiene was
3 noted as neat and clean, right?

4 A Yes.

5 Q And that his affect is appropriate to the situation.
6 Well, that may be also with appearance and hygiene; is that
7 right?

8 A Yes.

9 Q Motor activity: Lethargic. Attitude during interview:
10 Cooperative, right?

11 A Yes.

12 Q Appropriate for the situation, right?

13 A Yes.

14 Q Attitude: Happy.

15 A I'm sorry.

16 Q He says he was happy.

17 A Yes.

18 Q And his speech, which might be indicative if it was
19 loud or hurried or slow, is noted as being as a normal rate
20 and tone, correct?

21 A Correct.

22 Q And that his speech ability is noted as normal,
23 appropriate, coherent and relevant, right?

24 A Yes.

25 Q Thought process. That's important, right?

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1 A Yes. How we connect our thoughts together could be a
2 symptom of mental illness sometimes. Persons with
3 psychosis, sometimes they connect thoughts in a manner that
4 aren't apparent to us as we try to understand them, yes.

5 Q Absolutely. And there were several options but only
6 one was checked. The options were phobias, obsessions,
7 ideas of hopelessness, ideas of worthlessness, paranoia --
8 thoughts, and suicidal and homicidal. But the one thing --
9 none of those were checked, but the one thing that was
10 checked was normal, right?

11 A Yes. And that's referring to thought content, but
12 thought content is part of our exam. Psychiatrists do exams
13 just like the internist does or your family practice doctor
14 does. We're looking at objective measures of moods, your
15 outward showing of emotions, how you coordinate your
16 thoughts together. We look at your cognitive functions,
17 which are things like attention and concentration. And so
18 thought content is one of the areas of mental status, and
19 we're looking for what is a person preoccupied with? What
20 are their worries? What are they thinking about? So those
21 would have been various forms that you might see in terms of
22 the thought content disturbance.

23 Q Absolutely. And this was five days before this
24 incident, right?

25 A Yes.

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1 Q Hallucinations. They checked no evidence of that, or
2 denied, right?

3 A Correct.

4 Q Delusions. No evidence of that, denies, right?

5 A Correct.

6 Q Orientation. Oriented to person, place, time and
7 situations, right?

8 A Yes. And those are some of the cognitive things.

9 That's part of the cognitive exam we're looking at, how does
10 your brain work, correct.

11 Q Memory: Intact, correct?

12 A Correct.

13 Q So when he was seen by Dr. Frierson in April of 2015,
14 Dr. Frierson determined that he was malingering and Mr.
15 Grier was saying, "I have no memory of anything," right?

16 A Correct.

17 Q You said that he said that to Chief Grant at the police
18 station, or Captain Grant at the time, had no memory, right?

19 A Correct.

20 Q But five days before the incident his memory is intact
21 according to self reporting.

22 A Absolutely, yes.

23 Q And with his mother beside him?

24 A And need to say for the record, sometimes when people
25 have been through traumatic things, or certainly him getting

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1 shot, people may have difficulty with memory. But there was
2 no medical or psychiatric reason that I was able to discern
3 that would explain his memory loss. There's certainly times
4 where people are sick in our hospital where I used to work,
5 they could be very sick and then get better and have
6 difficulty kind of remembering some of their behaviors at
7 the time when they were sick.

8 Q Sure.

9 A But I couldn't find -- there was no reason that I was
10 able to --

11 Q You found no medical reason that would support why
12 someone would have memory loss, correct?

13 A Correct.

14 Q And so that memory loss could fall within the category
15 of malingering, not cooperating with the evaluation,
16 correct?

17 A Certainly. And he was given a test. The Department of
18 Mental Health wanted to do -- there's a test that sometimes
19 we give that can help determine whether maybe people are
20 giving a poor effort to remember things, and had he had some
21 testing back in 2015 that indicated he wasn't giving a good
22 effort.

23 Q You said he cooperated with your evaluation in March of
24 this year, about three weeks ago, right?

25 A Yes.

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1 Q You said he wasn't malingering then, right?

2 A That's correct. Not with me, right. He wasn't saying
3 that he couldn't remember things. He wasn't saying he was
4 hearing voices. He wasn't calling attention to symptoms or
5 anything like that.

6 Q So did he tell you he had memory loss about what had
7 happened, or he told you what he remembered?

8 A He denied the offenses.

9 Q He denied the incident.

10 A Yes.

11 Q But I notice in your report that he's alleged to have
12 killed James Hood. Let me find that. Second paragraph.
13 "Mr. Grier is alleged to have killed his uncle, James Hood,
14 in 2014, less than one week after he was released from the
15 Department of Corrections," right?

16 A Yes.

17 Q But then you note, "He then threatened to kill his
18 nephews, left the scene, traveled to a nearby house where he
19 shot an acquaintance wounding her neck;" is that right?

20 A Yes.

21 Q You don't call that an allegation. I just found that
22 interesting since he was talking to you about what happened.

23 A No. That was based on my review of records. That was
24 my own summary, those were not his words. I wasn't there.
25 There wasn't any evidence that someone saw him shoot Mr.

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1 Hood, but there was plenty of evidence and plenty of
2 witnesses that saw him shoot Ms. McIlwain.

3 Q Okay. Are you aware that Ms. McIlwain is actually a
4 cousin of his?

5 A I was listening to the opening statements today, yes.
6 He told me she was an acquaintance, but I did not know that
7 she was a relative.

8 Q All right. And the defendant sustained one gunshot
9 wound to the lower right abdomen. He did not sustain during
10 the altercation or the incident at the Lowery home once he
11 ran in and got shot and fell out back and forth, there's no
12 indication he sustained a head trauma that would support
13 memory loss, right?

14 A No, not that I'm aware of.

15 Q In fact, you said that even his mental health diagnoses
16 would not contribute to the memory loss, right?

17 A Not that I'm aware of, not during my evaluation and not
18 in review of his records.

19 Q Okay. Now, you testified on direct examination to Ms.
20 Boulware that IED, or intermittent explosive disorder, that
21 the reaction of the individual is determined to be or --
22 it's out of proportion to what the stress is, right?

23 A That's correct.

24 Q So for you to determine as a forensic psychiatrist that
25 the defendant's behavior on that day, whether or not he was

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1 able to conform his behavior to the requirements of the law,
2 you would have to determine, first of all, that he was
3 suffering from IED at that time, right?

4 A Yes.

5 Q Not in 2021 when you evaluated him, right?

6 A Correct.

7 Q Not even in 2015, April of '15, when Dr. Frierson
8 evaluated him, right?

9 A Correct.

10 Q Which I don't think Dr. Frierson found he suffered from
11 IED, right?

12 A I don't think he did, that's correct.

13 Q I think he still said he was malingering, right?

14 A Correct.

15 Q But even if you had an indication that the defendant
16 was suffering from IED on the date of the incident, which
17 you don't have, right? On the date of incident, June 10th
18 of 2014, you have nothing -- no medical basis to support
19 that he was diagnosed at that time with that, correct?

20 A Other than my opinion.

21 Q Other than your opinion.

22 A Yes.

23 Q So your opinion is having seen him for one hour via the
24 computer three weeks ago, that seven years ago when this
25 incident happened that he had intermittent explosive

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1 disorder? That's your opinion?

2 A Absolutely.

3 Q And you base that on --

4 A I base that on his Department of Corrections records
5 for over eight years where he got treatment and that was a
6 diagnosis. I based it on the evaluation of Dr. David Price
7 who saw him in 2015 and that was his diagnosis. And I base
8 it on my almost 30 years of being a psychiatrist having
9 worked in the Department of Corrections, having worked at
10 the Department of Juvenile Justice. I understand people can
11 have personality disorders, and even though that they
12 malingering and even though they have personality disorders,
13 that does not mean that they don't suffer from mental
14 illness. And so it's my opinion that he has intermittent
15 explosive disorder, that that's the correct diagnosis.

16 Q It's your opinion that he's diagnosed with that now by
17 you.

18 A Yeah, and then.

19 Q But you've also concluded to a reasonable degree of
20 scientific or medical certainty as you've already testified
21 to and as you wrote in your report that the defendant is
22 criminally responsible for his actions, right?

23 A Yes, that's correct.

24 Q That the defendant, whatever mental diagnosis he has,
25 whatever mental issue he has, that does not interfere with

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1 his thinking to the point that he cannot discern the
2 difference between right and wrong, right?

3 A That's correct, yes.

4 Q If he won't talk to you or if he says he doesn't
5 remember any -- let me back up. He says he didn't remember
6 any disagreement with his uncle, right?

7 A That's correct.

8 Q So if you don't know what the stressor is, how can you
9 determine that he's not able to conform his conduct to the
10 requirements of the law due to his mental illness as opposed
11 to just due to his decision, "Screw it, I'm doing it."

12 A That's a very great question. And I spent a lot of
13 time thinking about that as I opined for the Court. Because
14 he doesn't admit, or cannot remember it, will not discuss
15 this incident, the best we can do is you have to go back and
16 just look at the evidence. And a lot of my opinion is based
17 on his behavior at the neighbor's -- at his cousin's home.
18 He went there and she did nothing to him after he allegedly
19 killed his uncle and -- I mean his brother-in-law, I
20 apologize. After Mr. Hood was killed he rode on a bike and
21 went into their home and she did nothing to provoke him. If
22 I recall, the statements were that he was invited into the
23 house and she felt uncomfortable and noticed that he had, I
24 believe, a bulge, or she saw the gun and made an excuse to
25 leave and that he shot at her. And not only did he shoot at

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1 her, there was no provocation, that he continued to chase
2 her across the street and into a neighbor's home where he
3 was ultimately shot and still didn't shop. And so I base
4 that on that -- and I have no reason to expect, and I could
5 be wrong, but there is no indication that he had a
6 longstanding problem with his brother-in-law. And so both
7 of those behaviors to me seemed unprovoked. I am not aware
8 of anything, there's been no evidence of anyone who did
9 anything to him that would have provoked this. And so in my
10 opinion just based on -- that's what intermittent explosive
11 disorder, that's exactly the kind of behaviors you see in
12 that diagnosis. We may not even know what their provocation
13 is. But whatever these people did, there's just no evidence
14 that it was anything that was provoked, and so that's why I
15 made that opinion, just based mainly -- the things that
16 helped me the most arrive at that conclusion were Ms.
17 McIlwaine's statements and the people -- and his nephews
18 that saw him at the time shortly after Mr. Hood was killed.

19 Q I understand. But you did concede that if you don't
20 know what, if any, stressor there was, that it's really a
21 leap to be able to say that his behavior at the home of
22 James Hood, where he ultimately shot him, was out of
23 proportion to whatever stressor to the extent that the IED
24 or mental illness might have caused him not to conform his
25 conduct to the requirements of law. Do you agree?

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1 A No, I don't consider it a leap. Based on just my
2 history, treating people, making diagnosis, that's the kind
3 of behaviors, exactly the kind of behaviors you see in those
4 circumstances. But yes, you're correct, that because nobody
5 was there when Mr. Hood was shot, there's a bit of a leap,
6 you're correct. I wasn't there at the time of the crime,
7 unfortunately Mr. Hood is not there, and so -- correct.

8 Q And you said that's based on your history of treatment,
9 right?

10 A And history of being a forensic psychiatrist for 30
11 years, yes.

12 Q And your experience over the years.

13 A Yes.

14 Q But you're not treating Mr. Grier, right?

15 A Correct.

16 Q You saw him one hour for an evaluation, right?

17 A Correct.

18 Q You referred to the report of Dr. Price. Let's look at
19 that on page three, you just mentioned that a few minutes
20 ago. And yet -- you said that was an important report. But
21 you know that Mr. Grier clearly exaggerated his symptoms
22 during the evaluation with Dr. Price.

23 A Yes, he did. But he also had symptoms there that could
24 have been followed up. He did report things that he thought
25 he had AIDS. He had -- in the past if you look at history

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1 all through the Department of Corrections he will report
2 suicidal ideations at times. I mean, there was also some
3 symptoms there as well. I think both Dr. Frierson and I
4 both noted that one of the concerns that we had is if you
5 look at the two nephews that saw him right after Mr. Hood
6 was killed, they said he had been acting crazy since he got
7 out of prison. One of the nephews said he was acting
8 confused at the time of the offense saying, "Oh no. Oh no."
9 Dr. Frierson and he both noted those things. Dr. Frierson
10 attributed them to substances, but in my opinion it was more
11 than that. Marijuana alone, it can make you a little
12 paranoid but it wouldn't account for some of those symptoms.

13 Q Do you think it would be unusual for someone to be
14 standing over the dead body of a man in a diaper that fell
15 out of a wheelchair and not be saying, "Oh no?" You think
16 it's unusual for him to be standing there saying, "Oh no?"

17 A No. It's just the way the nephews said that he was
18 acting confused saying that so you have to put it in
19 context. "Oh no," would mean that you recognize that
20 something was wrong.

21 Q That's right. And a layman might say, "Oh they're
22 acting crazy." They may think crazy is if somebody has six
23 cats in the house. But without more details, what do you
24 mean by that he acted crazy? What, he just wanted to play
25 video games all day?

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1 A Sure. Crazy is a known psychiatric term, it can mean a
2 lot of things to a lot of people.

3 Q In the records you reviewed, no one asked the nephews
4 to elaborate on that, did they?

5 A Correct.

6 Q That's not elaborated on in the records, that's just a
7 statement, "He had been acting crazy," right?

8 A Correct.

9 Q These nephews had not seen him for eight years because
10 he'd been in the Department of Corrections.

11 A That's correct.

12 Q These nephews, because they hadn't seen him in eight
13 years because he'd been in the Department of Corrections,
14 had nothing else really to compare his behavior to to see if
15 they meant crazy is out of ordinary for him, right?

16 A I don't know. There's certainly -- I agree with you,
17 their definition may be very different from mine.

18 Q Because yours is the definition that's based on your
19 medical training and your many years of experience in the
20 field of forensic psychiatry, right?

21 A Yes.

22 Q You expressed an opinion you clearly feel he's
23 competent to stand trial today, correct, or --

24 A Well, back in March of 2018 that was my opinion. I
25 haven't seen him today.

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1 Q You have no reason to change that at the date you wrote
2 the report, April 9th.

3 A Not at all, no.

4 Q So your only opinion -- your opinion is he's competent
5 to stand trial, he's criminally responsible, he knows the
6 difference between right and wrong.

7 A Yes.

8 Q Your only conclusion ultimately is you don't think he
9 had the capacity to conform his conduct, right?

10 A Correct.

11 Q And under the standard as you've been trained with
12 forensic science and as a forensic psychiatrist, that would
13 ultimately mean he's guilty but mentally ill. If determined
14 to be guilty he's guilty but mentally ill because he
15 couldn't conform, right?

16 A That's right.

17 Q He's guilty because he knew the difference between
18 right and wrong.

19 A Correct.

20 Q So it's not a not guilty by reason of insanity, right?

21 A Right.

22 Q But he's guilty but mentally ill because he couldn't
23 conform his conduct to the requirements of the law, right?

24 A Correct.

25 Q That's your opinion to a reasonable degree of medical

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1 and scientific certainty; is that right?

2 A Yes.

3 Q All right. You stated you reviewed the details of DJJ
4 of the defendant and resulting family court records. Are
5 you aware that they never diagnosed him with IED?

6 A That's correct. They thought he had depressive
7 features. And then, of course, at that time they thought
8 that he had an intellectual disability. And then later when
9 he was evaluated again they diagnosed him with a conduct
10 disorder, which is a behavior disorder, meaning that you're
11 kind of not following rules. You're beginning to have a
12 pattern of norms that are seen in antisocial personality
13 disorder, people that break rules that don't follow the
14 norms of the law.

15 Q You've already testified, I believe, I just want to
16 confirm that this is your testimony, that because the
17 defendant left the scene, fled the scene of Mr. Hood's
18 death, and prior to fleeing tried to clean up, that that
19 appears to be a consciousness of guilt or wrongdoing,
20 correct?

21 A Yes.

22 Q Are you aware that he asked if the police had arrived
23 yet when his nephews came in?

24 A Yes.

25 Q Would that also be indicative of an awareness of

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1 consciousness of guilt or wrongdoing on his part?

2 A Yes. And I'm also aware, I believe, the nephew said
3 when they mentioned calling 911 is when he seemed to get
4 agitated and drew a gun on him, correct. All of those
5 things would lean to some kind of awareness of what's going
6 on and what's right and wrong.

7 Q And in your report you said that he threatened the
8 homeowner, I believe, and that he attempted to enter the
9 home of Mr. Lowery; is that right?

10 A It may be, yes.

11 Q But he didn't discuss it with you, Mr. Grier, right?
12 He denied that too?

13 A Again, he denied that he committed these offenses.

14 Q All of them.

15 A Yes.

16 Q Are you aware then that the report of Mr. Lowery was
17 that the defendant didn't attempt to enter the home, he
18 entered his home.

19 A Correct.

20 Q You're aware of that.

21 A Yes. And I'm sorry, when I read the report I wasn't
22 sure how far into the threshold. I certainly knew the whole
23 time he was on the porch but just didn't know how many steps
24 he had taken into the house.

25 Q Sure. You said his nephew said he was not acting

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1 right, and you concede that that could range, depending upon
2 what they mean since they're not asked many details about
3 that, that could range from someone just throwing a temper
4 tantrum to maybe just being rude to somebody, right?

5 A Right. Or -- he's had some other behaviors that I
6 think -- one of the things that bothered me on the EMS
7 record, it said he was clicking his teeth and doing some
8 kind of motor movement that they thought may have been
9 substance induced. That's a behavior, if they saw that,
10 that would be significant. But again, you're correct,
11 there's no telling what that definition meant.

12 Q But again, the toxicology report from the hospital
13 where he went that night after he was shot by Mr. Lowery
14 after entering his home, doesn't indicate that he had any
15 substance in his system other than marijuana, right?

16 A That's correct, yes. And so I couldn't really explain
17 what the clicking sound that EMS, right. Sometimes people
18 can go on opiates and they might grind their teeth, or if
19 there's certain drugs like ecstasy are things that people
20 may that that they might have some movements like that. But
21 you are correct, the only thing that his drug screen was
22 positive for was marijuana. Cocaine would have been picked
23 up had he been under the influence, it usually can be picked
24 up within eight or 12 hours. There are some drugs that
25 should have been picked up had he been under the influence

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1 of them.

2 Q Now, you distinguish your report from Dr. Frierson's.
3 I think you stated that he did not have the Lancaster Mental
4 Health pages, five pages from the June 5th, 2014, report?

5 A That's correct, and through no fault his own. The
6 mother said that they had not had outpatient treatment, so I
7 don't know how he could have known that.

8 Q You also said he did not have the DJJ records; is that
9 right?

10 A That's correct.

11 Q But in fact, under sources and information for Dr.
12 Frierson's report he lists on number 24 that some of the
13 things he reviewed -- he reviewed 28 different -- or based
14 his evaluation on 28 different things. Number 24 is records
15 from the South Carolina Department of Juvenile Justice for
16 the defendant.

17 A Okay. Then I stand corrected.

18 Q Okay. All right. I believe you mentioned the report
19 of Dr. Joseph Harris also. He ruled out depression and
20 ruled out mild mental retardation, correct? Did you mention
21 that?

22 A Yes, he didn't. But what happened was when Mr. Grier
23 went back to DJJ, by then he had had a DDSN referral, so
24 Dr. Harris would have had the newer test that's a little bit
25 more specific. So yes, when he came back to get that

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1 determination he had those records.

2 Q The 2001 report from DDSN that talked about the
3 Stanford-Binet test, that's a type of assessment of
4 intellectual functioning; is that right?

5 A Yes.

6 Q And their opinion ultimately was that he functions in
7 the average level, below average, but average level,
8 correct?

9 A Yes.

10 Q And that he's not intellectually disabled, right?

11 A Correct, yes.

12 Q And they noted that the prior poor score on the test
13 they felt could be attributed to poor effort on the part of
14 Mr. Grier and irritability, correct?

15 A Correct.

16 Q So test results can be impacted by irritability, right?

17 A Certainly, certainly. If he had a low frustration
18 tolerance, some of those tests are hard. They're geared
19 on -- a lot of the tests if you do well on one you keep
20 going until your brain kind of maxes out what it knows. And
21 so some of those -- especially those little blot designs,
22 some of those can be quite frustrating. So yes, if you're
23 irritable you're not going to give as good an effort.

24 Q And I realize those are intellectual tests, but if
25 someone's mood or their irritability or lack of effort, the

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1 impact of that evaluation on one day, wouldn't it be prudent
2 to see them more than one time before you report to a court
3 of law that when accused with murder and attempted murder
4 and burglary, that he had a mental health issues that
5 affected his ability to conform his behavior to --

6 A No, not at all. That was more than enough time for
7 me -- compared to just coming into a general psychiatrist's
8 office, I had records I had reviewed. I knew what his
9 mental state was. I know he was malingering and when he
10 gave me a good effort there was no need to, I was able to
11 answer the questions. He gave me the limit of what he was
12 going to cooperate, the limit of what he was going to answer
13 and I had sufficient information to do that. An hour with a
14 psychiatrist is a long time.

15 Q Sure, absolutely. So you said that was more than
16 enough time?

17 A Yes, for me to get --

18 Q Hours more than enough time.

19 A Sure, to give the opinions for the Court, because he
20 cooperated. I could have spent five hours with him not
21 cooperating, but the fact that he gave me a good effort, I
22 was able to get enough history to make those diagnoses and
23 opinions.

24 Q Would 30 minutes have been more than enough time?

25 A It would depend on the patient. Sometimes there are

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1 some that are very bright and cooperative. Our board exams,
2 for example, the boards that I -- you have a written exam,
3 and then after you pass a written exam you go in and you
4 have to evaluate a patient in front of psychiatrists. That
5 exam we have to do in five minutes. So to be board
6 certified you have to evaluate someone, interview them,
7 perform a mental status exam and render a diagnosis in 25
8 minutes. So that's more than enough time depending on the
9 case, and in this case an hour was enough.

10 Q You stated you were concerned, or you just noted that
11 on June 5th there was no plan outlined for Mr. Grier to get
12 his meds, right?

13 A I'm sorry?

14 Q You stated that on June 5th when he was seen -- when
15 Mr. Grier was seen at Catawba Mental Health, or Lancaster
16 Mental Health here, there was no plan made for him to get
17 his meds, right?

18 A That I saw. That doesn't mean there was one. I said I
19 didn't see anything, there was nothing written in the
20 document.

21 Q So there could have been.

22 A Sure. And certainly -- and I think you outlined, there
23 was certainly a plan if he could go to the emergency room if
24 he were to be compensated.

25 Q The defendant was positive for marijuana when he was

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1 treated at the hospital, correct?

2 A Yes.

3 Q Marijuana stays in your system for up to 30 days?

4 A Twenty-eight days, yes.

5 Q Twenty-eight days. Of course, he'd only been out of
6 the Department of Corrections about eight days.

7 A Correct.

8 Q From June 2nd to June 10th?

9 A Yes.

10 Q And again, the drugs that he was on, because they're
11 meant to build up to be effective, should have been still in
12 his system at some point a few days after he --

13 A Again, I can't say.

14 Q You just can't say?

15 A They're excreted -- they build up at a certain level
16 and they're excreted at a certain level. I'm sorry, I could
17 have prepared that today, I just didn't have that notice. I
18 don't know how long the Tegretol would have stayed in his
19 system, but I can say to a reasonable degree of medical
20 certainty that it would not have been therapeutic. Had he
21 been on a therapeutic dose and had a therapeutic level and
22 went eight days without medications, it would not be at a
23 level where he would have therapeutic benefit from it.

24 Q Did you say in your report -- I seem to recall
25 something about you saying that there's no question that

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1 some of his behavior is premeditated.

2 A Absolutely.

3 Q Last page.

4 A Absolutely.

5 Q While some of his outbursts have been premeditated,
6 right?

7 A Yes.

8 Q And then you note many are not, right?

9 A Correct.

10 Q So certainly whatever outburst he had on June 10th of
11 2014 could have been premeditated?

12 A I haven't seen any evidence to indicate so.

13 Q You weren't there, right?

14 A Correct.

15 Q And you note how he had some conduct behavior in the
16 detention center here after he was arrested in 2014.

17 A Yes.

18 Q You noted how some of that was throwing urine, correct?

19 A Absolutely. And that's why I said some of those
20 behaviors are premeditated. You have to plan -- if you're
21 going to -- that's called dashing an officer, if you're
22 going to do that you have to collect your urine or your
23 feces, there has to be some kind of plan, so that's exactly
24 right. And that's why I put some of his -- some of the
25 behaviors and aggression are premeditated just based on

1 looking at the records.

2 Q And some of those, in fact, were many years before you
3 met with him. You noted, I believe, that two of those --
4 you have 2015? Yeah. You've got February 7th, 2015 and
5 July 7th of 2015 that he was charged with throwing bodily
6 fluids.

7 A Yes.

8 Q And so that's a conduct that you acknowledge. So about
9 a year after this, in February it was less than a year, in
10 July three months past a year.

11 A Yes. And there are actually more instances of that
12 where he was not charged, but I was aware of those, yes.

13 Q Are you aware that he had more incidents that he pled
14 to, or are you not aware of that?

15 A Ma'am? I'm sorry.

16 Q You're not aware that he had more incidents that he
17 pled guilty to?

18 A Oh, yes. I said I was also aware that there were more
19 instances where that occurred where he wasn't even charged.

20 Q Right. Are you aware he didn't plead guilty but
21 mentally ill to those, he pled guilty to those? Are you
22 aware of that?

23 A No.

24 Q Are you aware that he also had a charge in 2015 while
25 he was in the detention center for violating contraband law,

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1 having a shank or a sharpened object that he used as a
2 weapon hidden in his clothing, right?

3 A Yes.

4 Q And you would agree with me that that also could be
5 certainly deemed to be behavior that is premeditated.

6 A Certainly. And again, those -- you have to take each
7 incident separately. People could be premeditated, sure.

8 "I have a shank on me and I'm going to stab the next person
9 that bothers me." But also sometimes you can have someone
10 that's paranoid and they think other people are trying to
11 hurt them. So sometimes you can be mentally ill and engaged
12 in those kinds of behaviors. But certainly it means he's
13 planning something, whether to protect himself or planning
14 to carry a weapon, so I would agree that would be evidence
15 of some kind of premeditation. We don't know for what or
16 why, but yes.

17 Q You also note that he clearly exaggerated his symptoms
18 during the evaluation of Dr. Price; is that right?

19 A Yes. All three doctors; Dr. Gaskins, Dr. Price and
20 Dr. Frierson who had seen him, they all reported similar
21 observations.

22 Q And so exaggeration of symptoms, is that something that
23 also could be categorized as malingering?

24 A Yes, that's exactly what it is. Malingering is
25 intentionally feigning symptom for whatever reason. It can

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1 be to get out of trouble, maybe to get a financial reward,
2 there's usually a gain, a secondary reason for someone doing
3 that.

4 Q And you're saying intentionally feigning, f-e-i-g-n,
5 symptoms?

6 A Yes.

7 Q Sorry, it's hard to hear.

8 A F-e-i-g-n-i-n-g.

9 Q Faking symptoms.

10 A Yes.

11 Q Intentionally faking symptoms to get out of something.

12 A Yes.

13 Q You have also noted that since he returned to the
14 Department of Corrections, that in 2018 he had paranoia at
15 one time about his food might be poisoned, right?

16 A Yes.

17 Q Again, this is four years after the incident before the
18 Court today, right?

19 A Yes.

20 Q You also noted that in April of 2019 he was diagnosed
21 with malingering, right?

22 A Yes.

23 Q And you noted that somewhere just before April that his
24 room was noted to be a mess.

25 A Yes. There was a period of time, I believe, in

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1 December where he was transported to Gilliam Psychiatric
2 Hospital in the Department of Corrections, and it was noted
3 that he had neglected his hygiene, his room had feces,
4 urine, empty food trays and that it was in quite disarray.

5 Q So by noting it to be a mess I was curious that there
6 was no description. So you're saying that was the
7 description?

8 A Yes. Well, no, one note. They said a mess, that
9 wasn't my --

10 Q They said mess?

11 A They used the worse mess, that wasn't my word.

12 Q So you don't know what that entails in that case.

13 A No --

14 Q In that case.

15 A Correct, that's fair to say. I believes in his
16 hospitalization it was December of 2017 or December of 2018,
17 that was much more descriptive, but yes.

18 Q But they described that as just a mess, right?

19 A Yes.

20 Q You would agree that his history of involvement with
21 the mental health system would include multiple diagnoses of
22 malingering or faking on numerous psychiatrists or
23 psychologists, right?

24 A Yes. I think Dr. Hedgepath and Dr. Higgins have
25 rendered that diagnosis while in the Department of

DONNA MADDOX, M.D. - CROSS

1 Corrections. I think most of the other persons are mental
2 health specialists or may have the master's level degree.

3 Q And again, without knowing precisely what the
4 precipitating stressor is, you concede it's hard to
5 determine then in any particular incident if his behavior is
6 out of proportion in that particular case, right?

7 A No. Again, I do see what you're saying. But you have
8 to -- there's no other evidence. There hasn't been -- no
9 one has presented any evidence, so from the lack of other
10 evidence all I can do is go by the evidence we have. But
11 certainly it's possible, sure. Maybe they had words, maybe
12 there was some kind of threat. I don't know what Mr. Hood
13 could have done to him in a wheelchair with a stroke, but
14 something happened.

15 Q But you concede there were two people there, right?

16 A Sure.

17 Q One person is dead, right?

18 A Correct.

19 Q Mr. Grier says he doesn't remember, right?

20 A Correct.

21 Q The person that's dead is shot in the back, right?

22 A Right.

23 Q Wearing a diaper, right?

24 A Correct.

25 Q Had been confined to a wheelchair by reports for three

DONNA MADDOX, M.D. - CROSS

1 years, right?

2 A Yes.

3 Q Paraplegic, right?

4 A Yes.

5 Q Would not seem to be a threat, right?

6 A Correct.

7 Q I thought it was interesting, no one in the home
8 indicated that there was a gun ever in that home at Carolina
9 Court. Did you notice that?

10 A Yes.

11 Q So going back to the shank, if that's premeditated,
12 sharpening a piece of metal and hiding it in your jail
13 uniform, certainly bringing a gun to a scene where
14 ultimately you shoot an adult male in a wheelchair in the
15 back would also be premeditated.

16 A It could be. It could be.

17 MS. COLLINS: Thank you, Dr. Maddox.

18 THE COURT: Any redirect?

19 MS. BOULWARE: Yes, Your Honor, briefly.

20 REDIRECT EXAMINATION

21 BY MS. BOULWARE:

22 Q Dr. Maddox, can you remind us once again why was there
23 no in-person visit with Jermaine Grier?

24 A Because of covid the Department of Corrections weren't
25 having any in-person evaluations.

DONNA MADDOX, M.D. - REDIRECT

1 Q So you probably couldn't have seen him in person if you
2 would have wanted to?

3 A That's correct, and I wouldn't have even had they
4 allowed it. I have Lupus and I had not and vaccinated at
5 that point for covid and I would not step foot in a
6 Department of Corrections where covid has been rampant.

7 Q I understand. How many pages of medical records would
8 you say you've reviewed?

9 A Hundreds.

10 Q And would you say that a victim not having cocaine in
11 his system as you erroneously noted, people make mistakes,
12 or the gunshot wound of Mr. Grier located in a different
13 place than you noted, would you say that that affects your
14 diagnosis in any way?

15 A No. My diagnosis is based again on history of other
16 doctors seeing him, other people treating him. And
17 regardless of what anybody says about his diagnosis, he's
18 consistently been on medication since 2008. So if he's
19 someone that has a personality disorder and is faking,
20 someone has been medicating him for almost 13 or 14 years
21 now consistently. So based on those records, based on his
22 behavior at the time of the evidence that we have, and based
23 on my evaluation of him I have -- I stand by my diagnosis
24 and my opinions.

25 Q So you feel your diagnosis is accurate.

DONNA MADDOX, M.D. - REDIRECT

1 A I do.

2 Q Thank you. Do mental health patients, are they
3 sometimes inconsistent with their medical histories?

4 A Sure. Again, in this case I didn't rely upon Mr. Grier
5 for his medical history. I was fortunate to have a lot of
6 records and lots of different observations of him over time.

7 Q And the State brought this up, but it is in your expert
8 opinion to a degree of certainty in your field that he had
9 no capacity to conform his actions to the law because of his
10 mental illness.

11 A That's my opinion, that's correct. Again, just looking
12 at the evidence, the best -- we don't know what happened
13 with Mr. Hood. I think it's fair to opine that Mr. Hood
14 could not have been -- I don't know how Mr. Hood could have
15 been a threat to him, I don't know, we weren't there. But
16 he was in a wheelchair, he was disabled, he had had a
17 stroke. He was obviously under the care of Mr. Grier during
18 this period of time. We know -- we weren't there. But we
19 know the next data point is the two nephews coming in, and
20 they say for whatever their reasoning is he wasn't acting
21 right. And then we know -- what we do know is his behavior
22 afterwards with the next victim, it was observed, we have
23 had evidence. She didn't do anything that we know of.
24 Maybe it was something years ago, we don't know. I can only
25 go by the evidence I have. And I think what's important in

DONNA MADDOX, M.D. - RECROSS

1 this case is even though he has malingered, even though he
2 may have a personality disorder and he breaks the law, he
3 still has a mental illness. Someone has been treating him
4 for something. Just because he faked and just because he
5 doesn't always follow the law doesn't mean he is not
6 mentally ill. You can be all of those things, and in my
7 opinion he is all of those things.

8 Q And that was going to lead into my final question. The
9 solicitor made a pretty big deal over the fact that it could
10 be premeditated but it could also be not premeditated; is
11 that correct?

12 A Correct. And again, why he had a gun, I don't know.
13 He had no business having a gun, but I don't know where the
14 gun came from. But certainly.

15 MS. BOULWARE: Thank you, Dr. Maddox, that's all I
16 have.

17 THE COURT: Any recross based upon that limited
18 redirect?

19 MS. COLLINS: Based upon that redirect.

20 RECROSS EXAMINATION

21 BY MS. COLLINS:

22 Q Your conclusion then is that Mr. Grier is guilty but
23 mentally ill, correct?

24 A Yes.

25 Q Your conclusion is that he is capable of discerning the

1 difference between legal right and legal wrong and moral
2 right and moral wrong, correct?

3 A That's right, at that time. And again, that's based on
4 him appearing to the two nephews with gloves, him leaving
5 the scene, and then him leaving the scene -- the next scene,
6 leaving that scene as well, yes.

7 Q It is not your opinion that he is not guilty by reason
8 of insanity, correct?

9 A That's correct.

10 MS. COLLINS: Thank you, Doctor.

11 THE COURT: Thank you, Doctor, you may step down. Any
12 objection to the doctor Leaving?

13 MS. COLLINS: No, Your Honor, thank you.

14 THE COURT: Thank you for honoring your subpoena, you
15 may leave. Let me see the lawyers up here really quick.

16 (A bench conference was held.)

17 THE COURT: All right. Ladies and gentlemen of the
18 jury, we're going to go ahead and call it a day. It's been
19 a long day not only for y'all but for all of the lawyers as
20 well, so let's come back refreshed in the morning. I want
21 you in your jury room tomorrow -- well, come to the
22 courthouse, be here at 8:45 tomorrow morning. I plan on
23 starting testimony right at 9:00 a.m. to get as much done as
24 I can tomorrow morning. I have a conflict with tomorrow
25 afternoon, I have an appointment out of town so I

1 unfortunately will not be here tomorrow afternoon so it will
2 be a short day tomorrow. We'll run until about 12:30 or so,
3 so I want to get as much done tomorrow as we can as we go
4 forward with the trial of this case. Okay? So you're
5 excused for the evening. Before you leave remember what I
6 told you, when you leave this courthouse you're to talk to
7 nobody about the trial of this case. You're not to do any
8 independent research in this case, because you've only heard
9 from one witness and you've got to consider only the
10 evidence presented in this courtroom. All right? Thank you
11 very much, we'll see you tomorrow morning at 8:45. Just
12 follow the bailiffs and they'll tell you what to do tomorrow
13 morning. Okay?

14 (The jury left the courtroom.)

15 THE COURT: All right. Madam Solicitor, I believe
16 there's an issue you want to put on the record?

17 MS. COLLINS: Yes, Your Honor. The State served
18 **LH** and Tavarus Harris and Javy Crosby with
19 subpoenas and those were properly served upon them. It was
20 required that they be here today at 9:00, they have not
21 appeared and we are asking that the Court issue a bench
22 warrant for them. And if you need me to put the officers on
23 the record as to them serving it, one is Officer Tindal here
24 and the other is Brent Williams, who I think is available in
25 the building and can testify, too. But Ms. Bonine has those

1 services and subpoenas and we can put those in as Court's
2 exhibits.

3 THE COURT: All right. Go ahead put them in then as
4 Court exhibits. Any reply from the defense on that issue?

5 MS. BOULWARE: None, Your Honor.

6 THE COURT: All right. They were properly served and
7 subpoenaed. I'll take your word for it, you're an officer
8 of the Court, I have no reason to doubt what you're telling
9 me and I'm going to issue bench warrants to go pick up those
10 individuals. We'll hold them in custody until they testify
11 and then we'll see what happens.

12 MS. COLLINS: Thank you, Your Honor.

13 THE COURT: That's the order of the Court. Anything
14 else for the good of the day today?

15 MS. COLLINS: No. I'll get with the court reporter, I
16 believe we can at least go ahead and number --

17 THE COURT: Start marking some stuff.

18 MS. COLLINS: -- and get some stuff premarked.

19 THE COURT: Anything else from you, Ms. Boulware?

20 MS. BOULWARE: Nothing from defense.

21 THE COURT: That will be it for today. Court will be
22 adjourned until -- y'all be ready to go at 9:00 a.m.
23 tomorrow, we'll see you then. Y'all have a good evening.
24 Thank you.

25 (Court recessed for the day and resumed at 9:00 a.m.)

1 On Tuesday, April 13, 2021.)

2 THE COURT: All right. We've got a matter we need to
3 deal with outside of the rest of the jury. Mr. Frick, why
4 don't you tell me what we're dealing with. Y'all were
5 telling me back in chambers about a juror or something.

6 MR. FRICK: Your Honor, it's juror number 36, I believe
7 it is Ms. Cauthen. According to the jury list she works at
8 the local Catawba Mental Health. As we arrived in the
9 parking lot this morning she approached me and Ms. Boulware
10 and just let us know that she was the person who actually
11 received and fulfilled our request for the records from the
12 local Catawba Mental Health. We advised her that we would
13 come before the Court this morning and disclose the fact.

14 THE COURT: All right. Madam Solicitor, anything else
15 you wish to say about that?

16 MS. COLLINS: We have no objection. We thank this
17 juror for her service very much and for sharing this
18 information with us and excuse her and replace her with an
19 alternate since she had personal involvement.

20 THE COURT: Right. And Ms. Cauthen, you're not in
21 trouble, just relax. Okay? You remembered yesterday when I
22 was -- and I'm glad you disclosed that information to the
23 lawyers -- do you remember yesterday when I was saying you
24 can't go and look for information outside of what you hear
25 in this courtroom, that type of thing, if anybody had heard

1 of this case, knew the defendant, that type of stuff? And
2 out of an abundance of caution -- and I'm glad you brought
3 this to the lawyer's attention, this is why we have
4 alternates. Okay? And I'm sure your involvement in the
5 situation -- what is your involvement in this situation?
6 You just fulfilled a records request form and the name
7 looked familiar?

8 THE JUROR: Yesterday -- well, actually I seen my
9 handwriting on a piece of paper she had and I was like, "Oh,
10 okay." Then the lawyer's name kind of started gnawing on me
11 and I was like, "I think I'm the one that pulled all that,"
12 and then went and made sure. I didn't want to say anything
13 unless I was right, so I do have papers with my name on it.

14 THE COURT: Okay. And so better safe than sorry. I am
15 going to relieve you from your duties as a juror in this
16 case, you'll be free to go. Let me ask you this, and I hope
17 the answer is what I hope it's going to be, did you tell any
18 other jurors about involvement?

19 THE JUROR: No. I haven't spoke to anybody.

20 THE COURT: All right, good, wanted to make sure. So
21 you're going to be free to go. Do you have any personal
22 affects down there?

23 THE JUROR: I don't.

24 THE COURT: So you can just -- they'll show you the
25 exit. Thank you very much for your service, you're

1 relieved.

2 (The juror left the courtroom.)

3 THE COURT: Any objection to just moving alternate one
4 up into that spot?

5 MR. FRICK: No, sir.

6 MS. COLLINS: Not from the State.

7 THE COURT: Okay. All right. Alternate one will be
8 moved into the regular juror spot. Any further issues
9 before we bring the jury down?

10 MS. COLLINS: No, Your Honor.

11 MS. BOULWARE: No, Your Honor.

12 THE COURT: What I'm going to do, when they get in here
13 I'm going to recharge them briefly on you're only supposed
14 to consider the evidence in this -- just out of an abundance
15 of caution -- evidence in this courtroom and what you hear,
16 you're not supposed to do any independent research. Okay?
17 And then we'll get started. Bring the jury down and get
18 started.

19 (The jury returned to the courtroom.)

20 THE COURT: All right. All members of the jury are
21 present. Ladies and gentlemen, let me briefly speak to you
22 before we start testimony this morning. I want to make sure
23 and emphasize again to you that your role as a jury is to
24 analyze and determine the evidence received in this
25 courtroom and this courtroom alone. Okay? You are only to

1 consider what you hear from the witness stand and what comes
2 in as physical evidence as it comes in. Also, you are
3 instructed, I'm the judge of the law, you're the judge of
4 the facts. So the law that I give you will guide you in
5 your deliberations when you're able to start deliberating
6 this case. So what I'm telling you is, don't prejudge
7 anything because you haven't heard everything. Okay? Keep
8 an open mind throughout this trial as we go forward. Again,
9 thank you for complying with the covid protocols as we go
10 through this and we'll try to make this as seamless as
11 possible for you. Madam Solicitor, are you ready to call
12 your witness?

13 MS. COLLINS: I am, Your Honor.

14 THE COURT: All right.

15 MS. COLLINS: Your Honor, the State's first witness is
16 Angela Hood.

17 THE COURT: Have a seat back here, try to get as close
18 as possible. You may remove your mask as you're behind the
19 plexiglass.

20 The witness, ANGELA HOOD, was first duly sworn and

21 Testified as follows:

22 DIRECT EXAMINATION

23 BY MS. COLLINS:

24 Q Angela, if you'll please talk into the microphone as
25 much as you possibly can. Would you please state your name?

ANGELA HOOD - DIRECT

- 1 A Angela Hood.
- 2 Q And do you mind if I call you Angela?
- 3 A No, ma'am.
- 4 Q Do you live here in Lancaster County?
- 5 A Yes, ma'am.
- 6 Q And in June of 2014 where did you live?
- 7 A Caroline Court.
- 8 Q At Caroline Court?
- 9 A Caroline Court in Lancaster.
- 10 Q And do you recall, was the apartment [REDACTED]
- 11 A Yes, ma'am.
- 12 Q And, Angela, who lived there with you in June of 2014?
- 13 A Me; my husband, James Hood; my daughter, JH [REDACTED];
- 14 my son, LH [REDACTED]
- 15 Q And do you have another son name Tavarus Harris?
- 16 A Yes, ma'am.
- 17 Q Did Tavarus live there at that time with you?
- 18 A He was back and forth.
- 19 Q Do you need some tissues?
- 20 A Yes, ma'am.
- 21 (Break in proceedings.)
- 22 Q Angela, how long were you married to James Hood?
- 23 A I was married 14 years.
- 24 Q And I'm sorry, I know you answered that, I was focused
- 25 on getting some tissues. Did your son, Tavarus, live there

ANGELA HOOD - DIRECT

1 with y'all too?

2 A He was back and forth.

3 Q He was back and forth?

4 A Yes, ma'am.

5 Q All right. So you were married to James Hood for 14
6 years?

7 A Yes, ma'am.

8 Q And you had children together?

9 A Yes, ma'am.

10 Q In fact, LH [REDACTED] was the son of you and James
11 Hood; is that right?

12 A Yes, ma'am.

13 Q And was he named after his dad, James?

14 A Yes, ma'am.

15 Q Is it -- in fact, I was thinking last night of y'all
16 and your family, did you like combine your name, Angela, and
17 James to come up with the name?

18 MS. BOULWARE: Objection, Your Honor, that's leading.

19 A Ma'am?

20 Q How did you choose the name LH [REDACTED]

21 A He always wanted a son and he wanted me to name him
22 James but I came up with the name closer to it.

23 Q Thank you. And do you recall -- how old was LH [REDACTED]
24 in 2014?

25 A He was 14.

ANGELA HOOD - DIRECT

1 Q And your daughter, how old was she?

2 A Thirteen.

3 Q And Tavarus would have been how old then?

4 A He would have been 23.

5 Q Twenty-three?

6 A Tavarus, he was born in '92, so --

7 Q Okay. Now, as of June 2014, how was James' health --
8 your husband's health.

9 A He was paralyzed from the waist down. He -- the talk
10 was blur like slur like, and he could move at the top but he
11 couldn't move. He was paralyzed from the waist down.

12 Q So he could move his arms but he couldn't move his
13 legs?

14 A No, ma'am.

15 Q And so was he confined to a wheelchair?

16 A Yes, ma'am.

17 Q Did y'all have a hospital bed in his room also?

18 A Yes, ma'am.

19 Q Was he able to move himself from the bed to the
20 wheelchair, or the wheelchair to the bed?

21 A He had just started -- he had just learned how to get
22 himself in a wheelchair.

23 Q Do you know the defendant, Jermaine Grier?

24 A Yes, ma'am.

25 Q Are you related to Jermaine Grier?

ANGELA HOOD - DIRECT

1 A Yes, ma'am.

2 Q How are y'all related?

3 A We brother and sister.

4 Q And on June 10, 2014, was the defendant, Jermaine
5 Grier, at your home at Caroline Court?

6 A Yes, ma'am.

7 Q Who else was there at that time?

8 A It was me; him; my husband, James Hood; and one of my
9 friend girls. She is deceased now.

10 Q She's now deceased?

11 A Yes, ma'am.

12 Q What was her name?

13 A Rachel Strain.

14 Q All right. And did you make some supper for y'all that
15 evening?

16 A Yes, ma'am, some spaghetti.

17 Q Some spaghetti. And at some point did you leave the
18 apartment?

19 A Yes, ma'am. I left to go to the grocery store.

20 Q Who left with you?

21 A Who left with me?

22 Q Yes. Who left with you to go to the grocery store?

23 A It was just me and Rachel Strain.

24 Q And so when you left the apartment to go to the grocery
25 store, who was left back at the apartment at your home?

ANGELA HOOD - DIRECT

- 1 A Tavarus Harris, JH and LH
- 2 Q Okay. And was your husband, James Hood, still there?
- 3 A Yes, ma'am.
- 4 Q And was the defendant, Jermaine Grier, still there?
- 5 A Yes, ma'am. I mean, they had a tight bond. I don't
- 6 know. My God. See, that ain't my brother right there, man.
- 7 Oh my God. I'm sorry, y'all.
- 8 Q Angela, do you know what time it was when you left to
- 9 go to the grocery store?
- 10 A It was like -- it was like after 5:00 in the evening
- 11 sometime.
- 12 Q It wasn't yet dark then?
- 13 A No, ma'am.
- 14 Q But the spaghetti supper y'all had shared, that was
- 15 your evening meal?
- 16 A Yes, ma'am.
- 17 Q Had James finished eating when you left?
- 18 A Yes, ma'am.
- 19 Q And you said James had been in a wheelchair. About how
- 20 long had he been in a wheelchair? I can't recall, did you
- 21 say?
- 22 A It was over a year.
- 23 Q Okay. And he was in that condition because had he had
- 24 a car accident? Or what had caused that?
- 25 A He had a stroke to the brain.

ANGELA HOOD - DIRECT

1 Q Who helped take care of James in terms of if he needed
2 help cleaning himself?

3 A I took care of my husband a year and a half by myself.
4 We had just got help before all of this happened.

5 Q Did the boys help?

6 A Yeah, everybody helped. Whoever came around, like the
7 kids or whoever, but I helped. I did it all.

8 Q And when you left the home, how would you describe the
9 emotion in the home in terms of how had things been that
10 day?

11 A Everything was good all day that day up until like
12 after I got through cooking and I put a load of clothes on
13 in the washing machine, and me and Jermaine and my friend
14 girl was sitting in the living room looking at a movie. I
15 had done carried Hood -- we call him Hood for short -- I
16 carried his food back there and came back to the living room
17 and sat down. After I put the load of clothes on and got it
18 started, I say like 30 minutes later Jermaine was like
19 looking toward the washing machine as it was spinning, and
20 he looked toward the washing machine and he was like, "They
21 better leave me alone." And I'm like, "Bro, what's wrong
22 with you? Who's messing with you? What you see I don't
23 see?" And he just kept carrying on about "They better leave
24 me alone. They think I'm playing with them." And I'm like,
25 "You see why my brother is carrying on just to get a laugh?"

ANGELA HOOD - DIRECT

1 Because he's always been the clown of the family. So she
2 bust out laughed at him and she asked him what was wrong
3 with him and he was like, "Like I said, they better leave me
4 alone." So I'm not paying it no attention. And come to
5 find out all of this time my brother is sick because that's
6 not my brother over there now. He laughing and going on. I
7 wonder do he know it's me. And, I mean, my mama died over a
8 broken heart because we thought my brother was -- man, we
9 ain't know my brother was sick. Oh boy.

10 Q Angela, so you say your brother made this comment, but
11 you still left to go to the grocery store, right?

12 A Ma'am?

13 Q You left to go to the grocery store.

14 A I left to go to the grocery store, yes, ma'am.

15 Q Right, absolutely.

16 A I left to go to the grocery store. When we left the
17 grocery store we went by her house, and before long she got
18 a call, and the girl that called her said that she heard
19 somebody got shot and killed at Caroline Court. So -- not
20 knowing that I lived at Caroline Court. So she was telling
21 me what the girl had said.

22 MS. BOULWARE: Objection, Your Honor, hearsay --

23 THE COURT: All right. Sustained.

24 Q Okay. Without saying what somebody else said, what did
25 you do then when you heard that?

ANGELA HOOD - DIRECT

1 A I used her phone and called my house, because I know
2 nothing usually go on at Caroline Court. So I called my
3 house and Jermaine answered the phone like he was Jermaine.
4 And I asked him did anybody get shot over there at Caroline
5 Court, and he told me it ain't nothing going over there
6 unless it's in the second section. And he's like, "Ain't
7 nothing going on, Angie." And I said, "Well, I'm on my
8 way." So by the time I gets over there all of this was
9 true.

10 Q So when you called to check on things you called your
11 home --

12 A Yeah.

13 Q -- you had a landline there at your home? You had a
14 landline phone there at your home?

15 A I had a house phone, yeah.

16 Q And you called your home and Jermaine answered?

17 A Jermaine answered the phone like he was Jermaine, like
18 hello, like regular -- man.

19 Q He was acting like himself.

20 A Yeah.

21 Q And at that point you didn't have any concerns about
22 how he was behaving or sounding, right?

23 A No, ma'am.

24 Q Okay. And did you have any guns in your home?

25 A No, ma'am.

ANGELA HOOD - DIRECT

1 Q Did you allow guns in your home?

2 A No, ma'am.

3 Q When you called to check on things, did you talk with
4 your husband, James, or just Jermaine?

5 A Jermaine.

6 Q And at that point did you and your friend come back to
7 Caroline Court, your apartment?

8 A Yes, ma'am.

9 Q And when you came back to Caroline Court, what did you
10 see?

11 A All action. I couldn't get through none of that.

12 Q So you were not able to go to your home immediately?

13 A No, ma'am.

14 Q Were there police cars there?

15 A Yes, ma'am.

16 Q Did you see your sons?

17 A Yes, ma'am.

18 Q How would you describe their behavior? Were they
19 upset?

20 A Yes, ma'am.

21 Q Were they crying?

22 A Yes, ma'am.

23 Q What, if anything, did they tell you had happened?

24 A They just told me when they walked in, Tavarus said --

25 MS. BOULWARE: Objection, hearsay, Your Honor.

ANGELA HOOD - DIRECT

1 THE COURT: Well, overruled.

2 Q Go ahead.

3 A Tavarus say when he walked in he seen Jermaine standing
4 in the hallway and said Jermaine told him that James had
5 been using the bathroom, he needed to go clean him up. So
6 he said he didn't smell nothing. So he say he still goes in
7 the room and he seen James on the floor, so he asked
8 Jermaine did James fall out of the seat out of his chair.
9 And say when he turned around after he noticed Jermaine
10 didn't say nothing, he said Jermaine was waiving the gun at
11 him and told him that he had to go, too. So other than
12 that, somehow Tavarus got out of the house, and said as he
13 was running out of the house LH [REDACTED] was coming in the
14 house, so he snatched him and told him his daddy was in
15 there laying on the floor dead because Jermaine had done
16 shot him.

17 Q Did you ultimately get to go inside the home with the
18 coroner?

19 A No, ma'am. They told me I didn't want to see him like
20 that.

21 Q You don't recall going in and identifying your
22 husband's body to the deputy coroner, Karla Deese? You
23 don't remember that?

24 A I couldn't go in.

25 Q Okay. All right. I just have to ask you just a couple

ANGELA HOOD - DIRECT

1 of questions. What, if anything, did LH say, if he
2 did, about -- he said that Jermaine Grier had a gun, right?
3 You said that he said Jermaine had a gun, right?

4 A I didn't say LH --

5 MS. BOULWARE: Objection, Your Honor, hearsay.

6 THE COURT: Hang on.

7 MS. BOULWARE: Hearsay, Your Honor. Objection.

8 THE COURT: Objection? Overruled.

9 Q Tavarus --

10 A Yes, ma'am.

11 Q -- your older son you said. And you said he said that
12 Jermaine had a gun; is that right?

13 A Yes, ma'am.

14 Q And that he was waiving it around?

15 A Yeah.

16 Q And that Jermaine said to Tavarus that Tavarus had to
17 go, too.

18 A Yes, ma'am.

19 Q And what, if anything, did Tavarus tell you about any
20 yellow dish washing type gloves?

21 A Tavarus ain't tell me about no yellow gloves.

22 Q Okay. You don't recall anything like that?

23 A No.

24 Q Well, let me ask you, did y'all have yellow rubber type
25 dish washing gloves?

ANGELA HOOD - DIRECT

1 A Yeah. And I had cleaning gloves and gloves to clean my
2 husband up with. I bought it in a pack, it would all be me
3 a pack, I had a pack in my kids' bathroom, and I had my
4 gloves to clean my husband with.

5 Q Sure. Did sometimes some of the other people in the
6 home, the children and the boys or your daughter, also wear
7 those gloves to clean?

8 A Yes, ma'am.

9 MS. COLLINS: One moment.

10 (Break in proceedings.)

11 Q Did Tavarus have a nickname?

12 A Yes, ma'am.

13 Q What was that?

14 A Boji.

15 Q And did LH have a nickname?

16 A Yes, ma'am.

17 Q What was that?

18 A J-Buck.

19 Q And your daughter, did she have a nickname?

20 A Yes, ma'am.

21 Q What was that?

22 A Nee-nee.

23 MS. COLLINS: Nothing further. Please answer any
24 questions that the defense may have.

25 THE COURT: Ms. Boulware?

ANGELA HOOD - CROSS

1 MS. BOULWARE: Thank you, Judge.

2 CROSS EXAMINATION

3 BY MS. BOULWARE:

4 Q Good morning, Ms. Hood.

5 A Good morning.

6 Q Let me go back to when you mentioned that Jermaine and
7 Mr. James Hood had a tight bond.

8 A Yes, ma'am.

9 Q So they were pretty close you would say?

10 A Yes, ma'am.

11 Q They liked each other?

12 A Yes, ma'am.

13 Q Did they ever do anything together or --

14 A Worked.

15 Q Worked together?

16 A Yes, ma'am.

17 Q Where did they work?

18 A They used to work for Ben Snipes. He used to have my
19 brother working with him.

20 Q Okay. Did Jermaine ever help out -- after Mr. Hood had
21 his stroke, did Jermaine help out with tending to him like
22 the rest of your family sometimes would?

23 A No, ma'am, because Jermaine had just came home. I
24 mean, my husband had done had that stroke like way before
25 Jermaine came home.

ANGELA HOOD - CROSS

1 Q I understand. Okay. So he came home after the stroke?

2 A Yes, ma'am.

3 Q So he didn't have any part of the routine of helping
4 out.

5 A No, ma'am.

6 Q But they still got along.

7 A Yes, ma'am.

8 Q How would you describe Jermaine's demeanor that day?

9 A That day he was -- I mean, matter of fact all that
10 week -- well, four days that he was at my house he was
11 always himself. And then after all of this fussing at
12 washing machine like he see something I don't see, it's like
13 all that just hit all at once, I guess, because that's when
14 the shooting happened that day, and then that's when I'm
15 hearing my brother on medication and it had done wore off.
16 So I mean, I mean -- oh my God -- that's what triggered all
17 of this.

18 Q I got you. So are you saying you weren't aware of any
19 of these issue before he came home from prison?

20 A No, ma'am.

21 Q Okay. How long was he in prison that first time?

22 A About seven or eight I want to say.

23 Q Over five years at least?

24 A Yes, ma'am.

25 Q Okay. And then when you called, that was after you had

ANGELA HOOD - CROSS

1 heard -- that day after you had gone to the grocery store,
2 but when you called that was after you heard the shooting
3 happened.

4 A Yes, ma'am.

5 Q Jermaine answered the phone, sounded normal.

6 A Yes, ma'am.

7 Q Did you have any concerns about leaving Mr. Hood with
8 Jermaine in the house alone?

9 A No, ma'am. Because I didn't know my brother was sick.
10 And I knew Tavarus, Nee-Nee and LH [REDACTED], all of them was
11 like -- they was practically in and out. So, I mean, I
12 wasn't -- I mean --

13 Q You never had any reason to be concerned --

14 A No. No.

15 Q And back to what Tavarus and LH [REDACTED] told you about
16 what had happened. That's something they told you, you
17 didn't directly witness any of that; is that correct?

18 A No, ma'am.

19 Q Okay. You were out of the house at the store.

20 A Right.

21 Q Okay. And the gloves that the solicitor was asking you
22 about, so there were four in a pack?

23 A Yeah. They come in a pack, the yellow pack. I mean,
24 they yellow, they come in a pack. So it's like -- I've got
25 a set and I got a set to put in my other bathroom. I had

ANGELA HOOD - REDIRECT

1 two bathrooms.

2 Q Okay. So would you say that -- I know that you
3 mentioned you were the main caretaker for Mr. Hood, but
4 would you say that probably all of the family members had
5 worn those gloves at one time or another?

6 A No, I kept them separate. Because the cleaning gloves
7 I had to actually like clean my husband up with.

8 Q I've got you. Okay.

9 MS. BOULWARE: Beg the Court's indulgence one moment.

10 THE COURT: All right.

11 (Break in proceedings.)

12 Q Ms. Hood, you mentioned just a minute ago when you were
13 referring to Jermaine here in the courtroom today that that
14 ain't your brother right there. What did you mean by that?

15 A I mean, he laughing and carrying on for no reason.

16 Q Yes, ma'am.

17 A My brother don't do that. He's sitting there like he
18 getting real tickled over something, and all of this here --
19 no. I know my brother.

20 Q That's not his normal behavior? Okay.

21 A People thought that was my son. I know my brother.
22 That there, all of this jerking and going on, no. Just like
23 now -- "That's my sister," he would have been excited or
24 something. He probably don't even know it's me.

25 Q Yes, ma'am. I got you. And just one more time to

ANGELA HOOD - REDIRECT

1 clarify, there was no conflict in the house that you're
2 aware of the day of the incident.

3 A No, ma'am. No, ma'am. Lord have mercy.

4 MS. BOULWARE: Beg the Court's indulgence.

5 THE COURT: Okay.

6 (Break in proceedings.)

7 MS. BOULWARE: No further questions.

8 THE COURT: All right. Any redirect?

9 MS. COLLINS: Briefly.

10 REDIRECT EXAMINATION

11 BY MS. COLLINS:

12 Q You said that you kept the yellow gloves to clean your
13 husband separate from the other gloves; is that right?

14 A Yes, ma'am.

15 Q But there were yellow gloves -- other yellow gloves in
16 the home used for cleaning the home, right?

17 A Yes, ma'am.

18 Q And those yellow gloves had been worn by different
19 members of the family; is that right?

20 A Yes, ma'am.

21 Q How had your brother, Jermaine, been acting in the few
22 days before this incident?

23 A Acting like Jermaine.

24 Q So he was acting fine?

25 A Yes, ma'am.

ANGELA HOOD - REDIRECT

1 Q No issues.

2 A No, ma'am.

3 Q You had no concerns about his behavior.

4 A No, ma'am. We all were so happy he finally came home,
5 even Hood.

6 Q And by saying Hood, is that your husband?

7 A James Hood, yes, ma'am.

8 Q Y'all would call him Hood?

9 A Yes, ma'am.

10 Q So since Jermaine had been out -- he'd been out what,
11 about a week?

12 A Yes, ma'am.

13 Q Jermaine had come over to your house since he had been
14 out before this day.

15 A Yes, ma'am.

16 Q Several times?

17 A Yes, ma'am.

18 Q And every time Jermaine had acted fine like himself?

19 A Yes, ma'am.

20 Q You didn't have any concerns about his behavior or how
21 he was doing up until June 10th of 2014?

22 A Yes, ma'am.

23 Q And even on that day, on June 10th of 2014, it wasn't
24 until the washer went into a spin cycle and shakes --

25 A Yes, ma'am.

JAVY CROSBY - DIRECT

1 Q -- it wasn't until then that you had some concerns.

2 A Right.

3 Q But the concerns were such that you thought he was
4 playing around.

5 A Yes, ma'am. Because after he said it and the girl
6 started laughing, I mean, he just started looking at the TV,
7 so --

8 Q Okay. All right. He, being Jermaine, just started
9 looking at the TV after that?

10 A Yes, ma'am.

11 Q And you said the children were in and out. Did they go
12 out a good bit to play ball or other things?

13 A They hadn't been too long left like before I had left.

14 MS. COLLINS: Okay. All right. Thank you. That's
15 all.

16 THE COURT: All right. Thank you, ma'am, you may step
17 down. All right. The State can call its next witness.

18 MS. COLLINS: Your Honor, the State calls Javy Crosby.

19 The witness, JAVY CROSBY, was first duly sworn and

20 Testified as follows:

21 DIRECT EXAMINATION

22 BY MS. COLLINS:

23 Q Would you state your name and spell it for us, please?

24 A Javy, J-a-v-y; Crosby, C-r-o-s-b-y.

25 THE COURT: All right. If you would, try to speak in

JAVY CROSBY - DIRECT

1 that microphone. It's hard for us all to hear with all of
2 this plexiglass. Okay? So speak into the microphone if you
3 will.

4 Q What is your name?

5 A Javy Crosby.

6 Q How do you spell Javy?

7 A J-a-v-y.

8 Q Okay. And how old are you, sir?

9 A Twenty-one.

10 Q And what year were you born?

11 A 1999.

12 Q And do you live here in Lancaster County?

13 A Yes, ma'am.

14 Q Who's your mom?

15 A Margaret.

16 Q Ms. Margaret Crosby?

17 A Uh-huh.

18 Q Okay. And do you know LH [REDACTED] Does he have a
19 nickname?

20 A J-Buck, that's it.

21 Q J-Buck?

22 A Yeah, that's it.

23 Q And again, you nodded just now. Because we're in court
24 and the court reporter has to put down everything you say
25 you just need to answer out loud either yes or no. Okay?

JAVY CROSBY - DIRECT

1 A Okay.

2 THE COURT: Sir, slide that microphone to you. There
3 you go. That's good.

4 Q I want you to think back to June of 2014. Okay?
5 June 10th, 2014, were you inside J-Buck's apartment at
6 Caroline Court with J-Buck?

7 A Yes, ma'am.

8 Q Had you ever met with his dad before, Mr. James Hood?

9 A Yes, ma'am. I done spoke to him a couple of times.

10 Q And he was in a wheelchair then?

11 A Yes, ma'am.

12 Q And so on June 10th of 2014, what were you and J-Buck
13 doing toward the end of the day?

14 A We was at the basketball court.

15 Q Y'all were at the basketball court?

16 A Yes, ma'am. Then we had walked to his house.

17 Q Okay. And y'all had walked back into the apartment?
18 Okay. And what happened when y'all walked into the
19 apartment?

20 A We had just walked back to his daddy's room or
21 whatever, and we had seen him laying on the ground.

22 Q And who did you see laying on the ground?

23 A His father.

24 Q J-Buck's dad?

25 A (Nods head yes.)

JAVY CROSBY - DIRECT

- 1 Q And that was Mr. James Hood?
- 2 A Yes, ma'am.
- 3 Q And you said laying on the ground. Was he laying on
- 4 the floor of the apartment?
- 5 A Of the apartment, yes, ma'am.
- 6 Q Was it in the den or a bedroom?
- 7 A Bedroom.
- 8 Q Was it -- you'd been in that house before?
- 9 A Yes, ma'am.
- 10 Q And had you been back to Mr. Hood's bedroom before to
- 11 say hey to him or anything?
- 12 A No, ma'am.
- 13 Q Okay. But that day you went back with the son, J-Buck,
- 14 right?
- 15 A Yes, ma'am.
- 16 Q And when y'all went back to the bedroom you said Mr.
- 17 Hood was laying on the floor?
- 18 A Yes, ma'am.
- 19 Q And so he was out of his wheelchair?
- 20 A Yes, ma'am, he was laying out.
- 21 Q And do you recall, was he dressed?
- 22 A No, ma'am.
- 23 Q Okay. You don't recall what he was wearing?
- 24 A No, ma'am.
- 25 Q That's okay. And was he moving?

JAVY CROSBY - DIRECT

1 A No, ma'am.

2 Q Was Mr. Hood breathing?

3 A No, ma'am.

4 Q Did you see any blood?

5 A Yes, ma'am.

6 Q Okay. And did you see someone else there in the house?

7 A I think it was either his uncle they had said.

8 Q Okay. J-Buck's uncle? Had you ever met his uncle

9 before?

10 A No, ma'am.

11 Q Okay. And did you see J-Buck's uncle there that day?

12 You got to answer out loud.

13 A Yes, ma'am.

14 Q Okay. Thank you. And where was J-Buck's uncle

15 standing when y'all saw Mr. Hood on the floor?

16 A I believe he was in the room, too.

17 Q In the same bedroom?

18 A Yes, ma'am.

19 Q And what, if anything, did J-Buck's uncle say?

20 A He really didn't say nothing.

21 Q Okay. Was he holding anything?

22 A Not then, but I believe he had a gun.

23 Q Okay. And you later saw him holding a gun?

24 A Uh-huh.

25 Q Did he point the gun anywhere?

JAVY CROSBY - DIRECT

- 1 A Not at me, but --
- 2 Q Did he point it at J-Buck?
- 3 A No, ma'am.
- 4 Q Was Tavarus in there?
- 5 A Yeah. Him and Tavarus was wrestling.
- 6 Q Okay. Him and Tavarus, you mean his uncle --
- 7 A Uh-huh.
- 8 Q -- and Tavarus were wrestling?
- 9 A Yes, ma'am.
- 10 Q Did Tavarus have a nickname, too?
- 11 A No, ma'am.
- 12 Q And where were they wrestling? Was it there in the
- 13 bedroom?
- 14 A No. They was like up the hallway a little bit.
- 15 Q Okay. All right. And were they saying anything?
- 16 A No, ma'am.
- 17 Q Okay. Now, by wrestling, do you mean like wrestling
- 18 like --
- 19 A Like tussling. Like I guess he was trying to get the
- 20 gun out of his uncle's hand.
- 21 Q Okay. So like tussling like fighting?
- 22 A Yes, ma'am.
- 23 Q And was Tavarus able to get the gun out of his uncle's
- 24 hand?
- 25 A No, ma'am.

JAVY CROSBY - DIRECT

1 Q Okay. And what did you and J-Buck do?

2 A After that we had ran out of the house.

3 Q Okay. And did you notice -- you said you saw the gun
4 in the uncle's hand?

5 A Yes, ma'am.

6 Q Did you notice if the uncle had anything on his hands
7 or his arms?

8 A No, ma'am.

9 Q That's fine. So you and J-Buck ran out of the house?

10 A Uh-huh.

11 Q Did y'all run somewhere?

12 A We ran back down the street.

13 Q Okay. Did you run to a neighbor's house?

14 A Yes, ma'am.

15 Q Okay. Did y'all tell anybody what y'all saw?

16 A Uh-huh --

17 THE COURT: Sir, when you say yes or no don't go uh-huh
18 or nuh-uh because the court reporter can't pick up what
19 you're saying.

20 THE WITNESS: Yes, sir.

21 Q Did you later talk to the police about what you saw?

22 A Yes, ma'am.

23 Q Okay. Was your mama there with you?

24 A Yes, ma'am.

25 Q And this is the first time you've spoken to me, right?

DANIEL RATLIFF - DIRECT

1 A Yes, ma'am.

2 Q Okay. And I appreciate you coming.

3 MS. COLLINS: Thank you. Please answer any questions
4 of the defense attorney. Okay?

5 THE COURT: All right. Ms. Boulware, your witness.

6 CROSS EXAMINATION

7 BY MS. COLLINS:

8 Q Good morning, Mr. Crosby.

9 A Good morning.

10 Q You testified that you didn't hear Jermaine say
11 anything at the time that you saw him.

12 A No, ma'am, he didn't say nothing.

13 Q Okay. So nothing at all. Nothing to you, Tavarus or
14 J-Buck?

15 A He didn't say nothing to me.

16 Q And you testified you never met Jermaine before that
17 day.

18 A No, ma'am. I never met him until that day.

19 Q Okay. So this is your very first impression of him.

20 A Yes, ma'am.

21 Q You would have idea what he was like otherwise.

22 A No.

23 MS. BOULWARE: Okay. No further questions, Judge.

24 MS. COLLINS: Thank you. No further questions. And,
25 Your Honor, we would ask if this witness could please be

DANIEL RATLIFF - DIRECT

1 excused.

2 THE COURT: Any objection to that, Ms. Boulware? He
3 wants to go --

4 MS. BOULWARE: Oh no, that's fine.

5 THE COURT: Thank you, sir. You're free to leave.
6 Call your next witness.

7 The witness, DANIEL RATLIFF, was first duly sworn and
8 Testified as follows:

9 DIRECT EXAMINATION

10 BY MS. BONINE:

11 Q Good morning, Officer Ratliff. Would you please state
12 your full name for the record?

13 A Daniel Ratliff.

14 Q And what's your occupation?

15 A I'm a police officer?

16 Q How long have you been in law enforcement?

17 A About 11 and a half years.

18 Q And where are you currently employed?

19 A Fort Mill Police Department.

20 Q Have you ever worked for any other agencies?

21 A I've worked for Lancaster Police Department and a few
22 months for the Pageland Police Department.

23 Q And where were you working in June of 2014?

24 A Lancaster Police Department.

25 Q Were you on duty on June 10th of 2014?

DANIEL RATLIFF - DIRECT

- 1 A Yes, ma'am.
- 2 Q Around 9:00 p.m.?
- 3 A Yes, ma'am.
- 4 Q Did you respond that evening to [REDACTED] Caroline Court?
- 5 A Yes, ma'am.
- 6 Q And that's here in Lancaster County, correct?
- 7 A Correct.
- 8 Q Were you sent there by dispatch or --
- 9 A Dispatch, yes, ma'am.
- 10 Q Do you know what time the call was received?
- 11 A I believe it was 9:30.
- 12 Q When you arrived there, were you the first law
13 enforcement officer on scene or was anyone else there?
- 14 A I was the first officer on scene.
- 15 Q Were you in a marked patrol car?
- 16 A Yes, ma'am.
- 17 Q And were you traveling alone in your vehicle? Was
18 anyone else with you?
- 19 A I was a K-9 handler at the time, I had my dog in the
20 car but no other officers.
- 21 Q What did you do when you arrived at [REDACTED] Caroline Court?
- 22 A When I arrived I was met in the parking lot and I spoke
23 with two young black male individuals.
- 24 Q All right. So you arrived in the parking lot and two
25 young black men approached you.

DANIEL RATLIFF - DIRECT

1 A Yes, ma'am.

2 Q What was their demeanor? What was their behavior?

3 A Very excited, upset, talking loudly, talking fast.

4 They were also sweating that evening.

5 Q And what did they tell you?

6 A They told me that there was a subject in the house who
7 they believed was dead. Mr. Grier was in there and he had a
8 gun and yellow gloves, and told them if they didn't help --
9 they needed to help clean up, and if they called 911 he
10 would shoot them. They did say that they got into an
11 altercation with him or were able to get out of the house.

12 Q He did say -- I'm sorry.

13 A Yeah. One of them advised that they got into an
14 altercation and they were able to exit the house, and they
15 said he was still inside.

16 Q Thank you for clarifying. What did you do after they
17 told you all of this information?

18 A At that point there was other officers on scene, I
19 advised them that we potentially had a suspect inside. I
20 was advised by my supervisor at the time that we needed to
21 wait to get other officers before we made entry, so we set
22 up a perimeter.

23 Q And when you're setting up a perimeter, what is the
24 purpose of that in terms of you --

25 A So we had subjects on the front door, subjects at the

DANIEL RATLIFF - CROSS

1 back door. Basically we at that point since we know there's
2 a potential armed subject, we had our weapons out and we
3 were pointing it towards the door in case anybody comes out.

4 Q And did anyone come out that you saw when you were
5 there?

6 A No, ma'am.

7 Q Did you ultimately enter that residence at anytime that
8 day?

9 A I as well as multiple other officers, yes, ma'am.

10 Q And did you see anyone alive inside?

11 A No, ma'am.

12 Q To your knowledge just the deceased's body; is that
13 correct?

14 A Correct.

15 Q And just to clarify going back, do you recall -- and
16 you can -- if you need to refresh your memory that's
17 absolutely understandable, do you recall what time the call
18 into dispatch was and then the time that you responded --
19 you actually responded and arrived on the scene?

20 A Yes, ma'am. According to the report the call was 9:30,
21 dispatch and call, and I arrived on scene at 9:32 p.m.

22 Q And when you were on scene you stated that you were
23 initially the first officer on the scene --

24 A Yes, ma'am.

25 Q -- and then it was secured, the perimeter. About how

DANIEL RATLIFF - CROSS

1 long, if you can recall, between when you first arrived and
2 then when entry was made into the house?

3 A I can't recall that, I don't remember.

4 Q All right.

5 MS. BONINE: I think that's all I have. Please answer
6 any questions of the defense attorney.

7 THE COURT: Ms. Boulware?

8 MS. BOULWARE: I just have one.

9 CROSS EXAMINATION

10 BY MS. BOULWARE:

11 Q I'm sorry, I didn't catch your rank earlier.

12 A I'm sorry?

13 Q I didn't catch what your rank is.

14 A I'm a corporal. At the time I was -- I think I was
15 lance corporal at Lancaster, but I'm a corporal now.

16 Q I'll give you corporal then.

17 A Sounds good.

18 Q Corporal Ratliff, I just have one question. When you
19 say the boys approached you, was it all three boys?

20 A I only remember speaking with two.

21 Q Two of them? Do you recall who those were?

22 A LH [REDACTED] and Tavarus.

23 Q LH [REDACTED] and Tavarus.

24 MS. BOULWARE: Beg the Court's indulgence.

25 (Break in proceedings.)

CLAUDE GRAHAM - DIRECT

1 MS. BOULWARE: That's all the questions I have.

2 THE COURT: All right. Thank you, sir, you can step
3 down. You're free to leave. Do y'all need a break, ladies
4 and gentlemen of the jury, or are y'all ready for another
5 witness? All right. Let's take another witness.

6 MS. COLLINS: Your Honor, the next witness is Claude
7 Tony Graham.

8 The witness, CLAUDE ANTHONY GRAHAM, was first duly
9 Sworn and testify as follows:

10 DIRECT EXAMINATION

11 BY MS. COLLINS:

12 Q You can lower your mask since you're behind the
13 protective area. If you will, please speak into the
14 microphone.

15 A Yes, ma'am.

16 Q Would you please state your name?

17 A Claude Anthony Graham.

18 Q All right. And you go by Tony; is that right?

19 A Yes, ma'am.

20 Q Mr. Graham, what is your occupation?

21 A I'm a National Registered Paramedic for Lancaster
22 County.

23 Q And how long have you been a paramedic?

24 A I've been a paramedic about 30 years. I've been with
25 Lancaster for 12.

CLAUDE GRAHAM - DIRECT

1 Q All right. So were you working with Lancaster County
2 EMS in June of 2014?

3 A Yes, ma'am.

4 Q Were you part of the EMS team that responded to a call
5 during the evening hours of June 10, 2014?

6 A Yes, ma'am.

7 Q And you responded to [REDACTED] Caroline Court in Lancaster,
8 South Carolina?

9 A Yes, ma'am.

10 Q What time was the call received?

11 A I was dispatched at 21:30, 9:30.

12 Q And you're refreshing your memory by looking at your
13 ambulance or EMS report?

14 A By my report, yes, ma'am.

15 Q So you were dispatched at what time?

16 A 21:30, 9:30 at night.

17 Q All right. What time did you arrive at the scene?

18 A We got there at 21:33, staging until the scene is
19 secured by the police department.

20 Q When you said we got there, who was with you?

21 A I had my partner, EMT Michelle Crawford.

22 Q Was she the driver of the ambulance that night?

23 A Yes, ma'am.

24 Q She was not a paramedic; is that right?

25 A No, ma'am.

CLAUDE GRAHAM - DIRECT

1 Q And you said we were staging. What does that mean?

2 A It means anytime we go on a call and it's deemed unsafe
3 we stay back away until the police officers say it's safe
4 for us to come in.

5 Q Okay. And how long were y'all staging?

6 A On this case it was right at 30 minutes.

7 Q When you were ultimately allowed to go in, the police
8 -- they told you it was safe to enter; is that right?

9 A Yes, ma'am.

10 Q Can you tell us, what did you see?

11 A When we got there we were escorted in by a police
12 officer back to where Mr. Hood is.

13 Q He was in a back bedroom?

14 A The back bedroom to the right.

15 Q And you say Mr. Hood. Was that the person you were
16 there to treat, if possible?

17 A Yes, ma'am.

18 Q And when you got to the bedroom at the back right, what
19 did you see?

20 A We found Mr. Hood laying on the floor on his right side
21 in the fetal position, his head was straight down towards
22 the floor.

23 Q Was he breathing at that time?

24 A No, ma'am.

25 Q Did you observe any signs of life of Mr. Hood?

CLAUDE GRAHAM - DIRECT

- 1 A No, ma'am.
- 2 Q What, if any, medical procedures did you perform?
- 3 A We -- well, I put him on the cardiac monitor just to
- 4 check and make sure there was no heart activity.
- 5 Q So the purpose of a cardiac monitor isn't to try to
- 6 actively resuscitate, it's to check for signs of life?
- 7 A Both, yes, ma'am.
- 8 Q Okay. All right. And did you detect any signs of life
- 9 at that time?
- 10 A No, ma'am.
- 11 Q You said it monitored heart activity?
- 12 A It does, but there was none.
- 13 Q There was no heart activity?
- 14 A No, ma'am.
- 15 Q And is that called asystole?
- 16 A Yes, ma'am.
- 17 Q Or a flatline, I guess?
- 18 A Yes.
- 19 Q So at that time you determined that Mr. Hood was
- 20 deceased?
- 21 A Had passed away, yes, ma'am.
- 22 Q And what did you do at that time?
- 23 A We were escorted back out of the home by an officer.
- 24 Q And did you contact the coroner's office?
- 25 A Yes, ma'am, that's our protocol. I contacted the

CLAUDE GRAHAM - DIRECT

1 coroner and we stay on the scene until they arrive and then
2 give them a report of what we saw.

3 Q All right. Now, when you went inside and you described
4 that Mr. Hood was on, I think you said, his right side in a
5 fetal position; is that right?

6 A Yes, ma'am.

7 Q Did you have to alter his position in any way to check
8 him?

9 A No, ma'am. We just didn't move the body because of the
10 crime scene, and we -- I just put him on the monitor to make
11 sure there was no activity.

12 Q All right. And by putting him on the monitor you
13 didn't have to tilt him back or anything?

14 A No, ma'am.

15 Q You didn't have to remove any of his clothing?

16 A No, ma'am.

17 Q Do you recall if he was wearing clothing?

18 A I believe he had just a diaper on.

19 Q An adult diaper?

20 A Yes, ma'am.

21 Q But you didn't move or shift his clothes in any way?

22 A No, ma'am.

23 Q You just had to put -- I guess they're like little
24 white patches --

25 A Electrodes, yes, ma'am.

CLAUDE GRAHAM - DIRECT

1 Q Okay. And you put two on his arms and two on his legs?

2 A Yes, ma'am.

3 Q Do you recall if you saw any apparent injury to him?

4 A I did notice entrance wounds to the left side back of
5 his neck.

6 Q All right. And was there blood on the floor?

7 A Yes, ma'am.

8 Q So you contacted the coroner's office. Did you
9 subsequently prepare your report to document what you did?

10 A Yes, ma'am.

11 Q And other than that, have you had any other involvement
12 in this case other than coming to court today?

13 A No, ma'am.

14 MS. COLLINS: Thank you for being here today, please
15 answer any questions of the defense team.

16 THE COURT: Ms. Boulware? Mr. Frick?

17 CROSS EXAMINATION

18 BY MR. FRICK:

19 Q Mr. Graham, you said y'all arrived at about 9:30?

20 A Yes, sir.

21 Q Okay. But y'all were held outside for about 40
22 minutes, correct?

23 A Not held outside, we were staged away from the scene.

24 Q Correct. But you were there because law enforcement is
25 still clearing the scene, correct?

CLAUDE GRAHAM - CROSS

1 A Yes, sir.

2 Q And y'all aren't going to go in there until law
3 enforcement gives you the okay, correct?

4 A Yes, sir.

5 Q Okay. So they didn't give you the okay for well over a
6 half hour.

7 A Yes, sir.

8 Q And then by the time you got inside your initial
9 assessment was there wasn't a thing you could do for Mr.
10 Hood.

11 A No, sir.

12 Q And so there was no aid that could have been rendered?

13 A No, sir.

14 MR. FRICK: Thank you, sir. That's all of the
15 questions I have.

16 THE COURT: All right. Thank you, sir, you may step
17 down. Put your mask back on. You're free to leave.

18 MS. COLLINS: The State's next witness is the coroner,
19 Carla Deese.

20 The witness, KARLA DEESE, was first duly sworn and
21 Testified as follows:

22 DIRECT EXAMINATION

23 BY MS. COLLINS:

24 Q Good morning.

25 A Good morning.

KARLA DEESE - DIRECT

1 Q Would you please state your name for the record?

2 A Karla Deese.

3 Q What is your occupation?

4 A Lancaster County Coroner.

5 Q How long have you served as the elected corner for
6 Lancaster County?

7 A I have served as the elected coroner since January 1st,
8 2017.

9 Q And how long have you been employed with the Lancaster
10 County Coroner's Office?

11 A Since July of 2005.

12 Q In June of 2014, what was your position then with the
13 Lancaster County Coroner's Office?

14 A I was Chief Deputy Coroner.

15 Q Who was the elected coroner at that time?

16 A Mike Morris.

17 Q As chief deputy you were directly under him; is that
18 correct?

19 A Yes.

20 Q Were you on call for the coroner's office as chief
21 deputy the evening hours of June 10, 2014?

22 A Yes.

23 Q As such did you respond to a call for service at [REDACTED]
24 Caroline Court in Lancaster, South Carolina?

25 A Yes.

KARLA DEESE - DIRECT

1 Q That's within the city limits of Lancaster?

2 A It is.

3 Q And within Lancaster County, South Carolina?

4 A Yes.

5 Q And therefore within your jurisdiction?

6 A Yes.

7 Q What time did you arrive at [REDACTED] Caroline Court?

8 A My arrival time was 21:48, 9:48 p.m.

9 Q Now, is [REDACTED] Caroline Court an apartment?

10 A It is.

11 Q And when you arrived were you able to enter the
12 residence immediately?

13 A Not immediately.

14 Q What prevented you from entering the residence
15 immediately?

16 A It's a crime scene. We all wait together to enter the
17 crime scene so that nothing is comprised.

18 Q All right. So who allowed you to enter the crime scene
19 eventually?

20 A Ultimately I went in with the Lancaster City Police
21 after the arrival of SLED.

22 Q And when you entered the residence what did you see?

23 A When I entered the residence I noted the decedent was
24 in a back bedroom and he was lying on the floor in front of
25 his wheelchair.

KARLA DEESE - DIRECT

1 Q And can you describe the appearance -- the decedent you
2 ultimately determined was James Hood; is that right?

3 A That is correct.

4 Q And can you describe the appearance of Mr. Hood for the
5 jury?

6 A Yes. He was in front of his wheelchair on the floor,
7 he had on an adult diaper and a pair of socks.

8 Q Was the diaper fully on?

9 A Not fully, it was pulled down somewhat.

10 Q And was there any blood that you observed at that time?

11 A Yes.

12 Q Where was the blood?

13 A There was blood on the floor around him, and there
14 was -- if I -- I do believe there was a little bit on his
15 back where the wound was.

16 Q Did you observe any apparent cause of injury to him at
17 that time as coroner?

18 A He did have a wound on his back that was suspected to
19 be a gunshot wound.

20 Q Now, Coroner, what is livor?

21 A So livor mortis is the pooling of the blood once
22 someone dies, the position in which they are. It's gravity.
23 Gravity takes place. Your blood continually circulates
24 through your body. As we're sitting here now it's
25 constantly moving. Once death occurs it stops, so gravity

KARLA DEESE - DIRECT

1 pulls it all down. So whatever position you're in the
2 livor -- the blood pools to that. So for instance, as I'm
3 sitting here with my arm, if I were to die right now all of
4 the blood would pool down here and I would have a dark in
5 purple color on the bottom telling you that that's where my
6 arm rested and that's where all of the blood settled.

7 Q And that obviously would take some time.

8 A It does.

9 Q Did you observe any livor to the body of the victim at
10 that time?

11 A Not at that time. It's a little -- it does take some
12 time, and it's also a little more challenging depending upon
13 the tone of the skin. The fairer the person -- I'm very
14 fair skinned, you can see mine very quickly, the darker the
15 skin tone the more difficult it is to see.

16 Q Did you observe any livor to the body of the victim?

17 A None noted.

18 Q And what is rigor?

19 A Rigor mortis is the stiffness of the body after death
20 has occurred. It can settle in at various different times.
21 It depends upon many, many factors, but essentially it is
22 where the muscle and the tissue in the body starts to
23 breakdown, that happens right after death occurs, and it
24 will cause stiffness in the body until those gasses exchange
25 completely and are released.

KARLA DEESE - DIRECT

1 Q Now, when you arrived, did you confer with EMS
2 attendant or paramedic Tony Graham that just testified?

3 A I did.

4 Q And did you declare James Hood to be dead at the scene?

5 A Yes.

6 Q What time did you declare Mr. Hood to be dead?

7 A His official pronouncement was at 22:55, 10:55 p.m.

8 Q Was the body of the deceased ultimately identified by a
9 family member?

10 A Yes.

11 Q Who was that?

12 A Angela Hood.

13 Q Was that there in your presence?

14 A Yes.

15 Q She was escorted in and she identified the body of her
16 husband in your presence?

17 A Yes.

18 Q Did you ultimately instruct your transport team at the
19 coroner's office to take the body of Mr. Hood to the morgue?

20 A Yes.

21 Q And that was after SLED crime scene unit had arrived?

22 A Yes.

23 Q Because they had to take some photographs, correct?

24 A Yes. My transport team is -- I don't call them in
25 until the whole scene is completely processed and released.

KARLA DEESE - DIRECT

1 Q Okay. And so ultimately your transport team under your
2 direction removed the body of Mr. Hood and placed it in a
3 remains bag and transported it to your morgue?

4 A Yes.

5 Q And that is a secure locked facility?

6 A It is.

7 Q And I believe even the -- I don't know the proper term
8 for it, but the remains bag where the body is placed, that
9 even also zips up and secures with a lock; is that right?

10 A That is correct.

11 Q And did you authorize an autopsy to be performed of the
12 body of Mr. Hood?

13 A I did.

14 Q When did that autopsy take place?

15 A The following day, June 11th at 10:00 a.m.

16 Q And where are the remains of the deceased kept until
17 the autopsy can take place?

18 A At our office in our morgue.

19 Q And again, you said that that's a secured facility?

20 A It is.

21 Q Only members of your team are allowed to access that
22 facility?

23 A Correct.

24 Q And, of course, it's locked, right?

25 A Yes. It also has video surveillance as well.

KARLA DEESE - DIRECT

1 Q Okay. And the next morning did your team transport the
2 remains of Mr. Hood to the autopsy?

3 A Yes.

4 Q And did you ultimately receive a report from Dr. Janice
5 Ross regarding the results of the autopsy?

6 A I did.

7 Q Did you also receive a report of the toxicology
8 analysis of the victim's bodily fluids?

9 A I did.

10 Q What company performed that toxicology analysis?

11 A NMS Laboratories performed the analysis, and FSN
12 performed the evaluation of it. The ultimate -- they take
13 the results that NMS produces and they do the study on that
14 and provide the study for us for the end results.

15 Q And they contract with your office to provide those
16 results?

17 A They do.

18 Q SLED did not do the toxicology in this case?

19 A No, ma'am.

20 Q The -- one moment.

21 (Break in proceedings.)

22 Q Now, as coroner, do you ultimately sign the death
23 certificate for the deceased?

24 A I do.

25 Q And did you do so in this case?

1 A I did.

2 Q And after receiving the reports of the autopsy from
3 Dr. Ross as well as the toxicology report, what did you sign
4 on the death certificate as the cause of death?

5 A May I refer --

6 Q Sure.

7 A Cause of death is exsanguination due to laceration of
8 the heart and left lung due to gunshot wound of the back.

9 Q All right. What is the exsanguination?

10 A Exsanguination is bleeding to death.

11 Q And you said due to laceration of the lung and the
12 heart?

13 A Yes, ma'am.

14 Q And what is the medical definition for laceration?

15 A Laceration is a cut or a tear in this particular case
16 where the bullet pierced both organs.

17 Q Thank you.

18 MS. COLLINS: Thank you. Please answer any questions
19 of the defense team?

20 MS. BOULWARE: We don't have any questions, Judge.

21 THE COURT: All right. Thank you, ma'am, you may step
22 down. Ladies and gentlemen of the jury, we're going to take
23 a brief mid-morning recess. Mr. Pogue? How do you say it?

24 THE JUROR: Pogue.

25 THE COURT: Okay. Good. I'm going to call you Pugh

1 because that's what you said. I'm going to appoint you to
2 be the foreman of the trial jury. Okay? I know you didn't
3 volunteer but typically I appoint because I look -- you
4 know, I want to make sure people are paying attention and
5 you're paying extra attention as you should be, and you're
6 also wearing a snappy bow tie, so you're going to be the
7 foreman of the trial jury. As the foreman it will be your
8 duty to moderate the deliberations when you get the case to
9 deliberate. You'll also get to be seated up here near the
10 witness, and in addition you'll be the jury spokesperson
11 here in court. Okay? So thank you for accepting that
12 responsibility. We're going to take a break. Don't talk
13 about the case. All right?

14 (The jury left the courtroom.)

15 THE COURT: All right. And he's the sole proprietor of
16 a business. Okay. What else?

17 MS. COLLINS: Your Honor, at this time we would ask
18 that the bench warrant for Javy Crosby be recalled.

19 THE COURT: Okay.

20 MS. COLLINS: But we would ask that the other two bench
21 warrants remain in place.

22 THE COURT: All right. So ordered. Anything else
23 before we take a recess?

24 MS. COLLINS: No, Your Honor, thank you.

25 THE COURT: Anything else?

JANICE ROSS, M.D. - DIRECT

1 MS. BOULWARE: No, Your Honor.

2 (A recess was taken.)

3 THE COURT: Anything else before we bring the jury out?

4 MS. COLLINS: No, Your Honor.

5 MS. BOULWARE: No, Your Honor.

6 THE COURT: All right. Bring them out.

7 (The jury returned to the courtroom.)

8 THE COURT: All right. The jury is present. Call your
9 next witness.

10 MS. COLLINS: Thank you, Your Honor. The State calls
11 Dr. Janice Ross to the stand.

12 The witness, JANICE ROSS, M.D., was first duly sworn

13 And testified as follows:

14 DIRECT EXAMINATION

15 BY MS. COLLINS:

16 Q Good morning. Would you please state your full name
17 for the record?

18 A Janice Edwards Ross.

19 Q And what is your occupation?

20 A I'm a forensic pathologist.

21 Q And how long have you been a medical doctor first of
22 all?

23 A Forty-five years.

24 Q And would you tell us about your education and
25 experience?

JANICE ROSS, M.D. - DIRECT

1 A Yes. I received a Bachelor's Degree from the
2 University of South Carolina, and then did four years of
3 medical school where I received my M.D. I did further study
4 in the field of pathology, which is a discipline in medicine
5 where we are trained how to diagnose diseases like cancers
6 and all using a microscope and using the hospital
7 laboratory. I was further trained in the area of forensic
8 pathology, which trains us how to do a forensic autopsy,
9 identified patterns of injury, document evidence for the
10 court of law, and collect fluids and whatnot for toxicology.
11 So I am board certified in three areas of pathology.

12 Q And your specialty then in the field of medicine is
13 pathology, or forensic pathology?

14 A Forensic pathology.

15 Q Can you tell us, what is the difference in just
16 pathology and forensic pathology?

17 A A general pathologist usually works in a hospital and
18 looks at tissue under the microscope from tissue that comes
19 out of you and surgery to identify infections or tumors, and
20 then also run the laboratory to identify things like anemias
21 and leukemias. And then a clinical pathologist just purely
22 works in the laboratory in identifying tissue injury through
23 a chemical means.

24 Q Dr. Ross, what exactly -- what exactly is an autopsy?

25 A An autopsy is a review of a deceased externally and

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1 internally to identify any trauma, patterns of injury,
2 and/or to identify natural diseases. And the autopsy is
3 just one part of an investigation where we rely heavily on
4 scene investigation and all of the other evidence as well.

5 Q In the course of your work as a forensic pathologist,
6 is a large part of what you do is to perform autopsies and
7 make reports thereon on persons who have passed away?

8 A Yes.

9 Q How many autopsies have you performed in the course of
10 your career?

11 A At least 14,000.

12 Q Have you ever been qualified in a court of law to
13 testify as an expert witness?

14 A Yes.

15 Q In what field?

16 A In forensic pathology.

17 Q And how many times have you testified as an expert
18 witness in the field of forensic pathology?

19 A Close to 300 times in the State of South Carolina.

20 Q Thank you.

21 MS. COLLINS: Judge, at this time we would respectfully
22 offer Dr. Ross as a witness and ask that the Court qualify
23 her to testify as an expert witness in the field of forensic
24 pathology.

25 THE COURT: Any objection?

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1 MS. BOULWARE: No objection.

2 THE COURT: Without objection, so qualified. Ladies
3 and gentlemen of the jury, remember what I told you about
4 expert witnesses yesterday. Expert witnesses are different
5 from lay witnesses in that they are allowed to testify in
6 the form of an opinion. Just because they give an opinion
7 doesn't mean you have to accept their opinion, you'll
8 consider that at the end along with the weight of all of the
9 other evidence. Okay? Madam Solicitor.

10 MS. COLLINS: Thank you.

11 Q Dr. Ross, did you perform an autopsy on the body of
12 James Hood?

13 A Yes.

14 Q And you performed that autopsy in response to the
15 request of and after due authorization from the Lancaster
16 County Coroner?

17 A Yes.

18 Q What date and time did you perform the autopsy on the
19 remains of James Hood?

20 A It was on June 11th, 2014, at 10:00 a.m. we started.

21 Q And where was the autopsy performed?

22 A In the morgue at Newberry County Memorial Hospital in
23 Newberry, South Carolina.

24 Q The body of Mr. Hood was brought to you by the
25 transport staff of the coroner's office?

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1 A That's correct.

2 Q And what was the age of Mr. Hood at the time of his
3 death?

4 A Forty-eight years old.

5 Q What was his date of birth?

6 A I have it down as [REDACTED] of 1965.

7 Q And what was the height of James Hood?

8 A He was six feet, two and a half inches in height.

9 Q And did you estimate his weight?

10 A Yes. We didn't have a scale in the morgue, but we
11 estimated his weight to be 180 pounds.

12 Q When the body of Mr. Hood was received for autopsy,
13 could you describe for the jury how it was dressed?

14 A Yes. The patient comes to us in a body bag, we open it
15 and we identify his clothing, take photographs. And he had
16 on a pair of tan socks and disposable underwear.

17 Q What observations did you make regarding the body of
18 James Hood during your external examination of him?

19 A He had a gunshot wound to the back, and a small scar in
20 the neck identifying a previous tracheotomy. But really no
21 other specific injuries.

22 Q Other than the gunshot wound to the back, was there
23 anything else that you took note of that you felt was
24 important as to cause of death?

25 A Well, I had the history that he was paraplegic, yes.

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1 Q Did you have in your history presented how long he'd
2 been a paraplegic?

3 A It occurred -- yes, I did. That occurred in November
4 of 2014.

5 Q All right. The -- you describe in terms of your
6 examination of the external area of the body of Mr. Hood
7 that you also look at the limbs, the upper limbs and the
8 lower limbs; is that right?

9 A Yes.

10 Q Did you observe -- and I know he was a tall gentleman
11 and very lien I would say at 180 pounds at six feet and two
12 and a half inches, but did you observe -- did it appear that
13 his muscles in his legs had atrophy indicative of someone
14 who had been paralyzed since his stroke three years prior?

15 A Yes.

16 Q And, of course, that would affect the strength in
17 someone's legs obviously?

18 A Yes.

19 Q And by atrophy that means that the muscles would
20 decline?

21 A Yes. If you don't use your muscles you -- they kind of
22 shrink, yeah.

23 Q And in terms of the hands of the deceased, did you
24 observe any what sometimes might be referred to as defensive
25 wounds? Did it appear that there had been any trauma to the

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1 hands of the deceased?

2 A No. There's no injury to the hands or forearms.

3 Q Now, you described the wound as you observed it to the
4 back of Mr. Hood, you said that appeared to you to be an
5 entrance gunshot wound; is that right?

6 A Correct, yes.

7 Q And did you measure where that fell on his body, where
8 exactly it was on his body?

9 A When we identify a wound like that we measure from the
10 top of the head. So it's nine and a half inches below the
11 top of the head and two and a half inches to the left of the
12 back -- the midline, middle of the back. So it would be --
13 in him it was about midway down his shoulder blade if you
14 can picture that.

15 Q And the shoulder blade is also referred to as a
16 scapula; is that right?

17 A Yes.

18 Q So it was under the left scapula; is that right?

19 A Correct.

20 Q Now, you prepared a diagram to note that; is that
21 right?

22 A Yes.

23 Q I'm going to hand up to you Exhibits 1 through 9 that I
24 have shown to defense counsel during the break that have
25 previously been marked for identification purposes at this

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1 time as exhibits. I would ask you, do you see the first
2 exhibit that's been marked as Exhibit 1 for ID purposes?

3 A Yes.

4 Q Is that a copy of the diagram that you prepared showing
5 the entrance wound on the back of James Hood?

6 A Yes.

7 Q And that was the only wound to his back?

8 A Correct, yes.

9 Q All right. Could you take a highlighter and circle
10 that or highlight that wound on that exhibit, please?

11 A Sure.

12 MS. COLLINS: I would move State's Exhibit 1 into
13 evidence at this time.

14 MS. BOULWARE: No objection.

15 THE COURT: Without objection entered into evidence.

16 (The diagram was received as State's 1.)

17 Q You noted in your report that the wound is round and
18 measures .38 inches in its greatest dimension; is that
19 right.

20 A That is correct.

21 Q Now, in the course of the autopsy, of course, after you
22 examined the exterior of the body you then proceed to
23 examine the interior of the body, correct?

24 A Correct.

25 Q And in doing so, were you able to discern or determine

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1 the path that the bullet took after it entered the body or
2 the back of James Hood?

3 A Yes.

4 Q And what was the path of the bullet?

5 A It went from the back to front, from left to right and
6 downward. So it went down through the upper lobe of the
7 left lung and it went all of the way through the heart and
8 kept -- continued downward and hit the -- lacerated the
9 right side of the diaphragm, and the bullet itself was found
10 right underneath the skin of the right abdomen.

11 Q The path you said was from back to front and was up to
12 down, correct?

13 A Yes.

14 Q And from the right side downward? Or it was rightward,
15 so it was from the left to the right, correct?

16 A Correct, yes.

17 Q And what was the length of the path? You said that it
18 began nine and a half inches below the top of the head and
19 it ultimately was found under the skin 27 and a half inches
20 below the top of the head. So that would be 18 and a half
21 inches for the length of the path; is that right?

22 A Approximately, yes.

23 Q Okay. And do you see the Court's (sic) Exhibit Number
24 2 that's been marked for identification purposes? It should
25 have been the second in that pack.

JANICE ROSS, M.D. - DIRECT

1 A Yes.

2 Q And is that a photocopy of the x-ray of Mr. Hood's
3 body?

4 A Yes.

5 Q And that shows where the bullet ended up, the area of
6 his abdomen; is that right?

7 A Yes.

8 Q Okay. Can you also highlight that with the yellow
9 highlighter that's been handed to you?

10 A (Witness complies.)

11 Q And I notice at the top of that x-ray -- were you able
12 to do that? You were able to do that with the highlighter?

13 A Yes.

14 Q And at the top of the x-ray it has a R; is that right?

15 A Yes. That denotes the right side of the body.

16 Q Okay. So the bullet ended up on the right side; is
17 that correct?

18 A Yes.

19 MS. COLLINS: I would move Exhibit 2 into evidence at
20 this time.

21 MS. BOULWARE: No objection.

22 THE COURT: All right. Without objection entered into
23 evidence.

24 (The x-ray photo was received as State's 2.)

25 Q And you stated that as you did your external

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1 examination -- no, I'm sorry, the internal examination of
2 the victim's body, your determination of what internal
3 organs or body part had been impacted by the bullet, you
4 said it went through -- it lacerated the -- was it the lower
5 quadrant of the left lung?

6 A No, the upper lobe of the left lung.

7 Q Upper lobe of the left lung and then part of the heart?

8 A It went all of the way through both ventrals of the
9 heart.

10 Q Okay. And then the diaphragm?

11 A And then the diaphragm.

12 Q And came to rest in the abdomen?

13 A Underneath the skin of the lower abdomen, right
14 abdomen.

15 Q So there was no exit wound; is that right?

16 A Correct.

17 Q The bullet was still in the body of Mr. Hood.

18 A Yes.

19 Q And you found that bullet.

20 A Yes.

21 Q Now, you state in your report that when it went through
22 the upper lobe of the left lung, the left and right
23 ventricles of the heart and the diaphragm it caused, first of
24 all, a hemopericardium; is that right?

25 A Yes. That's bleeding into the space around the heart.

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1 Q Okay. And you said that volume was 250 CC's?

2 A Correct.

3 Q What does CC stand for?

4 A It's a -- of amount. That's about a liter -- I mean --
5 I'm sorry. That's about a unit of blood. There's a
6 thousand CC's in a liter. But 250 CC's is about a unit of
7 blood that you might get if you were transfused.

8 Q Okay. All right. And that was just from transversing.
9 Was that the left lung or --

10 A That was in and around the heart. In the left chest
11 cavity was -- there was a thousand CC's of blood.

12 Q And is that what you referenced there was a left
13 hemothorax, that was the amount of blood in the chest
14 cavity?

15 A Correct.

16 Q And you also note a hemoperitoneum; is that right?

17 A Hemoperitoneum means blood in the abdomen. So that was
18 because the diaphragm was lacerated and blood was able to
19 leak into the abdomen from the chest.

20 Q And that amount was 250 CC's; is that right?

21 A Yes.

22 Q So total blood loss that was all contained there within
23 the body was 1500 CC's; is that correct?

24 A Correct.

25 Q And that was still found within the body, right?

JANICE ROSS, M.D. - DIRECT

1 A Yes.

2 Q Okay. So, of course, more could have been left there
3 at the scene that actually exited?

4 A Well, if the person was lying on the back it would only
5 leak out of the body by gravity through the entrance wound.

6 Q Okay. So there should have been more in the body since
7 there was no exit wound, correct?

8 A Correct.

9 Q Okay. Did you notice, Dr. Ross, was there stippling
10 around the gunshot wound to indicate how close the gun was
11 in proximity to the victim's back when the victim was shot?

12 A No, there was not. Stippling occurs -- let me back up.
13 When a bullet comes out of the muzzle of a gun so does soot
14 and the powder. So if -- the soot only goes a certain
15 distance, a few inches, but the powder will go a little
16 further, and if the powder hits the skin it leaves a little
17 mark. But the powder will only go, depending on the weapon,
18 up to about two feet, so that if you don't see any of that
19 stippling or soot around the entrance wound, it denotes to
20 us a distant wound. So in other words, the muzzle of the
21 gun was at least two feet away from the person.

22 Q All right. Now, Dr. Ross, you've already described the
23 bullet path as being from up to down, from left to right and
24 from back to front; is that correct?

25 A Yes.

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1 Q And would that be consistent with the gun being above
2 the victim at the time that the victim was shot?

3 A Yes. Bullets go straight, so any kind of way you can
4 do that.

5 Q But the trajectory was downward, correct?

6 A Correct, yes.

7 Q So from the back area down toward more of the
8 abdomen/hip area, correct?

9 A Yes.

10 Q Dr. Ross, do you have an opinion to a reasonable degree
11 of medical or scientific certainty as to the cause of death
12 of James Hood?

13 A Yes.

14 Q And what is that opinion?

15 A Exsanguination, which means to bleed out, exits out.
16 Exsanguine refers to blood. So exsanguination due to the
17 laceration of the heart and lung due to the gunshot wound to
18 the back.

19 Q And you determined therefore that the cause of death
20 was, as stated in your report, a fatal penetrating gunshot
21 wound of the back, lacerating the heart and upper lobe of
22 the left lung causing the hemopericardium, the hemothorax
23 and the hemoperitoneum?

24 A Yes.

25 Q What is, and forgive me for pronouncing it wrong,

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1 cardiomegaly?

2 A Cardio refers to heart, megaly means enlarged, so it
3 just means that the heart was enlarged.

4 Q You noted that Mr. Hood had an enlarged heart. Did
5 that contribute to his death in any way whatsoever?

6 A No.

7 Q You also note in your report arteriosclerosis.

8 A Arteriosclerosis.

9 Q And you note 95 percent occlusion of left circumflex
10 artery; is that right?

11 A Yes.

12 Q But that was not the cause of his death, correct?

13 A No.

14 Q You stated in your report you believe that the victim
15 would have died within minutes from his wound; is that
16 correct?

17 A Yes.

18 Q You state in your report you determine that the manner
19 of death is homicide; is that right?

20 A Yes.

21 Q And you've already testified that in performing the
22 autopsy you recovered the bullet from the abdomen of the
23 victim, James Hood, correct?

24 A Correct.

25 Q I believe your next exhibits there that were handed up

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1 that have been premarked for reference by you as -- I
2 believe they're State's Exhibits for ID purposes 3, 4 and 5.
3 Are those pictures of the bullet that you recovered from the
4 body of James Hood?

5 A Yes.

6 Q Did you take those pictures?

7 A Yes.

8 Q And those are fair and accurate depictions of the
9 bullet after it was retrieved from the body of James Hood?

10 A Yes.

11 MS. COLLINS: I would offer State Exhibits 3, 4 and 5
12 (sic) into evidence at this time.

13 THE COURT: Any objection?

14 MS. BOULWARE: No objection.

15 THE COURT: All right. Entered into evidence.

16 (The documents were received as State's 3 and 4.)

17 Q Now, a police officer attended the autopsy; is that
18 correct?

19 A Yes.

20 Q That was officer Brenner Hartley with the Lancaster
21 Police Department; is that right?

22 A Yes.

23 Q And you turned the bullet over to the police officer
24 after you retrieved it from the body and after those
25 pictures were taken so it could be placed in evidence and

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1 sent to SLED for analysis; is that right?

2 A That is correct.

3 Q And you signed the evidence transfer form; is that
4 right?

5 A Yes.

6 Q And the officer signed it in your presence; is that
7 right?

8 A Yes.

9 Q Is the next exhibit in your packet, I'm trying to
10 remember, State's Exhibit 6 marked for ID purposes, is that
11 the form that you signed? Or is that the form with the --
12 showing the clothing of the deceased that was turned over?

13 A The bullet photographs were 5, 6 and 7.

14 Q I'm sorry.

15 A And the evidence transfer form for the clothing is 3.
16 And the evidence transfer form for the bullet is 4.

17 Q My mistake. Thank you.

18 MS. COLLINS: I would like the record to reflect
19 therefore that the photographs of the bullet that were
20 previously identified as 3, 4 and 5 are 5, 6 and 7.

21 Q Is that right, Mr. Ross?

22 A Yes.

23 MS. COLLINS: And I would move those exhibits into
24 evidence at this time.

25 MS. BOULWARE: No objection.

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1 THE COURT: Without objection entered into evidence.

2 (The documents were received as State's 5-7.)

3 Q So returning to Exhibits 3 and 4. The first one is the
4 form where you note the clothing that was on the body of the
5 deceased when you received it for autopsy, correct?

6 A Yes.

7 Q And personal affects, correct?

8 A Yes.

9 Q And you've noted on there, I believe, that he had a
10 diaper, and that was a disposable adult diaper?

11 A Yes.

12 Q And a pair of socks; is that right?

13 A Yes.

14 Q And also there was a lighter with the body, is that
15 correct, a cigarette lighter?

16 A Correct.

17 Q And you turned those items over to Officer Hartley as
18 well; is that right?

19 A Yes.

20 MS. COLLINS: I would move Exhibit 3 into evidence at
21 this time.

22 Q That's the form where you note those items were turned
23 over; is that right?

24 A Correct.

25 MS. BOULWARE: No objection.

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1 THE COURT: All right. Without objection entered into
2 evidence.

3 (The document was received as State's 3.)

4 Q And State's Exhibit 4 is the form where you note that
5 you retrieved a bullet and turned that over to Officer
6 Hartley, and both you and he signed it in your presence,
7 correct?

8 A Correct.

9 Q And you also note that there was a tube of blood, I
10 believe it was a lavender top tube of blood, is that right,
11 that was retrieved from the body of the victim?

12 A Yes. Law enforcement uses that as a standard because
13 you can do DNA with that type of blood.

14 Q Okay. And that tube of blood, the lavender top tube,
15 was the standard for DNA, was also turned over to Officer
16 Hartley, correct?

17 A That's correct.

18 Q And that same form, form number four, reflects that,
19 correct?

20 A Correct.

21 MS. COLLINS: I move State's Exhibit 4 into evidence at
22 this time.

23 MS. BOULWARE: No objection.

24 THE COURT: All right.

25 (The form was received as State's 4.)

JANICE ROSS, M.D. - DIRECT

1 Q At the top of State's Exhibit 4, that same form, also
2 notes as to other uses for blood, and it notes that the uses
3 could be for toxicology; is that right?

4 A That's right.

5 Q But a tube of blood was not provided for toxicology
6 purposes, correct?

7 A I believe we had -- not for the law enforcement.

8 Q Because that tube of blood would have gone to SLED.

9 A That's correct.

10 Q But you did receive a toxicology report, correct?

11 A Yes. We sent toxicology blood work, vitreous fluid.
12 He had blood -- and gastric that we sent out.

13 MS. COLLINS: Did I move State's Exhibit 4 in? Is that
14 in as well?

15 Q So that's the form that you were just referring to. So
16 vitreous fluid you said was also submitted to a lab for
17 toxicology purposes. And that's to analyze the fluid or
18 blood submitted for toxins or foreign substances that could
19 affect the body; is that right?

20 A That's correct.

21 Q What was the lab that performed the toxicology analysis
22 in this case?

23 A NMS, it's National Medical Services.

24 Q And so that sample for the toxicology examination would
25 have been sent directly to that lab?

JANICE ROSS, M.D. - DIRECT

1 A Correct.

2 Q And that was done by your office at the direction of --
3 was it your determination or the coroner's office to use
4 that lab?

5 A The coroner.

6 Q Okay. Thank you. You mentioned vitreous fluid. What
7 is vitreous fluid?

8 A That's fluid from the eye, and it reflects -- you can
9 identify some chemicals, for instance glucose or sugar and
10 some electrolytes from that, and you can do alcohol.

11 Q Now, you've already stated your conclusion in terms of
12 the cause of death, but you also noted in the conclusion of
13 your report that your opinion is subject to change if you
14 received the lab results and they indicate that substances
15 might have contributed to the death of the deceased; is that
16 right?

17 A That's correct.

18 Q In this case when you ultimately received the report
19 from the lab, did you change your initial opinion that the
20 cause of death was the gunshot wound?

21 A No, I did not.

22 Q You did receive a copy of the toxicology report?

23 A Yes.

24 Q And did you rely upon that in making your decision
25 about the final cause of death as to the victim?

JANICE ROSS, M.D. - DIRECT

1 A Yes.

2 Q What were the lab results reflected in the toxicology
3 report received from the lab?

4 A He only had chemical cotinine and nicotine in his blood
5 system. Those are chemicals that you absorb when you smoke.
6 It's from smoking.

7 Q So both cotinine and nicotine are reflective of
8 substances in the body due to cigarette smoking?

9 A Yes.

10 Q Y'all also -- or the lab also tests for other materials
11 such as illegal substances, or even prescription drugs; is
12 that right?

13 A That is correct.

14 Q And there was no marijuana or no cocaine or anything
15 like that found in the body of the victim, correct?

16 A There was none, correct.

17 Q Only the substances -- is it cotinine and nicotine that
18 reflect that he smoked cigarettes?

19 A Yes.

20 Q And so was there a presence of any other substance that
21 would have contributed to the cause of death of Mr. Hood on
22 June 10th of 2014 at all?

23 A No.

24 Q So again, your opinion to a reasonable degree of
25 medical certainty is that James Hood died as a result of a

JANICE ROSS, M.D. - DIRECT

1 single gunshot wound to the back that resulted in damage
2 and loss of -- damage to his lung, his heart and interior
3 body, which caused an excessive fatal loss of blood; is that
4 right?

5 A Correct.

6 Q So the evidence forms that have been submitted, the
7 pictures of the bullet were 5, 6 and 7. I think Exhibit 8
8 there before you is a copy of your report that you prepared;
9 is that correct?

10 A That's correct.

11 Q And that is a true and complete copy of your report as
12 you prepared it and signed it reflecting your medical
13 opinion in this case; is that right?

14 A Yes.

15 MS. COLLINS: Your Honor, at this time the State moves
16 Exhibit 8 into evidence.

17 MS. BOULWARE: No objection.

18 THE COURT: Without objection entered into evidence.

19 (The report was received as State's 8.)

20 Q And Exhibit 9 is a copy of the report from the lab
21 showing that the only foreign substances collected in the
22 fluids of the body of the victim were the two substances
23 that are associated with use of cigarette or tobacco
24 products; is that right?

25 A Correct.

JANICE ROSS, M.D. - DIRECT

1 MS. COLLINS: And I would move at this time State's
2 Exhibit 9, the report from the lab upon which Dr. Ross
3 relied in making her final opinion also into evidence.

4 MS. BOULWARE: No objection.

5 THE COURT: Without objection entered.

6 (The report was received as State's 9)

7 Q Dr. Ross, are those all of the exhibits we've gone
8 through that you have there? I believe they are; is that
9 right?

10 A Yes, ma'am.

11 Q Thank you. If I could refer you back to your report,
12 State's Exhibit 8. You noted, and I think it may just be a
13 typo, that he had been a paraplegic due to a stroke that
14 he had -- it may say November of 2014; is that's right? Is
15 that what it says on page two?

16 A Yes.

17 Q But, in fact, it was three years -- to your
18 understanding it was three years prior to his death, which
19 the death was June of 2014; is that right?

20 A Thank you, yes.

21 Q Okay. So it simply would have been then, I guess, in
22 2011 perhaps that we are referring to?

23 A Correct.

24 Q Thank you. I just wanted to -- since it was in
25 evidence to straighten that out.

JANICE ROSS, M.D. - CROSS

1 MS. COLLINS: Dr. Ross, thank you so much for your
2 service and for being here today, please answer any
3 questions of the defense team.

4 THE COURT: Ms. Boulware?

5 MS. BOULWARE: Thank you, Judge.

6 CROSS EXAMINATION

7 BY MS. BOULWARE:

8 Q Just a couple of questions, Dr. Ross. And I was going
9 to ask you to clarify that date as well that the solicitor
10 just did so I appreciate you doing that. You noted only one
11 gunshot wound to Mr. Hood?

12 A That is correct.

13 Q Okay. And you also included -- what we talked about a
14 little while, or what you talked about a little while ago, I
15 will try to pronounce these as best as I can, cardiomegaly?

16 A Cardiomegaly, yes.

17 Q That sounds good. And arthrosclerosis.

18 A Arthrosclerosis. Hardening of the arteries, yes.

19 Q Why were those included on your report if they were not
20 contributing to his death?

21 A This is just a list of autopsy findings both
22 abnormal and -- or both traumatic and natural diseases.

23 Q Okay. And you discussed the cause of death as being
24 exsanguination, bleeding out. How long does that usually
25 take?

DONALD SIMS - DIRECT

1 A Depends on what organ is hit. But having holes in the
2 heart, it would be a few minutes.

3 Q Can you estimate how long it would have taken for Mr.
4 Hood to bleed out?

5 A All I can say is a few minutes, maybe even less than
6 that. But with the one coronary artery blocked, he could
7 have succumbed a little faster than somebody who had normal
8 arteries. But he would have lost enough blood to go
9 unconscious maybe within a minute, but would be permanently
10 irreversibly deceased within two or three minutes.

11 Q Okay.

12 MS. BOULWARE: Beg the Court's indulgence.

13 (Break in proceedings.)

14 Q Dr. Ross, just one last question. The information
15 related to you in the case history, who does that come from?
16 Law enforcement?

17 A It comes through the coroner.

18 Q The coroner?

19 A Yes.

20 MS. BOULWARE: That's all of the questions I have.

21 Thank you.

22 MS. COLLINS: Nothing further. We ask that this
23 witness be excused.

24 THE COURT: Thank you, Doctor, you're free to leave.

25 MS. COLLINS: Your Honor, the State's next witness will

DONALD SIMS - DIRECT

1 A Yes, ma'am.

2 Q And so that was returned back to your department by
3 SLED; is that right?

4 A That's correct.

5 Q You mentioned a Mr. Johnson. Was that originally per
6 the envelope taken by Investigator Dale Johnson for Mr.
7 Hood? I mean, Mr. Grier?

8 A Yes, ma'am. I'm sorry, that was at the top of the
9 form. I didn't have my glasses.

10 Q All right. I'm going to have you hang on to that but I
11 just wanted to make the jury aware and make the defense team
12 aware that you do have that. At this time I have no further
13 questions. After some other witnesses testify tomorrow we
14 might need you to come back, but the defense team might have
15 some questions for you now if you will answer any questions
16 of them.

17 A Thank you.

18 MS. BOULWARE: No questions.

19 THE COURT: All right. Thank you, sir, you can step
20 down.

21 MS. COLLINS: Your Honor, the State's next witness is
22 Brenner Hartley with the police department.

23 The witness, BRENNER HARTLEY, was first duly sworn and
24 Testified as follows:

25 DIRECT EXAMINATION

BRENNER HARTLEY - DIRECT

1 BY MS. COLLINS:

2 Q Good morning.

3 A Good morning.

4 Q Would you state your name for the record, please?

5 A Brenner Hartley.

6 Q What is your occupation?

7 A I'm a patrol lieutenant for the City of Lancaster.

8 Q And how long have you worked for the City of Lancaster?

9 A 21 years March 15th.

10 Q And that's all with the Lancaster Police Department?

11 A Yes, ma'am.

12 Q So therefore in June of 2014 you were employed with the
13 Lancaster Police Department?

14 A Yes, ma'am.

15 Q Lieutenant Hartley, what did you do with Lancaster
16 Police Department in June of 2014?

17 A I was a detective sergeant with the special operations
18 division.

19 Q All right. Were you on duty on June 10th of 2014?

20 A No, ma'am.

21 Q Were you on call?

22 A I was.

23 Q And as such did you respond to a call for service at
24 approximately -- on June 10th, I'm sorry, in the evening
25 hours?

BRENNER HARTLEY - DIRECT

1 A Yes, ma'am.

2 Q Do you know about what time?

3 A At approximately 9:30 at night.

4 Q Where did you go when that call for service was made?

5 A I was advised that there had been a shooting at [REDACTED]
6 Caroline Court and I responded to that area.

7 Q And is that address within the city limits of
8 Lancaster, South Carolina?

9 A Yes, ma'am.

10 Q And when you arrived there, were you the first officer
11 to arrive?

12 A No, ma'am. There had been several other officers, we
13 gathered roughly about the same time.

14 Q And are those apartments?

15 A Yes, ma'am.

16 Q Did you arrive in a marked patrol car?

17 A I was driving an unmarked patrol car at the time.

18 Q What did you do when you got there?

19 A Myself, along with other officers that were on the
20 scene, began to formulate a plan in order to extract a
21 possible barricaded subject.

22 Q So there was a concern that there was a subject that
23 had barricaded himself in [REDACTED] Caroline Court?

24 A Yes, ma'am.

25 Q And was there a concern that subject be might be armed?

BRENNER HARTLEY - DIRECT

1 A Yes, ma'am.

2 Q And you said you were in an unmarked patrol car, but
3 was it equipped with flashing blue lights?

4 A Yes, ma'am.

5 Q So were those engaged?

6 A To the best of my knowledge, yes, ma'am, they would
7 have been.

8 Q So you and other team members for special -- or special
9 operations surrounded the residence and entered to determine
10 if a shooter was still in the residence; is that right?

11 A Yes, ma'am.

12 Q Okay. Do you recall who all was there with you and
13 members of that team to do so?

14 A Captain Grant, who is the commander of the special
15 operations group; Lieutenants Hall, Lieutenant Witherspoon,
16 and myself.

17 Q And did you ultimately therefore enter the residence?

18 A Yes, ma'am, we did.

19 Q And was anyone located inside the residence other than
20 the deceased body of James Hood?

21 A No, ma'am.

22 Q What did you do then?

23 A After the residence was cleared and made safe I spoke
24 with Captain Grant and was advised that a search warrant was
25 needed for the residence.

BRENNER HARTLEY - DIRECT

1 Q And did you obtain that search warrant?

2 A I did obtain it, yes, ma'am.

3 Q Did you also get consent of the homeowner, Angela Hood,
4 to enter the residence?

5 A Yes, ma'am.

6 Q And ultimately the body of James Hood was sent to
7 Newberry Pathology for an autopsy to be performed the next
8 day; is that right?

9 A Yes, ma'am.

10 Q As part of your duties with the police department, did
11 you attend that autopsy?

12 A I did.

13 Q Did you observe that autopsy as it was conducted by
14 Dr. Ross?

15 A I did.

16 Q Were you present in the room when Dr. Ross recovered
17 the bullet from the abdomen of James Hood?

18 A I was.

19 Q And did Dr. Ross and her team photograph that bullet in
20 your presence?

21 A Yes, ma'am.

22 Q Did she then -- did Dr. Ross then give the bullet to
23 you to be placed in evidence?

24 A She did.

25 Q And did you sign the receipt of that bullet?

BRENNER HARTLEY - DIRECT

1 A I did.

2 Q She also gave you a tube, a lavender top tube of blood
3 to be sent to SLED via your department for DNA analysis; is
4 that right?

5 A Yes, ma'am.

6 Q And did you take the bullet and the blood to the
7 Lancaster Police Department and submit those into evidence?

8 A I did.

9 Q Okay.

10 MS. COLLINS: One moment, please.

11 THE COURT: All right.

12 (Break in proceedings.)

13 Q Mr. Bailiff is handing you an exhibit that was
14 previously marked as State's 10 for ID purposes. Can you
15 tell us, do you believe that to be the bullet that was
16 retrieved from the body of James Hood and given to you by
17 Dr. Ross?

18 A I do.

19 Q Thank you. And so when you received that, did you
20 place that in evidence?

21 A I did.

22 Q And you placed that in evidence with the evidence
23 department at Lancaster Police Department?

24 A I did.

25 Q And when you did that, did you sign an evidence form

BRENNER HARTLEY - DIRECT

1 with your department?

2 A I did.

3 Q Mr. Bailiff is going to show you something that's been
4 marked as State's Exhibit 11 for ID purposes. I'm going to
5 ask you, do you recognize that form?

6 A I do.

7 Q Is that a true and accurate copy of the form that you
8 filled out where you submitted these two items into
9 evidence? And the two items were the bullet and also the
10 lavender top tube of blood to be submitted to SLED for DNA
11 analysis; is that right?

12 A Yes, ma'am.

13 Q Thank you.

14 MS. COLLINS: Your Honor, I would move State's Exhibit
15 11 into evidence at this time.

16 MS. BOULWARE: No objection.

17 THE COURT: Entered into evidence.

18 MS. COLLINS: I would also move State's Exhibit 10 into
19 evidence at this time.

20 MS. BOULWARE: No objection.

21 THE COURT: Entered into evidence.

22 (The items were received as State's 10 and 11.)

23 Q Thank you. Lieutenant Hartley, so you were there on
24 scene, you surrounded and cleared the evidence -- cleared
25 the residence, and once it was determined safe you then --

BRENNER HARTLEY - DIRECT

1 you secured the search warrant, of course at some point, got
2 the consent of the homeowner to search, and the next day
3 went to the autopsy. Did you have any other involvement in
4 the investigation of this case that you recall?

5 A After I brought the evidence back from autopsy they
6 were submitted into evidence and given to our evidence
7 custodian at the time, which was Sabrina Culp.

8 Q All right. And since then, have you had any other
9 involvement other than preparing and coming to court today?

10 A No, ma'am.

11 Q And you said Lieutenant Hall and Captain Grant were
12 with you when y'all entered the residence to secure it and
13 make sure there wasn't still an armed shooter inside.

14 A Yes, ma'am, those two officers as well as Lieutenant
15 Witherspoon.

16 Q And there was no armed shooter located inside the
17 residence at that time, correct?

18 A No, ma'am, there was not.

19 Q Did y'all canvas the area to see if the community might
20 be in danger at that time from someone being in the
21 neighborhood with a firearm?

22 A Us as well as the Lancaster County Sheriff's
23 Department.

24 MS. COLLINS: Thank you. Please answer any questions
25 of the defense attorney.

SABRINA CULP - DIRECT

1 CROSS EXAMINATION

2 BY MR. FRICK:

3 Q You know I couldn't let you get away without asking you
4 a question, right? How are you doing, Mr. Hartley? It's
5 been a long time since I've seen you.

6 A It has been a long time.

7 Q Did you take any statements in this case?

8 A No, sir, I did not.

9 Q So the evidence you collected is exactly what the
10 solicitor said here?

11 A Yes, sir.

12 Q As an investigator, did you enter that residence with a
13 body-worn camera?

14 A No, sir.

15 MR. FRICK: Okay. Thank you, sir, that's all the
16 questions I have.

17 REDIRECT EXAMINATION

18 BY MS. COLLINS:

19 Q Did your department have body-worn cameras at the time?

20 A At the time, no, ma'am, we did not.

21 Q You did not?

22 A Did not.

23 MS. COLLINS: Thank you. No further questions. We
24 would ask that this witness be excused.

25 THE COURT: Thank you, sir, you can step down and

SABRINA CULP - DIRECT

1 approach if you need to.

2 THE COURT: Yeah, y'all come on up here and tell me
3 what you think.

4 (Break in proceedings.)

5 THE COURT: All right. Ladies and gentlemen, I have
6 been advised that there are couple of witnesses left for the
7 State today prior to breaking, and remember, I have a
8 conflict for this afternoon, an appointment out of town. I
9 wanted to run until about 12:30 but I can't go any later
10 than 12:30, so for that reason we're going to go ahead and
11 break for the day. Remember, and I will readvise you, don't
12 do any independent research on the case. Don't consider any
13 evidence or look at any news or listen to anybody or talk
14 about this case, because your duty is to judge this case
15 from the evidence only in this courtroom. Okay? Y'all have
16 a wonderful afternoon/evening, be back ready to roll
17 tomorrow morning at 9:00 a.m. Okay? See you then. Thank
18 you very much.

19 (The jury left the courtroom.)

20 THE COURT: No. Why you're here. Let's go on the
21 record. All right. This is juror number -- hang on, I
22 don't want to --

23 THE JUROR: Twenty.

24 THE COURT: Juror number 20. Just tell them what you
25 were telling me, sir, for the record.

SABRINA CULP - DIRECT

1 THE JUROR: Okay. I'm a pharmacist and knew some
2 information about drug interactions and I would like to
3 discuss it with you guys if there's --

4 THE COURT: You can't discuss it with the lawyers, you
5 just have to --

6 THE JUROR: Discuss it with the Court?

7 THE COURT: Well, you can't discuss it with me, you
8 just have to talk about whatever -- you're not supposed to
9 discuss it with the jury because your discussions is limited
10 to the evidence that's shown in this courtroom.

11 THE JUROR: Right. That's my stipulation if that's
12 all, we didn't have adequate evidence to make a decision.
13 The witness yesterday, you know, she gave her opinion, which
14 is what she was supposed to do, and her opinion was it was a
15 lack of drugs that caused, you know, the outburst was the
16 reason for it. And she also said that the defendant was
17 taking -- when he was in prison was taking Desipramine, and
18 when he was out in the community he was given Tegretol. And
19 I just happen to know as a pharmacist that if you take those
20 two things it's complicated, and I can explain it, but
21 taking them together you go psychotic. And she was acting
22 like -- the impression that I got from her was that he got
23 out of prison with no medicine, but I kind of know that the
24 State of South Carolina gives you a 30 day supply when you
25 leave. It's possible he could have been taking that

SABRINA CULP - DIRECT

1 medicine, and I don't have any evidence to prove it or --
2 that's why I wanted to find out if he was taking it. And
3 then he had a doctor's appointment on the 5th and we don't
4 know what happened there. And, you know, if he was given
5 the other medicine there was a possibility -- I mean, you
6 can take two doses of it and you would be off the chain. So
7 I just wanted to say that if we had other information -- I
8 don't have any other information other than what was told
9 yesterday, but I do know some things that I wanted to share.
10 I'm sorry if it was out of order.

11 THE COURT: No, sir. Thank you. I'm glad you
12 disclosed that to us. As you will recall that I instructed
13 y'all several times, you're to consider only the evidence in
14 this courtroom and go by the evidence you received.

15 THE JUROR: And her opinion was not complete.

16 THE COURT: Certainly I'm not naive to the fact that
17 all of you have your own life experiences and your knowledge
18 as well, but, you know, you can't --

19 THE JUROR: I'm not trying to tell the Judge what to
20 do.

21 THE COURT: Absolutely. Thank you for letting us know
22 and we'll see you tomorrow morning. Thank you, sir.

23 THE JUROR: Thank you.

24 (The juror left the courtroom.)

25 THE COURT: All right. The door is closed. Yes,

SABRINA CULP - DIRECT

1 ma'am? OF course, like I advised him then and just advised
2 him again, just go by what you hear. Certainly you can use
3 your own life experiences to make whatever decision you want
4 to make but you can't consider outside influence. Now, I
5 mean, it appears that's what he's doing, but then again he's
6 a knowledgeable fellow apparently being a pharmacist, so I
7 don't know what y'all want to do. I mean, he's -- for the
8 purpose of jury demographics he's 70 years old and he chose
9 to serve, he wants to serve his community by being on a
10 jury, his civic duty. So y'all want to marinate on it
11 overnight and decide what y'all would like to do?

12 MS. COLLINS: I do. I would like to think about it
13 overnight.

14 THE COURT: We can deal with this in the morning.

15 MS. COLLINS: What time would you like us here in the
16 morning?

17 THE COURT: Well, 8:45 again. Y'all be ready to roll
18 at 8:45. I told the jury 9:00 but they'll tell them to be
19 here at 8:45, so I would like to start promptly at 9:00 if
20 that's okay. And, you know, if we do end up removing him
21 because we're concerned about, you know, him leading the
22 jury down -- I don't want a "rabbit hole" of something,
23 that's the province of the jury, what they discuss in the
24 jury room is up to them. But then again, I don't want that,
25 you know, really obfuscating the details of this case.

SABRINA CULP - DIRECT

1 Okay? Do y'all understand my concern?

2 MS. BOULWARE: Yes, sir.

3 MS. COLLINS: Yes, thank you.

4 THE COURT: Just think about it, let me know what you
5 want to do. That would just leave us the 12, no alternates
6 for the rest of the week, but let's just see where it goes.
7 Okay? See you in the morning. Court is in recess until
8 tomorrow morning.

9 (Court recessed for the day and resumed at 9:00 a.m.
10 On Wednesday, April 14, 2021.)

11 THE COURT: Before we bring the jury in I wanted to
12 deal with the one issue that we left at the end of
13 yesterday's testimony and that of the juror number 20. Let
14 me tell you what my thoughts are, ladies, before I decide
15 what I'm going to do. You know, certainly y'all have a
16 say-so in what you want and who you choose to be on the
17 jury, obviously, and certainly y'all have a position on
18 whether the juror should remain or not, but ultimately it's
19 my decision. Let me think about what I'm thinking about.
20 You know, what he was talking about yesterday he's basing
21 upon his life experiences and his knowledge for what he does
22 for a living, that's why I kind of intimated yesterday,
23 that's really the providence and the secrecy of the jury
24 deliberation room. We always tell the jury that they are to
25 judge the credibility and the weight of evidence submitted.

SABRINA CULP - DIRECT

1 Okay? And I don't know what they discuss or how they
2 discuss it. Certainly I tell them they can't bring in
3 outside news and media and that kind of stuff, but I don't
4 necessarily think it's improper for a juror to use his or
5 her own experience in dealing with something in discussing
6 evidence that comes before the Court. I think it goes more
7 to credibility or believability of the evidence than
8 anything, so that's kind my feeling on it. Do y'all wish to
9 add anything on there?

10 MS. COLLINS: Yes, Your Honor.

11 THE COURT: Yep.

12 MS. COLLINS: I certainly agree with your thoughts in
13 that matter. However, I also have a concern that then we're
14 getting into an issue that takes a certain expertise. He
15 hasn't been qualified as an expert and so for him to just go
16 back there and say, "I've been a pharmacist for X number of
17 years," he hasn't been qualified by the Court as an expert,
18 nor has he been subject to cross examination by either of
19 the attorneys for either side, so I've got some concerns
20 about that. I also have concerns about going forward with
21 no alternate two or three more days.

22 THE COURT: That's one of the biggest concerns I have.

23 MS. COLLINS: Me too, that's scary. But he seems so
24 eager to talk about it, but he also seemed like someone that
25 could follow the instructions of the Court. Out of an

SABRINA CULP - DIRECT

1 abundance caution, I discussed it with my boss, who is a lot
2 smarter than I am, he asked me to ask that he be removed and
3 we put an alternate in place. So that's our position.

4 THE COURT: All right. Thank you.

5 MS. BOULWARE: Judge, I'm leaning to agree with you. I
6 think the whole reason I wanted a pharmacist on there was
7 because he would bring that experience to the jury. We
8 don't know what jurors are experts in what when we put them
9 on there, I don't know that we need to know that. That's
10 not the point of picking a jury is worried about who's an
11 expert and what. But I think he can follow directions. He
12 disclosed it to you it seemed before he talked with any
13 other juror about it. I get his concern that he wants more
14 information but that is what the rest of the trial is for,
15 so hopefully he will get that.

16 THE COURT: Every trial -- not to interrupt you but I'm
17 going to hit on that point -- every trial I do, whether it's
18 a -- regardless of the verdict one of the things I do as the
19 Officer of the Court is I go and I talk to the jury at the
20 end to answer any questions that they may have about the
21 process and about things, and I hear all of the time, "Why
22 didn't they do this, or why didn't they introduce this?
23 Well we wanted to hear about this." And, of course, I
24 always said, "Well, y'all followed my instruction not to
25 speculate, right?" And, of course, they say, "Yeah, that's

DALE JOHNSON - DIRECT

1 right. But, you know, we wish they would have." And, of
2 course, you know, all trials are just that, they are trials.
3 Everybody tries to do their best, it goes with the evidence
4 we have. I agree with you, Ms. Boulware, I'm not going to
5 remove this juror. You know, y'all -- the State is
6 protected in the record on this issue. I thought about it
7 last night and I just think that would be invading the
8 province of the jury. I will emphasize when I instruct the
9 jury that you go by the law I instruct you, go by the
10 evidence you hear in this courtroom, not anything else.
11 Okay? And you judge the credibility or the believability of
12 the evidence. Okay? And I think that would cure anything.
13 He's a very attentive juror, very eager like I said
14 yesterday. He is more than five years over the age of
15 exemption, he wanted to serve, he's here, so that's the
16 reason why I'm going to do what I'm going to do. And there
17 you go. I understand your concern, Madam Solicitor, and
18 you're protected in the record and hopefully everything will
19 go well.

20 MS. COLLINS: Thank you, Judge. On another matter, may
21 we approach briefly? I have a security concern.

22 THE COURT: Sure.

23 (A bench conference was held.)

24 (The jury returned to the courtroom.)

25 THE COURT: All right. All members of the jury are

DALE JOHNSON - DIRECT

1 present. Good morning, ladies and gentlemen. I got y'all's
2 note or comment about the glare in here. Unfortunately the
3 only way we can automatically do it is if everything goes
4 dark and we're going to project something up on the screen.
5 There is a manual way to do it but my bailiff is not going
6 to be in the middle of y'all with the manual stuff during
7 the trial, so at a break we'll have that done. We'll take
8 it down about halfway to reduce the glare. Okay? All
9 right. Let's go ahead and start this morning. Madam
10 Solicitor, you may call your next witness.

11 MS. COLLINS: Thank you, Your Honor. The next witness
12 for the State is Dale Johnson.

13 The witness, DALE JOHNSON, was first duly sworn and
14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. COLLINS:

17 Q Good morning.

18 A Good morning.

19 Q If you can please speak into that microphone as much as
20 possible, these plexiglass barriers kind of break up the
21 sound waves and makes it even harder to hear.

22 A Okay.

23 Q Thank you. What is your occupation?

24 A I'm a detective with the Fort Mill Police Department.

25 Q How long have you been a law enforcement officer?

DALE JOHNSON - DIRECT

1 A A little over 16 years.

2 Q I think you're leaning a little too close now. Thank
3 you. And you're currently with the Fort Mill Police
4 Department. Where were you employed previous to that?

5 A Lancaster Police Department.

6 Q Okay. And have you been employed at any other law
7 enforcement agency?

8 A I have, at the Tega Kay Police Department briefly.

9 Q In June of 2014, where were you employed?

10 A Lancaster Police Department.

11 Q Were you on duty on June 10th, 2014?

12 A I was on call as an investigator.

13 Q And did you respond to [REDACTED] Caroline Court in Lancaster,
14 South Carolina?

15 A Yes, ma'am.

16 Q Is that residence within the city limits of Lancaster?

17 A It is.

18 Q And it's within Lancaster County, South Carolina also?

19 A Yes, ma'am.

20 Q And that's at Caroline Court Apartments, correct?

21 A Correct.

22 Q And [REDACTED] was the one you went to?

23 A Correct.

24 Q What did you do when you arrived at the scene of
25 Caroline Court?

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1 A I got with Lieutenant Hall, asked him what he needed.
2 At that time they told me that the suspect in the case was
3 being transported to Columbia to the hospital there and I
4 was told to respond there to obtain a GSR kit on the
5 suspect.

6 Q What is a GSR kit?

7 A Gunshot Residue Kit.

8 Q All right. Now, let's back up a minute. You said
9 Lieutenant Hall, is that now Captain Phillip Hall?

10 A It is, yes, ma'am.

11 Q He was Lieutenant Hall at the time, head of your
12 special operations department?

13 A It was Captain Grant, who is now the chief, was the
14 head over it. Lieutenant Hall was the first one I made
15 contact once I got on scene.

16 Q Okay. And special ops at the city police department,
17 that's like the investigation team; is that correct?

18 A Yes, ma'am.

19 Q Did you help clear the residence itself and search and
20 make sure that the armed shooter was not still within the
21 residence?

22 A Not that I recall.

23 Q Okay. So when you arrived there and you spoke with
24 your lieutenant, Lieutenant Hall, and you were instructed to
25 go to the hospital and get a GSR kit on the defendant?

DALE JOHNSON - DIRECT

1 A Correct. That was -- I had to get a search warrant
2 prior to that.

3 Q All right. To allow you to take the kit; is that
4 right?

5 A Correct. Yes, ma'am.

6 Q So it had already been determined that the suspect had
7 been shot and was being transported to the hospital?

8 A Yes, ma'am.

9 Q And the hospital to which he was transported was in
10 Columbia, South Carolina; is that right?

11 A Yes, ma'am.

12 Q I believe it was called Palmetto Richland Memorial
13 then; is that right?

14 A Yes, ma'am.

15 Q And did you work with a law enforcement officer in
16 Richland County to go before a magistrate there, a
17 magistrate judge in Richland County since that hospital was
18 in Richland County?

19 A Correct. Yes, ma'am.

20 Q And you worked with that officer to get that search
21 warrant secured and issued by the judge?

22 A Yes, ma'am.

23 Q And did the judge issue that search warrant?

24 A He did, yes, ma'am.

25 Q And that permitted you to then go to the hospital and

DALE JOHNSON - DIRECT

1 take the gunshot residue sample from the hands of the
2 defendant, Jermaine Grier?

3 A Correct. Yes, ma'am.

4 Q How do you take a GSR kit? Would you just explain that
5 to all of us?

6 A In a GSR kit it comes with several different items in
7 there. It's little round plastic things, and it comes with
8 instructions on how to get that off. On each piece it has
9 got -- on the instructions at the time it had a piece or a
10 hand on there, and it shows you how to get it off. It gives
11 you step by step instructions on how to obtain that GSR kit
12 from the defendant.

13 Q And the purpose is to -- because when a firearm -- when
14 someone uses a firearm and the bullet goes out some gunshot
15 residue then is projected also from the barrel, correct?

16 A Correct. Yes, ma'am.

17 Q And you're testing to see if any of that -- those
18 particles are on the hands of the alleged shooter; is that
19 right?

20 A Correct, yes, ma'am.

21 Q So you use those swabs to swab the back of each hand;
22 is that right?

23 A Correct.

24 Q And also the palms of each hand?

25 A Yes, ma'am.

DALE JOHNSON - DIRECT

1 Q And when you went to the hospital at Richland Palmetto
2 at the time, did you see the defendant?

3 A Not immediately. He was in surgery.

4 Q So when you arrived there he was already in surgery?

5 A Correct. Yes, ma'am.

6 Q So you had to wait until the surgery was completed,
7 correct?

8 A Yes, ma'am.

9 Q And wait until it was determined by the doctors that he
10 was in a situation --

11 MS. BOULWARE: Objection, Your Honor. Could you
12 instruct the solicitor to please let the witness testify?

13 THE COURT: All right. Just don't lead, please.

14 MS. COLLINS: I'll certainly rephrase. Thank you.

15 Q What did you do once you were allowed to see the
16 defendant?

17 A I completed a gunshot residue kit.

18 Q But you don't know -- what, if anything, did the --
19 what, if anything, did the doctor tell you, or the medical
20 staff tell you regarding what had transpired in terms of
21 cleaning the defendant's body before they did surgery?

22 A I don't recall them saying anything. They could have,
23 but again, I don't recall.

24 Q All right. But you did observe, did you not, that he
25 at a minimum had an IV in his arm?

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1 A Correct, yes, ma'am.

2 Q And the surgery that he had had and him going to the
3 accident -- or the hospital, of course, that was after the
4 incident involving Shareika McIlwain and after the incident
5 involving Roger Lowery, correct?

6 A Correct. Yes, ma'am.

7 Q What time did you see the defendant and take the kit?

8 A I don't remember the exact time, but it would have been
9 closer to the morning hours.

10 Q Of June 11th, the next day?

11 A Correct. Yes, ma'am.

12 Q One moment, please. Would it refresh your memory to
13 look at the return, the search warrant where you filled out
14 and then presented that to the judge saying that the search
15 warrant has been completed and the kit has been obtained?
16 Would that help you?

17 A That's fine, yes, ma'am.

18 MS. COLLINS: I would ask the bailiff to come forward.

19 Q I'm requesting the bailiff to hand you a piece paper,
20 I'm going to ask if you recognize that.

21 A I do, yes, ma'am.

22 MS. COLLINS: Judge, I am not offering that into
23 evidence, I'm just letting the witness refresh his memory.

24 Q And that is the return, the form that's filled out
25 letting the judge now you have, in fact, collected the

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1 evidence, which the search warrant permitted you to seek; is
2 that right?

3 A Correct, yes, ma'am.

4 Q And does that reflect what time the gunshot residue kit
5 was collected from the defendant?

6 A The return was done at 02:30 on the 11th.

7 Q I'm sorry. The top of the return, it states that the
8 kit was collected at 2:30 a.m.?

9 A Yes, ma'am.

10 Q On June 11th of 2014?

11 A Correct, yes, ma'am.

12 Q And after you collected that kit -- I keep calling it
13 the kit. The kit is utilized to do the collection, right?

14 A Correct. It just contains everything that you need to
15 do the GSR kit.

16 Q So once you collected the samples, did you put them
17 in -- I'm sorry, I'm so tired I can't even talk -- an
18 evidence envelope and submit it to the evidence department
19 at the Lancaster Police Department?

20 A I did, yes, ma'am.

21 Q And that would have been turned in to Sabrina Culp, who
22 was the evidence custodian at the time at Lancaster Police
23 Department; is that right?

24 A Yes, ma'am.

25 MS. COLLINS: Thank you. No further questions. Please

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1 answer any questions of the defense team.

2 THE COURT: Ms. Boulware?

3 MS. BOULWARE: Thank you. Just briefly.

4 CROSS EXAMINATION

5 BY MS. BOULWARE:

6 Q Investigator Johnson, you didn't have any other role in
7 this investigation other than to go to the hospital and try
8 to collect the GSR kit, or GSR of Mr. Grier?

9 A To the best of my recollection, yes, ma'am.

10 MS. BOULWARE: Okay. Beg the Court's indulgence.

11 (Break in proceedings.)

12 MS. BOULWARE: That's all I have.

13 MS. COLLINS: Nothing further.

14 THE COURT: All right.

15 MS. COLLINS: Nothing further. We would ask that this
16 witness be excused.

17 THE COURT: All right. Thank you, sir, you can step
18 down. Call your next witness.

19 MS. COLLINS: Thank you. The State calls Chief Scott
20 Grant of the Lancaster Police Department?

21 The witness, SCOTT GRANT, was first duly sworn and

22 Testified as follows:

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q Good morning.

SCOTT GRANT - DIRECT

1 A Good morning.

2 Q Would you please state your name?

3 A Scott Grant.

4 Q What is your occupation?

5 A I'm a police officer.

6 Q How long have you been a law enforcement officer?

7 A About 35 years.

8 Q And were all of those years with the Lancaster Police
9 Department?

10 A No, ma'am.

11 Q Tell us about your career, please.

12 A I started off as a military policeman in the Army. I
13 was a police officer for five years in Salt Lake City, Utah,
14 about four and a half years for the Lancaster County
15 Sheriff's Office, and the remainder has been in the city.

16 Q Thank you.

17 THE COURT: Sir, back up from the microphone just a
18 little bit. I'm having the clerk's office check on why
19 there's a reverb or an echo with yours and -- hang on -- me
20 too. I don't know what's going on but we're going to try
21 and figure it out. All right.

22 Q Chief Grant, in June of 2014, where were you employed?

23 A At the Lancaster Police Department.

24 Q What was your position with the Lancaster Police
25 Department in June of 2014?

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1 A I was a Captain and Commander over the Special
2 Operations Division.

3 Q And being the Commander of the Special Operations
4 Division, were you in charge of that division?

5 A Yes, ma'am.

6 Q And was that the investigative team there at the police
7 department?

8 A Yes.

9 Q Is that similar to a detective division in other
10 agencies?

11 A Pretty much the same thing, yes, ma'am.

12 Q As commander, were you on duty on June 10th, 2014?

13 A No, I was actually home.

14 Q As the commander, are you always subject to call if
15 there's a violent crime, or a crime that you feel you need
16 to respond to?

17 A Absolutely.

18 Q And did you respond to [REDACTED] Caroline Court?

19 A Yes, ma'am, I did.

20 Q What time did you arrive there?

21 A I would have to refer to the crime scene entry log, I
22 really don't know. I know it was some time that evening.

23 Q Is that the address that's -- is that address within
24 the city limits of Lancaster?

25 A Yes, ma'am.

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1 Q While we locate that log for you, what did you do when
2 you arrived there?

3 A When I first arrived I was briefed by Lieutenant Hall
4 about what was known at the time and started making some
5 preliminary arrangements to kind of make sure that
6 everything was secure, get an idea of what we needed to do
7 from that point forward.

8 Q At the time you arrived there, had the suspect been
9 located?

10 A No.

11 Q Had a suspect been identified?

12 A Yes, tentatively had been identified.

13 Q I'm sorry, I couldn't hear you.

14 A Tentatively he'd been identified by some --

15 THE COURT: Sir, flip that microphone up just a little
16 bit. There you go.

17 A -- by the child witnesses, yes.

18 Q And who was identified to be the suspect at that time?

19 A The defendant.

20 Q Had anyone entered the home at the time that you
21 arrived?

22 A No, not to our knowledge anyway.

23 MS. COLLINS: Mr. Bailiff, would you please hand this
24 to the witness to refresh his memory?

25 Q That is not marked with a sticker for evidence purposes

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1 because I'm not offering it into evidence, just to refresh
2 your memory. That is actually the crime scene log; is that
3 correct?

4 A Yes, ma'am.

5 Q But unfortunately it does not have the time; is that
6 right?

7 A It does not.

8 Q But what it does have is your name as the first person
9 that's registered on that log, right?

10 A Yes, ma'am.

11 Q So everyone else would either have come after you or
12 have been there at the same time that the crime scene log
13 was started, right?

14 A Yes. Actually we were probably there prior to the log
15 being started and that's why it has Lieutenant Hall, myself
16 and Lieutenant Witherspoon there pretty much all at the same
17 time.

18 Q Thank you. Now, when you arrived you said the suspect
19 had not been located. To your knowledge, had anyone gone
20 inside the residence?

21 A No.

22 Q And when you arrived you said Lieutenant Hall was
23 there, correct?

24 A Yes.

25 Q And who else was there to -- for the purposes of

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1 entering that residence and searching or clearing it as you
2 call it, search and see if the suspect was still there?

3 A Well, based on the information from the children that
4 nobody had seen the shooter leave the apartment, and out of
5 concern for the welfare of the other person inside we
6 decided to put together a quick-entry team to make entry
7 into the residence. So that consisted of myself, Lieutenant
8 Hall, Sergeant Hartley and Lieutenant Witherspoon.

9 Q All right. Was there a back door to the residence?

10 A I would assume so, yes.

11 Q So once you put together that team, did y'all enter the
12 residence?

13 A We did, yes, ma'am.

14 Q Did you go through the residence seeking if there
15 was -- who all was there?

16 A We did. The first thing we do is we what we call stack
17 on the door and we initiate a call-out which is calling out
18 to anyone that is inside to identify themselves. After
19 receiving no response we did make entry to check.

20 (Break in proceedings.)

21 Q Chief, you've got such a deep voice, I think if you try
22 to just project as if you didn't have the microphone and
23 you're trying to talk from there I think it will help.

24 MS. COLLINS: I'm going to ask the chief bailiff,
25 please, to hand these exhibits to the witness, they're

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1 numbered from 16 to 40. We have removed 26, 30 and 31 that
2 we reviewed with defense counsel and have determined that
3 they were cumulative or unnecessary.

4 Q I would ask you to look through those pictures, if you
5 will, for a moment, and then I'm going to ask you some
6 questions about them.

7 A (Witness complies.) Okay.

8 Q Thank you. Chief, when you entered the residence you
9 were point on the entry, so you saw everything first; is
10 that right?

11 A Yes, ma'am.

12 Q You led your men inside?

13 A I did.

14 Q Okay. Looking at those pictures, are those fair and
15 accurate depictions or representations of the scene as you
16 saw it when you entered the residence on June 10th, 2014?

17 A With the exception of some evidence markers, yes.

18 Q With the exception of evidence markers?

19 A Yes, ma'am.

20 Q All right. Thank you.

21 THE COURT: Your Honor, at this time I'm going to move
22 those items into evidence.

23 Q What is the first sticker number? Is it 16? If you
24 will look at that first picture I gave you on the back.

25 A Yes, 16.

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1 Q All right. And the last number?

2 A Forty.

3 Q All right. Thank you.

4 MS. COLLINS: I move State's Exhibits 16 through 40,
5 with the exception of the numbers 26, 30 and 31, which have
6 been removed previous to handing them to the witness, I move
7 those exhibits into evidence at this time.

8 MS. BOULWARE: No objection.

9 THE COURT: Without objections those exhibits are
10 entered into evidence.

11 (The photos were received into evidence.)

12 MS. COLLINS: Judge, we need to publish those to the
13 jury and just walk through those real quickly. So if I
14 could have a minute -- and the jury is going to need to just
15 turn their chairs.

16 THE COURT: Oh yeah, we have a projector. So yeah, if
17 y'all could do that.

18 (Break in proceedings.)

19 MS. COLLINS: Judge, I'm going to show the witness,
20 starting with State's Exhibit 16.

21 Q Is this the exterior of the residence at [REDACTED] Caroline
22 Court as you saw it that night?

23 A Yes.

24 Q All right. And I see there's a ramp, like a wheelchair
25 ramp going up to the front; is that correct?

SCOTT GRANT - DIRECT

1 A That's correct.

2 Q All right. State's Exhibit 17. This is just another
3 showing a little bit further to where that residence ends;
4 is that right?

5 A Yes, ma'am.

6 Q Okay. State's Exhibit 18, again, it's showing the
7 corner of the residence; is that right?

8 A Correct.

9 Q State's Exhibit 19 shows -- again, you're around the
10 side then, we're just showing the perimeter of the exterior
11 of the house. Okay? Is that correct?

12 A Yes, ma'am.

13 Q All right. State's Exhibit 20, again, shows around the
14 side where the clothesline is; is that right?

15 A Yes.

16 Q Twenty-one, continuing along the side of the house,
17 correct?

18 A Yes.

19 Q Twenty-two. That's around the back corner of the
20 house; is that right?

21 A Yes.

22 Q Well, actually you can still see the clothesline but --
23 all right. And then 23 is just another view of one of the
24 sides of the house, correct?

25 A Yes, ma'am.

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1 Q Okay. Now, 24 is also showing the interior of the
2 home. Is that the den area and you see the side of the TV?

3 A That's the living room when you first enter the
4 residence.

5 Q Okay. The living room?

6 A Yes.

7 Q Twenty-five. Also showing the couches or love seat or
8 a chair in the living room?

9 A Yes, ma'am.

10 Q All right. Now, the point I want to ask you is other
11 than at the back of the house, was there anything that
12 appeared to be disturbed in the other rooms of the house?

13 A No, there was not.

14 Q Thank you. So 27 is a picture of it looks like the
15 kitchen, like that's the side of the refrigerator; is that
16 right?

17 A Yes.

18 Q Again, no disarray, no overturned lamps, correct, or
19 anything?

20 A No.

21 Q Twenty-eight. The area with the kitchen table, right?

22 A Yes.

23 Q Nothing disturbed; is that right?

24 A Correct.

25 Q Twenty-nine. Just a better angle showing the whole

SCOTT GRANT - DIRECT

1 kitchen area from the side; is that right?

2 A Yes, ma'am.

3 Q Thirty-two. That's just showing the coffee table there
4 in the den. There were some ashtrays there with some
5 discarded cigarette butts as well as a phone and it looks
6 like a remote; is that right?

7 A Yes, ma'am.

8 Q Okay. You were there when the SLED crime scene unit
9 went through and took these pictures, right?

10 A I was.

11 Q Thirty-three. Now, this is the hallway going towards
12 the back of the house, right?

13 A Yes.

14 Q So when you entered the front door you've got the den
15 area, does the hallway go off to the right?

16 A Yes, it does.

17 Q Okay. And in the hallway I see what's known or called
18 sometimes as an evidence tent that has the letter A on it;
19 is that right?

20 A Yes, ma'am.

21 Q So that's showing there's something at the time there
22 was of interest to the team; is that right?

23 A Correct, yes.

24 Q And so the next picture, 34, a little bit closer view
25 of that, correct?

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1 A Yes.

2 Q Okay. And then I'll show you an even closer view,
3 Number 35. Okay. So that's showing a close-up view of what
4 was there at the tent in the hallway, and that was a
5 cigarette butt; is that correct?

6 A Yes.

7 Q Okay. And the team collected that because they didn't
8 know at that time if it was important; is that right?

9 A That's correct.

10 Q Thirty-six. I'm going to show you a picture. This was
11 from the -- I'm trying to move it so the glare is not on it.
12 This was a photograph within the bedroom where the body of
13 James Hood was found; is that right?

14 A Yes, ma'am.

15 Q Okay. And that's got a wheelchair obviously beside the
16 bed, right?

17 A Yes.

18 Q Thirty-seven is just showing the far side of the bed.
19 You can see there that it's a hospital bed with metal rails,
20 correct?

21 A Yes, ma'am.

22 THE COURT: And ladies and gentlemen of the jury,
23 you're going to have all of these pictures back there,
24 they're in evidence. I know there's a glare up here but,
25 you know, that's the plexiglass' fault. Okay?

SCOTT GRANT - DIRECT

1 Q The next picture, the last one was 37, this is 38.

2 Again, you can see the wheelchair beside the bed, correct?

3 A Yes.

4 Q And can you describe to the very right corner, was that
5 the body of Mr. Hood as he was lying there? He was lying at
6 the foot of the wheelchair; is that right?

7 A Yes, ma'am.

8 Q Thirty-nine. Just, again, showing the immediate area
9 of the wheelchair, correct?

10 A Yes.

11 Q Now, to the best of your knowledge, there was no shell
12 casing found anywhere within the scene at [REDACTED] Caroline
13 Court; is that right?

14 A No, ma'am. We did not recover a shell casing.

15 Q And a shell casing is kind of like the jacket to a
16 bullet that is ejected if the firearm is the type that
17 ejects those when it's fired; is that right?

18 A Well, it's not the jacket, the jacket is actually
19 another part of the bullet. But it is just that, the shell
20 casing, the part that's left over from a fired round.

21 Q Okay. Thank you. But again, you didn't see any shell
22 casing there on the floor of either the -- in the bedroom or
23 where the body was found or anywhere in the home; is that
24 right?

25 A No, ma'am.

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1 Q And finally here is State's Exhibit 40 showing evidence
2 Tent B, and that's just a cigarette pack that was in the
3 pool of blood near the body of the victim; is that right?

4 A Yes.

5 Q Okay. Thank you.

6 MS. BOULWARE: Your Honor, I apologize but we need to
7 approach.

8 THE COURT: Okay. Ms. Boulware?

9 (A bench conference was held.)

10 MS. COLLINS: Thank you, Your Honor. The State's next
11 exhibit will be 42. It's not been shown to the witness yet.
12 If you could show this to the witness first before I present
13 it?

14 Q I show you what's been marked as State's Exhibit 42.
15 Is that a fair and accurate depiction of the picture of the
16 body of James Hood as you saw it when you entered the home
17 on June 10th of 2014?

18 A Yes, ma'am.

19 Q And it was lying there in the bedroom at the floor of
20 his wheelchair; is that right?

21 A That's correct.

22 MS. COLLINS: I move that State's exhibit into
23 evidence. Again, I think that's 42?

24 THE COURT: Any objection?

25 MS. BOULWARE: We object as noted earlier.

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1 THE COURT: Yeah. Objection noted earlier, objection
2 is overruled. Hand that to the bailiff, please. There you
3 go. And it's already been marked, Madam Solicitor?

4 MS. COLLINS: Yes, it's already been marked.

5 THE COURT: You may publish that exhibit.

6 (The photo was received as State's 42.)

7 MS. COLLINS: And just for the record, Exhibits 43 and
8 44 were offered and they've been withdrawn by the State and
9 the Court ruled that duplicative and I understand that and
10 accept that ruling. I just want the record to be clear as
11 to why we skipped those numbers.

12 THE COURT: The record is clear as to Exhibit 43 and
13 44, that those were withdrawn to be offered by the State.

14 Q Now, State's Exhibit 42, I'm going to show you these.
15 Now, this is what you just testified to was a fair and
16 accurate depiction of the body of James Hood as you saw it
17 that evening; is that right?

18 A That's correct.

19 Q Okay. And you see the body of the deceased there. Was
20 that an adult diaper that was on him?

21 A Yes.

22 Q Okay. And it's partially removed or partially pulled
23 down?

24 A Yes, ma'am.

25 Q All right. Thank you.

SCOTT GRANT - DIRECT

1 MS. COLLINS: Again, Your Honor, we'll have these all
2 to the jury. I just wanted to show them briefly for them to
3 have them in mind for the testimony.

4 THE COURT: Okay.

5 Q Now, at this time EMS had not been to the scene, is
6 that right? Or were they there staging?

7 A I believe they were there staging at that point, but
8 they were not --

9 Q Because the protocol is y'all have to make sure it's
10 safe even before they go into the residence; is that right?

11 A That's correct.

12 Q Okay. So then you were the first person in. Being the
13 point man for your team and leading your team in you were
14 the first person to see the body of James Hood; is that
15 right?

16 A Correct.

17 Q And did Mr. Hood -- was he breathing at that time?

18 A No, ma'am. He was -- he exhibited obvious signs of
19 being deceased.

20 Q Okay. He exhibited obvious signs of being deceased?

21 A Yes, ma'am.

22 Q Again, just keep speaking up if you would.

23 A Okay.

24 Q So no breathing, no movement.

25 A He was unresponsive, no breathing, no detectable pulse,

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1 no movement. He was actually a little rigid to the touch at
2 that point.

3 Q All right. And did you move the body in any way?

4 A No.

5 Q Okay. So based upon your years of training you left
6 the body exactly as it was?

7 A Yes.

8 Q Okay. And once y'all cleared the scene, did y'all
9 determine that there was no one else inside the home other
10 than the deceased body of Mr. Hood?

11 A Yes. We actually did that prior to assessing Mr. Hood.

12 Q Okay.

13 A So we checked the building, checked the apartment to
14 make sure there was no one else inside, checked Mr. Hood to
15 see if we could render any aid to him. And once it become
16 obvious to us that there was nothing we could do for him we
17 had EMS come in and verify that.

18 Q Ms. Bonine is asking if you could please speak up,
19 we're just having trouble back here. Thank you. So once
20 you assessed that no one else was in there, you assessed the
21 body of Mr. Hood; is that right?

22 A Yes, ma'am.

23 Q And so there was no one alive in the home, correct?

24 A Correct.

25 Q So the suspect was no longer inside the home, and as

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1 y'all went around the home you had determined he wasn't
2 immediately outside correct?

3 A That's correct.

4 MS. BOULWARE: Your Honor, may we approach?

5 THE COURT: Yeah.

6 (A bench conference was held.)

7 Q Did y'all canvas the area for the suspect?

8 A The immediate area, yes, to make sure --

9 Q Were y'all concerned that you had what appeared to be
10 an armed shooter that had already killed one person out in
11 the community?

12 A Correct, yes, ma'am.

13 Q All right. So at that point, what did the EMS team do
14 in terms of -- were they allowed to enter the scene then?

15 A They did. They entered, assessed Mr. Hood and found
16 him to be deceased.

17 Q All right. And ultimately did the coroner arrive?

18 A She did.

19 Q And was the SLED crime scene unit contacted by your
20 office?

21 A Yes. I contacted SLED, asked for a crime scene unit,
22 instructed another investigator, Sergeant Hartley, to start
23 preparing a search warrant for their arrival. And at that
24 point we pretty much just locked down the apartment until
25 those two things could happen.

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1 Q So the search warrant was secured, but ultimately the
2 homeowner, Angela Hood, the widow, also consented to that
3 search; is that correct?

4 A That's correct.

5 Q Without saying exactly what was said, did you hear
6 anything at all on the emergency radio about an incident
7 occurring in Lancaster County?

8 A Yes. We was made aware of another shooting in the
9 vicinity very close to our shooting but in the jurisdiction
10 of the county.

11 Q And what were your thoughts based upon your law
12 enforcement experience as to whether or not that could be
13 related to your incident?

14 A Well, at that point we considered it as likely as not.

15 Q Okay. But what did you do when you heard of that?

16 A I had some investigators go to that scene to see if
17 there was any similarities to see if we were dealing with
18 the same people.

19 Q Did you learn that the county scene was at West
20 Brooklyn Avenue?

21 A Yes.

22 Q And that is about two streets over from Caroline Court;
23 is that right?

24 A That's correct.

25 Q But you said that's in the county jurisdiction; is that

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1 right?

2 A Yes, ma'am.

3 Q To your knowledge all of the City of Lancaster lies
4 within Lancaster County; is that right?

5 A That's correct.

6 Q And once you sent your officers over to be present just
7 to determine whether or not the incident in the county was
8 related to the incident in the city, what happened then?

9 A It was determined that the suspect in their shooting
10 and their incident was the same suspect that we were looking
11 for.

12 Q And that was the defendant, Jermaine Grier?

13 A Yes, that's correct.

14 Q And he was the suspect that had been identified in your
15 scene, correct?

16 A Yes.

17 Q You've already testified that there were no shell
18 casings recovered from the floor of the scene. Were there
19 any unfired bullets located at the scene?

20 A Not at the scene, no.

21 Q Were there any yellow cleaning gloves located there at
22 the scene at [REDACTED] Caroline Court?

23 A Not at Caroline Court, no.

24 Q Anywhere within the city jurisdiction?

25 A No.

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1 Q And I'm going to back up to then the other shell
2 casings or other -- no shell casings located within the city
3 jurisdiction that night related to this case?

4 A That's correct.

5 Q And no unfired bullets located within the city
6 jurisdiction that night related to this case?

7 A No, ma'am.

8 Q Did you recover a firearm that was related to this case
9 there within the city jurisdiction?

10 A No.

11 Q Not that night?

12 A No.

13 Q Not at anytime; is that right?

14 A That's correct.

15 Q You were aware that SLED CSI did collect some evidence
16 there at the scene that they did not know at the time
17 whether or not might be related; is that right?

18 A Yes, ma'am.

19 Q One was the cigarette butt at the hall where we saw the
20 evidence tent A?

21 A Yes.

22 Q And one was an empty package of cigarettes that was in
23 the bedroom of the victim that had evidence tent B; is that
24 right?

25 A That's correct.

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1 Q And to the best of your knowledge, was it ultimately
2 determined whether or not that had any evidentiary
3 significance in this case?

4 A To the best of my ability it really didn't.

5 Q Was it determined whether or not others smoked in the
6 home?

7 A It appeared that more than the one smokes in the home.

8 Q Certainly there was an ashtray full of butts there in
9 the den, right?

10 A Yes.

11 Q The cell phone that was found on the table in the
12 living room, what was -- was it determined whether or not
13 that was related or of evidentiary significance in this
14 case?

15 A We initially seized it because it was damaged and we
16 didn't know the circumstances, but after speaking with Ms.
17 Hood and getting a background on that phone we determined it
18 was not of any value to our case.

19 Q It was not of value to your case?

20 A Correct.

21 Q Was it returned to the owner?

22 A It was.

23 Q Did the SLED team take fingerprints and a gunshot
24 residue kit from the body of the victim, James Hood?

25 A They did.

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1 Q And those were the only items that were taken by
2 evidence; the fingerprints -- into evidence by the SLED
3 team: The fingerprints and the gunshot residue kit, both
4 from the body of the victim; the cigarette butt in the
5 hallway; the empty package near the body of the victim in
6 the bedroom; and the phone; is that correct?

7 A That's correct.

8 Q Did you direct that an officer from your agency attend
9 the autopsy of the victim's body the next morning on behalf
10 of the Lancaster Police Department?

11 A I did.

12 Q To observe the autopsy and receive any evidence that
13 was removed from the body?

14 A Yes, that's correct.

15 Q One moment, please.

16 (Break in proceedings.)

17 MS. COLLINS: Mr. Bailiff, would you please hand
18 State's 41 that's been marked for ID purposes to the witness
19 to look at.

20 Q You've been handed State's Exhibit 41. Do you
21 recognize that document?

22 A I do.

23 Q Is that the diagram of the crime scene there at [REDACTED]
24 Caroline Court that was prepared by the SLED CSI team?

25 A Yes, ma'am, it is.

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1 Q You were there when they were there with you at the
2 SLED crime scene -- I'm sorry, at the [REDACTED] Caroline Court
3 crime scene, correct?

4 A Yes.

5 Q I think there's a note that it is not to scale, but
6 other than that it's a fair and accurate depiction of the
7 floor layout within the home at [REDACTED] Carline Court?

8 A Yes, it is.

9 Q And it also shows the location of the body being in the
10 back rear bedroom at the end of the hall; is that right?

11 A Yes, ma'am.

12 MS. COLLINS: At this time I would move State's Exhibit
13 41 into evidence at this time.

14 MS. BOULWARE: No objection.

15 THE COURT: Without objection entered into evidence.

16 (The diagram was received as State's 41.)

17 Q Did you direct the members of your department to go to
18 where Mr. Grier was located?

19 A Yes.

20 Q And did you direct that for security purposes they also
21 go to the hospital at Richland County and work with the
22 Richland County law enforcement to make sure that Mr. Grier
23 was within law enforcement custody while he was there?

24 A Yes, I did.

25 Q And was Mr. Grier ultimately released from the hospital

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1 there and sent in the custody of law enforcement back to
2 Springs Hospital here for a day or two?

3 A I believe that's correct, yes.

4 Q And then, of course, law enforcement also was there
5 guarding him at that time, too, correct?

6 A Yes, ma'am.

7 Q And ultimately Mr. Grier was determined safe and
8 medically sound to be placed in the detention center; is
9 that right?

10 A Yes.

11 Q And you had an opportunity to try to speak with him in
12 your department, correct?

13 A We did, yes.

14 Q And that was with at the time Lieutenant Phillip Hall
15 and yourself, correct?

16 A Yes.

17 Q All right. And that was videoed; is that right?

18 A I believe it was, yes.

19 Q All right. On June -- or the early morning of
20 June 11th, did you direct one of your officers to seek an
21 arrest warrant charging the defendant, Jermaine Grier, with
22 murder?

23 A We did. I did, yes.

24 Q And y'all secured that warrant?

25 A We did, yes.

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1 Q Thank you. And he was served with that warrant, Mr.
2 Grier was, during that interview when y'all spoke with him,
3 correct?

4 A I believe that's correct, yes.

5 MS. COLLINS: Thank you. Please answer any questions
6 of the defense team.

7 THE COURT: All right. Ms. Boulware?

8 MS. BOULWARE: Thank you, Judge.

9 CROSS EXAMINATION

10 BY MS. BOULWARE:

11 Q Good morning, Chief Grant.

12 A Good morning.

13 Q I just have a couple of questions for you. The photos
14 the solicitor published to the jury, did you personally take
15 any of those photos?

16 A No, ma'am. I believe all of the photos were taken by
17 the SLED crime scene unit.

18 Q Okay. And you testified that SLED also took the
19 fingerprints and GSR kit.

20 A Yes, ma'am.

21 Q Okay.

22 MS. BOULWARE: Beg the Court's indulgence.

23 (Break in proceedings.)

24 Q And you testified as well that you did have an
25 opportunity to talk with Mr. Grier after he was released

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1 from the hospital?

2 A Yes.

3 Q With Lieutenant Hall?

4 A Yes.

5 MS. BOULWARE: And that's all of the questions I have.

6 Thank you.

7 MS. COLLINS: Nothing further. We would ask that Chief
8 be allowed to be excused if he wishes to return to his
9 duties in the city.

10 THE COURT: Thank you, sir, you can step down. You're
11 still under subpoena.

12 MS. COLLINS: Your Honor, at this time I would move
13 into evidence State's Exhibits 13, 14 and 15. The defense
14 has previously stated to the Court they have no objection to
15 these items coming into evidence. They are a cover letter
16 email from SLED certifying their chain of custody of the
17 evidence items that were collected and submitted to them
18 both from the crime scene unit and other items on the city
19 case from the Lancaster Police Department as well as the
20 chain of custody related to items turned in from the
21 Lancaster County Sheriff's Department. So at this time I
22 would move into evidence State's Exhibits 13, 14 and 15 as a
23 certified chain of custody prepared upon request by a state
24 agency which is allowed under the rules.
25 MS. BOULWARE: No objection.

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1 THE COURT: All right. Without objection entered into
2 evidence.

3 (The documents were received as State's 13-15.)

4 MS. COLLINS: Your Honor, we are prepared for this next
5 witness.

6 MS. BONINE: State calls Phillip Hall.

7 THE COURT: All right.

8 The witness, PHILLIP HALL, was first duly sworn and
9 Testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BONINE:

12 Q Good morning. Will you please state your name for the
13 record?

14 A My name is Phillip Hall.

15 Q All right. And what is your occupation?

16 A Currently I'm the Patrol Division Captain for the
17 Lancaster Police Department.

18 Q And how long have you been a law enforcement officer?

19 A Since 1996. 25 years.

20 Q All with Lancaster Police Department?

21 A Four years with the Lancaster County Sheriff's Office
22 and the rest with the city police department.

23 Q So you're currently with the city then?

24 A Correct, yes, ma'am.

25 Q In June of 2014, where were you employed?

PHILLIP HALL - DIRECT

1 A In June of 2014, I was the second in command of the
2 special operations division for the Lancaster Police
3 Department.

4 Q Were you on duty the evening of June 10, 2014?

5 A I was not on duty. I have a tendency of listening to
6 my radios when I am not at work and heard the call come in
7 of a shooting at Caroline Court, so I immediately went ahead
8 and got dressed and responded to the scene.

9 Q And that's typical to hear the radio even though you're
10 off hours and still respond?

11 A My wife fusses at me all of the time for that, yes.

12 Q Do you recall approximately what time you heard that
13 call come out?

14 A It was, I want to say, right at 9:00.

15 Q 9:00?

16 A Yeah.

17 Q So did you respond then to that address of [REDACTED] Caroline
18 Court?

19 A I did. I live out there in the Buford area, it takes
20 me five minutes to get to town and Caroline Court is on the
21 other side of town. I was already dressed so all I had to
22 do was throw my gun and stuff on, so I probably made it
23 there within eight minutes.

24 Q And when you arrived, were you in a marked patrol car?

25 A I was in an unmarked Tahoe.

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1 Q And the address, the [REDACTED] Caroline Court, is that within
2 the city limits of Lancaster?

3 A It is, yes, ma'am.

4 Q And that's within the county limits of Lancaster, South
5 Carolina?

6 A It is.

7 Q What did you do when you arrived there?

8 A While responding to the scene I went ahead and called
9 my other investigators. Anytime we have a shooting incident
10 it's going to be a major scene, and we normally have one
11 detective on call, knowing that it's going to be a major
12 scene I went ahead and called the other detectives. I think
13 Sergeant Johnson was on call that night, so I went ahead and
14 called him immediately because he should have been the
15 primary, and then went ahead and called everybody else and
16 just had them respond to the scene because it was going to
17 be a major scene.

18 Q And just to back up, I'm sorry, I didn't clarify this
19 in the beginning. You talked about how you were the second
20 in command back in June of 2014. What is your rank today
21 actually?

22 A Today captain over -- I'm number two with the city
23 right now.

24 Q Great. Thank you.

25 A Second in command with the city.

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1 Q So when you arrived at [REDACTED] you testified that first
2 you called other detectives or other investigators because
3 of the severity or the size possibly of the investigation;
4 is that right?

5 A Yes, ma'am.

6 Q And what did you do in terms of approaching the scene,
7 or were you concerned about community safety at all? Were
8 there any concerns about that?

9 A Normally what I do if I'm the first -- like I said, I
10 was probably the first investigator on the scene, what I do
11 is I go find either the supervisor or the officer who
12 actually done the initial contact with the victim, and at
13 that time it was Lance Corporal Ratliff. I walked up to
14 him, I said, "Tell me what we've got." He advised that
15 information that he received is that the suspect and the
16 victim are still inside the house. Probably five minutes
17 later the chief pulled up, again, I was calling everybody
18 going to the scene so the chief was already in route --
19 excuse me, captain, he was captain then but chief now -- he
20 was already in route. And as soon as I pulled up after
21 Ratliff advised me of what we had, I told him what we had
22 and we possibly have a barricaded situation. At that time
23 Lieutenant Witherspoon, who was the shift supervisor,
24 already had containment on the house, which means the front
25 door, the side door, pretty much the A, B, C, D corners

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1 covered of the house. Nobody can go out the windows or go
2 out the door without being seen by the police. So we had
3 containment on the house. Then the chief told me to get a
4 RET team, or a rapid entry team or a rescue team, however
5 you want to say it, to go inside and try to locate, one, the
6 victim -- well, first the suspect and then the victim.

7 Q Okay. So you had the containment team. And then did
8 you eventually make entry yourself or any other officers?

9 A Right. Once I advised chief what he had he said, "Get
10 a RET team ready." And by that time we had other officers
11 coming. But I pulled pretty much everybody who was on the
12 SWAT team. Chief was on the SWAT team, Witherspoon was on
13 the SWAT team, Hartley was on the SWAT team and I was on the
14 SWAT team. I was actually a team leader on the SWAT team.
15 So I got a four man team -- knew the size of the house it
16 wasn't going to take that many officers to clear. We went
17 and ahead we posted up on the front door. Once everybody
18 was ready we gave squeeze up, and then, again, we done a
19 call out, no response, made entry. Chief was first, I was
20 second, I think Hartley was behind me and Witherspoon was
21 rear, and then we had Ratliff with K-9. He had the city
22 police department's K-9 standing outside on the A side, the
23 front side of the structure in case we had to call him in.
24 And once we got into the house, as soon as you walk in it's
25 the living room, the first room to the right was the

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1 kitchen, that's where the side door was. We saw the
2 hallway, a bedroom, we turned right. Once we cleared the
3 kitchen and the living room we made our way to the hallway,
4 looked down the hallway, chief had point so he could see
5 more than what I could see, he just yelled out what he saw.
6 He yelled out a bunch of doors, and we don't go by an open
7 door or a closed door if we don't have to. And he said he
8 saw the victim laying at the end of the hallway. We
9 couldn't immediately run to him because of the doors being
10 open for officer safety. By the time we got there, again,
11 we done a yell out down the hall, no response. We advanced
12 down the hallways, cleared room to room, and once we have
13 established that all of the other rooms were clear we made
14 it to where the victim was lying on the floor. Chief went
15 in first, I covered him. Because again, it was not a big
16 bedroom, but normally one person goes in and clears it while
17 one guards. Chief went in and stepped over the body, made
18 his way around the hospital bed to make sure nobody was
19 crouched over there behind that. We checked the closets.
20 He said, "Come in," I came in. He checked for a pulse, I
21 checked for a pulse and we had no pulse on the victim.

22 Q Thank you. And you said that -- and you just described
23 that the house was clear. And just to clarify, that means
24 no --

25 A No suspect in the house.

PHILLIP HALL - DIRECT

1 Q So the shooter had fled.

2 A Yes, ma'am. And if I'm not mistaken while inside the
3 house or when we came out is when the incident happened in
4 the county with their situation.

5 Q When you're inside the home, can you just describe the
6 home briefly? I know we were just sitting here for your
7 testimony. Did you observe any signs of a struggle or
8 knocked over furniture?

9 A I did in the front hallway -- excuse me, the kitchen or
10 the living room area. Again, when I looked down the hallway
11 I saw -- I couldn't make out what it was at first because we
12 were probably 20 yards away. It was like a bunch -- a pile
13 of clothes and I really didn't see the victim laying there,
14 again, because chief was blocking my view until we actually
15 moved on down the hall and I saw his feet and saw socks. I
16 went up, saw a body laying there -- Mr. Hood laying there in
17 what I thought was a diaper, and it turned out to be a
18 diaper. But beside that was the linen from the bed, and the
19 wheelchair was -- it was like as soon as you walk in the
20 door the wheelchair was right here beside the hospital bed
21 and he was laying as if he had fell out of the wheelchair.
22 I saw blood laying near his head and had done rolled up
23 under the bed.

24 Q And just to clarify, again, I apologize, but other than
25 what you just described what you thought was clothing or

PHILLIP HALL - DIRECT

1 just in the hallway, no other signs of a struggle that you
2 observed?

3 A All of the other rooms are pretty much rooms. They
4 wasn't immaculate, you know, shiny, but they were cleaner
5 than the back bedroom where the victim was laying.

6 Q And so when you see the body, what do you do next in
7 terms of your investigation that day?

8 A Well, once again, chief checked for a pulse, I checked
9 for a pulse. We cleared, we walked back out of the house.
10 Chief called in the medics to confirm with the EKG. And by
11 that time we had all of our SWAT stuff on, so we had to come
12 out of our SWAT and dress back down to where we could
13 actually work and do some investigating. Corporal
14 Ratliff -- or Lance Corporal Ratliff at that time had
15 advised that he's located the two sons, or located some
16 family members and was wanting me to talk with them. So I
17 eventually made contact with Tavarus, the oldest son, we was
18 out there talking with him, myself and Sergeant Burlingame,
19 and then for some reason we got called away. He was telling
20 us what happened, what had happened prior to the shooting.
21 I don't know if I can go into that because it's hearsay.
22 But once we got pulled away from him -- I got pulled away
23 from him, I went back and couldn't find him. So --
24 Q So you mentioned Tavarus, is that Tavarus Harris?
25 A Yes, it is.

PHILLIP HALL - DIRECT

1 Q And you say the son, the son of James Hood, the victim?

2 A Yes.

3 Q Were you informed by Ratliff if there was a suspect in
4 this case at this time?

5 A Upon arrival?

6 Q Arrival or by the time that you exited --

7 A Yeah. Based on the information he got from Tavarus we
8 already knew who the suspect was.

9 Q Did you speak with any other family members or any
10 other sons that night?

11 A I did.

12 Q Do you remember the name of the other son?

13 A [REDACTED]

14 Q Hood? When you spoke to him, was there any -- was it
15 video or audio recorded if you recall?

16 A I think it was audio recorded. I think I done it in my
17 patrol car with my phone I believe it was.

18 Q And without specifics of what he said, did it seem to
19 corroborate what you learned from Lance Corporal Ratliff?

20 A Yes, ma'am.

21 Q And that corroborated the suspect that you were
22 initially starting to picture in?

23 A Yes, ma'am.

24 Q After that night, what steps did you take to continue
25 investigating this incident?

PHILLIP HALL - DIRECT

1 A Well, on the 12th, which would have been two days
2 later, again, we tried to help with the sheriff's office
3 because we knew that we had the same defendant in the cases.
4 And based on the information that I got from the interviews,
5 I told the chief that let's ride back out to West Brooklyn
6 to see if we could find, one, the bicycle that was taken,
7 and then some other evidence may have been dropped from the
8 incident location to the county's location.

9 Q And so -- just to back up. So you talk about a
10 bicycle, and then you also talked about riding out to West
11 Brooklyn that would be in the county jurisdiction.

12 A County jurisdiction.

13 Q But just two streets over.

14 A Right.

15 Q Tell me about this bicycle. What did you know about it
16 or how did you come to learn about this bicycle?

17 A Well, after -- our intention was to go looking for
18 those yellow gloves. Again, both Tavarus and LH said
19 that he had on yellow like dish washing gloves while he was
20 cleaning up the crime scene. So I --

21 Q Who is he? I'm sorry. Who is he?

22 A I'm sorry?

23 Q Who is he? You said he had gloves on.

24 A Oh, Jermaine. So with that information I told chief, I
25 said hey -- I don't know if the county found them because I

PHILLIP HALL - DIRECT

1 knew they recovered a weapon, didn't really talk to them
2 about their CSI what they recovered on site, you know, and
3 not thinking that Jermaine would carry it all of the way to
4 the other scene I just wanted to go back and walk from
5 location to location to see if any evidence was located.
6 And then once we arrived on West Brooklyn to Lowery's house,
7 who was also involved with the county incident, we spoke
8 with him, and he told us that it actually started across
9 from his house and it ended up at his house. As he pointed
10 to the house across the street, we looked over and there lay
11 a bicycle and there lay two pair of yellow gloves in the
12 driveway.

13 Q And so you mentioned Lowery's house. Where on West
14 Brooklyn is that, if you recall the house number?

15 A It's 756 West Brooklyn I think is where the sheriff's
16 office responded to where the actual shooting took place,
17 the second incident on West Brooklyn took place. There was
18 another incident across the street. I don't have the
19 newspapers or information on who that victim was, because
20 again, it was a county case. It actually started across
21 from Lowery's house and ended up in Lowery's front porch.

22 Q Just to clarify, Lowery's house, would it confirm with
23 what you picture with Brooklyn -- at West Brooklyn Avenue of

24 ██████

25 A Is it ██████ Yeah. I thought it was ██████. Yeah.

PHILLIP HALL - DIRECT

1 Q When you're mentioning that Lowery is referencing -- or
2 your understanding is that an incident began across the
3 street, that house number is [REDACTED] that would be accurate?

4 A Right.

5 Q And when you returned back you mentioned that you saw a
6 bike and gloves. Where were you when you saw that and --

7 A I was at Roger Lowery's, which I think is [REDACTED] looking
8 across the street at [REDACTED]

9 Q So those items could be seen from the road and you
10 didn't have to enter the property or maneuver around a gate
11 or trees?

12 A They were laying in the driveway.

13 Q Okay. And the bike, can you -- is there any specific
14 description? Was there a reason it stood out to you or why
15 you were --

16 A Well, during the interviews we was told that a bike was
17 stolen from the house of [REDACTED] not belonging to the actual
18 tenants of [REDACTED] but to another person.

19 Q What night stolen in terms of being related to this
20 case?

21 A Said that one more time.

22 Q Stolen when?

23 A The night of the actual -- the 10th, the night of the
24 shooting.

25 Q June 10th?

PHILLIP HALL - DIRECT

1 A Of our shooting, yes.

2 Q And you mentioned also gloves that you could see from
3 the roadway, how many pairs or --

4 A Just two.

5 Q Two pairs or two gloves?

6 A Two gloves, one pair.

7 Q So one pair, two gloves.

8 A Yes.

9 Q And the gloves, can you describe them? Color?
10 Texture?

11 A They're actually dish washing gloves if everybody is
12 familiar with those, yellow on the inside, white on the
13 inside used for dish washing.

14 Q And when you saw them, did you approach these items,
15 the bike and the gloves?

16 A I called the sheriff's office.

17 Q And why did you call the sheriff's office?

18 A Because it was the county's jurisdiction and we knew
19 that we couldn't seize it because it was in the county, so I
20 had to call the county's investigator or crime scene
21 investigators because they are the ones who collect their
22 evidence. So Ken Taylor, the CSI agent for the sheriff's
23 office, came out there, we briefed him on why we wanted to
24 seize it, he photographed it and then seized it. The bike
25 itself really wasn't of any evidentiary value, it had done

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1 been ran over apparently, the back tire and seat was all
2 messed up, I'm assuming, where the victim of 756 backed over
3 it after the incident or something. I'm not exactly sure
4 how it got damaged. But we were able to recover that and
5 take it back to the owner at Caroline Court.

6 Q And the gloves, were they right-side out, inside-out?

7 A They were half and half, inside-out like, you know.

8 Q And if you recall, and if you don't I understand, but
9 do you recall what the weather was like between that
10 June 10th evening and then when you found these two days
11 later on June 12th?

12 A It was hot. I know we had three officers crash that
13 night on [REDACTED] because of heat exhaustion, and it had not
14 rained from that day until the 10th.

15 Q So no rain to your recollection?

16 A No. It was scorching hot.

17 Q So the county comes out and collects the gloves, the
18 bike is returned to presumably the owner --

19 A Yeah.

20 Q -- is that correct?

21 A Correct.

22 Q And did you make any other stops or have any other
23 interviews or meetings that day?

24 A I did. Once I -- once we left the Brooklyn area I went
25 back to [REDACTED] to meet with Ms. Hood, check on her and make

PHILLIP HALL - DIRECT

1 sure she was okay, if she had anymore questions. And while
2 I was there -- I was actually waiting on Tavarus because I
3 wanted to finish interviewing him, because remember, I
4 didn't get to finish him the night of the shooting, so I
5 waited on him. And while I was waiting on him the other
6 witness that was in the house that we didn't know of at
7 first, Javy Crosby, I think he gave testimony yesterday
8 morning, I actually located him and was able to get an
9 interview with him about the incident. And again, based on
10 his statement yesterday it was pretty much accurate to what
11 he described this to me at the interview. At that time I
12 think he was 14 years old, so for us to interview a 14 year
13 old we try to have the parent present. So we went back to
14 his house at 3102 Caroline Court and I spoke to his mom and
15 she allowed me to get a statement about the incident. So
16 mom was present while we were interviewing Javy.

17 Q Great. Thank you. And just briefly to finish up,
18 during the course of your investigation -- so starting on
19 June 10th it sounds like until the 12th and onwards, did
20 you -- were you able to develop a suspect?

21 A We were. We were able to develop a suspect that night
22 based on the information given by both Tavarus and

23 LH

24 Q And do you see that person who you developed as a
25 suspect here in the courtroom today?

PHILLIP HALL - DIRECT

1 A I do.

2 Q Can you describe what he is wearing?

3 A Black and white shirt, a blue mask around his neck, I
4 think gray pants, and black shoes.

5 Q Sitting?

6 A Behind the public defender.

7 Q What is his name?

8 A Jermaine Grier.

9 MS. BONINE: Your Honor, I would like the record to
10 reflect that the witness has identified Jermaine Grier as
11 the suspect.

12 THE COURT: Noted for the record.

13 MS. BONINE: I believe that's all I have, please answer
14 any questions of the defense.

15 THE COURT: All right. Thank you. Ms. Boulware?

16 MS. BOULWARE: Thank you, Judge.

17 CROSS EXAMINATION

18 BY MS. BOULWARE:

19 Q Good morning, Captain Hall.

20 (Break in proceedings.)

21 Q Captain Hall, you mentioned Corporal Ratliff was the
22 first on scene that evening.

23 A He was the first one -- I'm not exactly sure who
24 arrived first, but Lance Corporal Ratliff was the officer on
25 scene, the first one I saw.

PHILLIP HALL - CROSS

1 Q I understand. Okay. Do you know -- well, actually you
2 might have testified, he first had contact with the victim
3 or someone who called it in?

4 A He said the son, yeah.

5 Q Okay. And you mentioned Mr. Hood, the victim, Mr.
6 Hood's position when you walked into the house and found
7 him, it looked like he had simply fallen out of the
8 wheelchair disregarding --

9 A I'm saying the wheelchair was here, his feet were at
10 the bottom of the wheelchair and his head was at the other
11 end of the bed, which to me would say he fell out of the
12 wheelchair.

13 Q I got you.

14 A It looked like he fell out of the wheelchair.

15 Q Did it appear that he had been moved in any way?

16 A Had been what?

17 Q Moved around, or the body had been moved?

18 A I can't tell that, I don't know.

19 Q Not right offhand?

20 A Not right offhand.

21 Q Okay. And you also testified that you tried to talk
22 with Tavarus Harris and then you got detained somewhere
23 else --

24 A Got called away, yeah.

25 Q -- and came back and Tavarus was gone; is that correct?

PHILLIP HALL - CROSS

1 A I don't know where he went. I know he wasn't with his
2 mom and his brother but I don't know where he went.

3 Q Did he ever tell you why he left?

4 A I don't think I ever asked him.

5 Q Okay. Do you have any idea why he left?

6 A None.

7 Q Okay. And you also testified that you had the
8 opportunity to do an interview with LH around
9 that time?

10 A The brother?

11 Q Yes, sir.

12 A Yes. I interviewed one of them in my patrol car. I
13 think it was LH I interviewed in my patrol car on
14 scene, and then I done Tavarus, I think, at the police
15 department.

16 Q I've got you. Okay. Did you ever get an opportunity
17 later to interview LH say around 2019? Were you
18 included on that interview? Or that might have been Captain
19 Grant.

20 A In reference to what case? This case?

21 Q Yes, sir.

22 A Yeah. I haven't spoken to him since this case to my
23 knowledge. It might be some other case but I'm not sure.

24 Q Okay. With LH and his attorney? You don't
25 recall meeting with them?

PHILLIP HALL - CROSS

1 A I don't recall that.

2 Q Okay. That's fine. And when you located the bike and
3 the gloves, when you finally got over to the other scene
4 that y'all were informed about, were the bike and the gloves
5 close to each other or far apart, or how far would you say
6 they were?

7 A I would say close to each other as far as -- I didn't
8 touch anything. I just called crime scene and told them to
9 do what they've got to do to get them gloves.

10 Q I got you. I'll rephrase the question. Did they look
11 like maybe they'd been placed down together or the same?

12 A It looked like they were just taken off and thrown
13 down.

14 Q Was there anything else there in the area besides those
15 two items?

16 A Again, once we saw -- I never --

17 Q You walked away?

18 A Yeah. I called the county and their crime scene came
19 over, that way they can't say I done anything to the stuff.
20 I didn't even take pictures of it.

21 Q That's fine. That's perfectly fine. And you mentioned
22 the bike appeared to be runover by a car?

23 A Based on what they're saying, you can see that the back
24 rim is warped and the seat was kind of messed up, like
25 somebody had ran over it.

PHILLIP HALL - CROSS

1 Q Were you ever informed when that bike might have been
2 ran over?

3 A No. Like I said, the night of the shooting it was
4 dark. I did go to 756 or [REDACTED] Brooklyn, but just for -- and
5 I think that's probably why I left Tavarus is because I went
6 to that scene, because they were needing some more help over
7 there real quick. Again, having -- all of this happened
8 quick, fast and in a hurry. We already had units with us,
9 county units with us, and then when they got their call we
10 broke some of ours loose to go help them because it was just
11 so close together. That's probably why I left speaking with
12 Tavarus to go there for that shooting.

13 Q I understand. Okay. And you testified it was not
14 raining that day?

15 A Like I say, we had three officers fall out that night
16 because of the heat.

17 Q It was hot.

18 A It was hot.

19 Q It was June. I understand that, too. Did you get an
20 opportunity to speak with Jermaine Grier after he was
21 released from the hospital?

22 A Yes. Me and the chief interviewed him on the 17th, or
23 attempted to interview him on the 17th.

24 Q Okay. Was that interview recorded?

25 A It was.

PHILLIP HALL - CROSS

1 Q On video or audio?

2 A Both.

3 Q Okay.

4 MS. BOULWARE: Beg the Court's indulgence one second.

5 THE COURT: Sure.

6 (Break in proceedings.)

7 MS. BOULWARE: Defense would now ask to move Defense

8 Exhibit 1 into evidence, the recording with Jermaine Grier.

9 THE COURT: All right. Any objection?

10 MS. BOULWARE: No objection.

11 THE COURT: All right. Entered into evidence.

12 (The video was received as Defense 1.)

13 MS. BOULWARE: Defense would also ask to publish that

14 to the jury, but I believe we will have to set-up for that.

15 THE COURT: Do you want to do it now?

16 MS. BOULWARE: Whenever the Court --

17 THE COURT: We can do it now, I just need to know so I

18 can explain to the jury what's going to happen.

19 MS. BOULWARE: That's fine.

20 THE COURT: Okay. Ladies and gentlemen, what we're

21 going to do, like I said, we've got a lot of buttons in here

22 and some of them work, some of them don't. Okay? I've been

23 advised late yesterday after y'all had left that the video

24 stuff in here isn't working right. Okay? So we're actually

25 going to do it down in the room y'all have been using.

1 Okay? But we've got to get it set up. So I'm going to ask
2 y'all, the bailiff's, to take them down -- take them down to
3 Courtroom C, or if you can't get into Courtroom C where the
4 probate court normally is, just have them down at the end of
5 that hallway. Okay? And I don't want them in the jury room
6 while we're setting up in case there's a problem and, you
7 know -- we just need to go ahead and get all of that set up.
8 Okay? And then once it's all set up we can bring the jury
9 into the jury assembly room and look at the video and then
10 we'll go from there. Okay? So before we do that, okay, I
11 am going to let y'all go to the restroom, take a break, get
12 a bottle of water, we're going to take a break ourselves.
13 In about ten minutes or so I'm going to have the bailiffs
14 take y'all out of the jury assembly room, go down to
15 Courtroom C in the meantime while we get all set up in the
16 jury assembly room. Okay? Sounds good. Don't talk about
17 the case, see you shortly.

18 (The jury left the courtroom.)

19 (The jury left the courtroom and went to another room
20 To watch the video interview of the defendant.)

21 THE COURT: All right. Anything else before we bring
22 the jury back in?

23 MS. BOULWARE: No, Your Honor.

24 Q All right. You will resume the.

25 THE COURT: Mr. Grier, here is the deal. The jury is

SHAREIKA MCILWAIN - DIRECT

1 not in here. When the jury gets in here and you do all of
2 that kind of stuff in front of the jury it's not going to
3 make you look real good. And I'm warning you now, I'm going
4 not going to let you mess up what's going on in court, and
5 if you keep doing it I'm going to have you removed from the
6 courtroom and this trial is going to go forward in your
7 absence. Do you understand? All right. He nods. All
8 right. Just warning you now.

9 (The jury returned to the courtroom.)

10 THE COURT: All right. Thank you, ladies and gentlemen
11 of the jury, everybody is present. All right. You may
12 resume cross examination of this witness, Ms. Boulware.

13 MS. BOULWARE: Thank you. That's all of the questions
14 I have.

15 THE COURT: All right. Thank you. Any redirect?

16 MS. BONINE: No redirect, Judge.

17 THE COURT: All right. Thank you, sir, you can step
18 down. The State can call its next witness.

19 MS. COLLINS: Thank you, Your Honor. The State's next
20 witness is Shareika McIlwain.

21 The witness, SHAREIKA MCILWAIN, was first duly sworn
22 And testified as follows:

23 THE COURT: Thank you, ma'am. You can have a seat
24 there and you can remove your mask. Try to be as loud as
25 you can. Okay? You can slide up a little bit. All right.

SHAREIKA MCILWAIN - DIRECT

1 Yes, ma'am?

2 DIRECT EXAMINATION

3 BY MS. COLLINS:

4 Q Would you please state your name for the record?

5 A Shareika McIlwain.

6 Q Okay.

7 THE COURT: Lower that microphone, ma'am, down to you.

8 Just pull the whole thing down. There you go.

9 Q Ms. McIlwain, do you mind if I call you Shareika?

10 A That's fine.

11 Q And you're going to need to speak up, if you will,
12 we're having some technical difficulties and this plexiglass
13 kind of blocks sound, so just speak up if you can.

14 A Okay.

15 Q That's much better.

16 THE COURT: Yeah, that's good. Yell. That will be
17 great.

18 Q Can you spell your first name for the court reporter?

19 A S-h-a-r-e-i-k-a.

20 Q Okay. And McIlwain, is that M-c-I-l-w-a-i-n?

21 A That's correct.

22 Q Do you live here in Lancaster County?

23 A I do.

24 Q On June 10th of 2014, did you live here in Lancaster
25 County then?

SHAREIKA MCILWAIN - DIRECT

- 1 A That's correct.
- 2 Q What street did you live on June 10th of 2014?
- 3 A I don't remember the number, but it was West Brooklyn.
- 4 Q West Brooklyn? Okay. And did other people live there
- 5 with you at that time?
- 6 A Yes, ma'am.
- 7 Q Who lived there with you at that time?
- 8 A I had my two cousins, which was April and Joy.
- 9 Q Okay. Can you repeat that name? I'm older, I'm a
- 10 little hard of hearing, too.
- 11 A I had my two cousins, April and Joy Lindsay.
- 12 Q Okay. And did April's boyfriend stay there sometimes,
- 13 too?
- 14 A Off and on.
- 15 Q Do you remember his name?
- 16 A Yes, ma'am.
- 17 Q What was that?
- 18 A Jabari Williams.
- 19 Q Okay. And do you know the defendant, Jermaine Grier?
- 20 A Yes, ma'am.
- 21 Q Are you related to him in any way?
- 22 A I am.
- 23 Q How are y'all related?
- 24 A My grandmother and I think his mom was related some
- 25 kind of way down the line.

SHAREIKA MCILWAIN - DIRECT

- 1 Q Are y'all cousins?
- 2 A Yes.
- 3 Q Okay. Maybe second or third, just down the line?
- 4 A Correct.
- 5 Q Did you see Jermaine Grier on June 10th of 2014?
- 6 A I did.
- 7 Q And where did you see him?
- 8 A At first I seen him outside.
- 9 Q Okay. Outside of where?
- 10 A Outside my home.
- 11 Q Okay. Now, had you been somewhere earlier?
- 12 A I did. I had actually got back from shopping at Food
- 13 Lion.
- 14 Q Okay. And were y'all planning on having supper with
- 15 any people?
- 16 A No.
- 17 Q But you came back with your groceries from Food Lion?
- 18 A Yes, ma'am.
- 19 Q Had anybody gone with you to Food Lion?
- 20 A Yes, ma'am.
- 21 Q Who had gone with you?
- 22 A April and Joy Lindsay.
- 23 Q Okay. And when y'all got back -- were y'all all riding
- 24 in the same car?
- 25 A That's correct.

SHAREIKA MCILWAIN - DIRECT

1 Q Okay. So when you got back to your house at West
2 Brooklyn you say you saw Jermaine Grier at that time?

3 A No.

4 Q Okay. When did you see Jermaine?

5 A Once I arrived home putting up groceries, all of the
6 groceries wasn't put out -- got out of the car yet, but once
7 I went back to the car I seen him outside standing and
8 talking with the young guy that was at the home at the time.

9 Q All right. And where was Jermaine Grier standing
10 outside of your house at that time you first saw him?

11 A Like the driveway.

12 Q Okay. And who did you say was standing with him?

13 A Jamarcia (phonetically.)

14 Q Okay. Were you expecting Jamarcia?

15 A He was already there.

16 Q Okay. All right. And were you expecting Jermaine
17 Grier?

18 A Not at all.

19 Q Had he been invited to your home?

20 A No, ma'am.

21 Q And what happened next?

22 A Once I -- once we got all of the groceries in, the guy
23 that he was outside talking to had already came in. And he
24 said once he tried to shut the door he had forced himself in
25 and had his foot at the door, so he had already told him to

SHAREIKA MCILWAIN - DIRECT

1 come in at that point.

2 Q Okay. And so who was that that came in at that point?

3 You're saying he, I just need to be clear of who was that

4 that came in at that point?

5 A Jamarcia.

6 Q Okay. And did Mr. Grier, Jermaine Grier, ever come

7 into your home?

8 A Yes.

9 Q Okay. And so did he come in with Jamarcia?

10 A No.

11 Q But he came in after Jamarcia?

12 A Right behind him.

13 Q Okay. Now, did you notice when you went back out to

14 the car with the groceries, did you notice a bicycle in your

15 yard?

16 A I did.

17 Q Do you have a bicycle?

18 A Nuh-uh.

19 Q Did you know whose bicycle that was?

20 A From my understanding it was his from what I was told.

21 Q When you left to go to the grocery store, had you seen

22 that bicycle?

23 A No, ma'am.

24 Q Okay. But when you came back it was there?

25 A As far as whenever I got my groceries out and went back

SHAREIKA MCILWAIN - DIRECT

1 out to the car the second go-around, the bike was there.

2 Q Okay. All right. And did you see any yellow gloves in
3 the driveway of your home near the bicycle? Do you
4 remember?

5 A I don't remember.

6 Q All right. So once Mr. Grier came into your house,
7 what happened then?

8 A We was all sitting on the couch. But when he came in I
9 noticed that he had a gun on his -- in his back pocket,
10 so -- he was just sitting there, so I had text everyone that
11 was in the home was like, "Be aware, he have a gun in his
12 pocket." And we haven't seen him in I don't know how long.

13 Q So you texted everybody that he had a gun?

14 A Uh-huh.

15 Q Okay. The people that were sitting there in your house
16 with you?

17 A Correct.

18 Q Was that so you didn't have to say it out loud?

19 A Yes.

20 Q In which pocket or where did you see the gun on
21 Jermaine Grier?

22 A The back right.

23 Q The back right --

24 A Uh-huh.

25 Q -- pocket?

SHAREIKA MCILWAIN - DIRECT

- 1 A Pocket.
- 2 Q Okay. And was it sticking out any, or could you just
- 3 see the form -- or tell me, how did you know it was a gun?
- 4 A I mean, once he came in the home I observed everyone,
- 5 so I automatically seen it in the back pocket once he was
- 6 coming into the living room.
- 7 Q Okay. And maybe my question wasn't clear, but was it
- 8 sticking out of the pocket at all so you knew it was a gun,
- 9 or was it just the shape --
- 10 A Uh-huh.
- 11 Q It was?
- 12 A I could see it.
- 13 Q Okay. All right. And did that concern you?
- 14 A Yes, ma'am, it did.
- 15 Q Okay. And what, if anything, did you see Jermaine
- 16 Grier do with the gun?
- 17 A Excuse me.
- 18 Q You're fine. Do you need some water or are you okay?
- 19 A I'm okay.
- 20 Q Okay. Take your time.
- 21 A As I was sitting there I remember him playing with the
- 22 gun, and like -- it seems like he was like counting the
- 23 bullets or something.
- 24 Q So was he holding the gun at that point?
- 25 A Uh-huh.

SHAREIKA MCILWAIN - DIRECT

1 Q And you said it looked like he was counting the
2 bullets. Did he have bullets outside of the gun?

3 A The gun and the bullets was like on his lap.

4 Q Okay. And did you see, did he put the bullets back in
5 the gun?

6 A Uh-huh.

7 Q Okay.

8 THE COURT: Say yes if it's an uh-huh.

9 A I'm sorry. Yes, ma'am.

10 Q Yeah. You just need to say yes or no.

11 A Okay.

12 Q Okay. Thanks. And when you saw that, what did you do?

13 A I didn't panic right away. I just yelled out and told
14 my cousins, I was like, "Whoever is riding with me let's
15 go." I was just going to meet my aunt just to go get out of
16 the home.

17 Q All right. And then what happened?

18 A As I got up I remember him coming behind me -- I think
19 he tapped my shoulder. By that time -- he didn't really say
20 nothing then, and as I was just still trying to get out of
21 the house he was like, "What's up Shareika," or something
22 like that, and I was like, "What's up?" And then after that
23 I just seen a light, so by that time I reached my neck and I
24 realized I seen blood and I just ran out the house.

25 Q Do you remember hearing the gun?

SHAREIKA MCILWAIN - DIRECT

- 1 A I don't remember.
- 2 Q Okay. But you saw a light?
- 3 A Uh-huh.
- 4 Q Where did you see the light?
- 5 A I was standing in the kitchen.
- 6 Q Okay. And was the light -- I'm just trying to figure
- 7 out, was it near you or was it near him or was it near the
- 8 front door? Where was the light?
- 9 A Towards him.
- 10 Q And you said then you reached up and felt your neck and
- 11 you saw blood?
- 12 A Yes.
- 13 Q Okay. Had you been bleeding earlier that day?
- 14 A No, ma'am.
- 15 Q Okay. And then what did you do?
- 16 A I ran.
- 17 Q Where did you run?
- 18 A I ran out of the house and just ran straight.
- 19 Q Okay. Did you run out the front door or the back door
- 20 or which -- how did you --
- 21 A It was the back door.
- 22 Q Okay. And where did you go?
- 23 A I just started running and I was going to go left or
- 24 right, so I just kept straight.
- 25 Q All right. And did you run to the police station or a

SHAREIKA MCILWAIN - DIRECT

1 house, or where did you go?

2 A It was a house.

3 Q Okay. And where was the house in relation to your
4 house?

5 A Across the street.

6 Q Okay. And was that the house of Roger Lowery?

7 A Yes.

8 Q Had you ever been over there before?

9 A Not at all.

10 Q Okay. But you had seen them in the yard before?

11 A I have.

12 Q And so when you ran to that house, what did you do?

13 A Once I got up on the porch -- well -- can you rephrase
14 the question?

15 Q Sure. You said you ran to the house. Was that across
16 the street?

17 A Across the street.

18 Q Okay. Did you stay in the yard or did you go somewhere
19 near the house?

20 A I ran up on the porch, and as I was running I remember
21 coming -- before I ran to his house I remember running down
22 my driveway and Mr. Jermaine had like ripped my shirt off so
23 I was still running and I just went straight, and once I got
24 up on the porch he started jumping on me.

25 Q Okay. All right. And what were you doing?

SHAREIKA MCILWAIN - DIRECT

- 1 A I was fighting back.
- 2 Q All right. And what happened then?
- 3 A I started knocking on the door so that the neighbor
- 4 could -- I can get some help.
- 5 Q And then what happened?
- 6 A The neighbor opened the door for me and I asked can
- 7 someone help me or either call the police.
- 8 Q And the neighbor that opened the door, was it a man or
- 9 a woman?
- 10 A It was a man.
- 11 Q Okay. And then what happened?
- 12 A Him and -- the neighbor and his wife finally let me in
- 13 to call the police.
- 14 Q Okay. And when they let you in, did you run inside?
- 15 A Yes.
- 16 Q Where did you go once you came inside? Did you stay
- 17 right there near the front door or did you go somewhere
- 18 else?
- 19 A I remember his wife telling me I could go into the
- 20 kitchen. I just told them I wanted to hide.
- 21 Q And is that what you did?
- 22 A I did.
- 23 Q Okay. And did you see Jermaine Grier at that point?
- 24 A What do you --
- 25 Q When you ran inside the house, did you see where

SHAREIKA MCILWAIN - DIRECT

1 Jermaine Grier was at that point?

2 A He was still at the door trying to get in.

3 Q Okay. All right. And do you remember whether or not
4 he got inside?

5 A No.

6 Q Okay. No you don't remember or no he didn't?

7 A No, he did not.

8 Q Okay. All right. But there were times you were back
9 in the kitchen hiding; is that right?

10 A Yes, ma'am.

11 Q Okay. And then did you hear anything further happen?

12 A I heard a whole lot of commotion but I really didn't
13 see anything.

14 Q Okay. Did you hear a gunshot?

15 A I did.

16 Q How many?

17 A I remember hearing one.

18 Q Okay. All right. And did the police come after that?

19 A I was waiting.

20 Q You were waiting?

21 A I was waiting on the officers. We called but it was a
22 lot going on that night from what I had heard.

23 Q Okay. Did anything else happen that you can tell us
24 about once you heard the gunshot?

25 A It was like a whole lot of tussling maybe.

SHAREIKA MCILWAIN - DIRECT

1 Q Okay. Did you hear any yelling?

2 A I kept hearing, "Get back," or, "Get away," or
3 something like that.

4 Q Okay. Could you tell who was saying that?

5 A The neighbor.

6 Q Okay. Was that the man or the woman neighbor?

7 A The man.

8 Q Okay. And did you hear the defendant, Jermaine Grier,
9 say anything?

10 A I don't remember.

11 Q Okay. All right. And did the police come then?

12 A Not right then.

13 Q Okay. Did anything else happen before the police came?

14 A No, ma'am.

15 Q Okay. All right. When the police got there, what
16 happened next?

17 A I talked with the officers and let them know what had
18 took place.

19 Q Okay. And did they take pictures of you?

20 A Yes, ma'am.

21 Q Okay.

22 MS. COLLINS: Mr. Bailiff, would you please come and
23 get some of these pictures to show the witness?

24 Q The bailiff is going to hand you four documents that
25 are numbered on the back. Seventy-four, I believe -- can

SHAREIKA MCILWAIN - DIRECT

1 you tell me what those numbers are on the back of those four
2 pieces of paper?

3 A I see 79.

4 Q Okay. What other numbers?

5 A Seventy-eight.

6 Q Okay.

7 A Seventy-seven.

8 Q Okay.

9 A And 76.

10 Q Okay. If you would look at those four pictures that
11 are there and tell me, who are those pictures of?

12 A Me.

13 Q Okay. And were those pictures taken of you on
14 June 10th of 2014 there at the Lowery house?

15 A Uh-huh.

16 Q Taken by the police?

17 A Yes.

18 Q Okay. All right. And to the best of your knowledge,
19 are those pictures fair and accurate depictions of how you
20 and your body and your neck looked that night?

21 A Yes, ma'am.

22 Q Okay. And that was after the incident that happened
23 that you just told us about with Jermaine Grier; is that
24 right?

25 A Yes.

SHAREIKA MCILWAIN - DIRECT

1 MS. COLLINS: Your Honor, I move those exhibits into
2 evidence at this time. I think they're 76, 77, 78, 79.

3 MS. BOULWARE: No objection.

4 THE COURT: Thank you. Without objection entered into
5 evidence.

6 (The photos were received into evidence.)

7 Q We have to wait just a minute for it to warm up, but
8 I'm just going to show you these pictures and talk to you
9 about them. But while we wait -- let me ask you, you said
10 that the shirt was torn off of you; is that right?

11 A Yes.

12 Q But were you wearing other shirts underneath?

13 A I had on a blue shirt.

14 Q Okay. You had on a blue T-shirt?

15 A Yes.

16 Q And underneath did you have like camisoles or
17 something?

18 A It was just like a spaghetti-strapped shirt.

19 Q Okay.

20 THE COURT: If you need to stand up to look because of
21 the glare you can. Anybody, including you, Madam Witness,
22 if you need to.

23 Q Okay. Ms. McIlwain, I'm going to show you what's been
24 marked as 76, and it's in evidence, and ask you, is that a
25 picture of you standing in front of the police car after the

SHAREIKA MCILWAIN - DIRECT

1 police arrived that night at the Lowery home?

2 A Yes.

3 Q All right. And you see there in terms of your outer
4 area, it looks -- was it in that condition before you ran
5 over to the Lowery home?

6 A No.

7 Q The shirt, the spaghetti straps?

8 A No.

9 Q And underneath I believe you can see your bra straps;
10 is that right?

11 A Yes.

12 Q And you said you had had a shirt on on top of that?

13 A Yes.

14 Q And do you remember what color that shirt was?

15 A It was blue.

16 Q Okay. All right. And I'm going to show you what's
17 been marked as 77. Is that a picture -- is that a picture
18 of your neck?

19 A Yes.

20 Q Is that a picture of your neck after the incident with
21 Jermaine Grier?

22 A Yes.

23 Q Had you had that mark on your neck before Mr. Grier
24 came over to your house that night?

25 A No.

SHAREIKA MCILWAIN - DIRECT

1 Q Okay. And I'm going to show you what's been marked as
2 78. That's a little bit closer view. Is that, again, the
3 area on your neck; is that right?

4 A Yes.

5 Q And did you have that mark on your neck before Jermaine
6 Grier walked in your house with a gun?

7 A No.

8 Q And finally I'm going to show you 79 and ask you -- I
9 see some of your hair -- now, you see me, some of my hair is
10 gray and some different color because it's that time for me
11 to see the beautician, but I see some of your hair is
12 lighter and then some of your hair is darker toward the
13 front; is that right?

14 A Yes.

15 Q Did you have some hair extensions at that time?

16 A Yes.

17 Q Okay. And does that picture show -- had any of them
18 been pulled out during the tussle with the defendant?

19 A Yes.

20 Q Okay. Thank you. I'm going to give you a few more
21 pictures through the bailiff. Okay? Hang on one minute.

22 (Break in proceedings.)

23 Q All right. You've been handed now some -- three more
24 pieces of paper, one is marked on the back 65 and two are
25 marked 70 and 71; is that right?

SHAREIKA MCILWAIN - DIRECT

1 A Yes.

2 Q Okay. And numbers 70 and 71, I want you to look at
3 those first. Do you recognize what those are pictures of?

4 A Yes.

5 Q What are they pictures of?

6 A My extensions.

7 Q Okay. If you could just speak up a bit for me. And
8 where are those extensions shown in the picture?

9 A Rephrase the question.

10 Q I'll back up. Those are your extensions that had been
11 attached to your hair by the beautician before Mr. Grier
12 came into your home on June 10th; is that right?

13 A Yes.

14 Q And is that a picture of the extensions that was pulled
15 out of your hair by Mr. Grier during the struggle?

16 A Yes.

17 Q All right. And are those fair and accurate depictions
18 of your hair extensions as they were found there at the
19 scene after the struggle with Mr. Grier?

20 A Yes.

21 Q Okay.

22 MS. COLLINS: I move Exhibits 70 and 71 into evidence
23 at this time.

24 MS. BOULWARE: No objection.

25 THE COURT: Without objection entered into evidence.

SHAREIKA MCILWAIN - DIRECT

1 (The photos were received as State's 70 and 71.)

2 Q Number 65, the other picture you have there, if you'll
3 look at that. And I ask you, does that appear to be any of
4 your articles of clothing from earlier in the evening?

5 A Yes.

6 Q Okay. Is that the color that your outer T-shirt was
7 you were wearing that night?

8 A Yes.

9 Q And is that a fair and accurate depiction of the shirt
10 that was torn off of you by Jermaine Grier?

11 A Yes.

12 Q And that was as you were running to the Lowery home?

13 A Yes.

14 MS. COLLINS: All right. I will move Exhibit 65 into
15 evidence at this time.

16 MS. BOULWARE: No objection.

17 THE COURT: All right. Without objection entered.

18 (The photo was received as State's 65.)

19 Q All right. I'm showing you 65, Ms. Shareika. Is that
20 your T-shirt that you had had on top of the spaghetti strap
21 earlier in the evening?

22 A Yes.

23 Q Okay. And that's the shirt that was removed or taken
24 during the -- let me back up. Is that the shirt that was
25 torn off of your body by Jermaine Grier as you ran to the

SHAREIKA MCILWAIN - DIRECT

1 Lowery home?

2 A Yes.

3 Q Thank you. And then I show you Number 70. Is that the
4 picture of your hair extensions?

5 A Yes.

6 Q And those were the extensions that were torn out of
7 your head that night by Mr. Grier?

8 A Yes.

9 Q And also Number 71 just from a little bit further
10 distance -- it's a little hard to see, but still by that
11 evidence tent number six, that's another picture of your
12 hair extensions; is that right?

13 A Yes.

14 Q All right. Now, regarding the wound on your neck, did
15 you have that wound on your neck before you saw Jermaine
16 Grier point the gun at you?

17 A No.

18 Q But you saw Jermaine Grier point the gun at you, right?

19 A Yes.

20 Q And then you saw the light, correct?

21 A Correct.

22 Q It was after that that you reached up to your neck and
23 you felt the blood; is that right?

24 A After it, yes.

25 Q And you looked down and pulled your fingers back and

SHAREIKA MCILWAIN - DIRECT

1 you saw the blood; is that right?

2 A Yes.

3 Q And that's when you ran to the Lowery home; is that
4 right?

5 A Yes.

6 Q So you saw that blood on your neck before the
7 hand-to-hand struggle with Mr. Grier at the Lowery
8 residence, right?

9 A Rephrase the question.

10 Q You saw that blood from your neck before you ran across
11 the road to the Lowery home, right?

12 A Yes.

13 Q Did you speak to law enforcement when they came there
14 to the scene at the Lowerys?

15 A Yes.

16 Q And did you tell them what had happened that night?

17 A Yes.

18 Q You told them that Mr. Grier had shot at you?

19 A Yes.

20 Q And that you ran to the Lowery residence, right?

21 A Yes.

22 Q Do you remember when the last time you had seen your
23 cousin, Jermaine Grier, before that night, June 10th of
24 2014?

25 A The last time I seen Jermaine Grier was we was in sixth

SHAREIKA MCILWAIN - DIRECT

1 or seventh grade in middle school.

2 Q All right. And at this time in 2014 when this
3 happened, had you finished school?

4 A Yes.

5 Q Okay. So sixth or seventh grade would have been
6 several years before that; is that right?

7 A Correct.

8 Q Okay. So you hadn't seen him in the week or two before
9 this incident; is that right?

10 A I did not, no.

11 Q Had you ever had any arguments or disagreements with
12 Jermaine Grier, your cousin?

13 A No.

14 Q But all you saw him doing in your home before he shot
15 you was counting the bullets; is that right?

16 A Yes.

17 Q Was he looking around at the others in your home?

18 A Yes.

19 Q Did he look like he was counting them, too?

20 A Yes.

21 Q The other people?

22 A Yes.

23 MS. COLLINS: Thank you. Please answer any questions
24 of the defense attorney.

25 THE COURT: All right. Ms. Boulware?

SHAREIKA MCILWAIN - CROSS

1 MS. BOULWARE: Thank you.

2 CROSS EXAMINATION

3 BY MS. BOULWARE:

4 Q Good morning, Ms. McIlwain. I just have a couple of
5 questions for you. When Jermaine came in uninvited as you
6 testified, did you ask him to leave, or did anyone ask him
7 to leave, or -- what did you do? You decided to leave your
8 own house yourself, is that --

9 A Rephrase the question.

10 Q When Jermaine came in I think you mentioned that he had
11 sort of put his foot in the door so he was let in by I
12 think -- I'm trying remember who you said did that,
13 Jamarica?

14 A Yes.

15 Q Okay. Did anyone -- you didn't want him in your house;
16 is that correct?

17 A I didn't know he was there.

18 Q Okay. Okay. When you did realize he was there, were
19 you nervous?

20 A I didn't feel like -- I felt like something wasn't
21 right.

22 Q Okay. But you or no one else asked him to leave?

23 A No.

24 Q Okay. Did you feel like at that point that you had any
25 reason to ask him to leave or --

SHAREIKA MCILWAIN - CROSS

1 A I mean, I seen a gun in his back right pocket.

2 Q I've got you. Okay. I understand. How long have you
3 known Jermaine?

4 A Like growing up kids-wise --

5 Q I'm sorry, I couldn't quite hear you.

6 A It's been like years like since we was like kids, like
7 sixth or seventh grade.

8 Q Okay. So y'all sort of grew up together, is that a
9 little bit?

10 A I mean, I have stayed on Mahaffey Lane all of my life
11 growing up, but it was like it was off and on at that
12 location down the street.

13 Q Okay. I got you. And as you told the solicitor, you
14 never really had any issues with him before.

15 A No.

16 Q Okay. Ever known him to "act crazy" or just not right?

17 A Not that I'm aware of.

18 Q Okay. So you actually didn't have a lot of contact
19 with Jermaine --

20 A Not at all.

21 Q -- you know, throughout the years since the sixth or
22 seventh grade.

23 A Rephrase the question.

24 Q You just didn't have a whole lot of contact with him
25 from the sixth or seventh grade up until that day he was in

SHAREIKA MCILWAIN - CROSS

1 your house.

2 A No.

3 Q Okay. When he was let in the house, was he sitting
4 around talking with folks, or was he talking with anyone
5 or -- folks sitting around talking and laughing? I think
6 you mentioned that everybody -- or a lot of folks were on
7 the couch or just kind of hanging out.

8 A He wasn't let in, his feet was at the door. He wasn't
9 welcomed in, he wasn't invited.

10 Q Okay. I got you. Once he was inside, was he, I guess,
11 say mingling with everybody?

12 A No.

13 Q Was he talking at all?

14 A He asked a couple of people who their names were, but
15 we wasn't actually talking to him at all.

16 Q Okay. Did he smoke a cigarette that you know of?

17 A He asked me for a cigarette.

18 Q He did? Okay.

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

20 (Break in proceedings.)

21 Q How would you describe his demeanor while he was in
22 your house?

23 A He looked scary like something had been bothering him.
24 His eyes looked real big. It was just like a scary look.

25 Q I got you. Okay.

JOY DUNCAN - DIRECT

1 MS. BOULWARE: That's all of the questions I have.
2 Judge.

3 THE COURT: All right. Any redirect?

4 MS. COLLINS: Yes.

5 REDIRECT EXAMINATION

6 BY MS. COLLINS:

7 Q How long would you say -- how much time had passed
8 between the time that Jermaine Grier came in your home to
9 when he pointed the gun at you and you saw the light?

10 A It wasn't that long.

11 Q Was it an hour? Was it five minutes? Do you have an
12 estimate? If you don't that's fine.

13 A I would say an estimate, probably like anywhere from
14 like three to six minutes probably.

15 MS. COLLINS: All right. Thank you.

16 THE COURT: All right.

17 MS. COLLINS: That's all.

18 THE COURT: Thank you, ma'am, you may step down. You
19 can put your mask back on for me, please.

20 MS. COLLINS: The State's next witness will be Joy
21 Duncan.

22 THE COURT: Do you want her to stick around?

23 MS. COLLINS: Oh, well, she's a victim, she has a right
24 to.

25 THE COURT: You're more than welcome to stick around,

JOY DUNCAN - DIRECT

1 you don't have to. Thank you.

2 The witness, JOY DUNCAN, was first duly sworn and

3 Testified as follows:

4 DIRECT EXAMINATION

5 BY MS. COLLINS:

6 Q What is your name, please?

7 A Joy Duncan.

8 Q Ms. Duncan, I would respectfully ask that you remove
9 your hat, everybody wants to see your face as you testify.

10 Thank you, that's much better. Thank you.

11 A You're welcome.

12 Q Your name is Joy Duncan?

13 A Yes.

14 Q On June 10th, 2014, were you living here in Lancaster
15 County?

16 A Yes.

17 Q What street did you live on then?

18 A I'm not sure what the street name was, I just know it
19 was with my cousin.

20 Q All right. Who was your cousin?

21 A Shareika McIlwain.

22 Q Okay. The lady that just testified?

23 A Yes.

24 Q All right. And are you also cousins with Jermaine
25 Grier, the defendant?

JOY DUNCAN - DIRECT

1 A I wasn't aware of that until after, you know, knowing
2 and everything, but knowing him, no.

3 Q Okay. But you are cousins with Shareika, correct?

4 A Yes.

5 Q All right. And did other people live there with you
6 and Shareika McIlwain at that time?

7 A Just my sister.

8 Q And what's her name?

9 A April Lindsay.

10 Q All right. And did her boyfriend sometimes stay there,
11 too? Jabari?

12 A Yes. He would spend the night from time to time.

13 Q All right. Had you met Jermaine Grier, the defendant,
14 before that night?

15 A No, I had never seen him. Probably when I was little
16 but I can't remember, you know, how he looked or anything.
17 I was really long.

18 Q Had you gone to the grocery store that evening with
19 Shareika and with your sister, April?

20 A Yes.

21 Q And that was the Food Lion?

22 A Yes.

23 Q Do you remember, was that -- what time of day that was
24 approximately?

25 A I want to say around maybe 7:00, close to 8:00, because

JOY DUNCAN - DIRECT

1 it was getting dark.

2 Q It was getting dark?

3 A Uh-huh.

4 Q Okay. And when y'all got -- now, when you left to go
5 to the grocery store, were there some people there at the
6 house y'all left there?

7 A I can't remember. I don't think so.

8 Q Okay. All right. But was Jermaine Grier there when
9 you left to go to the grocery store?

10 A No.

11 Q Okay. When you got back from the grocery store, did
12 you see the defendant, Jermaine Grier?

13 A Not right after.

14 Q Okay. All right. When did you first see the
15 defendant, Jermaine Grier, there at your home?

16 A When he came in the kitchen.

17 Q All right. Now, when you come in the front door, is
18 the kitchen right there?

19 A Well, it's actually like the back but we used it as the
20 front.

21 Q Okay. That's the door y'all used most of the time?

22 A Yes.

23 Q And where is that door? Where does it come into?

24 A The kitchen.

25 Q All right. Okay. And so you say you first saw

JOY DUNCAN - DIRECT

1 Jermaine Grier in the kitchen?

2 A Yes.

3 Q And did you see him as he actually came inside the door
4 into the kitchen?

5 A Yes.

6 Q And can you describe how he came in? In other words,
7 did he let himself in? Did somebody let him in? Just
8 describe it as you saw it.

9 A Uninvited.

10 Q Pardon me?

11 A He was very uninvited, he just kind of let himself in.

12 Q Okay. He let himself in, he was very uninvited you
13 said?

14 A Yes.

15 Q Okay. Forgive me, I'm a little hard of hearing.

16 A Sorry.

17 Q So where were you standing when Mr. Grier came inside
18 the kitchen door?

19 A I was in the kitchen making burgers.

20 Q Okay. You were making burgers?

21 A Yes.

22 Q Y'all hadn't had supper yet?

23 A No.

24 Q Okay. What did Mr. Grier do when he came inside?

25 A He went to sit down in the living room.

JOY DUNCAN - DIRECT

1 Q Okay. And can you see the living room from the
2 kitchen?

3 A Yes.

4 Q There's not a wall that blocks it?

5 A No.

6 Q Okay. And you were cooking burgers at the stove, I
7 guess?

8 A Yeah. I was making the patties.

9 Q And when Jermaine Grier came in, did he have a seat or
10 did he stand in the den area?

11 A I can remember him sitting. I'm not sure about the
12 other part, but I can remember him sitting down.

13 Q Okay. And were there some other people there at that
14 time?

15 A Yes.

16 Q Where was Ms. Shareika that just testified?

17 A In the living room.

18 Q Okay. And where was your sister, April?

19 A In the shower.

20 Q Okay. All right. And were there guys there?

21 A Yes.

22 Q Who were the guys that were there?

23 A Jabari Williams, Jamarcio, and Twan (phonetically.)

24 Q What was the last name?

25 A Jamarcio and Twan.

JOY DUNCAN - DIRECT

1 Q Twan?

2 A Yes.

3 Q Okay. All right. And were they in the den, too?

4 A Jabari wasn't, the other two were, yes.

5 Q I call it den, I think you call it a living room; Is
6 that right? Okay. The area where people sit and watch TV
7 near the kitchen; is that right?

8 A Yes.

9 Q Okay. All right. And at anytime, did you see a gun in
10 the hands of Jermaine Grier?

11 A I seen when he was cleaning it off but I didn't really
12 think nothing of it at that time. I was just kind of like
13 ready to go. So I was trying to find my phone to text my
14 sister, but at that time it was already too late because I
15 was kind of scared to move. So it just all happened like
16 really fast.

17 Q Okay. Now, you said you were trying to find your phone
18 because you were ready to go, so tell me about that. I
19 thought you were cooking. When did that change from cooking
20 burgers at the stove to being ready to go?

21 A So once I was patting the burger I have my eyes on them
22 as well so I can see what they're doing. So when my cousin
23 kind of gave me a look like something is wrong, so I'm like
24 looking for my phone. She's asking me like where is my
25 phone. So at that time I'm like -- so I just started back

JOY DUNCAN - DIRECT

1 patting my burgers, not thinking like something is really
2 wrong. But she was trying to kind of let me know that
3 something was wrong the whole time but I didn't really act
4 to it fast enough.

5 Q Did you see later that she had sent you a text?

6 A Yes. After everything was over with, yes.

7 Q Okay. But she looked at you and said, "Where is your
8 phone?"

9 A Yes.

10 Q Okay. All right. And when you said cousin, were you
11 referring to Shareika?

12 A Yes.

13 Q Okay. And so at that point did Shareika say something
14 about leaving?

15 A Yes. She asked if we wanted to ride with her, me and
16 my sister, to go get my mom from the side of the road.

17 Q Okay. Were you expecting to get your mom from the side
18 of the road?

19 A No.

20 Q Did that surprise you that she said that?

21 A Yes.

22 Q Did you wonder what she was talking about?

23 A Yes.

24 Q But you went ahead and got your sister?

25 A After -- I didn't really try to get my sister until

JOY DUNCAN - DIRECT

1 after I heard the gunshot.

2 Q Okay. All right. Well, then let's back up then. So
3 she says that to you, you're looking for your phone, what do
4 you see happen then?

5 A She kind of got up to walk out to let me know to kind
6 of follow behind her, but by that time he had shot her.

7 Q Okay. Who had shot who?

8 A Jermaine had shot Shareika.

9 Q Okay. And you saw the defendant, Jermaine Grier, shoot
10 your cousin, Shareika McIlwain?

11 A Yes.

12 Q Okay. And at that moment, did you see the gun in the
13 hand of the defendant, Jermaine Grier?

14 A Yes.

15 Q And what did it look like, do you remember?

16 A I don't. I just remember, it was kind of big but not
17 so big. It was hand-held like within your hand. That's
18 about it.

19 Q Okay. Do you remember what color it was?

20 A Black.

21 Q Okay. It was black. Okay. Did you see the defendant
22 do anything with the gun after he shot?

23 A I can't remember that part. I just remember after he
24 shot everybody ran.

25 Q Okay. Who was the defendant pointing the gun at when

1 he shot it?

2 A Shareika McIlwain.

3 Q Okay. All right. And at that point you heard the gun
4 go off?

5 A I saw it go off.

6 Q You saw it go off?

7 A Yes.

8 Q Did you hear it go off, too?

9 A Yes.

10 Q And what did you do?

11 A I ran.

12 Q And did you run and get your sister?

13 A Yes.

14 Q And where did y'all go?

15 A We ran outside.

16 Q Okay. And did you call 911?

17 A Yes.

18 Q Later did you speak to the police about what happened
19 that night?

20 A Yes.

21 Q Had you seen the defendant, Jermaine Grier, in the week
22 or two before this incident happened on June 10th, 2014?

23 A No. I have never seen him besides if I was little,
24 which I don't remember.

25 Q So to the best of your knowledge this was the first

JOY DUNCAN - CROSS

1 time you had seen him that night.

2 A Yes.

3 MS. COLLINS: Thank you. Please answer any questions
4 from the defense.

5 CROSS EXAMINATION

6 BY MS. BOULWARE:

7 Q Good morning, Ms. Duncan.

8 A Hi.

9 Q Just a couple of quick questions. So you give an
10 interview to law enforcement that evening after that
11 happened?

12 A Yes.

13 Q Okay. Do you recall saying that everybody was just
14 sitting around the living room and then this happened out --
15 just out of nowhere?

16 A Yes.

17 Q And that nothing really led up to to Jermaine shooting
18 Shareika?

19 A No.

20 Q It just happened.

21 A Yes, it just happened.

22 Q And I believe you also mentioned to law enforcement
23 that it appeared he shot Shareika for no reason.

24 A Yes.

25 Q Okay. Did Shareika say anything specific to you about

JOY DUNCAN - CROSS

1 Jermaine before this happened, about how she felt about him?

2 A No, not really. I mean, she told me like, you know,
3 they knew each other since middle school and things like
4 that. I don't know if anything back then happened or
5 nothing, which I'm not aware of. But no, just that she knew
6 him from being little.

7 Q Okay. Do you recall her telling you that he's coo-coo?

8 MS. COLLINS: I object to that. That witness just
9 testified, she could have asked her -- in fact, I think she
10 did ask her about that --

11 MS. BOULWARE: I withdraw the question.

12 MS. COLLINS: -- it's hearsay.

13 THE COURT: All right. The question is withdrawn.
14 Thank you.

15 Q Do you recall also mentioning that the bullet was not
16 meant for Shareika, it could have been anyone?

17 MS. COLLINS: Objection. She's asked her do you recall
18 she saying --

19 MS. BOULWARE: No. I'm asking her about --

20 THE COURT: Hang on. Objection overruled, ask a
21 question, give an answer.

22 A I don't remember saying that it was meant for anyone.
23 But as being seen and being there, obviously it was meant
24 for her because he shot her. It could have been any one of
25 us but he shot her.

JOY DUNCAN - REDIRECT

1 Q Okay. So today about seven years after the incident it
2 was meant for her.

3 A I'm not saying it was actually meant for her, but from
4 his actions he shot her.

5 MS. BOULWARE: Okay. That's all of the questions I
6 have.

7 THE COURT: All right. Redirect?

8 REDIRECT EXAMINATION

9 BY MS. COLLINS:

10 Q Was anybody else standing in the path of that bullet?

11 A Me.

12 Q Were you close enough to get shot? Were you right
13 beside Shareika?

14 A I was like really close.

15 Q How close?

16 A Not even a feet apart. I wasn't a feet apart from
17 them. Like the door is right here, the stove is like right
18 here, and they both were kind of turned like facing one
19 other.

20 Q Okay. But Shareika walked into the kitchen and
21 Jermaine followed her into the kitchen; is that right?

22 A Yes.

23 Q And then he shot her, right?

24 A Yes.

25 MS. COLLINS: Thank you, nothing further.

JABARI WILLIAMS - DIRECT

1 THE COURT: All right. Thank you, ma'am, you can step
2 down.

3 MS. COLLINS: We would ask if this witness wishes to be
4 for her to be excused.

5 THE COURT: Ma'am, you can leave if you want to, it's
6 up to you. Thank you. Call your next witness.

7 MS. COLLINS: State calls Jabari Williams.

8 The witness, JABARI WILLIAMS, was first duly sworn and
9 Testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BONINE:

12 Q Good afternoon, Mr. Williams. Would you please state
13 and spell your name for the court reporter?

14 A Yes. Jabari Williams, J-a-b-a-r-i.

15 Q So it's pronounced Jabari?

16 A Jabari, it's actually spelled Jabari.

17 THE COURT: You can back up from the microphone.

18 THE WITNESS: Will do, Your Honor.

19 THE COURT: Thank you.

20 THE WITNESS: Pleasure.

21 Q So pronounced Jabari, spelled the way it's Jabari; is
22 that correct?

23 A That's correct.

24 Q Thank you. On June 10th of 2014, were you living in
25 Lancaster County?

JABARI WILLIAMS - DIRECT

- 1 A I was, correct.
- 2 Q What street did you live on?
- 3 A I was living in Whitehall but I used to visit
- 4 Shareika's house every now and then.
- 5 Q When you say visit Shareika's house, is that Shareika
- 6 McIlwain?
- 7 A That's correct.
- 8 Q Who testified a few moments ago?
- 9 A That's correct.
- 10 Q And is that, to your recollection, on West Brooklyn
- 11 Avenue?
- 12 A That's correct.
- 13 Q [REDACTED]
- 14 A I'm not sure about the number.
- 15 Q And who else -- or who lived at that house? So if you
- 16 were living at Whitehall but you visited that home on
- 17 Brooklyn Avenue, who lived in that home?
- 18 A Shareika McIlwain, April Lindsay and Joy Lindsay.
- 19 Q And who -- how did you -- why were you visiting there?
- 20 Were you related? Cousins?
- 21 A No. My girlfriend lived there, which was at the time
- 22 April Lindsay.
- 23 Q April Lindsay lived there?
- 24 A That's correct.
- 25 Q Did you know this defendant, Jermaine Grier?

JABARI WILLIAMS - DIRECT

1 A I don't. Never seen him before.

2 Q Have you seen him before today?

3 A When the incident occurred, I had never seen him before
4 then.

5 Q When you say incident, what are you referring to?

6 A Well, the crime, what took place the night.

7 Q The shooting on June 10th of 2014?

8 A That's correct.

9 Q And where did you see him that night of the incident?

10 A I can't remember exactly how he looks to be honest.

11 Like I told Ms. Lisa, I was actually intoxicated, we had
12 been drinking. But I do remember someone coming in that I
13 had never seen before that had never been present at that
14 house.

15 Q Okay. I am going to need you to back up. So you said
16 someone came in and you were at the home and sounds like you
17 had been drinking --

18 A That's correct.

19 Q -- which is fine. The home we're talking about is on
20 Brooklyn Avenue, and that night when you say you saw the
21 defendant, Jermaine Grier, you were at that Brooklyn Avenue
22 home.

23 A I was at the house and I seen someone that I had never
24 seen before.

25 Q And you're referencing that you saw someone that night

JABARI WILLIAMS - DIRECT

1 that you had never seen before.

2 A Uh-huh.

3 Q Man? Woman? You know, any type --

4 A It was a male.

5 Q It was a man? Black man? White man?

6 A Black male, uh-huh.

7 Q And that person, the black male that you just
8 described, had they been invited? You said you didn't know
9 them, but do you know if y'all were expecting anyone else
10 that you did not know that night at the home?

11 A No, ma'am, not to my knowledge.

12 Q And the time that you remember seeing him, did he come
13 inside the home, or were you out in the yard when you saw
14 him?

15 A I was actually inside the home at the time. I just
16 remember I was sitting down and I just seen someone kind of
17 come around the corner that I'd never seen before.

18 Q Okay. And was it -- do you remember if it was early
19 morning? Late at night? Dark outside? Raining? Anything?

20 A It was later. It was approaching darkness.

21 Q Okay. Fair to say dark was falling?

22 A Yes, correct.

23 Q And you said that you were sitting -- or you saw him
24 come in in the kitchen, living room, you were coming out of
25 the bathroom, do you remember?

JABARI WILLIAMS - DIRECT

1 A I was sitting in the dining room -- no, in the living
2 room at the moment.

3 Q Living room?

4 A Yes, correct. And he came around like in the kitchen.

5 Q He was coming into the kitchen you said?

6 A That's correct.

7 Q And this home, just so I'm understanding, you said you
8 were in the living room, sort of den area, and does it
9 connect directly to the kitchen?

10 A Yes, kinda-sorta. You can see it from -- you can see
11 the kitchen and then you can see directly across from the
12 living room.

13 Q Okay. And the couches or chairs or anything in the
14 living room, the den area, could those see into the kitchen
15 as well to the best of your knowledge?

16 A Yes, ma'am. It was kind of like a sectional, uh-huh.

17 Q When you saw the defendants, Jermaine Grier, come into
18 the home that night, did you notice if he had a gun, if he
19 had any weapons?

20 A First off I didn't.

21 Q You did not?

22 A I did not. I remember to my knowledge he came in and
23 he smoked a cigarette, and he asked me what my name was and
24 I told him what my name was, and he just sat down on the
25 couch. And I do remember him pulling a gun out. But

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1 immediately after that, I would say maybe ten or 15 seconds
2 later, I just got up and walked out of the room. Because at
3 the time my girlfriend, April Lindsay, she was just getting
4 out of the shower and she was in the back room, and I went
5 and told her basically what was going on.

6 Q And you said you saw him pull the gun out of his
7 pocket. Can you describe it? Do you have any recollection
8 of what it looked like? Big? Small?

9 A I do not.

10 Q And you went to the bathroom -- or you said your
11 girlfriend, April, was just getting out of the shower. In
12 relation to the den, living room and kitchen, how do you get
13 to that bathroom?

14 A It's like a hallway.

15 Q A hallway?

16 A Yes, ma'am. She actually was out of the bathroom and
17 she was in the back room where we were staying at at the
18 time.

19 Q So you went in and you sort of met with her as she was
20 getting out of the shower --

21 A Kind of let her know what was going on.

22 Q When you say you let her know what was going on --

23 A Basically a guy had came in that I had never seen and I
24 was like, "He has a gun." Uh-huh.

25 Q And you said about ten or 15 seconds from when you were

JABARI WILLIAMS - DIRECT

1 sitting, and then you got up and went and found April; is
2 that right?

3 A That's correct.

4 Q Did you see Shareika -- did you see Shareika McIlwain
5 during that time that you got up off the couch and went to
6 go find April?

7 A Yes, I do remember. Everyone was kind of still like in
8 the living room or basically the kitchen, I do remember
9 seeing Shareika McIlwain.

10 Q Do you remember where you saw her?

11 A She was approaching the door, because I remember her
12 saying something about, "Hey, everybody, let's leave," by
13 that time.

14 Q Okay. And when you say the door, which -- front door?
15 Side door? Screen door?

16 A It's considered the back door but we used it kind of as
17 the front door.

18 Q Is that the one that exits or enters the house in and
19 out of the kitchen area?

20 A That's correct.

21 Q And so you're back with April and you're telling her
22 and sort of relaying what you had just seen, right? That
23 you had seen this happening with the defendant with the gun?

24 A That's correct.

25 Q And then what happened next?

JABARI WILLIAMS - DIRECT

1 A I just heard a gunshot and we ran after that.

2 Q You heard a gunshot? One gunshot? Two? Do you
3 remember?

4 A One to my knowledge.

5 Q One?

6 A Uh-huh.

7 Q And did you hear screaming, crying, anything?

8 A Yeah, for sure. It was a lot of screaming.

9 Q Screaming?

10 A Uh-huh.

11 Q Do you remember anyone saying anything specific?

12 A At that time we was just trying to get out of the
13 house.

14 Q So you and April you said ran out of the house. Where
15 did you go or what were you seeking?

16 A We ran out of the front door and we just ran up the
17 road to some neighbor's house and was trying to get in the
18 neighbor's house, kind of explaining to them what was going
19 on. They wouldn't allow us to come in so we just went to
20 the shed and kind of just laid low until the police arrived.

21 Q When you and April ran, did you see where Shareika --
22 did you see Shareika when you ran out at all?

23 A I did not.

24 Q No? And so you and April, you were hiding, is that
25 fair to say for your --

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1 A That's correct.

2 Q -- for your safety or your concern?

3 A Correct.

4 Q And did you talk to law enforcement that night at all
5 if you can recall?

6 A I did not.

7 Q No?

8 MS. BONINE: I believe that's all I have. Please
9 answer any questions of the defense.

10 THE COURT: All right. Ms. Boulware?

11 MS. BOULWARE: Thank you, Judge.

12 CROSS EXAMINATION

13 BY MS. BOULWARE:

14 Q Mr. Williams, just a couple of quick questions just to
15 clarify. Did you mention it was raining that evening?

16 A I did not, not to my knowledge.

17 Q Okay. It's a little bit hard to hear with the
18 microphones the way they are so I just wanted to make sure
19 of that. When you heard the gunshot, were you down the
20 hallway still?

21 A I was actually inside the room.

22 Q Inside -- I'm sorry.

23 A Inside the bedroom.

24 Q The bedroom. Okay. So you were all of the way in the
25 bedroom at that point.

JABARI WILLIAMS - CROSS

1 A That's correct.

2 Q So obviously you never saw Jermaine aim at anyone in
3 particular, you just heard the gunshot?

4 A That's correct. I didn't see him aim at anyone.

5 MS. BOULWARE: Okay. All right. Beg the Court's
6 indulgence.

7 (Break in proceedings.)

8 Q Do you recall what Jermaine's demeanor was like that
9 evening?

10 A I don't recall. Like I said, I was intoxicated. I
11 just remember him asking me my name and that was about it.
12 I didn't really think much of it until I seen the gun, once
13 I seen him pull it out.

14 Q And understanding you were intoxicated, did you have
15 any bad feeling about him, feeling like he was a little bit
16 edgy or anything?

17 A Once he pulled the gun out I did, because I never seen
18 anyone, you know, just pull a gun out. It kind of got to me
19 a little bit.

20 Q I can understand that.

21 MS. BOULWARE: That's all of the questions I have.

22 THE COURT: Any redirect?

23 MS. BONINE: None, Your Honor.

24 THE COURT: All right. Thank you, sir, you can step
25 down.

JABARI WILLIAMS - CROSS

1 MS. BONINE: We would ask that this witness be excused
2 if he so chooses.

3 THE COURT: You're free to leave if you wish, sir.
4 Ladies and gentlemen of the jury, now is going to be good
5 time to take our lunch recess. I told you yesterday it's
6 going to be a working lunch, in other words I've called in
7 lunch for you. Okay? So we're going to take about a 45
8 minute lunch, they're bringing it up right now and setting
9 it up for you in the jury room, along with refreshments. I
10 plan on restarting the trial promptly at 1:00 p.m. or as
11 soon as we can so we can work as much as we can this
12 afternoon. Okay? Thank you very much. Don't talk about
13 the case, you haven't heard everything yet.

14 (The jury left the courtroom.)

15 THE COURT: Anything else before we break for lunch?

16 MR. FRICK: Your Honor, can I do one thing on the
17 record? Just the objection we had on the leading questions
18 earlier, I just want to clarify and protect our situation
19 there. One, I'm an old trial lawyer now and it's hard to
20 sit second chair so I was practically kicking Ms. Boulware
21 when the solicitor was leading. I discussed that with the
22 solicitor and she obviously did an excellent job in the
23 direct examination here. We did have a side bar and
24 discussed you would allow it under 611C I believe, which
25 allows the Court to do that, and I certainly understand

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1 those witnesses were laying foundation, but I just want to
2 clarify that we did object to the leading and continue to
3 object to it just for the purposes of record.

4 THE COURT: Objection is noted. And you are correct,
5 Rule 611 provides, in pertinent part, that leading questions
6 should not be used on the direct examination of a witness
7 except as may be necessary to develop the witness'
8 testimony. Rule 611-A says, "The Court shall exercise
9 reasonable control over the mode and interrogating of
10 witness so as to avoid, number two, needless consumption of
11 time." Y'all are excellent lawyers in this courtroom and,
12 you know, I'm going to be flexible with that, I always am.
13 Likewise, I extend the same courtesy to y'all with Dr.
14 Maddox, okay, and any witnesses y'all call. I try to be
15 fair the way I extend that same courtesy but trying to move
16 it along. Anything for the record?

17 MS. COLLINS: No, Your Honor, thank you.

18 THE COURT: That's the ruling of the Court, so
19 objections are noted, that objection is overruled. We'll
20 just get it over with. All right. Thank you. We're going
21 to take a lunch recess and start as close to 1:00 as
22 possible.

23 (A lunch break was taken.)

24 (The jury returned to the courtroom.)

25 THE COURT: All members of the jury are present. I

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1 hope y'all's pizza was as good as mine. We will get started
2 again and the State may call its next witness.

3 MS. COLLINS: Your Honor, the State's next witness is
4 Roger Lowery. Mr. Lowery, please come forward.

5 The witness, ROGER LOWERY, was first duly sworn and
6 Testified as follows:

7 DIRECT EXAMINATION

8 BY MS. COLLINS:

9 Q Would you please state your name for the record?

10 A Roger Lowery.

11 Q Okay. Mr. Lowery, if you'll just speak up just a
12 little bit as if you were trying to talk to me from there.
13 Okay? And on June 10th of 2014, were you living in
14 Lancaster County?

15 A I was.

16 Q Okay. And what street did you live on? I'm sorry. On
17 what street did you live on June 10th, 2014?

18 A West Brooklyn Avenue.

19 Q And do you recall the address?

20 A [REDACTED]

21 Q Okay. And that's here in Lancaster county?

22 A Yes, ma'am.

23 Q Tell me, did other people live there with you at the
24 time?

25 A Yes, ma'am. My wife at the time, who has recently

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1 deceased, and her two children.

2 Q Okay. And how old were her two children?

3 A One was, I think, at the time was 15, and the other one
4 was like 12.

5 Q Okay. And did one of them have a special circumstance?

6 A Yes, ma'am. The youngest one was of special needs.

7 Q Of special needs? And they were both boys?

8 A Yes, ma'am.

9 Q And it was just the four of y'all living there at that
10 home?

11 A Yes.

12 Q What time did you go to bed that night approximately,
13 do you remember?

14 A I work in Monroe and I had to get up real early to
15 drive to work, I'm going to say probably around 8:00 or
16 8:30.

17 Q Okay. So at approximately 9:30 you had already gone to
18 bed?

19 A Yes, ma'am.

20 Q And once you -- did you sleep in the bedroom?

21 A I did.

22 Q Okay. And once you went to sleep, did someone later
23 wake you up?

24 A Yes, ma'am.

25 Q Tell me about that.

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1 A I was asleep. And, like I said, my wife at the time
2 came in and woke me up and told me that there was a man and
3 a woman that was on our front porch that were fighting and
4 she was screaming for help. So I got up out of bed and went
5 to the door and seen what was going on, I went back to my
6 bedroom and got my gun.

7 Q Now, was the door, did it have like any glass in it
8 where you could see through it without opening it through,
9 your front door?

10 A The front door did have a oval glass in it but it was a
11 stain glass, but there was a solid glass storm door in the
12 front of it. So I opened up the wood door and I could see
13 out of the storm door.

14 Q Okay. All right. And so you didn't have to open the
15 storm door?

16 A No, ma'am.

17 Q Okay. And what did you see when you looked out?

18 A When I looked out on to the porch I seen Mr. Grier and
19 Mrs. McIlwain was on the porch, and Mr. Grier had Ms.
20 McIlwain and was beating her in her head and in her face
21 with his fists.

22 Q All right. And had you seen Ms. McIlwain before that
23 night?

24 A I had seen her occasionally like out in the yard or
25 whatever but, you know, really no interaction.

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1 Q Where did she live in relation to your house?

2 A Right across the street.

3 Q Okay. And what did you do when you saw Mr. Grier
4 beating up on Ms. McIlwain on your front porch?

5 A Like I said, I went back to my room. I didn't know
6 what the circumstances was, there was kids in the house so I
7 went back to my bedroom, I got my gun. I went to the door
8 and told Mr. Grier that he needed to let Ms. McIlwain go and
9 he needed to leave my property.

10 Q Were you speaking to him as you are speaking to me now
11 or were you yelling?

12 A No. I was in kind of a calm voice for the situation.

13 Q Okay. Very good. And when you spoke to him, did you
14 speak to him through your storm door?

15 A No, ma'am, I was on the porch at this time. I had
16 already opened the door and went out on the porch.

17 Q Okay. And when you went onto the porch, was Mr. Grier
18 still beating on Ms. McIlwain?

19 A He was.

20 Q Okay. Can you describe that for the jury?

21 A He was -- he had -- like I said, he had Ms. McIlwain by
22 her head and he was just beating her all in her face and
23 pulling her hair. He was actually taking her head and
24 trying to push it through that storm door. Like I said, I
25 asked Mr. Grier several times to stop and he needed to let

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1 her go and leave my property, and Mr. Grier told me that he
2 would kill me also.

3 Q All right. And then what happened?

4 A I pulled my gun, I pointed it at Mr. Grier, asked him
5 again to leave. He refused. My wife at the time did
6 actually get Ms. McIlwain away from him and got her into the
7 house safely. Me and Mr. Grier had an altercation on the
8 porch. He hit me in the eye right here, he was trying to
9 take my gun from me, I hit him and we got into a skirmish on
10 the front porch. Whenever Mr. Grier and Mrs. McIlwain were
11 fighting on the front porch before I got involved there was
12 some -- we had some planters on the front porch that had
13 some ferns in it and my front porch was cement, well, they
14 had busted one of them and there was dirt all over the
15 porch, which made it slick. While me and Mr. Grier were
16 tussling on the front porch and he was trying to take my gun
17 from me, we slipped in that dirt and I fell down. I didn't
18 want to give Mr. Grier the opportunity to jump on top of me
19 or anything, so I stood up and I stepped back into my --
20 went back into my living room in my house. Mr. Grier
21 followed me in my house.

22 Q So he actually came inside the door of your home?

23 A He did.

24 Q Within the inside of your home?

25 A He did.

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1 Q And what did you do then?

2 A Whenever he stepped into the inside of my home and kind
3 of like he was going to lunge at me I shot him.

4 Q And when he entered your home, was that with your
5 consent or without your consent?

6 A Without my consent.

7 Q And at that point you said you shot him?

8 A I did.

9 Q Do you know where on his body you shot him?

10 A Somewhere in the abdomen.

11 Q How many times did you shoot him?

12 A I shot him once.

13 Q And when you shot him, what happened?

14 A He fell back out onto the front porch. He was kind of
15 in the fetal position for a few minutes, and then Mr. Grier
16 got up and fled, he ran off of my front porch. I don't know
17 where he went, it was dark and I wasn't going to follow him.
18 At that time I didn't know that Mr. Grier had a gun.

19 Q Okay. Had you seen a gun in his hand at that point?

20 A I did not.

21 Q Okay. All right. And what happened then?

22 A Whenever he got up and fled, that's whenever the girl,
23 Ms. McIlwain, told me that he had a gun. I stayed inside my
24 home. I closed the storm door back. It wasn't but just a
25 few minutes, I'm going to say maybe two or three minutes at

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1 the most, Mr. Grier came back to my house, and when he came
2 back he just collapsed on my front porch.

3 Q Okay. All right.

4 A And he was reaching up for like he was trying to grab
5 the door handle.

6 Q Okay. Now, let me back up a little bit. When Mr.
7 Grier -- when you first see Mr. Grier and Ms. McIlwain
8 struggling on your front porch, could you hear -- was Mr.
9 Grier saying anything?

10 A No, not that I heard. All I could hear was her
11 screaming.

12 Q All right. And when Mr. Grier then struggled with you
13 on your front porch, did he say anything?

14 A Other than he told me he would kill me.

15 Q Okay. All right. And then when he came back to your
16 front porch and you say collapsed and was reaching up toward
17 the door handle, did he say anything then?

18 A No.

19 Q All right. When he ran off your front porch -- before
20 he came back and collapsed, when he ran off your front
21 porch, did you see what direction he went in?

22 A Whenever he went off my front porch he went off to the
23 right, like back towards Ms. McIlwain's house.

24 Q Okay. All right. So your house, does the front door
25 face the street or is it something different?

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1 A No, ma'am. The front door actually faces the driveway.

2 Q Okay.

3 A It doesn't face the street.

4 Q Okay. So if I'm standing on the inside of your house
5 at the front door and it doesn't face the street, it faces
6 the driveway, is the street, West Brooklyn Avenue, is it
7 over on the left-hand side or the right-hand side?

8 A It's on the right-hand side.

9 Q Okay. So if I walked down -- you said he went to the
10 right?

11 A Yes, ma'am.

12 Q So if he went to the right and then went -- did he go
13 around the corner the best you could see to the right?

14 A He did, he went around the corner. There was a
15 nightlight there that shined in the yard but it only lit up
16 the side of the house where the driveway was. The part of
17 the yard that he ran off into was dark.

18 Q Okay. So is your front porch, is it flat or is it kind
19 of L-shaped?

20 A No, it's flat.

21 Q Okay. But like could you stand inside your doorway and
22 see around the corner to see where he went?

23 A No, ma'am. You couldn't see because it was dark on
24 that side of the house.

25 Q Okay. All right. And so you couldn't see where he

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1 went or what he did at that point, right?

2 A No, ma'am.

3 Q And how long was he gone?

4 A I'm going to say just a couple of minutes. It wasn't
5 long at all.

6 Q Okay. And that's when he came back and collapsed on
7 your front porch?

8 A He did.

9 Q And you said there were some planters that had been
10 disturbed, some dirt knocked out of them; is that right?

11 A Yes, ma'am.

12 Q Okay. And apart from that after the incident was over
13 did you notice, were there other items on the porch?

14 A No, ma'am, there wasn't.

15 Q Okay. All right. Did your wife call law enforcement?

16 A She did.

17 Q She called 911?

18 A She did.

19 Q Did the police come?

20 A They did.

21 Q How long between -- when Mr. Grier came back to your
22 front porch and collapsed on the front porch, how long
23 between that moment to when the police got there?

24 A It wasn't long at all. Because actually whenever me
25 and Mr. Grier were tussling and fighting on the front porch

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1 I could hear the sirens, you could hear them coming. So it
2 wasn't but just a matter of minutes.

3 Q So at the point Mr. Grier comes back and collapses on
4 your front porch you could hear the sirens even closer then?

5 A Yes, ma'am.

6 Q Okay. And so what had you done with your gun at that
7 point?

8 A I had -- still had my gun in my hand whenever the
9 police arrived. Like I said, Mr. Grier was reaching up like
10 he was trying to grab the handle on the storm door, I
11 stepped back out on the porch and had my gun pointed at him,
12 and whenever the police arrived they instructed me to put my
13 gun down. I did. I cooperated with what they said.

14 Q Yes, sir. How many guns did you have?

15 A I had two.

16 Q Okay. And were they both with you that night?

17 A They was. The reason I had two guns with me, we had
18 been having some problems with raccoons building a nest in a
19 tree in our backyard and we was scared it might hurt one of
20 the kids, would bite him or something, so I had been
21 shooting them with that .38 trying to get rid of them.

22 Q What were they?

23 A Raccoons.

24 Q Okay. Go ahead.

25 A And so whenever I went and got my .38, I wasn't

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1 exactly -- I knowed I had been shooting them raccoons and I
2 didn't know exactly how many bullets was in that gun, so I
3 got my other gun and just stuck it in the back of my pants
4 because I knowed it was fully loaded.

5 Q Okay. What type of gun did you use when you shot Mr.
6 Grier?

7 A A .38 caliber.

8 Q Okay. And what gun did you have stuck in the back?

9 A A .40 caliber.

10 Q Okay. All right. So when the police came, did you --
11 and asked you, did they ask you to put down your weapon?

12 A They did.

13 Q Were you holding both weapons at that time?

14 A Yes, ma'am.

15 Q Okay. And you put them both down?

16 A I did.

17 Q Now, other than the planter that had been kind of
18 broken, was there other disarray to your front porch that
19 you remember?

20 A Not that I can remember, no.

21 Q Okay. Were there any -- but would you say you and your
22 wife kept a neat house?

23 A We did.

24 Q Was there anything on the front porch such as
25 ammunition or shell casings?

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1 A No, there was not.

2 Q Certainly wouldn't keep ammo with a special needs child
3 around out loose, right?

4 A No, ma'am.

5 Q So any items like that found on your front porch, they
6 were not yours?

7 A No, ma'am.

8 Q Or on your front steps not yours?

9 A No, ma'am.

10 Q Now, when law enforcement came you said you cooperated.
11 Did they take you into investigative detention at that time?

12 A They did.

13 Q Okay. Until they could figure out what was going on?

14 A Yes, ma'am.

15 Q And you said, again, of course, you cooperated?

16 A Yes, ma'am.

17 Q And do you recall where you put your guns down when
18 they came?

19 A There was a bench on my front porch and I laid both
20 guns down on that bench and backed up.

21 Q Okay. All right. When Mr. Grier came running back
22 up -- of course, at that point you still had your guns,
23 right?

24 A Yes, ma'am.

25 Q Did you ever see a gun in his hand?

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1 A I did not.

2 Q Okay. All right. So the two guns on the bench were
3 both your guns?

4 A Yes, ma'am.

5 Q And that's where you put them when law enforcement came
6 and told you to put them down?

7 A That's right.

8 Q And you went to the sheriff's department with officers
9 that night and you spoke with their investigators about what
10 had happened to your home and your family and your neighbor,
11 right?

12 A I did.

13 Q And to you, right?

14 A Yes, ma'am.

15 Q What had happened to you, too.

16 A Yes, ma'am.

17 Q And ultimately they spoke with you and then they
18 allowed you to come back home, right?

19 A They did.

20 Q To your family, right?

21 A Yes.

22 Q And did you and your family later move from that
23 residence?

24 A We did. A time later we did, yes.

25 Q Okay. And later I believe you and your wife separated

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1 and got a divorce?

2 A We did.

3 Q And that since then she's passed away; is that right?

4 A She has.

5 Q I'm sorry. Now, you had seen Mr. Grier assaulting Ms.

6 McIlwain on your front porch, then you said your wife was

7 able to let her in and she came into your home, correct?

8 A That's right.

9 Q Went back toward the kitchen; is that right?

10 A Yes, ma'am.

11 Q You said it was at that point that Mr. Grier -- is that

12 the point y'all struggled or is that the point he came in

13 the house?

14 A No, that's the point we struggled.

15 Q Okay. All right. And then at what point did he come

16 inside your home?

17 A While me and him were struggling, like I said, we had

18 slipped in that dirt that was on that cement porch.

19 Whenever we fell down I didn't want to give him the

20 opportunity to be able to get up and jump on top of me and

21 take my gun from me, so that's whenever I got up and I

22 stepped back into my -- I walked back into my living room

23 and he came behind me.

24 Q Okay. So he had been struggling with you, and you went

25 back into the house and he came in behind you?

ROGER LOWERY - DIRECT

1 A That's right.

2 Q Okay. Did you feel like it was his intent to continue
3 that struggle with you?

4 A I didn't know what his intention was but I knowed I
5 wasn't going to let him come in my house.

6 Q And that's the point you shot him when he was inside
7 your house?

8 A Yes, ma'am.

9 Q Now, the revolver that -- you shot him, Mr. Grier, with
10 a revolver you said, right?

11 A That's right.

12 Q What caliber?

13 A .38.

14 Q And a revolver does not eject the shell casing when the
15 gun is shot, right?

16 A It does not. You have to manually physically take the
17 bullet out.

18 Q All right. And when law enforcement came you hadn't
19 done anything to the guns other than hold them since
20 shooting the defendant, correct?

21 A That's right.

22 MS. COLLINS: Thank you. Please answer any questions
23 the defense has.

24 THE COURT: All right.

25 MS. BOULWARE: Thank you, Judge.

MATTHEW BOYD - DIRECT

1 CROSS EXAMINATION

2 BY MS. BOULWARE:

3 Q Mr. Lowery, I just have a couple of quick questions for
4 you. Did you know Jermaine Grier before that evening?

5 A Had never seen him before.

6 Q And never had any interaction with him whatsoever?

7 A No, ma'am.

8 Q Other than, of course, he was fighting with Ms.
9 McIlwain, did you perceive anything else from his demeanor
10 that night? Did he seem out of control?

11 A It's kind of hard to answer the way he was beating up
12 on her. I really couldn't tell you what his demeanor or his
13 intentions was.

14 Q Okay. But you had never met him before.

15 A No, ma'am.

16 Q Okay.

17 MS. BOULWARE: Beg the Court's indulgence.

18 (Break in proceedings.)

19 MS. BOULWARE: No further questions.

20 THE COURT: All right. Thank you, sir, you may step
21 down. Call your next witness.

22 MS. COLLINS: Your Honor, we would ask that if the
23 witness wishes to return to his family, if he could be
24 excused, but he may stay since he is, of course, a victim.

25 THE COURT: All right. It's up to you, sir. Thank

MATTHEW BOYD - DIRECT

1 you.

2 MS. BONINE: State calls Matthew Boyd.

3 The witness, MATTHEW BOYD, was first duly sworn and

4 Testified as follows:

5 DIRECT EXAMINATION

6 BY MS. BONINE:

7 Q Mr. Boyd, would you state your full name for the
8 record?

9 A Matthew Boyd.

10 Q B-o-y-d?

11 A B-o-y-d.

12 Q And what's your occupation?

13 A A law enforcement officer.

14 Q And how long have you been an officer?

15 A Coming up on 14 years next month.

16 Q Fourteen years? And where are you currently employed?

17 A Chester County Sheriff's Office.

18 Q And what's your current rank?

19 A I am a SRO, School Resource Officer.

20 Q And where were you employed in June of 2014?

21 A Lancaster County Sheriff's Office.

22 Q Lancaster Sheriff's Office? What were your duties, or
23 what did you do with Lancaster at that time?

24 A I worked patrol.

25 Q And if you could, just speak up just a little bit

MATTHEW BOYD - DIRECT

1 because the barriers make it a little difficult. Thank you.

2 Were you on duty and on patrol on June 10th of 2014?

3 A I was.

4 Q Approximately 9:30 p.m.?

5 A Yes, ma'am. We work 4:00 p.m. to 4:00 a.m.

6 Q Did you respond to [REDACTED] West Brooklyn Avenue?

7 A I did.

8 Q Is that in the jurisdiction of the Lancaster County
9 Sheriff's Office?

10 A Yes, ma'am.

11 Q You were sent there by dispatch?

12 A Yes, ma'am.

13 Q Do you know what time the call was received into
14 the 911?

15 A No. I don't have that in front of me.

16 Q But you got a call for dispatch to that [REDACTED] --

17 A Yes, ma'am. We were dispatched by our 911 dispatchers
18 to go to that residence.

19 Q Around 9:30 p.m.?

20 A Yes, ma'am.

21 Q And where were you immediately before you arrived at
22 [REDACTED] West Brooklyn?

23 A We were out in Caroline Court with the city with the
24 shooting that they had, we were assisting them with
25 perimeter.

MATTHEW BOYD - DIRECT

1 Q And when you say assisting with perimeter, is that
2 typical that you assist with other jurisdictions?

3 A Yes, ma'am. The city, you know, when you have an
4 incident like that and the suspect could possibly be inside
5 the residence, you want to make sure that you maintain him
6 inside of that residence. Short staffing and in all law
7 enforcement means that we help each other out, so being that
8 the city was within the county we were able to go assist
9 them. So we were strategically placed around the area to
10 try to stop anybody from escaping from the residence.

11 Q And when you -- how did you first come to arrive to the
12 Caroline Court? Would it be the same dispatch that you're
13 sent in the system?

14 A Yeah, I believe we were dispatched. It was either --
15 we also scan the city, we pick up their radio channels on
16 our radio. So it could have been we just heard it on the
17 radio and we were dispatched. It was seven years ago, I
18 don't really recall.

19 Q Fair enough. And you said you were at Caroline Court
20 and then you went to [REDACTED] West Brooklyn. Approximately how
21 close are they? Is it miles?

22 A No. Through the woods it's probably 100 yards, but to
23 get there by car you had to go out to the light and turn
24 back, so --

25 Q Would it be fair to say about two streets over?

MATTHEW BOYD - DIRECT

1 A Yes, ma'am.

2 Q When you arrived at [REDACTED] West Brooklyn, were you the
3 first officer on that scene to arrive?

4 A Myself and Investigator Lyons arrived pretty much at
5 the same time. I believe he was in front of me and I was
6 directly behind him. We arrived at the exact same time.

7 Q Were you in a marked patrol car?

8 A I was.

9 Q And were you uniformed?

10 A I had my uniform on, yes, ma'am.

11 Q So you were alone in your car and Investigator Lyons
12 was just before you.

13 A Yes, ma'am.

14 Q What did you see when you first arrived at [REDACTED]

15 A When we first pulled up we exited our vehicles and
16 looked at the front porch, and that's when we observed Mr.
17 Lowery standing on the porch with a gun in each hand.

18 Q And what did you do upon seeing the individual?

19 A Of course, with arriving to that and not knowing
20 exactly what was going on we drew our weapons and advised
21 him to drop his gun, which he did, he placed both of them
22 down onto the bench, then we made our way onto the porch.
23 And again, not knowing what was going on but knowing he had
24 a gun, we went ahead and placed him in investigative
25 detention, and then that's when we observed Mr. Grier on the

MATTHEW BOYD - DIRECT

1 front porch laying down. And same thing, we placed him in
2 investigative detention until we determined what was going
3 on.

4 Q And when you described that Mr. Lowery had guns
5 presumably in both hands; is that right?

6 A Yes, ma'am.

7 Q Were they pointing opposite directions or were they
8 pointing at something, an object?

9 A Best I can recall they were pointed down when we pulled
10 up. They definitely wasn't pointed at us, but the best of
11 my recollection they were pointed down when we pulled up.

12 Q So you see Mr. Lowery, but is it fair that you didn't
13 see Mr. Grier when you first --

14 A You could not see Mr. Grier. He was laying down on the
15 porch and there was bushes and porch railing and all of that
16 stuff, we could not observe him.

17 Q And you said that Mr. Lowery was cooperative. And when
18 you say investigative detention, can you just briefly
19 describe what that means?

20 A That just means we place them in handcuffs, advise them
21 that they're not free to leave at that time while we
22 investigate the reason why we are there, so --

23 Q So both Mr. Lowery and Mr. Grier were placed in
24 investigative detention.

25 A Yes, ma'am.

MATTHEW BOYD - DIRECT

1 Q Can you describe, if you recall, Mr. Lowery as well as
2 this defendant, Mr. Jermaine Grier's, appearance when you
3 first arrived there?

4 A The best I can recall, I mean, Mr. Lowery, like I said,
5 was -- he was a little disheveled. And like I said, as soon
6 we placed him in handcuffs he stated that he had shot Mr.
7 Grier for assaulting him and trying to get into his
8 residence, and at that point is when I noticed that Mr.
9 Grier did have a wound to his abdomen. So, like I said, we
10 detained him, placed him investigative detention and
11 handcuffed him, made sure he didn't have any weapons on him
12 and immediately called for EMS to come render medical aid.

13 Q So you or Investigative Lyons called EMS.

14 A Yes.

15 Q And did you or anyone else call additional officers, or
16 did anyone else arrive to the scene?

17 A I'm sure that -- again, seven years ago -- but I'm sure
18 that when we put over the radio that we had a gunshot victim
19 I'm sure other people started coming that way just based off
20 of that.

21 Q And you weren't the only two there that night.

22 A Other officers were working, yes, ma'am.

23 Q Can you describe the porch, or just the general area
24 where you found both men that night?

25 A You can definitely tell that there had been a struggle

MATTHEW BOYD - DIRECT

1 on the porch. Like Mr. Lowery just testified to, there was
2 a planter that had been broken and there was dirt all over
3 the porch. Like I said, you could definitely tell that
4 something had occurred on that porch fairly recently.

5 Q When you were there at [REDACTED] did you have an occasion to
6 speak to Ms. Shareika McIlwain that night?

7 A I did.

8 Q And did you observe any wounds to her?

9 A Yes, ma'am. I observed that she had a mark on her neck
10 that was showing signs of blood.

11 Q Did she tell you how she got that?

12 A She said that Mr. Grier had shot her.

13 Q How was Ms. McIlwain's demeanor and her appearance, if
14 you recall?

15 A The best I can recall you could tell that she had been
16 involved in an altercation, you know. Like the pictures
17 earlier showed that her hair had been pulled out, she had
18 the mark on her neck, her shirt was ripped off her and you
19 could tell that she -- and she was definitely nervous.
20 Anybody that had been shot at would definitely be disheveled
21 also.

22 Q And did she say where she had -- the address of where
23 that happened?

24 A Yeah, the one directly across the street. I don't
25 remember if she actually told us the exact numbers, but she

MATTHEW BOYD - DIRECT

1 told us it was that house right there and pointed at the one
2 directly across the street, yes, ma'am.

3 Q And to the best of your knowledge, did what we would
4 call CSI or crime scene investigators from the sheriff's
5 office arrive to [REDACTED] and process that, take photographs?

6 A Yes, ma'am. Protocol with that is we secure the scene
7 and then that's what we do, we call for them because they're
8 the experts in that. And we just -- at that point I would
9 take my crime scene tape and tape off the area. Being that
10 it was both sides of the road, I remember just taping off
11 both sides of the road, not even let cars through or
12 nothing, just have the whole road taped off and called for
13 CSI to come and they would process the scene.

14 Q And you're saying secure the scene. Does that involve
15 keeping track of who and what agencies are in and out of
16 there?

17 A Yes, ma'am. We start a crime scene log and log
18 everybody that comes in and out of the crime scene.

19 Q Did you maintain that crime scene log?

20 A Yes, ma'am.

21 Q And that's normal protocol for --

22 A First officer on scene to start that and maintain it
23 unless he's relieved.

24 Q That keeps track of everyone that comes in and out of
25 that general area.

MATTHEW BOYD - CROSS

1 A Yes, ma'am.

2 Q And so you stated that you initially put up the crime
3 scene tape around [REDACTED]

4 A Yes, ma'am.

5 Q You talked to Ms. McIlwain, who indicated this shooting
6 happened across the street, [REDACTED] you also taped that area?

7 A Yes, ma'am.

8 Q And were you on the scene still or present -- let me
9 back up. That evening do you know if any firearms or
10 weapons were recovered on that scene?

11 A To my knowledge -- I was mainly at Mr. Lowery's house,
12 the only firearms that were recovered at his house were his
13 two firearms that we recovered initially when we came up and
14 that's all that I really want to testify to. Because I
15 didn't really go -- besides just roping of the scene, I
16 didn't really go to the other scene. I pretty much let CSI
17 process that scene.

18 Q Absolutely. And you stated that the crime scene that
19 you recall was sort of both ends -- not in the street but
20 sort of creating a square; is that right?

21 A Yeah, pretty much a square. Directly across the street
22 from one another.

23 Q And do you recall EMS arriving -- did they just tend
24 medical treatment there to Mr. Grier? Was he taken away?

25 A Of course they came up and started their assessment and

MATTHEW BOYD - CROSS

1 pretty much knew right away that he needed emergency medical
2 attention. So fairly quickly loaded him in the back of the
3 ambulance and called -- I believe that he ended up riding in
4 a helicopter, they called for that. But I stayed on the
5 crime scene, I did not go with EMS.

6 MS. BONINE: Begging the Court's indulgence.

7 (Break in proceedings.)

8 MS. BONINE: That's all I have. Please answer any
9 questions of the defense.

10 THE COURT: Ms. Boulware?

11 MS. BOULWARE: Thank you, Judge.

12 CROSS EXAMINATION

13 BY MS. BOULWARE:

14 Q Is it -- I didn't catch your rank.

15 A I'm just deputy.

16 Q Deputy. You're in Chester. I am, too, usually.

17 A Yes, ma'am.

18 Q So you began the crime scene log?

19 A Yes, ma'am.

20 Q Okay. Do you have that with you or --

21 A Yeah. I have a copy of it, yes, ma'am.

22 Q You have a copy? Okay. Great. What's the procedure
23 on that? I notice there's only -- there's a place for a
24 signature for everyone on the scene, but the only signatures
25 that are on there are from Sergeant Small with the Lancaster

MATTHEW BOYD - CROSS

1 Police Department and then Lieutenant Rollins.

2 A Yes, ma'am. You know, these type of scenes are very
3 hectic, so, you know, as people are coming in and out you're
4 documenting that they're coming in and trying to get them to
5 sign. If they're focused on something or doing something
6 else you try to go back and get them to sign, but with the
7 way this crime scene operates sometimes you miss signatures
8 on there. But you try to make sure that you keep track with
9 my watch and watching who comes in and signing them in and
10 putting their number -- the time in and out on there as best
11 as possible.

12 Q Okay. And what's the purpose of the signature then?

13 A Just so they acknowledge that that was them there, I
14 guess, in case of somebody else --

15 Q So those folks actually acknowledge that they were
16 there then.

17 A I guess. Like I said, it's on there and I should get
18 them, but you don't always get every signature of every one
19 person on the scene. You know, like the EMS workers, I
20 would have to ask them to stop rendering aid to Mr. Grier to
21 get their signatures that they were inside the crime scene.

22 Q Could you go back later and get them?

23 A I mean, I -- you could, yes, ma'am.

24 Q But you didn't.

25 A I did not.

PAUL LYONS - DIRECT

1 Q Okay.

2 MS. BOULWARE: No further questions.

3 THE COURT: Any redirect?

4 MS. BONINE: None, Your Honor.

5 THE COURT: All right. Thank you, sir, you can step
6 down, you are free to leave. State can call its next
7 witness.

8 MS. BONINE: State calls Investigator Paul Lyons.

9 The witness, PAUL LYONS, was first duly sworn and
10 Testified as follows:

11 DIRECT EXAMINATION

12 BY MS. BONINE:

13 Q Good afternoon, Investigator. Would you please tell
14 the Court your full name and rank, please?

15 A Sure. Paul Lyons, Criminal Investigator.

16 THE COURT: You've got to talk up. You're soft spoken
17 but you're going to have to yell with that plexiglass, it
18 contains the sound.

19 A Name is Paul Lyons, Criminal Investigator.

20 Q And where are you currently employed?

21 A Lancaster County Sheriff's Office.

22 Q How long have you been in law enforcement officer?

23 A Since about September of 2006.

24 THE COURT: You don't need to lean in, just shout.

25 Q September of 2006?

PAUL LYONS - DIRECT

1 A Yes, ma'am.

2 Q And your rank now is investigator you said?

3 A Yes, ma'am, criminal investigator.

4 Q And how long have you served as an investigator in
5 Lancaster?

6 A I'm sorry?

7 Q How long have you served as an investigator in
8 Lancaster?

9 A Almost seven and a half years.

10 Q Were you employed by the Lancaster County Sheriff's
11 Office in June of 2014?

12 A Yes, I was.

13 Q And what was your -- you were investigator then?

14 A Yes, ma'am, I was. I was still a criminal
15 investigator.

16 Q Were you on duty on June 10th of 2014?

17 A Yes, I was.

18 Q Around nighttime or earlier in the day?

19 A Yes, ma'am. I worked the second shift, so it was about
20 three to midnight.

21 Q Did you get a call for service that night to [REDACTED] West
22 Brooklyn Avenue?

23 A Yes, ma'am.

24 Q And you were sent there by dispatch?

25 A Yes, ma'am, the Lancaster County Sheriff's Office

PAUL LYONS - DIRECT

1 dispatch.

2 Q And [REDACTED] West Brooklyn, that is in the jurisdiction of
3 the Lancaster County Sheriff's Office?

4 A Yes, ma'am.

5 Q In Lancaster County, South Carolina?

6 A Yes, ma'am.

7 Q Approximately what time did you arrive there, or were
8 you dispatched there?

9 A To [REDACTED] West Brooklyn?

10 Q Yes.

11 A I don't know for sure. I would say probably between
12 9:30, 9:45, give or take.

13 Q Nighttime?

14 A Yes, ma'am, during nighttime hours.

15 Q And where were you immediately before you went to [REDACTED]
16 West Brooklyn?

17 A I was in Caroline Court in Lancaster in the city
18 jurisdiction.

19 Q And what were you doing there?

20 A I was assisting them with a shooting investigation that
21 they were currently investigating.

22 Q And how did you come to arrive there in the city
23 jurisdiction?

24 A I wasn't sure if it was our dispatch or their patrol
25 sergeant who was working the county area that evening had

PAUL LYONS - DIRECT

1 requested the assistance of anybody who was in the area to
2 respond to assist Lancaster City Police Department.

3 Q And is that typical that agencies respond to -- the
4 sheriff's office would respond and help with the city?

5 A Yes, ma'am. We do that a lot of times, mutually aid
6 especially, again, being in the county.

7 Q And the Caroline Court scene just, so we're all -- and
8 I know we are, that is in the city jurisdiction.

9 A Yes, ma'am, that's city jurisdiction.

10 Q The city police department. How far would you say is
11 the distance between the Caroline Court and [REDACTED] West
12 Brooklyn?

13 A A short distance. It would probably be faster to walk
14 but obviously we had to drive, so just a couple minute
15 drove.

16 Q So about two streets over?

17 A I would say about two streets over.

18 Q And when you were originally at Caroline Court, what
19 were your duties, or what were you doing to assist the city
20 with that ongoing?

21 A Sure. So initially when -- on my way there or when I
22 got there we were advised that there was a shooting incident
23 at one of the apartments, and the suspect was possibly still
24 in that location. So a lot of the sheriff's office units
25 and city PD, not knowing exactly if the person was still in

PAUL LYONS - DIRECT

1 there, we did set up a perimeter that Deputy Boyd had
2 already explained, just set up an area to make sure no one
3 comes in or comes out of the area. It was later on that I
4 learned once we got to West Brooklyn that the investigation
5 was actually now a murder scene where the subject was
6 deceased, and that the suspect was still at large and had
7 not been apprehended.

8 Q But when you were at Caroline Court you didn't have
9 occasion to enter that apartment?

10 A No, ma'am, I did not. I stayed in the parking lot the
11 whole time.

12 Q And you were called away to [REDACTED] West Brooklyn.

13 A Yes, ma'am, by our county dispatch.

14 Q To your knowledge when you left Caroline Court and went
15 to [REDACTED] West Brooklyn, the suspect that they were trying to
16 seek in the city death investigation, had they been located
17 yet to your knowledge?

18 A Once I responded to West Brooklyn I realized that he
19 had not been apprehended.

20 Q And you responded to 766 West Brooklyn. Who lives at
21 that address?

22 A It was Mr. Roger Lowery and his wife at the time, Ms.
23 Michelle Lowery.

24 Q Were you the first to arrive at [REDACTED]

25 A I believe so. Myself and Deputy Boyd, we had responded

PAUL LYONS - DIRECT

1 over there together since we were at the same location
2 previously, so I would say we responded pretty much at the
3 same time.

4 Q And were you in a marked patrol car?

5 A No. At the time I was in an unmarked Chevrolet
6 Trailblazer, but I did have blue working lights to identify
7 my vehicle as a police vehicle.

8 Q Did you activate those?

9 A Yes, ma'am. I did respond code three, which is our
10 lights and sirens to respond to that location.

11 Q As an investigator, are you uniformed in the full head
12 to toe or is it something different?

13 A So at the time, that is in June of 2014, when we were
14 in investigations we wore a shirt and tie and slacks, so I
15 was wearing that. And I did have an out and over vest that
16 did have sheriff's office on it to identify myself as a
17 police officer, along with the badge that was also by my
18 belt by my other firearm.

19 Q What do you see when you first arrived there at [REDACTED]
20 West Brooklyn?

21 A When I first exited the vehicle I didn't see anybody in
22 the streets. I did see Mr. Lowery come out of that
23 residence of [REDACTED] West Brooklyn. When he did come out, as
24 Deputy Boyd had said, he did have two firearms, one in each
25 arm, or one in each hand. At the time not knowing the full

PAUL LYONS - DIRECT

1 circumstances of the call for service, obviously we gave him
2 verbal commands for him to place the gun on the ground,
3 which he fully complied and placed them both on a bench or
4 right near the porch.

5 Q And you said Mr. Lowery came out of the residence. So
6 he was inside a front door or --

7 A To my knowledge I think the front door was open. I
8 think he had to open that screen door or that storm door to
9 come out on the porch.

10 Q Okay. And you stated he had guns in both hands?

11 A Yes, ma'am.

12 Q And do you recall which direction they were pointing or
13 where he was aiming?

14 A I do not, no, ma'am.

15 Q So you instructed Mr. Lowery to put his weapons down
16 and he complied.

17 A Yes, ma'am.

18 Q Do you remember where he put those down?

19 A He put them on a bench, which is still on the porch.
20 So if he was looking at me, he came out the front door, the
21 porch was on the right. I'm sorry, the bench was to the
22 right.

23 Q Did you see anyone on the porch once you approached and
24 the guns were down?

25 A Once we approached I identified Mr. Jermaine Grier was

PAUL LYONS - DIRECT

1 on the porch near the steps laying down.

2 Q Did he have any injuries that you noticed?

3 A Initially -- obviously once we saw Mr. Lowery and then
4 we saw Mr. Grier on the steps of the porch, it looked like
5 Mr. Grier sustained a gunshot wound to his abdomen to the
6 chest area.

7 Q Did you see the wife of Mr. Lowery and the sons that
8 night?

9 A I did. So after we initially spoke with Roger Lowery
10 and obviously once EMS arrived to treat Mr. Grier, I had
11 gone into the house and spoke with his wife, Michelle,
12 briefly. I provided her with a consent to search form just
13 allowing law enforcement officers to process the incident
14 location. When I did that her and her two children, her two
15 sons at the time, had gone back into the bedroom because
16 they don't want to hear or see exactly what was going
17 object.

18 Q And the consent to search form, is it fair to say Ms.
19 Lowery was a resident and she had the authority to sign that
20 and give consent?

21 A Yes, ma'am. It allowed us to do our investigation,
22 anything from collecting digital photographs of the scene to
23 collecting evidence.

24 Q And can you describe the appearance of the defendant
25 when you first saw him on the porch?

PAUL LYONS - DIRECT

1 A So when we first saw Mr. Grier, like I said, he was
2 laying on the steps on the porch. Like I said, we did see
3 obviously the gun wound to his chest.

4 Q Chest or abdomen?

5 A I'm sorry, the abdomen. And, again, when we saw him he
6 was breathing but he was not alert, and that is when Deputy
7 Boyd had requested EMS to respond to our location code
8 three, which is an emergency based upon obviously the
9 situation.

10 Q And when you say not alert, so was he speaking or --

11 A He was not speaking. He was breathing but he was not
12 saying anything like that.

13 Q To your knowledge, at any point before he was left --
14 I'm sorry, before he was taken away from medical treatment,
15 did he become alert? Did he speak? Was he able to speak
16 again?

17 A I don't have firsthand knowledge of that because I was
18 back in the residence of [REDACTED] West Brooklyn.

19 Q Did you speak with Ms. McIlwain that night?

20 A Yes, ma'am, I did.

21 Q And did she give a statement? Was it purported or
22 memorialized in any way?

23 A Yes, ma'am. So she first gave me a written statement
24 and then -- I believe it was in the kitchen area of [REDACTED] West
25 Brooklyn Avenue, we did speak a little more further and that

PAUL LYONS - DIRECT

1 was recorded with a digital recorder.

2 Q And what did she tell you happened to her?

3 A The full thing or -- so --

4 Q Briefly.

5 A She told me she had gone to Food Lion and she had come
6 back to her residence of [REDACTED] West Brooklyn Avenue. When she
7 got home she advised me that Mr. Grier was present outside,
8 so she went in the residence. At some point Mr. Grier had
9 come into the residence. She told me that she had seen a
10 firearm in the back right pocket of Mr. Grier. At that
11 point she said she had sent a text message to some of the
12 other people who were at the residence letting them know
13 that Mr. Grier had a firearm. She told me that she had not
14 seen him in a long time, I think she mentioned he may have
15 been in jail. So when she saw that, like I said, she
16 messaged her friends and told them -- I think she told them
17 she was going to go to her aunt's house, which is somewhere
18 on 521. From then she said that she was in the kitchen and
19 started to walk to the living room, and Mr. Grier, who I
20 believe was sitting on a chair or couch, had stood up and
21 approached her and just made a comment of what's up
22 Shareika. And she said at that point he pointed a gun at
23 her and all she saw was like a bright flashing light. She
24 said she ran out of the residence, ran across the street to
25 [REDACTED] West Brooklyn Avenue where Mr. Lowery and Mrs. Lowery

PAUL LYONS - DIRECT

1 resided. She said when she got to the front porch Mr. Grier
2 had followed her and had been assaulting her on the porch
3 and pulling her hair trying to slam her head into the storm
4 door and she was screaming or help. At that point Mr.
5 Lowery eventually had came out and told him to stop beating
6 the woman and for Mr. Grier to leave. And once that door
7 was open Ms. McIlwain was able to get back into the Lowery
8 residence.

9 Q And generally speaking, was her written statement
10 consistent with the information that she told you in this
11 verbal statement?

12 A Yes, ma'am. The written statements, or I should say
13 the verbal statement that was actually recorded, had a
14 little more information, but we had to finish the interview
15 because she was visibly upset. She was crying so we ended
16 the interview.

17 Q But even upset and crying she was still able to
18 verbalize to you and you could understand?

19 A Yes, ma'am.

20 Q And she indicated that this incident with Jermaine
21 happened across the street. So did you then relocate to [REDACTED]
22 or were there other investigators at that time --

23 A So there was other sheriff's office personnel. So
24 after I did speak with Ms. Lowery at -- Ms. McIlwain at [REDACTED]
25 West Brooklyn, I responded -- I transported Mr. Lowery,

PAUL LYONS - DIRECT

1 Roger Lowery, to our sheriff's office where I conducted an
2 interview with him there.

3 Q Before you transported Mr. Lowery to speak with him
4 further, did you go over [REDACTED] at all, or you didn't go to Ms.
5 McIlwain's?

6 A I believe at some point after I dropped Mr. Lowery back
7 off after the interview I believe I went there briefly and
8 that's when CSI was processing everything, so I was only
9 there for a brief amount of time. I did not assist in any
10 way at that location.

11 Q Do you know if CSI took photographs of both scenes,
12 both houses?

13 A Yes, ma'am. I contacted CSI Investigator Jeff Steele,
14 who was the on-call investigator, crime scene investigator
15 that evening, and he responded to our location and assisted
16 with processing the location, taking photographs, et cetera.

17 Q When you were there at that time -- Deputy Boyd
18 previously testified he put up crime scene tape. Do you
19 recall if you helped with that, or how was the perimeter
20 secured?

21 A No, ma'am, I did not. Like I said, after I spoke with
22 Ms. McIlwain at [REDACTED] West Brooklyn I responded to the
23 sheriff's office and I was there for a period time of time
24 while I was speaking with Mr. Lowery.

25 Q And when you spoke with Mr. Lowery, was that interview

PAUL LYONS - DIRECT

1 or conversation you had, was that recorded?

2 A Yes, ma'am, it was video and audio recorded.

3 Q And why was it recorded there at the sheriff's office?

4 What was the reason you were taking him there?

5 A My supervisor at the time instructed me to transport
6 Mr. Lowery from the scene back to the sheriff's office for a
7 more formal interview.

8 Q Because he had stated he had shot this defendant?

9 A Yes, ma'am.

10 Q This defendant?

11 A Yes, ma'am, Mr. Grier.

12 Q When you -- after you spoke with Mr. Lowery you brought
13 him back to that residence, the [REDACTED]

14 A Yes, ma'am, I did. I spoke with my supervisor, I
15 provided him with the findings and he instructed me to take
16 Mr. Lowery back to his residence to be with his family at
17 [REDACTED] West Brooklyn Avenue.

18 Q And when you got back there, was CSI still processing,
19 still on the scene?

20 A Yes, ma'am. I believe they were actually at where the
21 first incident happened at [REDACTED] West Brooklyn, the McIlwain
22 residence.

23 Q And are you familiar if any evidence was collected from
24 [REDACTED]

25 A Just from speaking with officers and reading reports.

PAUL LYONS - DIRECT

1 I don't have any firsthand knowledge of that.

2 Q Fair enough. So you were not present when a firearm
3 was recovered with --

4 A Correct. I was not, no.

5 Q Just to back up briefly. Your conversation with Mr.
6 Lowery, you determined with your supervisor that there was
7 no charge to be laid against Mr. Lowery; is that correct?

8 A Yes, ma'am, that is correct.

9 Q And briefly, what led to your decision for that?

10 A Just -- I was having a more detailed conversation with
11 him, obviously, you know, which is what led to Mr. Lowery
12 shooting Mr. Grier was Mr. Lowery had stepped foot into his
13 residence, his own property, and then Mr. Grier came into
14 that house and lunged at him and fearing for his safety, his
15 family and also Ms. McIlwain, who is now in the residence,
16 he fired one round and shot Mr. Grier.

17 Q So he was not charged with anything that night.

18 A No, ma'am, he was not.

19 Q What charges were brought by the Lancaster County
20 Sheriff's Office against this defendant, Jermaine Grier?

21 A He was charged with attempted murder for the incident
22 that occurred at [REDACTED] West Brooklyn Avenue, and he was
23 charged with burglary in the first degree for the incident
24 that happened at [REDACTED] West Brooklyn Avenue.

25 Q And just to clarify, this was nighttime, it was dark

PAUL LYONS - DIRECT

1 outside around 9:30 or 10:00?

2 A Yes, ma'am. It was in the evening hours, nighttime
3 hours.

4 MS. BONINE: That's all I have, please answer any
5 questions of the defense.

6 THE COURT: Ms. Boulware?

7 MS. BOULWARE: I don't have any questions, Judge.

8 THE COURT: All right. Thank you, sir, you can step
9 down. You can leave if you want to, you may still be under
10 subpoena. The State can call its next witness.

11 MS. COLLINS: Your Honor, the State calls Craig Bailey
12 to the stand.

13 The witness, CRAIG BAILEY, was first duly sworn and
14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. COLLINS:

17 Q Would you please state your name?

18 A Craig Bailey.

19 Q What is your occupation?

20 A Current occupation?

21 Q Your current occupation.

22 A I work with the Rock Hill School District, Zone
23 Manager.

24 Q Where were you employed in 2014?

25 A Lancaster County Sheriff's Office.

CRAIG BAILEY - DIRECT

1 Q And how long were you employed there?

2 A Twenty-six years.

3 Q Did you retire from there?

4 A I did.

5 Q When did you retire?

6 A Roughly four years ago. I'm still trying to decide
7 what I want to be when I grow up.

8 Q All right. So in June of 2014, you were employed here
9 with the Lancaster County Sheriff's Office; is that right?

10 A Yes, ma'am.

11 Q And what was your title and your responsibilities at
12 that time?

13 A Captain over investigations and narcotics and CSI.

14 Q Okay. And again, I'm almost 60 so bear with me, I just
15 need you to speak up a little bit louder.

16 A Okay.

17 Q You said you were captain over investigations?

18 A CSI and narcotics.

19 Q Okay. CSI being the Crime Scene Investigative Unit?

20 A Yes, ma'am.

21 Q And were you actually on duty at approximately
22 9:00 p.m. on June 10th, 2014?

23 A No, ma'am, I was at home.

24 Q But as the supervisor over those three departments, are
25 you basically always on call?

CRAIG BAILEY - DIRECT

1 A Basically, yes.

2 Q And did you in that capacity then respond to the scene
3 at [REDACTED] West Brooklyn Avenue, the Lowery home?

4 A I did.

5 Q Is [REDACTED] West Brooklyn Avenue within the county limits of
6 Lancaster County?

7 A It is.

8 Q And the home across the road, [REDACTED] West Brooklyn, is
9 that also within the county limits of Lancaster County?

10 A Yes, ma'am.

11 Q And therefore both of those residences were within your
12 jurisdiction and the jurisdiction of the Lancaster County
13 Sheriff's Department; is that right?

14 A Yes, ma'am.

15 Q What did you see when you first arrived at [REDACTED] West
16 Brooklyn?

17 A It was a lot of confusion still. That's really -- even
18 though those two scenes were so close together you really
19 have three scenes; one two streets over, these two scenes
20 right here, two houses, it's really confusing because you
21 have a lot of manpower you're trying to get pushed here,
22 pushed there, take care of a lot of people to talk to you
23 and you still have calls coming in, so it was pretty
24 confusing. I didn't spend a whole lot of time at the scene
25 when I got there. There was already some witnesses at the

CRAIG BAILEY - DIRECT

1 office and Lyons was at the office by himself, so once we
2 got the scene locked down I just went to the office and
3 helped him interview.

4 Q And when you said Lyons was in the office by himself,
5 do you mean Investigator Paul Lyons that just testified?

6 A Yes, ma'am, Investigator Paul Lyons.

7 Q And you are his supervisor?

8 A Yes, ma'am.

9 Q Now, you mentioned three scenes and you said the scene
10 two streets over, was that the one at Caroline Court?

11 A Yes, ma'am.

12 Q The one within the city jurisdiction?

13 A Yes, ma'am. I had manpower over there, plus these two
14 scenes.

15 Q Had you responded to Caroline Court?

16 A No. I never went to Caroline Court.

17 Q Okay. All right. So did you first go to the Lowery
18 residence at [REDACTED]

19 A Yeah. I don't think I ever got out of the car and went
20 in there. I was on the phone and the radio, and the phone
21 and the radio back and forth.

22 Q Okay. And you were instructing people what to do?

23 A Yes, ma'am.

24 Q There were other supervisors on the scene, too, such as
25 Captain Eric Brown?

CRAIG BAILEY - DIRECT

1 A Yes.

2 Q Okay. And did you go back to the sheriff's office to
3 try to at least oversee or assist -- oversee or assist
4 Investigator Lyons?

5 A Yes, ma'am.

6 Q And what did you do there at the sheriff's office?

7 A Conduct an interview.

8 Q You interviewed Joy Duncan; is that right?

9 A Yes, ma'am.

10 Q One of the ladies that had been at the McIlwain home
11 when she was shot?

12 A Yes, ma'am.

13 Q And did you ultimately return to the crime scene at [REDACTED]
14 West Brooklyn?

15 A I did.

16 Q The McIlwain home?

17 A Yes, ma'am.

18 Q And why did you return there at that time?

19 A We were through with those interviews and I went by
20 just basically to see where they were at and what they
21 accomplished.

22 Q Did Jeff Steele of the crime scene unit contact you
23 about a projectile being located in the wall of the home of
24 Shareika McIlwain?

25 A Yes, ma'am.

CRAIG BAILEY - DIRECT

1 Q That was in the kitchen area?

2 A Yes.

3 Q And what, if any, assistance did you provide in terms
4 of dismantling that wall to locate that projectile?

5 A I just basically helped Jeff take the wall apart and
6 find the path of travel.

7 Q Okay. And ultimately was that projectile located?

8 A It was.

9 Q Mr. Bailey, you have been handed a plastic bag, which
10 is marked State's Exhibit 85 for ID purposes; is that right?

11 A Yes, ma'am.

12 MS. COLLINS: And, Your Honor, if the Court would allow
13 us to go ahead and number that 85. It's just that we have
14 some other pictures and they are all numbered and rather
15 than getting them out of hard order we will -- is that all
16 right with the Court?

17 THE COURT: Yeah.

18 Q So that's numbered 85 for identification purposes.
19 What is that that you're holding there?

20 A It's a plastic bag with a paper bag inside of it, and
21 then another plastic bag with a projectile round, and then a
22 little metal cup beside it.

23 Q Okay. And is there an evidence identification sticker
24 from your department that indicates where that projectile,
25 where that was recovered from?

CRAIG BAILEY - DIRECT

1 A Yes, ma'am.

2 Q Okay. And where is that?

3 A Item located east wall of kitchen at address [REDACTED] West
4 Brooklyn Avenue.

5 Q All right. And does that appear to be the projectile
6 that you helped recover from the wall that night?

7 A Yes, ma'am.

8 Q So when the projectile was located, was it there within
9 the kitchen wall?

10 A It was.

11 Q Were both you and Jeff Steele still standing there at
12 the time that it was located?

13 A Yes, ma'am.

14 Q So he actually collected it and placed it into evidence
15 due to his responsibility with the Crime Scene Unit; is that
16 correct?

17 A Correct.

18 Q Okay. Did y'all just locate it and like pick it up
19 from -- I don't know a lot of about how houses are built, so
20 was like the drywall and y'all went into the wall?

21 A It went through a door first, or the edge of a door, a
22 bifold door and through the paneling. The best I can tell
23 it was just laying down inside the paneling, inside the
24 board of the wall.

25 Q Okay. And, again, Jeff Steele collected that, not you.

CRAIG BAILEY - DIRECT

1 A Yes, ma'am.

2 Q Okay. After you assisted in regard to recovering the
3 projectile from the kitchen wall there at the home of
4 Shareika McIlwain, did you return to the sheriff's
5 department to discuss with Investigator Lyons what charges,
6 if any, should be brought against Mr. Grier for the
7 incidents that occurred within your jurisdiction, the County
8 of Lancaster?

9 A Yes, ma'am.

10 Q And what decision was made regarding charges?

11 A Decided no charges would be filed.

12 Q As to Mr. Lowery?

13 A Yes, ma'am.

14 Q And why was that?

15 A He was inside the house and protecting himself.

16 Q And he was defending his home and his family?

17 A Yes, ma'am.

18 Q And Ms. McIlwain who was in the house at the time?

19 A Yes, ma'am.

20 Q But as to Mr. Grier, what charges were brought?

21 A Assault and battery -- I don't really remember the
22 charges right now.

23 Q That's all right. That's all right. You've been
24 retired from here for awhile.

25 A And that's been awhile.

CRAIG BAILEY - DIRECT

1 Q But ultimately whatever charges were brought, which I
2 believe Investigator Lyons just testified to, you approved
3 them as the supervisor, correct?

4 A Yes, ma'am.

5 Q Now, since it was determined that no charges should be
6 brought against the homeowner, Mr. Lowery, were his firearms
7 ultimately returned to him?

8 A They were.

9 Q And were you involved in authorizing that?

10 A Yes, ma'am.

11 Q Both firearms were returned to him?

12 A Yes, ma'am.

13 Q Those two firearms were a Rossi .38 Special revolver
14 and also a Highpoint .40 Smith and Wesson model; is that
15 right?

16 A Yes, ma'am.

17 Q Those other farms were returned to Mr. Lowery but, of
18 course, the firearm that ultimately was linked to the
19 defendant was never obviously returned to him.

20 A No, it would not be returned.

21 MS. COLLINS: Thank you, former Captain Bailey, for
22 being here today. Please answer any questions -- I'm sorry.
23 One moment, please.

24 (Break in proceedings.)

25 MS. COLLINS: No questions.

ERIC BROWN - DIRECT

1 THE COURT: Ms. Boulware?

2 MS. BOULWARE: No questions.

3 THE COURT: Thank you, sir, you can step down.

4 MS. COLLINS: And we would ask that he be excused if he
5 wishes to be.

6 THE COURT: All right. Thank you, sir, you're free to
7 leave.

8 The witness, ERIC BROWN, was first duly sworn and
9 Testified as follows:

10 DIRECT EXAMINATION

11 BY MS. COLLINS:

12 Q Good afternoon.

13 A Good afternoon.

14 Q Please state your name.

15 A Eric Brown.

16 Q What is your occupation?

17 A I'm a captain with the Lancaster County Sheriff's
18 Office.

19 Q And how long have you been a law enforcement officer?

20 A Over 20 years.

21 Q Where are you currently employed?

22 A The Lancaster County Sheriff's Office.

23 Q In June of 2014 where were you employed?

24 A The Lancaster County Sheriff's Office.

25 Q And what were your responsibilities with the sheriff's

ERIC BROWN - DIRECT

1 office in June of 2014?

2 A Same responsibilities that I have now as captain over
3 the agency's support services division.

4 Q All right. And what services are included with the --
5 you said the support services division?

6 A All of the administrative functions of the sheriff's
7 office; records management, training, hiring, internal
8 affairs, judicial services, court security, SRO's, crime
9 prevention. A lot of miscellaneous.

10 Q That sounds like a lot. Were you on duty on June 10th
11 of 2014?

12 A I had been on duty that day.

13 Q How about at approximately 9:30 p.m.?

14 A No. I was off duty at home.

15 Q When you're off duty, are you still listening to radio
16 traffic as to what's happening in your jurisdiction?

17 A Yes, ma'am, quite often, especially when I know there's
18 something going on.

19 THE COURT: Sir, you can step back from the microphone,
20 please. Thank you.

21 Q Did you respond to a crime scene at [REDACTED] West Brooklyn
22 Avenue at the home of Roger Lowery?

23 A Yes, I did.

24 Q And is [REDACTED] West Brooklyn within the county limits of
25 Lancaster County?

ERIC BROWN - DIRECT

1 A Yes, it is.

2 Q When you arrived there, were you the first officer to
3 arrive?

4 A No, I was not.

5 Q What did you see when you first arrived there?

6 A When I first arrived on the scene some of our personnel
7 were already on scene; Deputy Boyd, Deputy Silverman,
8 Investigator Lyons, they were on the front porch of the
9 residence with Mr. Lowery and Mr. Grier.

10 Q What did you do at that time?

11 A At that time I started trying to gather some
12 information as to what had happened. At that point I was
13 the highest ranking person on the scene and we've got to
14 assume incident command position of determining what
15 resources are needed, do we need additional resources and
16 what people need to do. So I got some initial information
17 from the deputies already on scene about what had happened
18 at [REDACTED] in particular because that was the incident I
19 responded to.

20 Q Did you speak with Roger Lowery?

21 A Not initially, I don't think I did.

22 Q Did you determine that he had been cooperative with law
23 enforcement?

24 A Yes, ma'am.

25 Q And were you there when EMS arrived or were they

ERIC BROWN - DIRECT

1 already there when you got there?

2 A I'm not sure if there was any EMS personnel on the
3 scene when I arrived or fire personnel. I do recall an
4 ambulance arriving either directly in front of me or behind
5 me when I got there, but I don't recall what personnel was
6 there medically before I was.

7 Q Do you recall the ambulance leaving while you were
8 there?

9 A Yes.

10 Q And they were taking with them Jermaine Grier; is that
11 right?

12 A Yes.

13 Q Did Jeff Steele of the Lancaster County Crime Scene
14 Investigative Unit arrive while you were there?

15 A Yes, I believe so.

16 Q And did you observe him taking pictures of the scene?

17 A Yes, I did.

18 Q And did you observe that he was taking pictures not
19 only of the scene at [REDACTED] but ultimately did he take
20 pictures of the scene at [REDACTED]

21 A Yes. He, I believe, worked both scenes.

22 Q Did you speak with Shareika McIlwain?

23 A If I did it was briefly. A lot of my information about
24 Ms. McIlwain came from other people on the scene who had
25 spoken with her.

ERIC BROWN - DIRECT

1 Q At some point, was the decision made to broaden where
2 the crime scene tape had -- the scene that was surrounded by
3 that so that not only [REDACTED] the Lowery residence, was
4 included within the perimeter of that, but to extend it to
5 [REDACTED] across the street to the McIlwain residence?

6 A Yes, that's correct.

7 Q And were you there when that decision was made?

8 A Yes, I was.

9 Q And you saw the crime scene then being broadened and
10 the tape being stretched across?

11 A That's right.

12 Q You did not? Okay. Did you walk over to the crime
13 scene at [REDACTED] West Brooklyn, the McIlwain residence?

14 A Yes, I did.

15 Q When you walked over there what, if anything, did you
16 see?

17 A Started checking the area around the house,
18 particularly the front yard. The residence didn't have a
19 very large front yard and there was a last stuff in it so it
20 only took a few minutes to kind of walk through the front
21 yard, and then I checked the area of the driveway to the
22 right of the residence.

23 Q And when you say the residence, you were looking around
24 the residence and didn't have much of a front yard, which
25 residence was that?

ERIC BROWN - DIRECT

1 A It was Ms. McIlwain's residence, so [REDACTED]

2 Q [REDACTED]

3 A [REDACTED]

4 Q Ms. McIlwain's residence; is that correct?

5 A Yes.

6 Q What, if anything, did you see there in the driveway
7 area of Ms. McIlwain's residence?

8 A While checking the driveway area I located a handgun
9 laying on the ground.

10 Q And what did you do when you located that handgun?

11 A I looked across the street. I was aware that Crime
12 Scene Investigator Steele was across the street at Mr.
13 Lowery's residence handling that part of the crime scene. I
14 wanted him to go ahead and come over and be able to
15 photograph that weapon and take it into custody himself. I
16 couldn't see Crime Scene Investigator Steele from where I
17 was so a couple of other officers across the street, I
18 believe Sergeant Howell and Major Shaw, I called out to them
19 and got their attention and asked them to have Investigator
20 Steele step across the street to where I was where the
21 handgun was located.

22 Q And did you assist him in collecting that firearm?

23 A I assisted him by pointing it out to him as to where it
24 was and he handled everything from there.

25 Q Were there any items lying there near it as far as you

ERIC BROWN - DIRECT

1 recall?

2 A Not that I recall.

3 MS. COLLINS: Mr. Bailiff, may I trouble you to come
4 this way, please?

5 Q Captain Brown, you've just been handed five documents
6 or five pieces of paper. They're numbered items 92 through
7 97 for State's exhibits for identification purposes. Do you
8 recognize what those are pictures of?

9 A Yes, ma'am, I do.

10 Q And what are those pictures of?

11 A Those were pictures of the handgun located at Ms.
12 McIlwain's residence.

13 Q All right. The gun that you found that evening?

14 A Yes.

15 Q And are those pictures fair and accurate depictions of
16 the firearm as you saw it that night lying near the driveway
17 or beside the driveway of Shareika McIlwain's residence?

18 A Yes, they are.

19 MS. COLLINS: Your Honor, I would move State's Exhibits
20 92 through 97 into evidence at this time.

21 THE COURT: Any objection?

22 MS. BOULWARE: No objection. All right. Entered into
23 evidence.

24 (The photos were received as State's 92-97.)

25 Q Now, when you found the firearm you indicated that you

ERIC BROWN - DIRECT

1 alerted Jeff Steele from CSI that you had located a firearm;
2 is that right?

3 A Yes, it is.

4 Q And was he standing there in the McIlwain property or
5 was he still over there at the Lowery residence when you
6 located the gun?

7 A When I located the gun he was still over at Mr.
8 Lowery's residence across the street.

9 Q Okay. So how did you let him know, "Hey, I've got a
10 gun here, I found a gun?"

11 A I called out to, I believe, Major Shaw, or it could
12 have been possibly Sergeant Howell, both of them were across
13 the street, I just called out to them and said, "Hey, I
14 found a gun. Can you get Investigator Steele to come over
15 here?"

16 Q So the people you were calling were members of your
17 department, correct?

18 A Yes.

19 Q And you let them know you had found a gun by basically
20 hollering over at them?

21 A Yes, that's correct.

22 Q And they were over across the street at the Lowery
23 residence?

24 A Yes.

25 Q So it was close enough for y'all to hear each other

ERIC BROWN - DIRECT

1 hollering back and forth; is that right?

2 A Yes. It was easily within earshot, yes.

3 Q And did Jeff Steele come over at that point and take
4 those pictures?

5 A Yes, he did.

6 Q And were you there when he ultimately collected the gun
7 and took it into evidence?

8 A Yes, I was.

9 Q Now, Captain, were you also present when a shell casing
10 was located in the den or living room area of the McIlwain
11 residence?

12 A Yes.

13 Q And you were there when that was collected by Jeff
14 Steele to be placed into evidence?

15 A Yes.

16 Q And I recognize this was some time ago. In 2014, did
17 your department have body worn cameras?

18 A No, they did not.

19 Q But those pictures reflect what you found that night,
20 correct?

21 A Yes, they did.

22 Q I recognize that as a supervisor your intimately
23 involved with investigation of cases, but other than that
24 and what you've testified to today, were there any other
25 actions that you took in the investigation of this case?

CHARLIE GARCIA - DIRECT

1 A No, ma'am.

2 MS. COLLINS: Captain, thank you for being here today.

3 Please answer any questions of the defense team.

4 MS. BOULWARE: No questions.

5 THE COURT: All right. Thank you, sir, you can step
6 down. Let's take a midafternoon short recess. Okay? Y'all
7 don't talk about the case.

8 (The jury left the courtroom and a recess was taken.)

9 THE COURT: Anything before I bring the jury in?

10 (The jury returned to the courtroom.)

11 THE COURT: Call your next witness.

12 MS. COLLINS: The next witness for the State is Charlie
13 Garcia.

14 The witness, CHARLIE GARCIA, was first duly sworn and
15 Testified as follows:

16 BY MS. COLLINS:

17 Q Good afternoon. Would you please state your name?

18 A Charlie Garcia.

19 Q And what is your occupation?

20 A Currently I own my own business. I sort of retired
21 from the paramedicine.

22 Q All right. But in June of 2014, were you employed with
23 Lancaster County EMS?

24 A Yes, ma'am.

25 Q And were you part of the EMS team that responded to a

CHARLIE GARCIA - DIRECT

1 call during the evening hours of June 10th, 2014?

2 A Yes, ma'am.

3 Q And that call was at [REDACTED] West Brooklyn Avenue in
4 Lancaster; is that right?

5 A Yes, ma'am.

6 Q What time was the call received?

7 A 22:02 hours, ma'am.

8 Q Okay. So doing some quick math and subtracting from
9 military time, would that be 10:02 p.m.?

10 A 10:00 p.m., yes, ma'am.

11 Q And what time did you arrive at the scene?

12 A I arrived pretty close to that. I got on scene about a
13 minute later at 10:03 p.m.

14 Q And again, were you a paramedic or an EMS technician?
15 Tell me what your title was.

16 A Yes, ma'am. At that time I'm a paramedic, yeah.

17 Q What's the difference between a paramedic and an EMS
18 attendant?

19 A There's different levels of EMS providers. You have
20 paramedic, which is the most advanced professional with EMS.
21 We do advanced cardiac life supports, advanced techniques
22 innovation, things like that, basically just provide basic
23 life support; bleeding control, basic airway, nothing too
24 invasive.

25 Q So you've received additional training and you can do

CHARLIE GARCIA - DIRECT

1 additional medical procedures?

2 A Correct, ma'am.

3 Q And when you arrived at the scene, did you provide
4 medical services on that date to the defendant, Jermaine
5 Grier?

6 A Yes, ma'am.

7 Q Please tell the jury what you observed when first
8 assessing Mr. Grier in terms of his need for care.

9 A That was quite awhile ago. Well, as my report says,
10 ma'am, I think he was on the front porch or somewhere near
11 the scene and he was already in custody. We removed some of
12 his clothing and left it with the officers, which is what we
13 do -- or deputies, which is what we do normally in case of
14 evidence or anything like that. And then we -- I noticed
15 that he had an injury to his abdomen, he had a hole, which
16 was -- appeared to be a gunshot wound. And, you know, we
17 noticed that he was sweating. He was showing signs of shock
18 so we took him into the ambulance and began treatment.

19 Q All right. Let back up a little bit. How long had you
20 been a paramedic at that time?

21 A 2014? Probably, I think, four years maybe.

22 Q All right. And you said you saw a hole to his abdomen?

23 A Yes, ma'am, if I recall correctly.

24 Q Was that in the lower right quadrant?

25 A Correct.

CHARLIE GARCIA - DIRECT

1 Q And you said it appeared to you to be a gunshot wound?

2 A Correct.

3 Q And you brought a copy of your report with you; is that
4 right?

5 A Yes, ma'am, I have a copy.

6 Q Please testify from your memory, but if you need to
7 refresh your memory by referring to your report please do
8 so.

9 A Thank you.

10 Q Now, you note on your report that -- medications you
11 note, "Meds not available. Patient takes meds for HTN;" is
12 that right? On the first page under
13 medication/allergies/history?

14 A Yes, ma'am, that's right.

15 Q So who told you that the patient takes meds for HTN?

16 A Well, either he told me or it was -- or we had
17 transported him before and there was information in our
18 system. But it's information that I have access to, whether
19 he's been transported by us or he communicated that to me.

20 Q But you don't recall which?

21 A I remember asking him lots of questions but I don't
22 know exactly if -- I'm sure I asked him about his medical
23 history.

24 Q You remember asking him questions.

25 A Correct.

CHARLIE GARCIA - DIRECT

1 Q Do you remember if he answered your questions?

2 A Yes.

3 Q So he was verbal at that time, correct?

4 A He was, yes.

5 Q He was alert and awake?

6 A Yes.

7 Q You said it looked like he might be going into shock
8 from what you observed but he was not in shock to where he
9 was nonverbal; is that right?

10 A Well, shock -- there's different stages of shock. So
11 sometimes it affects mentation and sometimes it doesn't, so
12 our job is to see where in that process he's in. Now, he
13 was in shock, he was just able to answer my questions.

14 Q Okay. All right. Before we move on let me just ask,
15 what is HTN in your lingo?

16 A Hypertension, which is high blood pressure.

17 Q Okay. All right. Moving on, I think it's referenced
18 in page three of your report where you've got the narrative
19 as to what you observed when you got there.

20 A My narrative? I'm sorry, ma'am, I couldn't hear you.

21 Q On page three of your six page report at the top you
22 have a paragraph that talks about what you observed when you
23 arrived there. Do you recall that?

24 A Yes, ma'am.

25 Q Okay. Do you see that -- again, testify from your

CHARLIE GARCIA - DIRECT

1 memory, but if you need to refer to it. You noted that you
2 saw one hole and that appeared to be a gunshot wound; is
3 that right?

4 A Yes, ma'am.

5 Q And you noted that was in the lower right abdomen; is
6 that right?

7 A Yes.

8 Q And was he bleeding or was bleeding controlled? Tell
9 me about that.

10 A It was controlled at the scene.

11 Q Okay.

12 A It was -- I noticed the hole but it wasn't bleeding
13 when I got to him.

14 Q Okay. You next have patients COCAO times three.
15 What's that?

16 A That means conscience, alert and oriented times three.
17 So we used time, place and event, or similar questions, like
18 what's your name or where do you live, what's your address,
19 things like that that we used to see where that patient's
20 mentation -- if he's alert or not.

21 Q And again, you've got a nice deep voice, I am older, if
22 you'll just speak up for all of us. Okay?

23 A Yes, ma'am.

24 Q So you said he was conscious and alert; is that right?

25 A That's right.

CHARLIE GARCIA - DIRECT

1 Q And he was oriented times three, right?

2 A Correct.

3 Q And what -- when you said times three, you use time?

4 A Normally we use time, place and event. We can use
5 other questions, too.

6 Q And is that what you used that time, you think?

7 A Correct.

8 Q Time, place and event?

9 A Yes, ma'am.

10 Q Okay. And when you noted that he was oriented times
11 three, does that mean that he answered those questions
12 correctly in terms of time, place and event?

13 A Yes, ma'am.

14 Q You next note that the patient was very diaphoretic; is
15 that right?

16 A Yes, ma'am.

17 Q What is that?

18 A Very sweaty.

19 Q Okay. And then you note he was breathing about 20
20 times per minute non-labored; is that right?

21 A Right.

22 Q And so 20 times per minute, is that an average
23 respiratory rate?

24 A For an adult I guess the textbook patient, or any
25 person, breaths at an average of 12 to 20 --

CHARLIE GARCIA - DIRECT

1 Q Okay. All right.

2 A -- breaths per minute.

3 Q You note again that the patient was exposed with his
4 thermal undergarments; is that right?

5 A Yes, ma'am.

6 Q You cut his shorts off; is that right?

7 A His clothing, whatever he was wearing, yes, ma'am.

8 Q Okay. And you left those on the scene per your report;
9 is that right?

10 A Correct.

11 Q You next have further down no other decap BTL's noted
12 to the body. What is that?

13 A Yes, ma'am. It's decap BTLS, which is deformities,
14 abrasions, contusions, lacerations, any other sort of trauma
15 or any other injuries that I can note.

16 Q Okay. So you didn't note any other trauma to the
17 defendant's body other than the gunshot wound to the lower
18 right abdomen; is that correct?

19 A That's correct.

20 Q You then note -- just tell us what you did. Tell us
21 what you did. If you need to refer to your report do so,
22 but tell us what you did in terms of providing treatment to
23 the defendant.

24 A Right. At that point we knew there was a life threat
25 because he was in shock, so, I mean, priority is, of course,

CHARLIE GARCIA - DIRECT

1 the preservation of life to make sure that he's okay. And
2 so what we did is we began taking a set of vital signs and
3 that will determine how bad things are. So his blood
4 pressure was low, and with a history of blood pressure
5 problems we knew that there was a problem, so we start
6 advanced cardiac live support, or advanced life support at
7 that point. We initiated a couple -- two IV's, one to each
8 arm and started fluid resuscitation to get his blood
9 pressure up. We place him on a cardiac monitor just to
10 maintain vital signs. Even before that we placed him on a
11 backboard and on a neck collar and that's protocol. We
12 don't want patients -- when we move them we don't want them
13 manipulated too much because it can cause further injury, so
14 we just wanted to make sure that he was well taken care of
15 and that, you know, that he -- we stabilize him.

16 Q So when you were assessing him and then treating him,
17 law enforcement was there at the scene, correct?

18 A Yes, ma'am.

19 Q And you said that you cut off his exterior clothing,
20 right?

21 A Right.

22 Q But he was wearing these undergarments?

23 A Correct.

24 Q And the clothes that he had was left on the scene per
25 your report, correct?

CHARLIE GARCIA - DIRECT

1 A Whatever my report says, yes, ma'am. I don't recall
2 how much I left on the scene and how much I brought with
3 him.

4 Q Well, you've got it there if you need to refer to it.

5 A Yes, ma'am. What my report says is correct.

6 Q Well, the jury doesn't have the report. So, again, if
7 you'll refer to the report as needed, refresh your memory
8 and then testify as to what you then recall.

9 A Yes, ma'am. So we left an article of clothing at the
10 scene and then -- yeah.

11 Q You've already said that the defendant was verbal and
12 answering your questions. Did he or anyone at that time
13 request that his clothing go with y'all in the ambulance?

14 A No, ma'am.

15 Q Okay. So it was left at the scene, correct?

16 A Correct.

17 Q You then note just to continue assessing whether or not
18 he had any other injuries that these undergarments -- this
19 was once y'all were in the ambulance, I assume -- was then
20 cutoff, correct?

21 A Yes, ma'am.

22 Q And you did not note any further injuries, correct?

23 A Correct. I did not.

24 Q You note that you obtained his vital signs, he was
25 hypotensive at that time, correct?

CHARLIE GARCIA - DIRECT

- 1 A Correct.
- 2 Q Does that mean a low blood pressure?
- 3 A Yes, ma'am.
- 4 Q And is that of some concern?
- 5 A Yes, ma'am.
- 6 Q All right. What medication or any type of medical
- 7 treatment did you administer at that time?
- 8 A In the ambulance?
- 9 Q Yes.
- 10 A Well, as previously mentioned we -- because it was a
- 11 low blood pressure we want to make sure that we stabilized
- 12 that with fluid resuscitation, because he obviously lost --
- 13 he was bleeding, or he had some kind of internal injury, we
- 14 don't know but there's a reason for that. So we began
- 15 giving him fluids through an IV.
- 16 Q So IV would be intravenous?
- 17 A Intravenous, yes, ma'am.
- 18 Q Was that through his arm or a split or somewhere else?
- 19 A Yeah, in his arms. We started two, one in each arm.
- 20 Q All right. And you also noted he was placed on oxygen;
- 21 is that right?
- 22 A Correct.
- 23 Q You apply dressing to the gunshot wound area; is that
- 24 right?
- 25 A Yes, ma'am.

CHARLIE GARCIA - DIRECT

1 Q You noted that he was not complaining of pain and at
2 times began to become combative; is that right?

3 A That's right.

4 Q You also note that he was fully aware and oriented; is
5 that correct?

6 A Correct.

7 Q You observed some behavior, though, I would like to ask
8 you to share it with the jury. What did you observe in
9 terms of conduct or behavior of the patient?

10 A He was definitely angry, upset, and he was -- per my
11 report, you know, what I remember is he was clicking his
12 teeth and so -- in the back as we normally do we talk about
13 what could possibly be causing that. So we just think that
14 he was under the influence of something.

15 Q I'm sorry, I couldn't hear you.

16 A We came to the conclusion that he was probably under
17 the influence of a substance, of a drug or alcohol.

18 Q Okay. All right. Okay. But he was not having a
19 seizure, correct?

20 A I did not witness a seizure, no, ma'am.

21 Q Y'all then drove him to the landing zone at Springs
22 Hospital, is that right, or the lift zone?

23 A Correct.

24 Q He was flown to the hospital in Columbia by helicopter
25 medivac; is that right?

CHARLIE GARCIA - DIRECT

1 A Yes, ma'am.

2 Q Okay. At that point once he got there had his blood
3 pressure improved?

4 A Yes, ma'am.

5 Q You note in your report something else, and forgive me,
6 I'm not familiar with some of these terms. BP, or blood
7 pressure, improved about fluid bolis (phonetically) BBS no
8 changes. Tell me about that.

9 A Yeah. So that means bilateral breath sounds. So
10 before we began administering fluids we check the lungs to
11 make sure that they're clear or if they hear any
12 abnormality. And after we administer fluid we check again
13 to make sure that we haven't caused any pulmonary edema or
14 fluid in the lungs, or if we gave him too many fluids pretty
15 much. Everything was clear, there were no changes.

16 Q And you had noted earlier before administering fluids
17 that you assessed his breath sounds, he was slightly
18 diminished on the lower right side but all other lobes were
19 clear; is that right?

20 A Correct.

21 Q So you listened to various parts of the chest or back
22 so you can assess in terms of the ability to breath how the
23 lungs were sounding; is that right?

24 A Right.

25 Q Ad so when you say lower right side, that was the only

CHARLIE GARCIA - DIRECT

1 area that sounded like there was some difficulty with the
2 lung capacity?

3 A Right.

4 Q What time did y'all depart the scene?

5 A At 10:27 p.m.

6 Q And then y'all arrived at the lift zone?

7 A At 10:31.

8 Q You don't ride with the helicopter, correct?

9 A That's correct.

10 Q Y'all transferred him to the trained medical staff
11 that's part of the helicopter team, correct?

12 A That's right.

13 Q Y'all don't drive down to Columbia to follow-up at that
14 point, correct?

15 A No. At that point the patient's care is transferred
16 and we don't know what happened.

17 Q Okay. But you prepare your report so that you would be
18 able to refresh your memory as needed today, correct?

19 A Correct.

20 Q So other than providing medical care to this defendant
21 at the scene after he had shot one person -- killed one
22 person in the city and shot another person in the county and
23 attacked another person in his home, after providing him
24 with medical care and taking him to the helicopter, did you
25 have any other involvement in this case?

CHARLIE GARCIA - CROSS

1 A No, ma'am.

2 MS. COLLINS: Thank you so much for coming today.

3 Please answer any questions of the defense.

4 THE COURT: Ms. Boulware?

5 MS. BOULWARE: Thank you, Judge. Just a couple of
6 questions.

7 CROSS EXAMINATION

8 BY MS. BOULWARE:

9 Q Mr. Garcia?

10 A Yes, ma'am.

11 Q You noted he had thermal undergarments on. Is that
12 what we refer to as long johns type of --

13 A Yes, ma'am.

14 Q All of the way down to his ankles?

15 A I don't recall. I just remember them being thermal, I
16 don't know how lengthy they got.

17 Q Okay. That's fine. And you mentioned shorts, but
18 could it have been blue jeans he had on?

19 A I don't recall. I just remember it being shorts, I'm
20 not exactly sure.

21 Q Okay. Let's say it was long johns and blue jeans,
22 that's pretty unusual to find on someone in June, isn't it,
23 down here at least in South Carolina?

24 A I'm not sure, ma'am.

25 Q Okay.

ANN HORTON - DIRECT

1 MS. BOULWARE: That's all of the questions I have.

2 THE COURT: All right, thank you.

3 MS. COLLINS: Nothing further. Your Honor, we ask that
4 this witness be excused.

5 THE COURT: You're excused, sir step down. All right.
6 Ladies and gentlemen of the jury, here is what's going to
7 happen, we're going to go ahead and break for the day, I
8 hate to do it. Of course, I had an appointment yesterday,
9 that's on me, today one of the lawyers has an appointment as
10 well, so it is what it is. We're going to get started
11 bright and early in the morning. Don't do any independent
12 research on the case, don't talk about the case, you haven't
13 heard everything yet. I want you in your jury room ready to
14 roll at 8:30 -- you know -- let's say 8:45. They'll get you
15 there at 8:30 so you can be organized ready to roll, we'll
16 be in here waiting for you ready to go. Okay? Y'all have a
17 great evening, see you tomorrow. And tomorrow may be a long
18 day so prepare accordingly. Okay?

19 (The jury left the courtroom.)

20 THE COURT: Anything else?

21 MS. COLLINS: No, Your Honor. Thank you.

22 MS. BOULWARE: No, Your Honor.

23 (Court recessed for the day and resumed on Thursday,
24 April 15, 2021 at 8:45 a.m.)

25 THE COURT: All right. Anything before we bring the

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1 jury in and get started?

2 MS. COLLINS: I'm waiting for Ms. Bonine.

3 THE COURT: Anything from the defense?

4 MS. BOULWARE: No, sir.

5 THE COURT: Okay.

6 (Break in proceedings.)

7 (The jury returned to the courtroom.)

8 THE COURT: Good morning, ladies and gentlemen. The
9 State may call its next witness.

10 MS. COLLINS: Thank you, Your Honor. May it please the
11 Court? The next witness for the State is Ann Horton with
12 the sheriff's department.

13 The witness, ANN HORTON, was first duly sworn and
14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. COLLINS:

17 Q Good morning.

18 A Good morning.

19 Q Would you please state your name?

20 A Ann Horton.

21 Q All right. And I'm not sure if that mic is on but we
22 were having trouble with it yesterday, if you could just
23 speak up as if you were talking to me without the mic.
24 Don't get right up on it or it will just reverb.

25 A Okay.

ANN HORTON - DIRECT

1 Q What is your occupation?

2 A I'm the evidence custodian for the Lancaster County
3 Sheriff's Office.

4 Q Great volume. How long have you been with the
5 Lancaster County Sheriff's Office?

6 A Eleven years, eight months.

7 Q And have you always worked with the evidence unit
8 there?

9 A I have.

10 Q So in June of 2014, that was your occupation?

11 A Yes, it was.

12 Q Do your duties include going to the crime scene
13 yourself?

14 A No, they do not.

15 Q So your duties do not involve you actually being there
16 and you yourself collecting the evidence; is that right?

17 A No, those are not my duties.

18 Q But you do receive the items into evidence from
19 officers that have collected them at the scene, correct?

20 A Yes, I do.

21 Q You also receive and help complete necessary paperwork
22 to track the progress of those items and where they are
23 stored in the evidence room for each case, correct?

24 A Yes, ma'am.

25 Q And do you transport those items to SLED so that the

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1 scientists there can analyze them?

2 A I do.

3 Q And when they're through analyzing them and wish to
4 return them for storage purposes to your agency, do you go
5 and get them and then place them back in evidence?

6 A Yes, I do.

7 Q Can you tell us, what items were received into evidence
8 at your department in this case?

9 A Yes. I have submission forms of where the officers
10 have submitted the evidence to me or to the evidence lockers
11 and I get them from there. I received -- from Investigator
12 Jeff Steele I received a Highpoint .380 firearm. A magazine
13 clip from that Highpoint. A .380 cartridge casing that was
14 found on the floor of the living room of [REDACTED] West Brooklyn.
15 I have a bullet or a cartridge that was located in the east
16 wall of the kitchen at [REDACTED] West Brooklyn, and that would
17 have been a projectile. I do have a disc of scene photos
18 from Investigator Steele also. He collected a Great Falls
19 Middle School ring from the suspect's right pants pocket.
20 An orange shirt that was found on the porch of [REDACTED] West
21 Brooklyn. A Crown Royal bag that was empty. And a pack of
22 Newport cigarettes that was also empty. Blue Gillibrand
23 t-shirt and strands of hair. He also collected assorted
24 change, a .380 cartridge, and a .380 cartridge casing. I do
25 not know where he collected that from on this particular

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1 paper.

2 Q That's fine.

3 A He collected the suspect's pants, which were a pair of
4 blue jeans. Nike Air tennis shoes. Tulammo .380 cartridge.
5 And assorted items, which included a Key West bottle opener
6 and a key, a Fossil watch, a condom and several cents of
7 change. A cut belt and a lighter. Investigator Paul Lyons
8 submitted a CD containing audio interview with Mrs.
9 McIlwain. He also submitted a DVD containing an interview
10 with Roger Lowery. Deputy Pardue submitted a South Carolina
11 identification card. Investigator Ken Taylor submitted two
12 yellow gloves. And Investigator Jeff Steele submitted
13 buccal swabs from Jermaine Grier.

14 Q Thank you. The buccal swabs are Q-tip swabs from the
15 inside of the cheek to collect DNA; is that right?

16 A Yes, ma'am.

17 Q Thank you. I'm going to ask if you can mark -- that
18 has a State's Exhibit on it, correct?

19 A Yes, ma'am.

20 Q Is there a pen up there?

21 A No, ma'am, there's a highlighter.

22 (Break in proceedings.)

23 Q And if you would mark that State's Exhibit as 120.

24 Those evidence logs were signed in your presence by the
25 officers that turned in that evidence, and you also signed

ANN HORTON - DIRECT

1 them; is that right?

2 A They weren't always signed in my presence. They were
3 with the evidence and so they may have signed their
4 submissions and completed that before they handed me the
5 evidence. But I have signed them, dated and timed them.

6 Q But they have all been signed by the submitting officer
7 and by you; is that right?

8 A Yes, they have.

9 Q Thank you.

10 MS. COLLINS: I would move State's Exhibit 120, the
11 evidence logs as a set, and once they're in we will staple
12 them together later, but I know you've got them clipped for
13 now.

14 A I do.

15 THE COURT: I would move that into evidence at this
16 time.

17 MS. BOULWARE: No objection.

18 THE COURT: Without objection entered into evidence.

19 (The evidence log was received as State's 120.)

20 Q Ms. Horton, I want to focus now on certain items.
21 Let's start with the gun that was recovered from the side of
22 the driveway from [REDACTED] West Brooklyn Avenue that you've
23 already referenced. Did you bring that gun with you?

24 A Yes, ma'am.

25 Q It's in a box?

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1 A Yes, ma'am.

2 Q And that's the gun that you received that was submitted
3 by CSI Investigator Jeff Steele to the evidence room?

4 A Yes, ma'am, that's correct.

5 Q There's a sticker on that I see, correct, for the
6 evidence here in this courtroom?

7 A Yes, ma'am.

8 Q Will you number that 121, please? And if you will,
9 write ID beside it. I'm not yet moving it into evidence
10 until Investigator Steele testifies.

11 A Yes, ma'am.

12 Q Thank you. Now, that gun was submitted to you by Jeff
13 Steele. Did you take that gun to SLED and submit it into
14 their department for analysis to be done by the scientists
15 there?

16 A Yes, ma'am, I did.

17 Q And when their analysis was completed, did they call
18 you to come back and get it for storage purposes?

19 A They do not call us. We go a minimum of every other
20 week, and so as soon as a piece of evidence is ready when I
21 go to submit evidence I bring evidence back.

22 Q Okay. So SLED -- and they release custody of that to
23 you on one of your trips for you to bring back and store
24 here, correct?

25 A Yes, ma'am.

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1 Q Because they do things statewide, right?

2 A Yes, ma'am.

3 Q And we'll be talking to them later today about their
4 storage capacity and their procedures. Were there other
5 items of evidence that you took to SLED to be analyzed?

6 A Yes, ma'am.

7 Q And let's turn to the shell casing that was found on
8 the den floor of the house at [REDACTED] West Brooklyn that you
9 have already referenced when you listed all of the items
10 that had been submitted. That was collected by Jeff Steele;
11 is that right?

12 A Yes, ma'am, it was.

13 Q And turned into evidence to you?

14 A Yes, ma'am, it was.

15 Q And you took that item to SLED for them to analyze it?

16 A I did.

17 Q And it was ultimately returned to you and you brought
18 it back here to court today, right?

19 A Yes, ma'am.

20 Q Do you have that there with you?

21 A I do.

22 Q It has got a State evidence sticker on it already.
23 Would you number that 122, please?

24 A Yes, ma'am.

25 Q For ID purposes. Now, there were two unfired

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1 cartridges. One is found, I believe, in the pocket of the
2 defendant, and one was on the step -- it may have been the
3 top step, but it was one of the steps of the Lowery porch.
4 Do you have those cartridges?

5 A Yes, ma'am. I have located on the steps leading up to
6 the porch at [REDACTED] West Brooklyn, and I have located in
7 suspect's left side pants pocket.

8 Q Okay. And they're in two separate envelopes?

9 A Yes, ma'am, they are.

10 Q And they have evidence stickers on them already that we
11 placed this morning without the numbers?

12 A Yes, ma'am.

13 Q Okay. So let's do the one that was on the step, if
14 you'll number that 123 for ID purposes, and 124 for ID
15 purposes at this time for the one that was retrieved from
16 the pocket of the defendant. Now, as to both of those
17 items, those were returned into evidence to you by Jeff
18 Steele, correct?

19 A Yes, ma'am, they were.

20 Q And he's an investigator with the with crime scene
21 investigative unit of the sheriff's department, right?

22 A Yes, ma'am.

23 Q And you put those in evidence and ultimately took those
24 to SLED to be analyzed by those scientists, correct?

25 A I did.

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1 Q And when they finish their analysis they return them to
2 you for storage and you brought them here to court today,
3 correct?

4 A Yes, ma'am.

5 Q Now, there was a shell casing that was found in the
6 pocket of the defendant, Jermaine Grier, that was turned in
7 to you as well, correct?

8 A Yes, ma'am.

9 Q And that was found by Jeff Grier (sic), correct? Jeff
10 Steele. I'm sorry.

11 A Jeff Steele, yes.

12 MS. COLLINS: I think it's time for me to retire,
13 Judge.

14 Q Jeff Steele, correct?

15 A Yes, that is correct.

16 Q And he turned that in to you and you took that to SLED
17 to be analyzed, correct?

18 A I did.

19 Q And then when they completed their analysis, they
20 returned it to you for storage and then you brought it back
21 here to court today, correct?

22 A Yes, ma'am.

23 Q And that has a sticker on it as well, correct?

24 A It does.

25 Q Will you number that 125 for ID purposes? Now, you

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1 referenced some yellow gloves that were turned in by
2 Investigator Ken Taylor from the investigative unit,
3 correct?

4 A I did.

5 Q He's also in crime scene investigations, right?

6 A He is.

7 Q And he indicated those were located at the driveway of
8 [REDACTED] West Brooklyn; is that right?

9 A Yes, ma'am.

10 Q All right. And he collected those and turned those in
11 to evidence to you?

12 A He did.

13 Q What day did he turn those in?

14 A He turned those in on June the 12th, 2014 at 11:00 a.m.

15 Q June 12th of 2014?

16 A Yes, ma'am.

17 Q All right. And did you store those items in evidence
18 and ultimately take them to SLED to the scientists to
19 analyze?

20 A I did.

21 Q And when they completed their analysis, did you pick
22 them back up and bring them back and store them and bring
23 them to court today?

24 A Yes, ma'am.

25 Q All right. We have not numbered those yet; is that

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1 right?

2 A We have not.

3 Q But there is a sticker ready for it to be numbered?

4 A Yes, ma'am.

5 Q Would you number that 126 for ID purposes at this time?

6 All right. Before I sit down I just want to doublecheck so

7 we have the gun, correct?

8 A Yes, ma'am.

9 Q We have the two unfired cartridges; one was found on
10 the steps of the Lowery residence at [REDACTED] West Brooklyn, and
11 one was found in the pocket of the defendant, who he himself
12 was on the porch, but it was at [REDACTED] West Brooklyn, correct?

13 A Yes, ma'am.

14 Q And what numbers did we assign? Was it 123 for the set
15 and 124 for the pocket?

16 A 123 to the one on the porch, and 124 to the pocket.

17 Q Then you also have the shell casing that was recovered
18 from the defendant's pocket that was 125, right?

19 A Yes.

20 Q And 121 and 122 were found at the McIlwain residence.
21 One was the shell casing on the den floor and one was the
22 projectile that was retrieved from the wall of the kitchen,
23 is that right, those two items?

24 A Let's see, I've got 123, 124. I've got 122 --

25 Q I believe 122 may have been the projectile; is that

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1 right.

2 A 122 is the cartridge casing from the floor of West
3 Brooklyn.

4 Q Okay. 122. Is 121 the projectile from the kitchen
5 wall?

6 A That was put in yesterday for ID.

7 Q Oh, that's right --

8 A I do not have that.

9 Q -- that was Investigator Bailey because he got that out
10 of the wall. Well, let's talk about that then. So you
11 brought that to court on my instruction, and you were
12 present yesterday when Investigator Bailey testified,
13 correct?

14 A I was.

15 Q He's retired now, but he, at the time, was over the
16 investigative units at the sheriff's department, correct?

17 A Yes, ma'am.

18 Q And you were here when he testified that he assisted
19 Investigator Jeff Steele on retrieving that projectile from
20 the kitchen wall, correct?

21 A That's correct.

22 Q But you brought that to court, and then on my
23 instruction you handed -- I believe you handed it directly
24 to Mr. Bailey; is that right?

25 A I did not. I think the bailiff came --

ANN HORTON - CROSS

1 Q -- to the bailiff and then he walked it up to Mr.
2 Bailey.

3 A He did.

4 Q And again, so that item had been submitted into
5 evidence to you, I believe, by Jeff Steele; is that right?

6 A It was.

7 Q Okay. And you took that item to evidence so the
8 scientists could analyze it, and then when they completed
9 their analysis you returned it to your department and kept
10 it until you brought it to court yesterday, correct?

11 A I did.

12 Q So the gun is 121, and the log, those paper documents
13 showing the track of the evidence, that's 120 that we put in
14 first.

15 A That's 120.

16 Q Thank you. And finally, the gloves that Ken Taylor
17 turned in are 126?

18 A Yes, ma'am.

19 MS. COLLINS: Thank you, Ms. Horton, I appreciate your
20 patience with me this morning. Please answer any questions
21 of the defense.

22 CROSS EXAMINATION

23 BY MS. BOULWARE:

24 Q Good morning, Ms. Horton. Are you the one who actually
25 packages these items when you receive them, or are they

ANN HORTON - CROSS

1 already packaged and sealed?

2 A Well, the investigator, when they bring those in they
3 are packaged. Sometimes I add that -- I take their
4 packaging and put that all in a box together. It just
5 depends. We box things -- SLED does not accept bags, so I
6 take the original packaging and everything is included in a
7 new clean box.

8 Q I understand. So you don't actually physically see the
9 evidence, you're just taking it from the officer and then
10 maybe putting it in a box and take it to SLED.

11 A Sometimes it's very clear and I see it, and then
12 sometimes I do not.

13 Q Okay. Can you remind me who submitted the blue jeans
14 on your log?

15 A I can. Investigator Jeff Steele submitted the blue
16 jeans.

17 Q Did you happen to see those blue jeans or were they
18 already packaged?

19 A I do not remember. They are in a box and so I don't
20 know if there's a bag inside of that box or --

21 Q That's fine. It's been a long time ago.

22 A It has been a long time ago and I'm getting old.

23 MS. BOULWARE: I understand. That's all of the
24 questions I have. Thank you.

25 THE COURT: All right. Any redirect?

ANN HORTON - REDIRECT

1 MS. COLLINS: Yes.

2 REDIRECT EXAMINATION

3 BY MS. COLLINS:

4 Q As to the blue jeans, did you bring them with you today
5 also?

6 A I did.

7 (Break in proceedings.)

8 A In this box is a Desmond brand pair of blue jeans and
9 an orange Polo shirt.

10 Q All right. I believe that's 127. If you would sign it
11 127 for ID purposes at this time. And Investigator Steele
12 turned these items in to you?

13 A He did.

14 Q And you placed them in evidence, correct?

15 A I did.

16 Q And you took them to SLED for analysis. Or they were
17 not sent.

18 A These were not.

19 Q Okay. They were not sent to SLED.

20 A No, ma'am.

21 Q But they have been kept in evidence there in your
22 department and you brought them to court today, correct?

23 A Yes, ma'am.

24 Q In fact, all of the items that you referenced when we
25 started your testimony today, and you read all of the items

JEFF STEELE - DIRECT

1 that were turned into evidence, did you bring all of those
2 items here to court with you today?

3 A I did.

4 Q So that if either me or Ms. Boulware or Mr. Frick or
5 Ms. Bonine wished to have you put them in evidence they're
6 available.

7 A They are.

8 MS. COLLINS: Thank you, Ms. Horton, so much.

9 THE COURT: Any recross based upon that redirect?

10 MS. BOULWARE: No, Your Honor.

11 THE COURT: All right. Thank you, ma'am, you can step
12 down.

13 MS. COLLINS: Our next witness, Your Honor, is Jeff
14 Steele.

15 The witness, JEFF STEELE, was first duly sworn and
16 Testified as follows:

17 DIRECT EXAMINATION

18 BY MS. COLLINS:

19 Q Good morning.

20 A Morning.

21 Q Would you please state your name?

22 A Jeff Steele.

23 Q Okay. And Investigator Steele, if you'll just speak up
24 loud enough as if you didn't have a microphone as if you
25 were trying to talk to me from there I think we'll be good

JEFF STEELE - DIRECT

1 to go. What is your occupation?

2 A I'm a crime scene investigator with the Lancaster
3 County Sheriff's Office.

4 Q I'm going to need to you speak up a little bit louder.

5 THE COURT: Yeah, talk loud, please. Thank you.

6 Q Say it again.

7 A I am a crime scene investigator with the Lancaster
8 County Sheriff's Office.

9 Q Very good. How long have you been with the sheriff's
10 office here in Lancaster county?

11 A Nineteen years full-time.

12 Q And what are your duties as part of the crime scene
13 unit?

14 A To document and photograph the scenes, collect evidence
15 and process the scene while I'm there.

16 Q Did you take photographs of the scenes at [REDACTED] and [REDACTED]
17 West Brooklyn Avenue in Lancaster County, South Carolina, on
18 June 10th, 2014?

19 A Yes, ma'am, I did.

20 Q Do you also in addition to photographing the scene take
21 photographs of individuals at the scene to document
22 injuries?

23 A Yes, ma'am.

24 Q You mentioned that you collect items of evidence there
25 at the scene sometimes; is that right?

JEFF STEELE - DIRECT

1 A Yes, ma'am.

2 Q And do you then turn them in to evidence at the
3 sheriff's department?

4 A Yes, ma'am.

5 Q Where they can be stored and then taken to SLED to be
6 analyzed?

7 A Yes, ma'am.

8 Q On June 10th of 2014, were you on duty?

9 A I was.

10 Q At about 9:30 p.m.?

11 A Yes, ma'am.

12 Q Did you respond to the scene at the residence of Roger
13 Lowery located at [REDACTED] West Brooklyn Avenue?

14 A Yes, ma'am, I did.

15 Q What did you see when you arrived?

16 A As soon as I arrived I got out and started taking
17 photographs of the scene.

18 Q Was EMS there at the time?

19 A Yes, they were.

20 Q So you began taking pictures right away?

21 A Yes, ma'am.

22 (Break in proceedings.)

23 Q You have been handed numerous photographs. I want you
24 to take a moment and go through those, if you will, and then
25 at the conclusion I'm going to ask you if those are a fair

JEFF STEELE - DIRECT

1 and accurate depiction of the crime scene at [REDACTED] West
2 Brooklyn as you saw it when you arrived there that night.

3 A Yes, ma'am.

4 Q All right. And then all of those are fair and accurate
5 depictions of the crime scene as you saw it when you arrived
6 that night.

7 A Yes, ma'am.

8 Q Those pictures were taken by you?

9 A Yes, ma'am.

10 Q Okay. Will you flip them over and just read the item
11 numbers for those pictures, and then I'm going to move all
12 of those into evidence.

13 A Does it matter where I -- just start anywhere?

14 Q No. You can just start with the back one and just read
15 the numbers for the record.

16 A State's Exhibit 75.

17 Q Okay. And then you can just say the numbers from this
18 point.

19 A Seventy-four. 73. 72. 69. 68. 67. 64. 63. 62.
20 61. 60. 59. 58. 57. 56. 55. 54. 53. 52. 51. 49.
21 48. 47. 46. And 45.

22 Q Thank you?

23 MS. COLLINS: Your Honor, at this time I move all of
24 those exhibits into evidence.

25 MS. BOULWARE: No objection.

JEFF STEELE - DIRECT

1 THE COURT: Entered into evidence.

2 (The photographs were received as State's Exhibits.)

3 MS. COLLINS: I'll ask the bailiff to hand these photos
4 to the witness, please.

5 Q Now, Mr. Steele, you've been handed six additional
6 photographs; items 70, 71, 76, 77, 78 and 79. Take a minute
7 and look through those six photographs and tell me, are
8 those fair and accurate depictions of either evidence or
9 Ms. McIlwain's neck as you saw it and took photographs of
10 there that night on June 10th of 2014?

11 A Yes, ma'am.

12 Q All right?

13 MS. COLLINS: Your Honor, I believe we moved these in
14 yesterday into evidence through Ms. McIlwain, but if not I
15 do so today.

16 THE COURT: Any objection?

17 MS. BOULWARE: No objection.

18 THE COURT: Entered into evidence.

19 MS. COLLINS: Thank you.

20 Q Now, if you'll hand all of those photographs, please,
21 to the bailiff, I'm going to publish those to the jury at
22 this time and have you tell and describe them to the jury
23 and what we're looking at as we go through them.

24 (Break in proceedings.)

25 Q All right. You might have to stand because of the

JEFF STEELE - DIRECT

1 glare from the plexiglass. I'm going to show you State's
2 Exhibit 45 and ask you, is that a photograph of the exterior
3 of the home of the Lowerys?

4 A Yes, ma'am.

5 Q All right. Do you want to come stand beside me? Would
6 that be helpful to you so you can also see in here or are
7 you good there?

8 A I'm good right here.

9 Q Excellent. Number 46. Is that, again, the exterior --
10 is that the exterior of the home showing the porch area?

11 A Yes, ma'am.

12 Q All right. Number 47. That's also showing the porch
13 area, correct?

14 A Yes, ma'am.

15 Q And at that time the EMS attendants were attending to
16 Mr. Grier, correct?

17 A That's correct.

18 Q Number 48. Is that a photograph you took of Mr. Grier
19 as he was lying there to be attended to by the ambulance
20 attendants?

21 A Yes, ma'am.

22 Q Number 49. You were able to take a photograph actually
23 of the bullet wound to the abdomen of Mr. Grier, correct?

24 A Yes, ma'am.

25 Q Fifty. Is that a photograph that was actually taken in

JEFF STEELE - DIRECT

1 the ambulance?

2 A That's correct, yes, ma'am.

3 Q Okay. Fifty-one. Is that a photograph after Mr. Grier
4 had been taken off of the front porch and taken with the
5 ambulance?

6 A Yes, ma'am.

7 Q All right. And you can still see here, what is this
8 that my finger is pointing to?

9 A Them was some items that were there when I first
10 arrived.

11 Q And did you later take closer pictures of those items?

12 A I did.

13 Q Was this the homeowner, Mrs. Lowery?

14 A That's correct.

15 Q And I see some blackness on the porch here. Was that
16 some dirt?

17 A Yes, ma'am. It appeared to be like some potting soil.

18 Q Okay. Here is another picture, Number 52. You can see
19 the items that you've already referred to once, but these
20 were on the front porch steps; is that right?

21 A Yes, ma'am.

22 Q Number 53. What is that a picture of?

23 A That's a picture of a cartridge that was on the steps
24 when I arrived.

25 Q Okay. Is that the cartridge there?

JEFF STEELE - DIRECT

- 1 A Yes, ma'am.
- 2 Q Okay. And a cartridge, is that an unfired bullet?
- 3 A That's an unfired, correct.
- 4 Q Okay. Number 54. Now, I see what sometimes some
- 5 people call -- I call, I don't know if everybody does --
- 6 evidence little tents; is that right?
- 7 A That's correct.
- 8 Q And that's to help number items of interest that you've
- 9 seen on the porch; is that right?
- 10 A Yes, ma'am.
- 11 Q And you've got some close-ups in a minute, we'll see.
- 12 But tent number one is showing some items on the steps; is
- 13 that right?
- 14 A Yes, ma'am.
- 15 Q Number two. Again, we'll get some close-ups, but these
- 16 are tents that you placed, correct?
- 17 A Yes, ma'am.
- 18 Q Okay. Picture 55. Just, again, showing us the
- 19 location of those tents, correct?
- 20 A That's correct.
- 21 Q Then Number 56. All right. Is that a little bit
- 22 closer view of the placement of tent 1 and the items that
- 23 were of interest to you based upon your training and
- 24 experience?
- 25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q All right. I see here some keys, correct? Is that
2 right?

3 A Yes, ma'am.

4 Q And there's that unfired cartridge; is that right?

5 A Yes, ma'am.

6 Q And we'll get a close-up of these items. But these
7 items were there. Did you see the pants cut off of Mr.
8 Grier?

9 A I didn't see them, it was like that when I arrived.

10 Q Okay. All right. Number 57. This is simply before
11 you placed the tent, correct?

12 A That's correct.

13 Q And Number 58, again, showing some tents. There's one
14 way back here, that's the bench area, correct?

15 A That's correct.

16 Q Okay. And we'll go through and see some close-up views
17 of those. Here is another closer -- a little bit closer
18 view of tent one in picture 59; is that right?

19 A Yes, ma'am.

20 Q Now, these have been referred to as shorts and referred
21 to as pants. Were these the blue jeans that were lying
22 there that we saw in the prior picture inside-out?

23 A Yes, ma'am.

24 Q Okay. So ultimately they were turned right-side-out by
25 someone?

JEFF STEELE - DIRECT

1 A Yes, ma'am, for me to photograph.

2 Q All right. To be photographed?

3 A Yes, ma'am.

4 Q Was that you?

5 A Yes, ma'am.

6 Q Okay. And this is picture 60 showing that item two.

7 Is that the orange Polo?

8 A Yes, ma'am.

9 Q All right. And that was still your understanding that
10 the shorts and the Polo were clothing items of Mr. Grier?

11 A That's correct.

12 Q Okay. Picture 61 showing tent 3. Was that the empty
13 Crown Royal bag which Ms. Horton just testified to?

14 A That's correct.

15 Q And I think there was a cigarette pack that I think was
16 Newport?

17 A Yes, ma'am.

18 Q Then Number 4 -- I mean, tent 4 in Picture 62. This is
19 the bench that was sitting there to the left of the porch in
20 the earlier picture, right?

21 A That's correct.

22 Q Okay. I say the left of the porch. It was on the
23 porch, right?

24 A Yes, ma'am.

25 Q And these two firearms here, they were on that bench

JEFF STEELE - DIRECT

1 when you got there?

2 A That's correct.

3 Q Okay. And did Investigator Lyons make you aware that
4 those were Mr. Lowery's guns?

5 A Yes, ma'am.

6 Q And after taking pictures, did you collect those guns
7 and place those into evidence as well?

8 A Yes, ma'am.

9 Q Until they were ultimately returned to Mr. Lowery?

10 A Yes, ma'am.

11 Q Now, I show you photograph 63. Is that a picture of
12 the silver firearm, the revolver, with it open showing the
13 inside of the chamber?

14 A That's correct.

15 Q Okay. And again, a revolver does not eject shell
16 casings like other firearms do, the shell casing stays there
17 in the revolver chamber; is that right?

18 A That's correct.

19 Q Is it called the chamber, that area?

20 A The cylinder.

21 Q Cylinder. All right. And looking at this picture, did
22 it appear to you that only one of those bullets had been
23 fired?

24 A That's correct.

25 Q Okay. Now, turning to picture 64. What is that a

JEFF STEELE - DIRECT

1 picture of?

2 A That's the other firearm that was on the bench with the
3 magazine taken out of it.

4 Q Okay. And do you get -- was one of the other officers
5 holding that while you took a picture of it?

6 A I did.

7 Q You held it and took a picture of it?

8 A Deputy Boyd, he held the firearm and ejected it while I
9 photographed it.

10 Q Oh, okay. He did that at your direction?

11 A Yes, ma'am.

12 Q Very good. Now, State's Exhibit 67. This is a
13 close-up view of some of those items that were on the steps
14 earlier; is that right?

15 A No, ma'am.

16 Q What is that? Tell me, what is that?

17 A That's the item that was in the pockets of those blue
18 jeans that you showed me earlier.

19 Q Okay. All right. So when you turned the blue jeans
20 inside-out, did any of those items fall out or did you reach
21 in and retrieve those items?

22 A We reached in and got them out of the pocket and set
23 them out on the steps there and I photographed them.

24 Q Okay. Very good. So tell me, what is this right here
25 above that change?

JEFF STEELE - DIRECT

1 A That's a cartridge casing, and to the right of that is
2 a cartridge.

3 Q Right here?

4 A Yes, ma'am.

5 Q Okay. All right. And those, do you recall, were they
6 in the left pocket or the right pocket of the blue jeans.

7 A Those were in the left pocket.

8 Q All right. And this is picture 63 -- no 68. There's
9 another view; is that right?

10 A Yes, ma'am.

11 Q Now, picture 69?

12 A That's a high school ring, it came out of the
13 right-side pants pocket.

14 Q Okay. All right. And number -- picture 72. Is that,
15 again, a picture of the porch from a distance?

16 A Yes, ma'am.

17 Q Okay. Now, obviously you were there at that scene,
18 correct?

19 A Yes, ma'am.

20 Q And you went back to that scene recently just to take
21 some measurements, correct?

22 A That's correct.

23 Q And that -- and just to see how far different houses
24 were from each other; is that right?

25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q And just tell me, is the roadway this way or this way?

2 A It's where you've got your pen at now.

3 Q Right here?

4 A Yes, ma'am. It's coming out that way.

5 Q Okay. So it's this way?

6 A Yes, ma'am.

7 Q Okay. All right. Now, I show you Number 73. Is that
8 showing that potting soil that you referenced earlier?

9 A That's correct.

10 Q Okay. All right. And picture 74. Is that the front
11 door?

12 A Yes, ma'am, to the Lowery residence.

13 Q Okay. And is this showing it from the porch going in,
14 or is this from the inside looking back out?

15 A This is the inside.

16 Q Okay. So you can see the floor of the inside of the
17 house compared to the floor we just saw with the dirt on it,
18 right?

19 A That's correct.

20 Q And you can see the door on the inside and then the
21 outside. Is this the storm door?

22 A That's correct.

23 Q Okay. Now, I'm going to show you Number 75. Again,
24 that's showing the potting soil as it's distributed,
25 correct?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q Okay. Mr. Steele, I see some -- and if you need to
3 hold it, I'm just not clear -- these little red things, what
4 are those? Do you need to hold the picture and look at?

5 A I'm assuming that's stuff that was left behind from EMS
6 when they were attending to Mr. Grier.

7 Q Okay. All right. So this just appears to be some
8 residue or something in terms of like tape or straps or
9 stuff?

10 A Yes, ma'am.

11 Q Now, turning to the pictures that were initially shown
12 yesterday to the witness, Shareika McIlwain. Number 71.
13 And we saw from a more distant view when you could see all
14 of the tents. But this is on the porch, correct?

15 A Yes, ma'am.

16 Q And this is showing tent 6, correct?

17 A That's correct.

18 Q Okay. And is that -- and I'll show you another
19 picture, too, picture 70, which is a little bit closer-up of
20 the same picture just before?

21 A That's correct.

22 Q And is this hair extensions that you found there on the
23 porch?

24 A That's correct.

25 Q And State's Exhibit 76. Is that a picture of Shareika

JEFF STEELE - DIRECT

1 McIlwain as you saw her the night of June 10th of 2014?

2 A Yes, ma'am.

3 Q Okay. And Number 77. Is that a photograph of a wound
4 that was on the right side of Ms. McIlwain's neck?

5 A That's correct.

6 Q And 78. Is that just a little bit closer view of that
7 wound?

8 A That's correct.

9 Q And 79. Is that showing the left side of
10 Ms. McIlwain's head?

11 A That's correct.

12 Q Okay. All right. Thank you. Please have a seat.

13 THE COURT: Thank you, ladies and gentlemen. Sorry
14 about the glare, but this is plexiglass going on there, it's
15 the best we can do under the circumstances. Thank you for
16 understanding. Again, y'all are going to have all of these
17 photos back in the jury room. Okay?

18 Q Now, at some point -- at some point were you called
19 over to the scene across the road at [REDACTED] West Brooklyn
20 Avenue, the McIlwain residence?

21 A Yes, ma'am.

22 Q Had you completed at that time taking photographs and
23 collecting evidence at [REDACTED] West Brooklyn?

24 A No, ma'am.

25 Q You had not?

JEFF STEELE - DIRECT

1 A No, ma'am.

2 Q Okay. Why were you called to go over to the McIlwain
3 residence at that point?

4 A I was called over there to document a firearm that had
5 been located on the side of the driveway.

6 Q Can you say that again? I'm having trouble hearing
7 you.

8 A I was called over there to photograph a firearm that
9 had been located beside the driveway.

10 Q And did you go over there and locate that firearm?

11 A I did.

12 Q You went over to where it had been located?

13 A Yes, ma'am.

14 Q And who had located it?

15 A Captain Eric Brown.

16 MS. COLLINS: One moment, please.

17 (Break in proceedings.)

18 MS. COLLINS: May I hand these exhibits to the witness?

19 THE COURT: Yes.

20 Q Investigator Steele, I just handed you some additional
21 photographs for your review. Can you look at the back of
22 those photographs and tell us, what are the numbers of those
23 items that I just handed you?

24 A Number 97.

25 Q If you can speak up just a little bit.

JEFF STEELE - DIRECT

1 A Ninety-seven.

2 Q Yes, sir.

3 A Ninety-six. 95. 94. 93. 92.

4 Q And what are those photographs of, those exhibits?

5 A These are pictures of the firearm that I took.

6 Q Did you take those pictures?

7 A I did.

8 Q And those are fair and accurate depictions of the
9 firearm as you saw it that night there when it was located
10 by Captain Brown beside the driveway at the McIlwain home?

11 A Yes, ma'am.

12 MS. COLLINS: Your Honor, I believe they're in
13 evidence, but at this time if not I move items 97, 96, 95,
14 94, 93 and 92 into evidence.

15 MS. BOULWARE: No objection.

16 THE COURT: All right. Introduced.

17 (The photographs were received as State's 92-97.)

18 Q All right. I'm going to show you number 92. And what
19 is that a photograph of?

20 A That's a photograph of the firearm.

21 Q Okay. Is that the firearm there?

22 A Yes, ma'am.

23 Q Okay. And that's as it was located by Captain Brown?

24 A Yes, ma'am.

25 Q And so it was to the right of the driveway of Ms.

JEFF STEELE - DIRECT

1 McIlwain's residence?

2 A Yes, ma'am. If you're going up the driveway it's on
3 the right-hand side.

4 Q Okay. Very good. Thank you. Now, Number 93. Is that
5 basically the same picture but you've put the evidence tent
6 there beside it; is that right?

7 A That's correct.

8 Q Okay. And Number 94. Is that a photograph just
9 showing the general location of that firearm?

10 A That's correct.

11 Q Now, I see on that picture what appears to be a small
12 shot of the evidence tent, that is Number 7; is that right?

13 A I can't see it from here.

14 Q Let me hand it to you.

15 A Yes, ma'am.

16 Q All right. And so was the firearm showing there right
17 beside the tent in that picture?

18 A Yes, ma'am. It's right there.

19 Q Thank you. Now, this picture, Number 95, that's a
20 close-up view of y'all retrieving the firearm, correct?

21 A That's correct.

22 Q And 96. What is that showing?

23 A That's showing the firearm being cleared.

24 Q Okay. And so when you clear it you pull that back, the
25 slide back?

JEFF STEELE - DIRECT

1 A Yes, ma'am.

2 Q And was there a round there in the chamber there
3 itself?

4 A No, ma'am.

5 Q Okay. And Number 97. What is that showing?

6 A That's a picture of the magazine that's been ejected
7 from the firearm.

8 Q Okay. And were there any live ammunition within that
9 magazine?

10 A No, ma'am.

11 Q Thank you, please have a seat. Now, before I move on
12 to the photographs from the McIlwain home, are the items
13 that Ms. Horton just labeled still right there in front of
14 you?

15 A Yes, ma'am.

16 Q All right. So let's go through those real quick. Do
17 you see Item 121, the gun? It should still be the box.

18 A Yes, ma'am.

19 Q You've got it right there in front of you, State's
20 Exhibit 121?

21 A Yes, ma'am.

22 Q And does it say 121?

23 A Yes, ma'am.

24 Q All right. Can you open that box for us and tell us,
25 is that the firearm that you retrieved from the side of the

JEFF STEELE - DIRECT

1 McIlwain driveway on the night of June 10th of 2014?

2 THE COURT: Madam Solicitor, do you want the actual
3 grasp holding the gun in the cardboard to be cut? Because
4 the box is open and you can see what appears to be a weapon
5 that he can hold up.

6 MS. COLLINS: Yes. As long as you can see it we can
7 hold it up. We did bring a trigger lock that could be
8 placed through it because we will be putting in evidence of
9 live ammunition out of caution's sake.

10 THE COURT: Well, that's why I asked. You can just
11 hold that up.

12 MS. COLLINS: That's fine. And before we send it back
13 we will get a trigger lock.

14 Q If you'll stand so all of the jurors -- because I know
15 we're spread throughout the courtroom, if you can stand and
16 show that to everyone. Okay. Thank you. Is that the
17 firearm that you retrieved from the side of the residence --
18 from the side of the driveway of the McIlwain residence on
19 June 10th of 2014?

20 A That's correct.

21 MS. COLLINS: I move that item into evidence at this
22 time.

23 MS. BOULWARE: No objection.

24 THE COURT: All right. Entered into evidence.

25 (The firearm was received as State's 121.)

JEFF STEELE - DIRECT

1 Q All right. Investigator Steele, if you'll locate the
2 envelope that has been marked with a small red sticker,
3 State's 122. I believe it is a shell casing.

4 A What number? 122?

5 Q 122. Have you got it?

6 A Yes, ma'am.

7 Q What is that that you're holding?

8 A That is a cartridge casing.

9 Q Did you find that cartridge casing at one of these two
10 scenes?

11 A Yes, ma'am.

12 Q Where did you find it?

13 A On the floor.

14 Q Of where?

15 A Of [REDACTED] West Brooklyn.

16 Q At [REDACTED] or [REDACTED]

17 A [REDACTED] excuse me.

18 Q The McIlwain residence?

19 A Yes, ma'am.

20 Q And that's 122?

21 A Yes, ma'am.

22 MS. COLLINS: I move that into evidence at this time.

23 MS. BOULWARE: No objection.

24 THE COURT: Without objection entered into evidence.

25 (State's 122 was received into evidence.)

JEFF STEELE - DIRECT

1 Q All right. Investigator Steele, if you will locate the
2 envelope that has 123 on the little red label of State's
3 Exhibit 123.

4 A Yes, ma'am.

5 Q And what is that?

6 A This is a Tulammo .380 cartridge that was located on
7 the steps of the Lowery residence.

8 Q And by cartridge, is that an unfired bullet?

9 A That's correct.

10 Q And that was the one we saw in the pictures that was
11 lying on the steps of the Lowery home?

12 A That's correct.

13 Q And you collected that and placed that into evidence?

14 A That's correct.

15 Q And that's labeled 123?

16 A Yes, ma'am.

17 MS. COLLINS: I move that item into evidence at this
18 time.

19 MS. BOULWARE: No objection.

20 THE COURT: All right. Without objection introduced.

21 (State's 123 was received into evidence.)

22 Q Now, you were trained in the use of firearms and have
23 had officer training in the types of firearms and types of
24 ammunition as someone who works with that type of evidence,
25 correct?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q Does that cartridge fit into that firearm that you
3 found there by the driveway at the McIlwain home?

4 A That's correct.

5 Q It's a .380 and the gun is a .380, right?

6 A That's correct.

7 Q All right. Moving on then to 124. If you can find
8 that little envelope with the red sticker for State's
9 Exhibit 124. All right. Do you have it?

10 A Yes, ma'am.

11 Q What is that?

12 A This is a cartridge that was located in the left front
13 pants pocket of Mr. Grier, or blue jeans.

14 Q I'm sorry.

15 A Or the blue jean pants that was cut on Mr. Grier.

16 Q And those were the pants of the defendant that you took
17 pictures of that we just saw?

18 A That's correct.

19 Q And the -- you said you pulled those items out of the
20 pocket and then placed them on the steps, and you took
21 pictures of them; is that right?

22 A That's correct.

23 Q And we saw a picture there of the -- is that a
24 cartridge or shell casing that you have in your hand?
25 That's a cartridge, right?

JEFF STEELE - DIRECT

- 1 A That's correct.
- 2 Q And that's 124?
- 3 A Yes, ma'am.
- 4 Q Okay. Is that also a Tulammo .380?
- 5 A No, ma'am. We've got one more.
- 6 Q But number 124?
- 7 A Yes, that's --
- 8 Q Is that a Tulammo .380 cartridge also?
- 9 A No, ma'am, it's a .380.
- 10 Q But it is a .380.
- 11 A Yes, ma'am.
- 12 Q Just a different brand?
- 13 A Yes, ma'am, just a .380.
- 14 MS. COLLINS: I move 124 into evidence at this time.
- 15 MS. BOULWARE: No objection.
- 16 THE COURT: Without objection entered into evidence.
- 17 (The bullet was received as State's 124.)
- 18 Q Can you find the clear envelope that has the label 125?
- 19 A That's correct.
- 20 Q And what does that contain?
- 21 A This is a cartridge casing .380 brand that was found in
- 22 the left front pants pocket.
- 23 Q Okay. So that shell casing was found in the same
- 24 pocket as the unfired cartridge of the left front pants
- 25 pocket of those jeans, or jean shorts, right?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q All right. And you retrieved those from the left
3 pocket and took photographs of them that we saw earlier?

4 A Yes, ma'am.

5 MS. COLLINS: I move State's Exhibit 125, the shell
6 casing from the left pocket of the defendant's pants, into
7 evidence.

8 MS. BOULWARE: No objection.

9 THE COURT: Entered into evidence.

10 (The shell casing was received as State's 125.)

11 MS. COLLINS: I would ask the bailiff to hand the
12 witness State's 85.

13 Q Has that been handed to you?

14 A Yes, ma'am.

15 Q Is that envelope labeled Number 85 for ID purposes?

16 A Yes, ma'am.

17 Q And is that the projectile that was retrieved from the
18 kitchen wall at the residence of Shareika McIlwain located
19 at [REDACTED] West Brooklyn?

20 A That's correct.

21 Q And you were present when that projectile was retrieved
22 from that kitchen wall?

23 A That's correct.

24 Q And you did that along with -- I keep saying
25 investigator, but he was Captain Craig Bailey at the time;

JEFF STEELE - DIRECT

1 is that right?

2 A That's correct.

3 MS. COLLINS: I move State's Exhibit 85 into evidence
4 at this time.

5 MS. BOULWARE: No objection.

6 THE COURT: All right. Entered into evidence.

7 (The bullet was received as State's 85.)

8 Q And finally, Investigator Steele, there's a box before
9 you that's been labeled 127 for ID purposes.

10 A What number are you looking for?

11 Q 127. Do you have that? Okay. And are those the blue
12 jeans that were retrieved from the front porch that had been
13 cutoff of the defendant there at [REDACTED] West Brooklyn Avenue?

14 A That's correct.

15 Q All right. And those are the ones you took pictures of
16 that we saw?

17 A That's correct.

18 Q And those -- that's the clothing item that you --
19 originally was turned inside-out but that you also turned
20 again so it was right-side-out, correct?

21 A That's correct.

22 Q And is that the clothing item that you reached into the
23 pocket and retrieved -- and found those items that you just
24 testified to, particularly the shell casing and the
25 cartridge; is that right?

JEFF STEELE - DIRECT

1 A That's correct.

2 MS. COLLINS: I move State's Exhibit 127 into evidence.

3 MS. BOULWARE: No objection.

4 THE COURT: Without objection introduced into evidence.

5 (The blue jeans was received as State's 127.)

6 Q Let's go ahead -- you've still got the box cutter --

7 and open those up and hold those up and shows those to the
8 jury if we could.

9 A (Witness complies.)

10 Q Have you got them open?

11 A Yes, ma'am.

12 Q Okay. Can you pull those jeans out and hold them up so
13 everyone can see them? Put your gloves on, please. Thank
14 you.

15 A This is the orange shirt.

16 Q Okay. All right. I said all right.

17 A And this is the blue jeans.

18 Q All right. Will you open up the bag so everyone can
19 see them? And thank you for your patience with me on that.

20 A (Witness complies.)

21 Q Thank you. Can you just come around here where there's
22 not a little half wall?

23 A (Witness complies.)

24 Q Thank you. And you can walk over here so these jurors
25 can see it, too?

JEFF STEELE - DIRECT

1 A (Witness complies.)

2 Q Thank you. Again, these items are in evidence and will
3 be available later. Thank you. If you could put those back
4 in the bag and box, then we will move onto the McIlwain
5 residence. All right. You can have a seat.

6 MS. COLLINS: I would ask the bailiff if he would hand
7 these photographs to the witness, please.

8 Q Investigator Steele, you've just been handed by one of
9 our court bailiffs a lot of photographs, and I believe
10 they're numbered from 86 to 116, and at the very end are
11 items 117 and 118 are two maps I want to ask you about.
12 Take a minute, if you will, and review those photographs
13 from 86 to 116 and tell me if those are fair and accurate
14 depictions of the scene at [REDACTED] West Brooklyn Avenue as you
15 saw it on the evening of June 10th of 2014 there at the
16 McIlwain residence.

17 A Yes, ma'am.

18 Q Those are all fair and accurate depictions of the scene
19 there at the McIlwain residence that night?

20 A That's correct.

21 Q Thank you.

22 MS. COLLINS: I move items 86 through 116 into evidence
23 at this time.

24 MS. BOULWARE: No objection.

25 THE COURT: Without objection entered into evidence.

JEFF STEELE - DIRECT

1 (The photos were received as State-s 86-116.)

2 Q And before you get up, Investigator Steele, if you'll
3 look at those two maps I handed up, State's Exhibits 117 and
4 118. They were at the end of that stack. Do you see those
5 two items?

6 A Yes, ma'am.

7 Q I'm sorry, I couldn't hear you.

8 A Yes, ma'am, this is the maps.

9 Q Okay. And you recognize those two maps? If you could
10 speak up, please.

11 A Yes, ma'am.

12 Q And did you prepare those maps?

13 A I did.

14 Q And what did those maps show?

15 A They showed a distance from Caroline Courts -- ■■■
16 Caroline Courts to ■■■ -- or ■■■ West Brooklyn Avenue.

17 Q And why did you prepare two maps of that?

18 A I prepared one showing the road route, if you took the
19 road to those residences, and I prepared another one if you
20 just took a route through the woods to the residence.

21 Q All right. And did you measure those distances or
22 obtain that information from what you deemed to be a
23 reliable source?

24 A Yes, ma'am.

25 Q What is the distance from ■■■ Caroline Court to ■■■

JEFF STEELE - DIRECT

1 West Brooklyn Avenue if you go via the paved streets, or the
2 streets?

3 A If you go paved road it's 1,994 feet, that's just a
4 little bit over three-tenths of a mile, or 3.7 tenths.

5 Q And if you cut through the woods what is the distance?

6 A It is 1,040 feet, which is just shy of two-tenths of a
7 mile, or 1.9.

8 Q Okay. Or .19?

9 A Yes, ma'am.

10 Q Okay.

11 MS. COLLINS: At this time I move State's Exhibits 117
12 and 118 into evidence.

13 MS. BOULWARE: No objection.

14 THE COURT: All right. Without objection introduced
15 into evidence.

16 (The maps were received as State's 117 and 118.)

17 MS. COLLINS: All right. I would like to publish those
18 to the jury.

19 THE COURT: All right. Mr. Bailiff, hand those to the
20 solicitor.

21 Q Number 86. Is this a photograph of the exterior of the
22 McIlwain residence?

23 A That's correct.

24 Q And Number 87. Is that the same residence from a
25 different angle?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q And then 88. Is that showing the side of the
3 residence?

4 A That's correct.

5 Q And 89. Is that around the back of the residence?

6 A That's correct.

7 Q Item 90. Is that showing the driveway of the McIlwain
8 residence?

9 A That's correct.

10 Q And I see some items here. What are those items?

11 A They're gloves.

12 Q Yellow gloves?

13 A Yes, ma'am.

14 Q Okay. Did you take those into evidence that night?

15 A No, ma'am.

16 Q Why not?

17 A I didn't have any reason to at that time.

18 Q Okay. Had you been advised by the city law enforcement
19 that they were related to their crime?

20 A No, ma'am.

21 Q Same thing with this bicycle. Did you take that into
22 evidence that night?

23 A No, ma'am, I did not.

24 Q But you took a picture of those items?

25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q Number 91. Just a different angle showing the yellow
2 gloves and the bike and that vehicle, correct?

3 A That's correct.

4 Q So if the driveway is going up toward the residence, is
5 it over in this area somewhere where that gun was found?

6 A It's actually back down further than that, yes, ma'am.

7 Q But to the right of the driveway?

8 A Yes, ma'am.

9 Q Now, this is showing State's Exhibit 98. Is that the
10 interior of the McIlwain home?

11 A Yes, ma'am.

12 Q All right. And 99. Still the den or living room area?

13 A That's correct.

14 Q And 100. Is that showing from the den area to the
15 kitchen?

16 A That's correct.

17 Q Number 101. What is that a picture of?

18 A That's a picture of a cartridge that's on the floor in
19 the living room from the kitchen area, I've taken it from
20 the kitchen.

21 Q All right. Now, if you will, if you'll come down to
22 where I am, and if you'll take this pen and circle that
23 cartridge because there's not a little evidence tent there
24 I've noticed. Just circle it. Yeah.

25 A (Witness complies.)

JEFF STEELE - DIRECT

1 Q Is that the shell casing that you -- you said
2 cartridge. Was it a cartridge or a shell casing?

3 A It was a casing.

4 Q Was that the casing that you found on the floor that
5 night?

6 A That's correct.

7 Q And you circled it. Can you just put your initials
8 there beside it?

9 A (Witness complies.)

10 Q Thank you. Now 102. Is that just a closer view of
11 that shell casing?

12 A That's correct.

13 Q Okay. 103. Is that showing where the shell casing was
14 over in this area in front of the TV to where there was
15 another interest to you as an evidence technician, or
16 evidence collector?

17 A That's correct.

18 Q Okay. And what did you ultimately find in that area?

19 A Over by those louver doors there was a defect in the
20 wall, a defect meaning like a hole, like a bullet hole, we
21 found one of them over by this wall right here.

22 Q Okay. And I think there will be some more pictures
23 with that in a minute.

24 A Okay.

25 Q All right. Number 104. Is that a picture of the

JEFF STEELE - DIRECT

1 kitchen?

2 A That's correct.

3 Q And 105. Still a picture of the kitchen, right?

4 A That's correct.

5 Q Okay. I believe there was some uncooked hamburger
6 patties there on the stove? Do you recall?

7 A I don't recall that, but --

8 Q That's fine. 106?

9 A Just another view of the kitchen --

10 Q Okay.

11 A -- coming back out from the side door.

12 Q So here to the right where the TV was, is that the den
13 area?

14 A That's correct.

15 Q Now, is that the side door that goes to the outside?

16 A Yes, ma'am.

17 Q Now 107. Is that basically the same thing?

18 A Yes, ma'am.

19 Q 108?

20 A Showing the angle from the kitchen -- I mean, from the
21 living room back out toward the kitchen.

22 Q Okay. And 109?

23 A That's showing the area where we found the defect in
24 the little shutter door on the right-hand side.

25 Q Okay. And 110. Is that a close-up of that defect?

JEFF STEELE - DIRECT

1 A Yes, ma'am.

2 Q All right. You put that little sticker there; is that
3 right?

4 A Yes, ma'am.

5 Q To show where the defect was?

6 A That's correct.

7 Q Okay. And 111 is just a close-up of that?

8 A Yes, ma'am, a close-up.

9 Q All right. Now, I notice it's got some measurements;
10 is that right?

11 A Yes, ma'am.

12 Q Are these -- what are these, centimeters or --

13 A Millimeters.

14 Q And then 112. An even closer view of the defect,
15 correct?

16 A That's correct.

17 Q Now, had that projectile or bullet, was it lodged in
18 that louver door or did it go somewhere else?

19 A No, ma'am. It perforated it and went into the interior
20 wall, and then perforated it and went into the wall in
21 between the inner wall and the outer wall.

22 Q Okay. All right. So here is picture 113. Let me ask
23 you -- so we see here what you've just been talking about,
24 the defect. Is that a louver door?

25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q And then is this another area, is that where it went?

2 A Yes, ma'am, it went on through. It just passed through
3 that and went into the wall back in behind there. I
4 couldn't get a real good photograph.

5 Q Okay. All right. And this is Number 114. Is this --
6 I see debris here on the kitchen floor. Is this after y'all
7 had entered that wall to retrieve the projectile?

8 A That's correct.

9 Q Okay. And 115. Also showing that?

10 A That's correct.

11 Q And 116. Is that a picture of the projectile after
12 y'all retrieved it from the wall?

13 A That's correct.

14 Q You put it in evidence like a little round tin; is that
15 right?

16 A That's correct.

17 Q But that's the projectile you retrieved from the
18 kitchen wall from Shareika McIlwain's home.

19 A That's correct.

20 Q All right. Now, moving to these maps, 117. What is
21 that a map of that you prepared?

22 A That is the straight line if you went through the woods
23 from [REDACTED] Caroline Court to [REDACTED] West Brooklyn.

24 Q All right. And I see you've got West Brooklyn marked.
25 Here, if you'll use that point where West Brooklyn is.

JEFF STEELE - DIRECT

- 1 A West Brooklyn is right here.
- 2 Q And where is [REDACTED] Caroline Court?
- 3 A It's right here.
- 4 Q Can you just write -- because I don't see that it's
- 5 labeled. Can you write [REDACTED] CC for Carolina Court and then
- 6 put your initials?
- 7 A (Witness complies.)
- 8 Q Okay. And also here is the map, 118. What is that
- 9 showing?
- 10 A That's showing a road route if you took a road from [REDACTED]
- 11 went to [REDACTED] West Brooklyn.
- 12 Q Okay. And again, point to everybody where [REDACTED] West
- 13 Brooklyn.
- 14 A (Witness complies.)
- 15 Q And can you write beside -- what are you pointing to
- 16 there?
- 17 A That's [REDACTED]
- 18 Q [REDACTED] Caroline Court?
- 19 A Yes, ma'am.
- 20 Q If you'll, again, write [REDACTED] CC and put your initials.
- 21 A (Witness complies.)
- 22 Q Thank you. You can have a seat. The gun that was
- 23 recovered from the side of the driveway, do you know what
- 24 type of gun that is?
- 25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q What type?

2 A It was a .380 Highpoint pistol semiautomatic.

3 Q Okay. Does that --

4 MS. COLLINS: Court's indulgence. I'm just going
5 through my notes to make sure I have hit everything.

6 THE COURT: Okay. All right.

7 (Break in proceedings.)

8 Q Oh, there was a blue shirt in the yard, is that right,
9 at the Lowery residence? Do you remember?

10 A Could you repeat that?

11 Q Do you remember a blue shirt in the yard of the Lowery
12 residence?

13 A That's correct, yes, ma'am.

14 Q I think that picture was already in through Ms.
15 McIlwain. Did you see that picture when you were looking
16 through the items earlier?

17 A I did, when you had it up yesterday.

18 Q But you did locate that blue shirt in the yard?

19 A Yes, ma'am.

20 Q And you turned that in also?

21 A Yes, ma'am.

22 Q The two firearms that were collected that belonged to
23 Roger Lowery, what type of guns were those?

24 A One was a -- I believe one was a .38 -- let me look at
25 my report here. One was a .38 revolver, the other one was a

JEFF STEELE - DIRECT

1 .40 semiautomatic handgun.

2 Q All right. So based upon your knowledge of firearms,
3 can the same ammunition be used in the gun, the .380 that
4 was recovered from the side of the driveway at the McIlwain
5 home and the two guns that were located at the Lowery
6 residence, the .38 and the .40?

7 A That's correct.

8 Q Can the same ammo be used in all three of those guns?

9 A No, ma'am.

10 Q In fact, do all three of those guns take different size
11 ammo?

12 A That's correct.

13 Q Thank you. Did you measure the distance from the front
14 porch of the Lowery residence where the defendant was lying
15 when you came up to the crime scene, the distance from there
16 to the driveway of the McIlwain home? Did you measure that
17 distance?

18 A I did.

19 Q What was that distance?

20 A It is 23.4 yards from the front porch to the driveway
21 of the McIlwain residence.

22 Q From the front porch to the end of the driveway?

23 A Yes, ma'am.

24 Q And from the end of the driveway of the McIlwain home
25 to where the gun was found by the edge of the driveway, how

JEFF STEELE - DIRECT

1 far is that?

2 A About five to seven yards.

3 Q So doing the math, would you agree that the distance
4 from where the defendant was located, the distance from the
5 porch of the Lowery home to where the gun was located was
6 29.1 yards?

7 A Around that area, yes, ma'am.

8 Q Thank you.

9 MS. COLLINS: I believe those are all of the questions
10 I have, thank you for your patience with me. Please answer
11 any questions of the defense team.

12 THE COURT: Go ahead.

13 MS. BOULWARE: Just a couple of questions.

14 THE COURT: I was going to take a break, you go ahead
15 and finish this and then we'll take a midmorning recess. Go
16 ahead.

17 CROSS EXAMINATION

18 BY MS. BOULWARE:

19 Q Good morning, Investigator Steele. I just have a
20 couple of quick questions for you. The firearm in the
21 driveway of [REDACTED] West Brooklyn, how those pictures show is
22 exactly how it was found?

23 A That's correct.

24 Q It wasn't covered by anything, under anything, just
25 lying on the ground.

JEFF STEELE - CROSS/REDIRECT

1 A Yes, ma'am.

2 Q Okay. And the gloves that were found beside the -- I
3 think it was a SUV and the bicycle, those were found exactly
4 as-is like that? Not covered like in a trash can or
5 anything like that.

6 A That's correct.

7 Q Okay.

8 MS. BOULWARE: Thank you. That's all of the questions
9 I have.

10 REDIRECT EXAMINATION

11 BY MS. COLLINS:

12 Q Was it dark in the area where the gun was found?

13 A Yes, ma'am.

14 Q I notice that in the pictures that it was lit some. Do
15 y'all use lights or is that a flash from the camera?

16 A Yes, ma'am. When I use my camera I lit it up a little
17 to see it.

18 Q Say again. I couldn't hear you.

19 A When I took my photograph I used a flash to get a
20 picture of the gun.

21 MS. COLLINS: Thank you. No further questions.

22 THE COURT: All right. Thank you, sir, you may step
23 down. Just stick around or just -- is he still under
24 subpoena?

25 MS. COLLINS: Yes.

JEFF STEELE - CROSS/REDIRECT

1 THE COURT: Okay. You're free to leave but you're
2 still under subpoena. All right. Ladies and gentlemen of
3 the jury, we're going to take our brief morning recess,
4 don't talk about the case you haven't heard everything.
5 Y'all go get some refreshments and we'll get you back out
6 here in about ten or 15 minutes. Okay? Thank you very
7 much.

8 (The jury left the courtroom.)

9 (A recess was taken.)

10 THE COURT: Thank you very much, you may be seated.
11 Any issues before we bring the jury back?

12 MS. COLLINS: No, Your Honor.

13 MS. BOULWARE: No, Your Honor.

14 THE COURT: All right. Bring them back.

15 (The jury returned to the courtroom.)

16 THE COURT: Thank you, ladies and gentlemen. Madam
17 Solicitor, you may call your next witness.

18 MS. COLLINS: We would like to recall very briefly Ann
19 Horton.

20 THE COURT: All right, ma'am, come on back. You are
21 still under oath.

22 The witness, ANN HORTON, remained sworn and testified

23 As follows:

24 FURTHER DIRECT EXAMINATION

25 BY MS. COLLINS:

ANN HORTON - FURTHER DIRECT

1 Q All right, Ms. Horton, as stated by the Judge you are
2 still under oath. Item 85 that you have that has been
3 admitted into evidence, is that the projectile that was
4 recovered from the kitchen wall by Craig Bailey and Jeff
5 Steele?

6 A Yes, ma'am, it is.

7 Q Now, that's in a clear envelope there in front of you,
8 correct?

9 A Yes, ma'am.

10 Q Okay. Did you cut that open yesterday so you could --
11 a manila envelope so you could -- we could hand that to Mr.
12 Bailey so he could see that item and identify it for his
13 testimony?

14 A That is correct.

15 Q Where is the manila envelope?

16 A This is the envelope that was returned from SLED with
17 several items in it.

18 Q And so SLED has a label in that envelope that would
19 need to be referred to by the SLED scientist when she
20 testifies; is that correct?

21 A Yes. It would have their documentation on it.

22 Q All right.

23 (Break in proceedings.)

24 A And there were -- the other casings and projectiles
25 were also in this envelope.

ANN HORTON - FURTHER DIRECT

1 Q Okay. And you've labeled that item 85A?

2 A Yes, ma'am.

3 MS. COLLINS: Okay. Thank you. I move that into
4 evidence at this time.

5 MS. BOULWARE: No objection.

6 THE COURT: Without objection introduced.

7 (The envelope was received as State's 85A.)

8 Q Okay. And finally, Ms. Horton, earlier when you handed
9 up the box with the blue jeans in it and it was opened by
10 Investigator Steele during his testimony there were two
11 paper bags in there, correct?

12 A Yes, ma'am.

13 Q One of which contained the orange shirt worn by Mr.
14 Grier and one of which contained the blue jeans, correct?

15 A Yes, ma'am.

16 Q Okay. Now, you've heard that the blue jean items had
17 been submitted into evidence, we have not submitted the
18 orange shirt into evidence. So does that need to be
19 returned to you at this time?

20 A Yes, ma'am.

21 Q Okay. If you will then retrieve that and mark on your
22 exterior box as you need to. I understand because of what
23 you do that you need to take note of it, mark the exterior
24 box that being the item -- the orange shirt is no longer in
25 there.

ANN HORTON - FURTHER DIRECT

1 A Okay.

2 Q Thank you.

3 MS. COLLINS: Thank you. There's no further questions
4 from the State for this witness.

5 THE COURT: All right.

6 MS. BOULWARE: No questions.

7 THE COURT: All right. Thank you, ma'am, you can step
8 down. Call your next witness.

9 MS. COLLINS: Your Honor, the next witness for the
10 State is Investigator Ken Taylor with the sheriff's
11 department.

12 The witness, KEN TAYLOR, was first duly sworn and
13 Testified as follows:

14 DIRECT EXAMINATION

15 BY MS. COLLINS:

16 Q Good morning. What is your name, please?

17 A My name is Ken Taylor.

18 Q And you're talking in a nice loud voice, please keep
19 that up. What is your occupation?

20 A I'm a crime scene investigator with the Lancaster
21 County Sheriff's Office.

22 Q How long have you been with law enforcement?

23 A Just a little over 15 years.

24 Q So in June of 2014, you were employed there at the
25 sheriff's department?

KEN TAYLOR - DIRECT

1 A Yes.

2 Q Were you part of the crime scene unit at that time as
3 well?

4 A Yes, I was.

5 Q Were you on duty on June 10th of 2014?

6 A On dayshift, yes, ma'am.

7 Q What time does dayshift end?

8 A Usually around 4:00 in the afternoon.

9 Q Okay. After that were you on call?

10 A Not that particular week, no, ma'am.

11 Q All right. So you did not respond to the scene at [REDACTED]
12 and [REDACTED] West Brooklyn Avenue as a crime scene investigator,
13 correct?

14 A Not on the 10th, no, ma'am.

15 Q Okay. On the 10th those responses were by Jeff Steele
16 of your same unit, right?

17 A Yes.

18 Q Did you later have some involvement in the
19 investigation of this case?

20 A Yes, I did.

21 Q What did you do?

22 A On the 12th, the morning of the 12th, I think around
23 9:30 or so that morning, I was called to go out and meet
24 with some investigators at [REDACTED] West Brooklyn to collect a
25 set of yellow gloves that were believed possibly related to

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1 this incident, and maybe also related to an incident with
2 the Lancaster City Police.

3 Q Did you meet with any officers there at the scene?

4 A Yes. City Investigator Phillip Hall and, I believe,
5 Investigator, or Sergeant Dale Johnson was there as well.

6 Q And that was at [REDACTED] West Brooklyn Avenue?

7 A Yes.

8 Q And when you arrived there, what did you see?

9 A There was a pair of yellow gloves lying on the concrete
10 kind of up near the -- I guess you would call it the back
11 right end of the house if you come up the concrete driveway.

12 Q Did you collect those gloves and place them into
13 evidence with Ann Horton of your department?

14 A Yes, I did.

15 Q Were those gloves turned inside-out at the time you saw
16 them?

17 A If I recall, yes.

18 Q Can you tell me your recollection of the weather
19 between June 10th to June 12th?

20 A Well, I was aware it had rained kind of sporadically
21 and lightly for the past few days, couple of days anyway,
22 and if I recall the gloves did appear to be wet.

23 Q And as an evidence investigator, again, once you
24 collect the gloves and took them to the CSI building and
25 turned them into evidence, what did you do since they

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1 appeared to be wet?

2 A Before we package and cleaned up for storage we
3 typically want to make sure they're very, very dry, because
4 we know they may be in storage awhile and didn't want them
5 to mold and mildew, that kind of thing, or get affected by
6 anything that's on there. So we'll put them in a drying
7 chamber, or we have basically an old homemade clothesline in
8 our evidence building if our drying chamber is full, then
9 we'll hang them out on that line there in that secured room
10 to dry from anywhere from a few hours to a few days.

11 Q All right. I think it might be on the floor there
12 behind you and the bailiff can assist. You can see State's
13 Exhibit 85 that's -- not 85, 126 that's been introduced into
14 evidence?

15 A What number was that again, ma'am?

16 Q 126.

17 A 126. All right. I have State's Exhibit 126 here, the
18 box.

19 Q And is that the box with the gloves that you collected
20 and put into evidence with Ann Horton of your department?

21 A Yes, it is.

22 Q Were you also involved regarding returning the two
23 firearms to Roger Lowery?

24 A Yes. I think I had actually initiated the background
25 check or the ATF trace reports on the two firearms and a

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1 background check on Mr. Lowery to just make sure that we
2 could legally, lawfully give the guns back to him.

3 Q Okay. And the background checks on the guns came back
4 as clear?

5 A Yes. We didn't see any problems with giving the guns
6 back to him.

7 Q And Mr. Lowery's criminal history came back as clear,
8 too?

9 A Yes, ma'am.

10 Q There was no problem in authorizing to return those
11 items to him, those two firearms?

12 A Correct.

13 Q And Captain Craig Bailey over the investigative unit
14 authorized that; is that right?

15 A Yes, it is.

16 Q And you agreed and those were returned to him, correct?

17 A Yes.

18 MS. COLLINS: Thank you. Please answer any questions
19 of the defense.

20 CROSS EXAMINATION

21 BY MS. BOULWARE:

22 Q Good morning, Investigator Taylor.

23 A Good morning.

24 Q I believe Investigator Steele testified that he took a
25 picture of the gloves -- unless I misheard him, he took a

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1 pictures of the gloves on June 10th of 2014?

2 A Yes, ma'am.

3 Q What was the reason for the delay between going and
4 collecting those gloves?

5 A It's my understanding that it just wasn't assumed that
6 they were possibly related to either or both cases at that
7 time. And I believe Investigator -- Captain Phillip Hall
8 actually was doing some checking to look at routes between
9 the one scene location and the second scene location, and he
10 saw that the gloves were still there and for other reasons
11 tied those two together and asked that we come out and
12 collect those.

13 Q Are you aware if anyone had been back at that residence
14 during that time?

15 A I don't know.

16 Q Okay. Was the residence secured for those two days?

17 A I don't know.

18 MS. BOULWARE: I think that's all of the questions I
19 have.

20 THE COURT: Any redirect?

21 REDIRECT EXAMINATION

22 BY MS. COLLINS:

23 Q As part of a member of that unit and in preparation for
24 this trial, did you have an opportunity to look at the
25 photographs that had been taken by Jeff Steele?

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1 A Yes.

2 Q And you saw the pictures of the yellow gloves?

3 A Yes.

4 Q Two of which are already in evidence. The pictures
5 that you saw of the yellow gloves, when you went to the
6 scene on June 12th to collect those gloves, did they appear
7 to be in the same place as they are in those pictures?

8 A As far as I can tell relatively the same place, yes.

9 MS. COLLINS: Thank you. Nothing further.

10 THE COURT: Thank you, sir, you can step down.

11 MS. BONINE: State calls Michele Eichenmiller.

12 The witness, MICHELE EICHENMILLER, was first duly
13 Sworn and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BONINE:

16 Q Good morning. Would you please state and spell your
17 name for the record?

18 A Michelle Eichenmiller, E-i-c-h-e-n-m-i-l-l-e-r.

19 Q And what's your occupation, Ms. Eichenmiller?

20 A I'm a forensic firearms examiner with the State of
21 South Carolina, the South Carolina Law Enforcement Division
22 commonly known as SLED. I work in the forensics lab.

23 Q And how long have you been a forensic firearm examiner
24 with SLED?

25 A For 15 years.

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1 Q And have you worked anywhere else outside of those 15
2 years as a forensic firearm examiner?

3 A No.

4 Q Would you please tell the jury about your education and
5 training that led you to this position?

6 A In order to work at SLED you need a Bachelors Degree,
7 so I have a Bachelor of Biology. I also have a Masters of
8 Science and Forensic Science. In order to be a firearms
9 examiner, though, there's really no classes you can take.
10 You have to kind of learn from the people who have done the
11 job before you, so it's like an apprentice. So it's a three
12 to four year training program at SLED where I sat in the
13 offices of other trained examiners. I also did a lot of
14 reading and microscopic work on my own. And at the end of
15 the three year period I took a test and they said I was
16 competent to do case work on my own.

17 Q So that test, does that result in a specialty degree or
18 a certification in your field?

19 A No. I'm just deemed by SLED to be competent in
20 firearms examination.

21 Q Generally speaking, what does the science of firearms
22 entail in your line of analysis?

23 A It's a lot like fingerprints. Guns will make marks on
24 bullet cartridge cases unique to those firearms. So I
25 examine them under a microscope for the individual

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1 characteristics that will let me form an opinion of if the
2 bullet or the cartridge case was fired by a particular
3 firearm.

4 Q Have you ever been qualified to testify as an expert
5 witness in a court of law?

6 A I have.

7 Q Approximately how many times?

8 A Approximately 100.

9 Q And are those mostly in South Carolina?

10 A Yes, all.

11 Q And have you been qualified as a firearms expert or
12 forensic firearms examiner? What is the --

13 A It's firearms identification.

14 Q And the firearms identification that you just
15 mentioned, is that -- was that how you were qualified most
16 of those or all of those 100 times of your testimony?

17 A Yes.

18 MS. BONINE: At this time, Your Honor, the State would
19 ask the Court find this witness is qualified to testify as
20 an expert, and we would move to admit her testimony as an
21 expert in the field of firearms identification.

22 MR. FRICK: No objection.

23 THE COURT: All right. Without objection this witness
24 is qualified to render an opinion.

25 MS. BONINE: Thank you, Judge.

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1 Q Ms. Eichenmiller, basically -- could you give us a
2 basic -- a very brief understanding of firearm mechanics?
3 And if you have any, do you have any demonstrative aids that
4 might help us visualize what you're talking about?

5 A I do for bullets and cartridge cases.

6 Q So should we start with a firearm then?

7 A We can. Go ahead.

8 Q So a firearm generally, what are the component parts
9 and what is it used to do?

10 A There are two basic types of firearms handguns.
11 There's a revolver, which looks like if you ever watched
12 cowboy movies what cowboys carry, it has a cylinder that has
13 several chambers, a cartridge will go in each one and it
14 will shoot around the cylinder until it's empty. There's
15 also semiautomatic, which probably everyone is familiar
16 with, that's what we see nowadays. That one has a magazine
17 that has several cartridges in it, it will cycle through
18 those cartridges until the magazine is empty with a single
19 pull of the trigger. So you pull the trigger one will fire,
20 pull the trigger again, another one will fire, it will keep
21 doing that until the magazine is empty.

22 Q And just so I'm understanding or we're using the same
23 terminology, we have a firearm, we have a cartridge, we have
24 a casing and a clip, and a magazine and a bullet. And I
25 know that's a lot. Is it fair to say that a cartridge

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1 contains both a casing and a bullet?

2 A Yes. We refer to this whole thing as a cartridge, it's
3 not fired yet. Once it becomes fired we have the bullet,
4 which exits the firearm, and the cartridge case also in
5 semiautomatic operation will get ejected from the firearm.

6 Q Thank you.

7 MS. BONINE: Judge, can we just request if the jury
8 needs to stand to see that demonstrative?

9 THE COURT: You can just stand up. Not all of them,
10 you can stand up, ma'am, and show them what you just did.
11 They don't need to stand. If they want to stand they can
12 but it's easier for her to do it.

13 A This is a cartridge so it has a bullet and a cartridge
14 case, it holds everything, the gunpowder is in here. Once
15 it's fired, the firearm will hit here, which ignites the
16 gunpowder --

17 THE COURT: Show them that. Show them the back of it.

18 A This is the firing pin area, or the where the firing
19 pin will hit, this is the primer on the cartridge. Once
20 this is hit by the firearm the bullet will come out of the
21 firearm barrel, and the cartridge case in a semiautomatic
22 will get ejected out one side or the other.

23 Q Thank you. Thanks for bringing that. So that on that
24 item when a bullet is fired or when that cartridge is fired,
25 are marks or scratches left on the item that's projected out

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1 of the firearm?

2 A Yes. From the rifling of the barrel of the firearm it
3 will make marks on the bullet, and that's what I used to
4 examine and determine if it came from that firearm. In
5 addition, the cartridge case is also marked, it's marked by
6 the firing pin and then other marks like the breach face or
7 the extractor or the ejector could also mark a cartridge
8 case.

9 Q And a striation, is that the right term, that would be
10 on the casing and the bullet after they've been fired, a
11 striation?

12 A Striations are from -- the bullet will get striations
13 because those are scratch marks made by the barrel. The
14 firing pin is an impression, and then we have breach face
15 impressions as well.

16 Q And those marks, how -- generally speaking, how
17 individual or how unique are those to a firearm? How are
18 you able to match as you testified those items together?

19 A When a firearm is made there are little imperfections
20 that go just as a course of manufacture, because not every
21 machine is perfect and can't make a very smooth barrel, so
22 they will have some individual marks when they come out of
23 the factory. More individual marks is based on how they
24 were cared for or treated after they were purchased and came
25 out of the factory. So those individual marks -- say the

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1 gun was never cleaned, it would have a lot more individual
2 marks that a gun that was kept really clean. So those make
3 it specific for that firearm.

4 Q And generally speaking, can casings, if they have the
5 requisite markings or striations, can those be matched to a
6 specific firearm?

7 A Yes.

8 Q And the same can be said for bullets, assuming they
9 have the requisite striations or scratches?

10 A Yes.

11 Q And that type of analysis that you were just referring
12 to where you're matching items back to a specific firearm,
13 how is that done? Is it done with a naked eye, just
14 visually or any tools used?

15 A I have a comparison microscope. It's basically two
16 microscopes that are connected with an ocular bridge which
17 basically look like binoculars. So I can put one bullet on
18 one side or one cartridge case on one side, put a test fire
19 if I have a firearm or additional evidence on the other
20 side, and then look through the binoculars to see if I see
21 the individual characteristics that I need to make -- form
22 my opinion.

23 Q Ms. Eichenmiller, turning your attention to this case
24 that we're here for today and this evidence. I would like
25 to first start with a case identified as L148100. And is

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1 that a number that you recognize as something being
2 generated by SLED?

3 A Yes. That's a SLED laboratory number.

4 Q And are you familiar, or do you have recollection of if
5 that is assigned to or matched up with an agency number here
6 for a local agency here in Lancaster County?

7 A Yes. When someone brings a case to SLED it will get a
8 unique lab number for our system and it will correspond to
9 the agency's case number.

10 Q And do you know that agency case number that
11 corresponds with, 8100?

12 A It's Lancaster County Sheriff's Office case 1421028.

13 Q Thank you. And with that evidence that was submitted,
14 were you authorized or requested to conduct an analysis on
15 the evidence submitted through the Lancaster County
16 Sheriff's Office?

17 A Yes.

18 Q What kind of analysis was requested if you have a
19 record of that?

20 A In that case I received an unfired cartridge. I
21 received a firearm. I also received a fired -- two fired
22 cartridge cases, and a bullet. And one more unfired.

23 Q And do you have the note or the recording of when those
24 items were received by SLED?

25 A When?

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1 Q Yes.

2 A I don't have that chain with me.

3 Q When did you retrieve and analyze these items in
4 L148100?

5 A Do you have a chain of custody that I could check?

6 MS. COLLINS: Your Honor, I believe, if I may, that was
7 moved into evidence yesterday and is there with the court
8 reporter.

9 THE COURT: What number?

10 MS. COLLINS: It should be in evidence, if not I would
11 move that in evidence at this time.

12 THE COURT: Yeah, I remember it coming in I just didn't
13 know if you have a log of what number we're talking about it
14 so it would make it easier for my court reporter to figure
15 it out.

16 MS. BONINE: It should be item 15.

17 MS. COLLINS: Thirteen, 14 and 15. 13 is an email
18 certification.

19 THE COURT: They were already in.

20 A So they were submitted to the SLED lab on July 2nd of
21 2014, by Ann Horton of the Lancaster County Sheriff's
22 Office, and I picked them up on July 9th of 2014.

23 Q Thank you. And that case number that we're referring
24 to, the L148100, on your records does it indicate a victim
25 and a suspect?

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1 A I have the victim as Roger Lowery and suspect as
2 Jermaine Grier.

3 Q Grier? Does that sound right?

4 A Yes.

5 Q Thank you. So turning your attention to the items that
6 you just listed off as having received in this case, I would
7 like to start with item number two. Could you describe to
8 the jury what that item is?

9 A Item number two is one Highpoint semiautomatic pistol,
10 it's a model CF, it's a .380 auto caliber and it has the
11 serial number of P748151.

12 Q And does it state where that item was located?

13 A According to the paperwork it was located on the west
14 side of the driveway at [REDACTED] West Brooklyn.

15 Q Thank you. And that paperwork is the certified -- or
16 the chain of custody that you're referring to?

17 A The paperwork that the Lancaster County Sheriff's
18 Office submitted to the lab has that description with the
19 firearm.

20 Q Thank you. So the sheriff's office here labeled that
21 description to it, is that fair?

22 A Yes.

23 Q How was this item packaged when you initially received
24 and reviewed it?

25 A If I could refer to my notes. When I received item two

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1 it was in an evidence tape sealed gun box.

2 Q And that's typical for a firearm?

3 A Yes.

4 Q And how did you remove it and what steps did you take
5 next?

6 A It was zip tied in the box. So in general when I
7 receive evidence I'll take pictures, document how I received
8 it, open it up, check the firearm for safety, take pictures
9 of the firearm as well so I have a record, and then I work
10 on worksheets for it.

11 Q And earlier the State moved into evidence Exhibit 121,
12 State's 121, and that is the firearm in this case, a
13 Highpoint .380 pistol with serial number P748151. That
14 should still be up in the witness stand.

15 (Break in proceedings.)

16 Q Exhibit 121. Ms. Eichenmiller, is that the firearm
17 that you received as item two in this case and that you
18 subsequently analyzed?

19 A Yes. Whenever I receive evidence in a case I will
20 scribe it with an electric pencil, my initials, the lab
21 number and the item number. This is the firearm I examined.

22 Q And it's notated as item two?

23 A Yes.

24 Q And the serial number, do you have the serial number up
25 there that you can reference?

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1 A Yes.

2 Q What is that?

3 A It's P748151.

4 Q And that serial number is visible during your analysis?

5 A Yes.

6 Q Is it possible for two firearms to have the same serial
7 number?

8 A I imagine it's a possibility, but I think firearms
9 manufactures work hard to make sure that doesn't happen.

10 Q How did you forensically analyze this item as item two?

11 A Like I said, I take pictures of it, and then once I get
12 all of the documentation done we have worksheets that we
13 fill out to include the manufacturer, the caliber, any -- if
14 I saw any trace evidence on it I'll collect the trace
15 evidence if I see anything. I'll also document the safeties
16 on it, make sure it's safe to fire and then I would do test
17 firing.

18 Q So you test fired this firearm in this case?

19 A Yes.

20 Q And what are the conditions under which that's
21 conducted? Is it in a lab?

22 A Yes. In our department we have a two-story water tank,
23 so it's a vertical tank that we shoot downwards into. It
24 has water that's running. So we'll get perfect specimens of
25 bullets so we can compare them to any evidence that we have.

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1 We also collect the cartridge cases for examination.

2 Q And when you test fired this particular firearm, was it
3 in working order?

4 A Yes.

5 Q Did it have any malfunctions or any oddities that you
6 were concerned about?

7 A Nothing that I noted.

8 Q Were you able to form an opinion to a reasonable degree
9 of scientific certainty as to the weight of the trigger
10 pull?

11 A Trigger pull is one of those examination that we do as
12 a matter of our regular coursework. For this gun I measured
13 the trigger pull, which is simply the force that it takes to
14 pull the trigger, the weight. We measure it with a set of
15 hanging weights that we hang on the trigger and we keep
16 adding weight until the firearm will fire. In this case it
17 was approximately six pounds of trigger pull weight.

18 Q So six pounds of pressure or force to discharge that
19 particular firearm.

20 A Yes.

21 Q And is that a lot? A little? Is that standard?

22 A It's about average.

23 Q So with that six pound of trigger pull that you just
24 referenced, that has to be consciously -- a force has to be
25 consciously applied to pull that trigger; is that correct?

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1 A Yes.

2 Q How, I guess, likely would it be to be a discharge or a
3 random hair trigger pull that is a bump and it goes off?

4 A That's a significant amount of pressure, so I don't
5 think it could accidentally go off.

6 Q Thank you. So you test fired this item, item two.
7 What was used to conduct that test fire?

8 A At SLED we try to use the ammunition consistent with
9 what was found at the scene if we received evidence. We
10 have an ammunition reference collection, which is a little
11 bit of everything. So I tried to match the evidence that I
12 received to make test fires so that I have similar
13 comparison -- for comparisons. So I use some of our
14 reference ammo to test fire this firearm.

15 Q So the reference ammo was -- did you use anything that
16 was submitted in this case during your test fire that was
17 submitted with this gun or with this evidence, or was it all
18 supplied by SLED?

19 A In general we try to use the SLED reference ammo, but
20 in this case I needed to use something that was submitted,
21 so I used the item one unfired cartridge that I received to
22 test fire the firearm.

23 Q So item one -- we're just talking about two, which is
24 the firearm. And you just referenced that item one was used
25 during your test fire. Can you describe what item one is

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1 more specifically?

2 A Item one was an unfired .380 auto caliber cartridge.

3 So it was the whole case -- the case and the bullet

4 altogether and I needed to test fire it in the firearm for

5 comparisons.

6 Q Do you have notations of where that specific item was

7 retrieved from?

8 A It doesn't say.

9 Q During your analysis of your evidence, do you take

10 photographs of everything of what you received before you

11 open it?

12 A Yes.

13 MS. BONINE: Beg the Court's indulgence.

14 THE COURT: Uh-huh.

15 (Break in proceedings.)

16 Q And Ms. Eichenmiller, do you recognize -- what is that?

17 What are you looking at?

18 A I'm looking at one of the photos I took of the evidence

19 as I received it.

20 Q And how do you -- is there anything on there that helps

21 you recognize that it's something that you looked at

22 specifically?

23 A My initials and the case number and the item numbers

24 are on every envelope.

25 Q And did you take that photograph?

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1 A I did.

2 Q And is that a fair and accurate depiction of how those
3 envelopes appeared when you received them in July of 2014?

4 A Yes.

5 MS. BONINE: Your Honor, at this time I would move
6 what's been marked as 128, State's Exhibit, into evidence.

7 MR. FRICK: No objection.

8 THE COURT: Without objection entered into evidence.

9 (The item was received as State's 128.)

10 Q On that particular photograph, Ms. Eichenmiller,
11 there's a photo of the evidence items, does it state where
12 item number one is -- or was recovered?

13 A Item number one was located on the steps leading up to
14 porch of [REDACTED] West Brooklyn.

15 Q Steps leading up to porch of [REDACTED] West Brooklyn. And
16 that portion that you're reading from is filled out by the
17 Lancaster County Sheriff's Office, correct?

18 A Yes. It's a computer generated label, it's typed on
19 there.

20 Q So back to the test firing of item number two. You
21 said that you used some of the item -- or at least one of
22 the items that was submitted in this case, and you also
23 utilized some ammunition from SLED; is that accurate?

24 A Yes.

25 Q And the test fires that you conducted, were they

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1 subsequently collected by you or SLED and kept and
2 maintained?

3 A Yes. We retained all of the test fires and returned
4 them to the agencies.

5 Q And is that typical practice?

6 A Yes.

7 Q But had you analyzed or examined those test fires
8 during the course of your overall examination of this
9 evidence?

10 A Yeah. I used those test fires to examine the fired
11 bullets and fired cartridge cases that I had received.

12 Q For comparison purposes; is that fair?

13 A Yes.

14 Q Ms. Eichenmiller, I would like to turn your attention
15 to the envelope that is labeled with the test fires in this
16 particular case. What is the item number that you had
17 assigned to this?

18 A It's SLED item number 2.1.

19 MS. BONINE: And, Your Honor, at this time I would ask
20 that this item 2.1 be marked for identification purposes as
21 State's Exhibit 129.

22 THE COURT: All right. Is it already marked? It's
23 marked. Are you offering it into evidence?

24 MS. BONINE: Yes, Judge. I believe that we have put a
25 sticker on it?

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1 THE COURT: You want it ID'd as 129?

2 MS. BONINE: Yes, sir.

3 Q Referring to what we just marked as State's Exhibit for
4 identification as 129. What are those, Ms. Eichenmiller?

5 A These are the test fires that I made with the
6 laboratory ammunition.

7 Q And those -- why are they in that envelope?

8 A We just put them in the envelope so they're identified
9 later. It has the lab number, item number, my name is on
10 it. We entered it into the IBIS database, so that's on
11 there, the technician who entered it. Also the information
12 for the firearms, the serial number and the make and the
13 model.

14 Q And when you collect those items into that envelope,
15 where do you put them that they then get sent back
16 eventually to the local agency?

17 A We take them down to the evidence log-in department,
18 and then when the agency comes for their next trip to SLED
19 they'll take the evidence back with them.

20 Q And you sealed that after you collected those items and
21 placed them in the envelope?

22 A Yes. I sealed it with my initials and the date.

23 Q And has that seal been broken since you placed it on it
24 to your knowledge?

25 A No, it's still intact.

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1 MS. BONINE: Your Honor, I can't recall if we moved
2 this in as a State's Exhibit, but at this time we would move
3 129 into evidence.

4 THE COURT: Any objection?

5 MR. FRICK: No objection.

6 THE COURT: Without objection entered into evidence.

7 (The ammunition was received as State's 129.)

8 Q During your test fire of the this firearm, Ms.
9 Eichenmiller, did you notice or did you notate at all which
10 direction, if any, if it was discernable, which way the
11 casing kicked out of the firearm? If it went straight,
12 down, up, left, right?

13 A I didn't make any note of it.

14 Q Moving on to item three, to SLED item three. Could you
15 describe that for us?

16 A SLED item three is one fired .380 auto caliber
17 cartridge case.

18 Q And does that show a location where it was retrieved?

19 A It's described as located on the living room floor of
20 [REDACTED] W. Brooklyn.

21 Q Of the living room floor of [REDACTED] West Brooklyn. And
22 that's a label that came from the Lancaster County Sheriff's
23 Office?

24 A Yes. That's what is written on the bag that I received
25 it in.

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1 Q On what we were just referencing 129? Or, I'm sorry,
2 128?

3 A Yes.

4 Q So item three is a casing that's been fired out of and
5 kicked out of a gun?

6 A Correct.

7 Q And that ejection process is typical of item two, the
8 pistol that we were just talking about a few moments ago?

9 A Yes.

10 Q What was the result of your examination of item three?

11 A I compared item three to the test fires that I shot
12 from item two, and my conclusion was that there were
13 matching individual identifying characteristics and it was
14 concluded that item three was fired by item two.

15 Q Were you able to determine the brand or manufacturer of
16 item three?

17 A Item three is a -- Tulammo is the brand.

18 Q And is that brand noted on the -- in Exhibit 128 on the
19 envelope that you received from Lancaster County Sheriff's
20 Office?

21 A It is not.

22 Q Ms. Eichenmiller, what is that that you're looking at?

23 A This is a photo I took of the head stamp area of item
24 three.

25 Q And what is the head stamp area?

MICHELE EICHENMILLER - DIRECT

1 A The head stamp is the bottom of the cartridge. This is
2 where the information of who made the cartridge and the
3 caliber is usually located.

4 Q And that item number, is that denoted on that
5 photograph that you're looking at?

6 A Yes.

7 Q What is that item number?

8 A It's item three.

9 Q And you took that photograph you said?

10 A Yes.

11 Q And are you referencing what's been marked for State's
12 exhibit for identification purposes 130 on the back?

13 A Yes.

14 Q And does that photograph reflect a fair and accurate
15 depiction of the head stamp of item three when you reviewed
16 it?

17 A Yes.

18 MS. BONINE: Your Honor, at this time the State would
19 move 130 into evidence.

20 MR. FRICK: No objection.

21 THE COURT: All right. Entered into evidence.

22 (The item was received as State's 130.)

23 Q So this item three that was photographed, you noticed
24 that's a Tulammo brand .380 auto caliber casing.

25 A Yes.

MICHELE EICHENMILLER - DIRECT

1 Q And that photograph of that head stamp and that casing
2 that you're looking at just to clarify that item three on
3 the envelope, it states where it was located. Would you
4 just read that out loud for us again?

5 A Item three was located on the floor in the living room
6 of [REDACTED] West Brooklyn.

7 Q And did you forensically identify or examine that item
8 when you received it?

9 A I did. I microscopically compared it to the test fires
10 from the item two pistol.

11 Q And what was your conclusion when you compared this
12 item to the item two?

13 A I concluded that item three was fired by item two.

14 MS. BONINE: Bailiff, would you hand this to the
15 witness?

16 Q And Ms. Eichenmiller, what is that that you were
17 handed?

18 A I was handed item three, which is the .380 auto caliber
19 cartridge case.

20 Q And does that have a red sticky on it that identifies
21 as Number 122?

22 A Yes.

23 Q Court's exhibit?

24 A Yes.

25 Q And what is that item specifically?

MICHELE EICHENMILLER - DIRECT

1 A It's the fired .380 auto caliber cartridge case that I
2 examined in this case.

3 Q And that was found on the floor of [REDACTED] West Brooklyn?

4 A Yes.

5 Q Thank you. So moving onto item seven. What is item
6 seven?

7 A Item seven was one fired .380 auto caliber cartridge
8 case.

9 Q So item three and seven, are they the same type of
10 cartridge?

11 A Yes. They were the same brand and caliber.

12 Q What was that brand and caliber?

13 A Tulammo .380 auto.

14 Q And was there a description on the evidence bag or the
15 envelope that you received of where it was retrieved or
16 recovered from?

17 A In the photo of the outside of the packaging it says,
18 "Tulammo brand .380 cartridge casing located in suspect's
19 left-side pants pocket."

20 Q And does it identify a suspect on that label?

21 A Jermaine Grier.

22 Q And is that what you're referencing what's been marked
23 as State's Exhibit 128?

24 A Yes.

25 Q Thank you. And so what were your results or

MICHELE EICHENMILLER - DIRECT

1 conclusions about item seven?

2 A I compared the item seven fired cartridge case to the
3 test fires that I created from item two, which is the
4 pistol. My conclusion was that item seven was fired by item
5 two.

6 Q So we have item two, which is a firearm, and we have
7 item three and item seven, both of which are casings; is
8 that correct?

9 A Correct.

10 Q And those were both determined after your analysis as
11 having been fired by item two.

12 A Yes.

13 Q Thank you. Moving on to item number six. What is item
14 number six?

15 A Item six was one unfired .380 auto caliber cartridge.

16 Q And was that in a seal evidence envelope when you
17 retrieved it, or when you received it initially?

18 A Yes.

19 Q Was there a description on the evidence envelope label
20 of what it is and what was in the envelope?

21 A It says it was a Tulammo brand -- I can't read --
22 something cartridge located in suspect's left-side pants
23 pocket.

24 Q So you can't see what's between the word brand and
25 cartridge?

MICHELE EICHENMILLER - DIRECT

1 A Right.

2 Q But states located in suspect's left-side pants pocket.

3 Does it identify the suspect on that label?

4 A Jermaine Grier.

5 Q Were you able to determine the brand of that particular

6 cartridge? Or correct me if I'm wrong, I believe you stated

7 that the description you gave was a Tulammo brand.

8 A Correct. And I verified it when I opened it up, it was

9 Tulammo.

10 Q Thank you, I apologize. What were your conclusions

11 about item six?

12 A Simply that it was a correct caliber for use with the

13 item two pistol.

14 Q So the item two pistol is the .380 pistol, and this

15 particular .380 cartridge could be used in that pistol if

16 someone placed it in there and fired.

17 A Correct.

18 (Break in proceedings.)

19 Q Ms. Eichenmiller, that item you're holding, what is it?

20 A It's the item six, unfired .380 auto caliber cartridge

21 that I received.

22 Q Is that kind of red sticky on it denoting 124, a

23 State's Exhibit?

24 A Yes.

25 Q And is that what you identified and notated as item

MICHELE EICHENMILLER - DIRECT

1 six?

2 A It is.

3 Q Moving to item four. What is item four?

4 A Item four was a fired bullet.

5 Q And does it describe or do your notes indicate where it
6 was located?

7 A It was located on east wall of kitchen at [REDACTED] W.
8 Brooklyn.

9 Q And does it identify a suspect on there?

10 A It does.

11 Q And who was that suspect?

12 A Jermaine Grier.

13 Q Thank you. And that item, was it in a sealed evidence
14 envelope when you received it?

15 A Yes.

16 (Break in proceedings.)

17 Q Ms. Eichenmiller, what did the bailiff just hand you?

18 A He handed me the item four bullet that I examined in
19 this case.

20 Q And is that identified with a red sticky as State's
21 Exhibit 85?

22 A It is.

23 Q And what was the result of your examination of that
24 item number four?

25 A I compared the fired bullet item four to the test fires

MICHELE EICHENMILLER - DIRECT

1 that I created from item two, a pistol. It was damaged and
2 didn't have enough marks for me to render an opinion if it
3 was the correct firearm or not, so my answer is
4 inconclusive. There are three answers we can give as
5 firearms examiners: One is positive, which means it was
6 fired by the gun; one is negative, it was not fired by the
7 firearm; and then one is we just can't tell.

8 Q And that would be the inconclusive?

9 A Inconclusive, right.

10 Q Did you examine any other pieces of evidence in
11 reference to L148100?

12 A I believe that's all of the evidence that I examined.

13 (Break in proceedings.)

14 Q Do you recognize that item?

15 A I do. This is the item seven cartridge case that I
16 examined.

17 Q And does it notate on the outside or anywhere where
18 that item was found?

19 A On the envelope that it was received in it says it was
20 located in the suspect's left-side pants pocket.

21 Q And does it identify a suspect's name?

22 A Jermaine Grier.

23 Q Thank you. And did you examine that item there during
24 your analysis?

25 A I did.

MICHELE EICHENMILLER - DIRECT

1 Q What was your conclusion about item seven?

2 A Item seven was fired by item two.

3 Q And it was a .380?

4 A Yes.

5 Q And that matches up to item two, which is the firearm
6 that we've been referencing?

7 A Yes.

8 Q Thank you. I would like to turn your attention now to
9 report L1407311. Do you have that available to reference?

10 A I do.

11 Q And is that referenced to incident report or case
12 number for Lancaster Police Department 2014-8434?

13 A It is.

14 Q What did you examine in that city case?

15 A I examined one fired bullet.

16 Q Do you know where that fired bullet came from before it
17 was in your possession, where it was recovered from?

18 A Per the packaging that I received it in it says, "James
19 Hood, bullet from GSW of back."

20 Q And what did you analyze, or what were your conclusions
21 drawn about this item?

22 A In the case of receiving one bullet as evidence in a
23 case we'll do measurements to find out the caliber. We can
24 count the lands and grooves that are on it and the direction
25 of twists. These are all general characteristics that I can

MICHELE EICHENMILLER - DIRECT

1 put into a database. The database will tell me what
2 manufactures make firearms with those specifications, so
3 then I can give a list to the agency to let them know what
4 kind of gun they may be looking for.

5 Q So just to break it down, you mentioned lands and
6 grooves. Are those similar to the etchings and what we've
7 been referencing earlier?

8 A Yes.

9 Q And you can match those lands and grooves to a
10 manufacturer or firearm manufacturer; is that right?

11 A Yes.

12 Q And what was your conclusion with this particular fired
13 bullet after analyzing it? Were you able to match it to a
14 manufacturer at all?

15 A After I put it in the database, the only manufacturer
16 that makes the bullet with these specifications is
17 Highpoint.

18 Q Highpoint? And were you asked during the course of
19 your examinations to compare -- we've been talking about two
20 different cases now. So we've been talking about L148100
21 and then now we're talking about L147311. Were you asked to
22 cross reference those at all?

23 A Yes.

24 Q When you cross referenced the evidence, what specific
25 items of evidence did you cross reference or cross examine?

MICHELE EICHENMILLER - DIRECT

1 A In L1407311 I received a bullet to compare to the
2 firearm that was in L1408100.

3 Q And so that 7311, that's the city case, the LPD case?

4 A Yes.

5 Q And then the 8100 is the Lancaster County Sheriff's
6 Office case.

7 A Correct.

8 Q And what did you conclude about after you compared
9 those items?

10 A After I compared item seven to the pistol I concluded
11 that it was fired by item two.

12 Q So the bullet that you have a notation of coming from
13 James Hood was fired by item two, which is the pistol in the
14 county case.

15 A Correct.

16 Q Did you draft reports to document all of the findings
17 that we've talked about this morning?

18 A Yes.

19 Q And is there anything further that you had indicated
20 that caught your attention during your analysis?

21 A Not that I can recall.

22 MS. BONINE: Beg the Court's indulgence.

23 THE COURT: Okay.

24 (Break in proceedings.)

25 Q Okay. And Ms. Eichenmiller, what is that that you were

MICHELE EICHENMILLER - DIRECT

1 just handed?

2 A It's the sealed envelope that has item seven. It
3 appears to still be sealed, though.

4 Q I'm sorry?

5 A It appears to still be sealed and I feel that there is
6 item seven in it. Do you want me to open it?

7 Q Yes, ma'am.

8 A (Witness complies.)

9 Q What do you see on that item?

10 A This is the item seven bullet that I examined in
11 L147311.

12 Q Thank you. And that envelope that you just pulled it
13 out of, does it have a red sticky as State's 10 on there?

14 A Yes.

15 Q And that's the -- that appears to be what you examined
16 back in 2014?

17 A Yes. Whenever I receive evidence in a case I'll mark
18 it with a lab number, the item number and my initials, and
19 then it's still in the heat-sealed pouches that I placed it
20 in when I was finished with it.

21 Q Does that envelope that you just pulled it out of, does
22 that give a description of the item or what agency it came
23 from?

24 A It does. On the SLED laboratory sticker it has
25 Lancaster Police Department case number 201408434.

MICHELE EICHENMILLER - DIRECT

1 Q It doesn't have any other details on it?

2 A It says James Hood homicide. And I believe our log-in
3 department wrote Lancaster PD and FA for firearms
4 department.

5 Q Thank you. Did you examine another evidence in this
6 case, this L147311?

7 A No, I didn't.

8 Q So just to wrap it up, and I apologize, I appreciate
9 your patience, you examined two cartridges, two casings, two
10 bullets, and one firearm; is that correct?

11 A Correct.

12 Q Both of the cartridges were Tulammo brand .380 caliber;
13 is that correct?

14 A Correct.

15 Q And the casings that you examined, what were the brands
16 on those?

17 A They were also Tulammo.

18 Q And what caliber were they?

19 A .380 auto.

20 Q And they were connected as -- how were they connected
21 to item two, the firearm, the pistol?

22 A Items three and seven fired cartridge cases were fired
23 by the item two pistol.

24 Q And the item two pistol is a .380 pistol?

25 A Correct.

MICHELE EICHENMILLER - DIRECT

1 Q And then the bullets that you examined, you examined
2 one that was retrieved from the wall and that was the
3 inconclusive result, correct?

4 A Correct.

5 Q And then you examined a bullet that was received in the
6 city case and that came from the body of James Hood; is that
7 correct?

8 A Correct.

9 Q And what were you able to conclude about those two
10 bullets in relation to the firearm in this case?

11 A The bullet that was retrieved from James Hood was fired
12 by the item two pistol.

13 Q Thank you.

14 MS. BONINE: The State at this time, Your Honor,
15 would -- Bailiff, would you please hand items to the
16 witness?

17 Q What are those items that you've just been handed?

18 A These are the reports that I generated in these two
19 cases.

20 Q All right. And are they marked with two stickies that
21 read 131, and that's in reference to lab number L147311?

22 A Yes.

23 Q And then the sticky item that's been marked for State's
24 identification as 132, and that's in reference to L148100,
25 correct?

MICHELE EICHENMILLER - DIRECT

1 A Correct.

2 Q And those are the report that you drafted in August of
3 2016?

4 A Yes.

5 MS. BONINE: Your Honor, at this time the State would
6 move items 131 and 132 into evidence.

7 MR. FRICK: No objection.

8 THE COURT: Entered into evidence.

9 (The reports were received as State's 131 and 132.)

10 MS. BONINE: Thank you, Ms. Eichenmiller, for your
11 patience. Please answer any questions that the defense may
12 have.

13 THE COURT: All right, thank you. Mr. Frick?

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Agent Eichenmiller, do you go to the scene and collect
17 evidence?

18 A No, I don't.

19 Q And you did not in this case, correct?

20 A I did not.

21 Q And the testing you conduct you do in your lab on Broad
22 River Road in Columbia, correct?

23 A Yes.

24 Q And so you can only test what's been submitted to you,
25 correct?

MICHELE EICHENMILLER - CROSS

1 A Correct.

2 Q And you perform whatever testing is requested of you by
3 the agent submitting it, correct?

4 A Correct.

5 Q You don't go out on your own and decide, "I want to do
6 this kind of test," correct?

7 A Correct.

8 Q So in this case the testing you did is what was
9 specifically directed for you to do by Lancaster County
10 Sheriff's Department and Lancaster Police Department,
11 correct?

12 A Correct. They ask for a firearms examination and then
13 when it comes to us we know what to do.

14 Q Okay. And while you do have matches on some, item four
15 in lab report 148100 was inconclusive, correct?

16 A Correct.

17 Q Meaning you couldn't match it to the gun that was
18 submitted, correct?

19 A Correct. But I could tell that the general
20 characteristics led me to compare it to the firearm.

21 Q You could compare it but that doesn't mean it was a
22 match.

23 A Correct.

24 MR. FRICK: Thank you, ma'am. That's all of the
25 questions I have.

MICHELE EICHENMILLER - REDIRECT

1 THE COURT: Any redirect?

2 MS. BONINE: One moment, Judge.

3 (Break in proceedings.)

4 MS. BONINE: Briefly, Judge.

5 REDIRECT EXAMINATION

6 BY MS. BONINE:

7 Q The item four that was just referenced on cross, the
8 bullet from the wall; is that correct?

9 A Yes.

10 Q And it was -- your results from inconclusive, right?

11 A Correct.

12 Q And why were they inconclusive to your best knowledge?

13 A The bullet was damaged so when it hit the wall it
14 was -- the marks that I need were damaged by the impact.

15 Q And is that typical that there would be damage that you
16 could then no longer complete a full analysis on an item
17 that comes into contact with the wall?

18 A Yes. The full analysis was the answer was
19 inconclusive.

20 Q But you talked about earlier the lands and grooves on
21 this particular item; is that right?

22 A Yes.

23 Q And was there any significance to those lands and
24 grooves or you just knew that they were there?

25 A The lands and grooves was nine left, which is

MICHELE EICHENMILLER - REDIRECT

1 consistent with what the Highpoint was. I kind of check off
2 things in my head if it's the right caliber, if it has the
3 right number of lands and grooves for me at least to compare
4 it to the firearm and then render an opinion as to if it was
5 fired by that firearm.

6 Q And that opinion, it ended up being inconclusive?

7 A Correct.

8 Q But the lands and grooves were nine left you said?

9 A Yes.

10 Q And that's similar to the item two firearm that we're
11 talking about, the .380 pistol.

12 A Yes.

13 MS. BONINE: That's it. Thank you.

14 THE COURT: All right. Thank you, ma'am, you can step
15 down. Any objection to her being allowed to leave?

16 MR. FRICK: No objection.

17 THE COURT: All right. Thank you, ma'am, you're free
18 to leave. Call your next witness.

19 MS. COLLINS: Your Honor, the next witness for the
20 State is Jaclynn McKay of SLED.

21 The witness, JACLYNN MCKAY, was first duly sworn and
22 Testified as follows:

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q All right. Would you please state your name?

JACLYNN MCKAY - DIRECT

1 A My name is Jaclynn McKay.

2 Q And, Ms. McKay, if you could speak up, please. What is
3 your occupation?

4 A I am currently a special agent at the South Carolina
5 Law Enforcement Division.

6 Q And is that commonly referred to as SLED?

7 A Yes, ma'am, it is.

8 Q How long have you worked with SLED?

9 A I have worked for SLED since March of 2015, so a little
10 over six years.

11 Q Are you currently with the crime scene unit?

12 A No, ma'am, I'm not. Oh, I'm sorry. Yes. I'm
13 currently with the crime scene unit at SLED, however I
14 performed analysis in this case. I was a forensic
15 serologist with the DNA case work department at SLED.

16 Q And what did you do as a forensic serologist or
17 technician?

18 A So the official occupation was a forensic technician,
19 but then we were assigned to the serology unit of the DNA
20 department, we were also called forensic serologists.

21 Q All right. And what did you do in this case?

22 A In this case I received two items of evidence that I
23 processed for ownership as well as blood.

24 Q What were those items of evidence that you received?

25 A I received two gloves.

JACLYNN MCKAY - DIRECT

1 (Break in proceedings.)

2 Q Ms. McKay, is that -- you see the little red sticker,
3 State's Exhibit 126?

4 A Yes, I do.

5 Q Okay. And that is a box. What other -- do you
6 recognize any notation by SLED on that box?

7 A Yes, I do. This yellow sticker indicates a laboratory
8 number that this case was assigned as well as the container
9 in which the gloves were housed in. This is also my
10 initials and date on the sealed tape on the box that seals
11 it.

12 Q Okay. And this is SLED lab L14-08100; is that right?

13 A That's correct.

14 Q And that is for -- you were analyzing these gloves for
15 the Lancaster County Sheriff's Office; is that right?

16 A That is correct.

17 Q That agency had submitted them to your agency for
18 analysis?

19 A That is correct.

20 Q Now, that case number is referenced by your report
21 involves a subject, or suspect, Jermaine Grier, and a
22 victim, Roger Lowery; is that right?

23 A That's correct.

24 Q Do you need to open that box to continue your testimony
25 as to what you did, or is it sufficient just that you know

JACLYNN MCKAY - DIRECT

1 that it's there if you need to refer to it?

2 A I should be okay. There is additional seal tape on
3 here with additional initials, so I'm not sure what happened
4 after me, but I should be able to continue my testimony.

5 Q All right. In your job you didn't actually -- well, I
6 take that back. What was your analysis? What was the
7 purpose of your analysis? Was it to test -- you said you
8 were assigned to the DNA unit, was it to actually test the
9 DNA or was it to determine if there was any blood as a
10 serologist on the items?

11 A So as a forensic serologist we are in a subset within
12 the DNA casework department, and we essentially test larger
13 items and we look for biological materials; blood, semen
14 hair. And then if those are found they will then be sent to
15 a DNA analyst for further analysis. So in this particular
16 case I was looking for ownership and blood, and I also was
17 looking for hair.

18 Q Can you tell us about your education and training to
19 work as a serologist and also as a forensic technician?

20 A I have a Bachelors of Science Degree in Forensic
21 Science from the Virginia Commonwealth University, with
22 minors in both Biology and Chemistry. Upon my employment at
23 SLED I participated in their in-house training program for
24 approximately seven months. Through this training program I
25 learned the laboratories, processes and procedures, I

JACLYNN MCKAY - DIRECT

1 shadowed other serologists, and I performed analysis on
2 training samples as well as supervised case work. The
3 training program culminated in a final exam, which
4 essentially tests all of my knowledge in the areas of
5 forensic serology, and once I passed this exam I was deemed
6 competent to perform independent case work.

7 Q Okay. Have you ever been qualified in a court of law
8 to testify as an expert witness?

9 A Yes, I have.

10 Q In what field?

11 A Body fluid identification.

12 Q Body fluid identification?

13 A Yes, ma'am.

14 Q How many times?

15 A Approximately six times.

16 MS. COLLINS: All right. Your Honor, at this time I
17 offer Ms. McKay as an expert in the field of body fluid
18 identification.

19 MR. FRICK: No objection.

20 THE COURT: Without objection so qualified. She can
21 testify in the form of an opinion.

22 MS. COLLINS: Thank you.

23 Q Ms. McKay, in your job there at SLED did you analyze
24 these gloves and determine whether or not there was body
25 fluid sufficient for further analysis on them?

JACLYNN MCKAY - DIRECT

1 A Yes, I did.

2 Q And did you identify whether or not there was any blood
3 on those gloves?

4 A I performed presumptive testing for blood on one of the
5 gloves, however neither pair had any suspected blood that
6 could then be further analyzed by a DNA analyst.

7 Q Was it the left glove that you analyzed --

8 A That's correct.

9 Q -- for presumptive testing?

10 A That's correct.

11 Q Was that because it looked like you saw what might have
12 been blood?

13 A That's correct.

14 Q And was that with the naked eye or with some type of
15 luminescence lightening?

16 A That was with the naked eye.

17 Q But you determined there was no blood on that left
18 glove; is that right?

19 A I examined approximately three spots on the glove with
20 our presumptive testing and all of the spots were negative.

21 Q And the right glove, you did not observe either with
22 your naked eye or with the luminescence light what appeared
23 to be any blood other than to do your presumptive testing;
24 is that right?

25 A I did not observe any areas of suspected blood with the

JACLYNN MCKAY - DIRECT

1 naked eye with the right glove, that's correct.

2 Q All right. Now, you also checked for hair samples that
3 were on either of those gloves; is that right?

4 A That's correct.

5 Q And what was your conclusion?

6 A Hair was found with both gloves, however neither -- the
7 hair found could not be sent for further analysis.

8 Q Okay. And why is that?

9 A So with the type of DNA analysis that occurs at the
10 SLED laboratory we are essentially trying to look for a
11 route at the tip of the hair, which is essentially like
12 scalp tissue, and that is the type of hair that we would
13 need in order to submit for further analysis. However, in
14 this case upon looking at the hairs under a microscope none
15 of them had that root material, therefore none of them were
16 sufficient for further analysis at the SLED laboratory.

17 Q One moment. Had you found hairs with the root tip on
18 them or little tiny particles of scalp tissue, would you
19 have forwarded that to the DNA analyst?

20 A Yes, I would have.

21 Q But there were some items that you did forward to the
22 DNA analyst; is that right?

23 A That's correct.

24 Q What were those items?

25 A I swabbed the interior of the gloves for what we would