

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TASHONBY PEDRICK WILSON,

APPELLANT

APPELLATE CASE NO. 2019-000749

RECORD ON APPEAL

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

J. ANTHONY MABRY
Senior Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3727

S. RICHARD HUBBARD
Solicitor, Eleventh Judicial Circuit
205 East Main Street, Suite 309
Lexington, SC 29072
(803) 785-8352
ATTORNEYS FOR RESPONDENT

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**[STATE'S EXHIBIT #1 (CD/911 CALL), STATE'S EXHIBIT #2 (AERIAL PHOTO),
STATE'S EXHIBIT #138 (DISK), AND STATE'S EXHIBIT #168 (CD) ARE ON FILE
WITH THIS COURT]**

1 STATE OF SOUTH CAROLINA

2 GENERAL SESSIONS

3 COUNTY OF LEXINGTON

4 -----x

5 STATE OF SOUTH CAROLINA,)

)

6 Plaintiff,)

)

7 vs.)

Transcript of Record

)

2019-GS-32-1182

)

2019-GS-32-1184

)

2019-GS-32-1188

9 TASHONBY WILSON,)

)

10 Defendant.)

11 -----x

12 April 23-26, 2019

13 JURY TRIAL - VOLUME 1

14 B E F O R E:

15 The Honorable G. Thomas Cooper, Presiding Judge; and a jury.

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

17 Bradley Pogue, Esq.

18 Luke Pincelli, Esq.

Attorney for the State

19 Joshua Koger, Esq.

Attorney for the Defendant

24 Court Reporter: Bonnie Kelly (retired)

25 Transcribed by: Bobbi Fisher, RPR

1 THE COURT: Okay, yeah. Thank you. Remind me, though,
2 if I slip back and skip it, Brad.

3 MR. POGUE: Judge, I just thought about it as they were
4 walking out.

5 THE COURT: I think I'll do that when I give them the
6 instructions about where to sit and all that kind of stuff
7 before we start.

8 PRE-TRIAL MATTERS

9 THE COURT: All right. Y'all need a few minutes to put
10 your heads together on these to see what you can stipulate?
11 Is that the idea?

12 MR. KOGER: Yes.

13 THE COURT: All right. As you say, Mr. Pogue, since --

14 MR. POGUE: Your Honor, something that may help
15 facilitate in regard to our stipulations, I don't know if you
16 have a particular inclination -- you've had an opportunity, I
17 believe, in chambers, Your Honor, to listen to the three
18 audios -- or the three video calls or visits, I should say,
19 between the defendant and his brother --

20 THE COURT: Right.

21 MR. POGUE: -- Everett Wannamaker, as well as the audio
22 call between him and two witnesses that we will call in this
23 trial.

24 THE COURT: Right.

25 MR. POGUE: So, you know, Your Honor, if you have a

1 particular inclination as to your position in regard to the
2 admissibility of some or portions or all of those calls, you
3 know, that may facilitate us in our stipulations. Obviously,
4 we're not trying to hold you to anything.

5 THE COURT: Right. I have not heard full argument on
6 those issues just yet, although each of you, I think, put out
7 briefly your positions back there.

8 Mr. Koger, you did as well. I'll be glad for you to put
9 those objections on the record at this time as well so that I
10 can at least embody them into whatever -- I wouldn't want to
11 make a ruling out here preliminarily in limine and deprive you
12 of having a chance to be heard on those issues. All right?
13 Do you want to speak to it, Mr. Koger?

14 MR. KOGER: Your Honor, may it please the Court. In
15 reference to the May 24, 2018, call that was allegedly made my
16 client, Mr. Wilson, on that particular day, first of all, I
17 would object to the call coming in based upon it's highly
18 prejudicial against my client, specifically at the very
19 beginning it has information about it being an inmate call,
20 being that the call comes from the Lexington County Detention
21 Center, and the jury is not supposed to know that my client
22 has been detained.

23 Also, this is May 24th, 2018, so this is, approximately,
24 almost two years since he was arrested on 9/27 of 2016.

25 Also, too, there are talk of a plea offer and that

1 particular deal. Again, something the jury should not know at
2 this particular point or should ever know.

3 Also, too, throughout this -- throughout the jail call,
4 it is -- it is alleged that Mr. Wilson talked about being in
5 jail, that he's been -- that he's been away, that he wants to
6 get back, and, you know, start enjoying life again, that he'll
7 be getting out at some particular time. Again, that, in
8 conjunction of the day of the call, May 24, 2018, still
9 indicates that he is still detained on these particular
10 charges, and those references are made throughout this
11 particular call, and just that, you know, that would be highly
12 prejudicial more than being probative in this particular
13 matter.

14 Also, there is potential of either cumulative testimony
15 on a statement that Mr. Seehof made in this particular call.
16 Mr. Seehof is on the witness list. He is going to testify to
17 what happened on that particular day or evening, and even the
18 information he divulged in the phone call in the brief -- in
19 the brief period of time that he spoke with Mr. Wilson, what
20 the cumulative -- or it may even bolster his testimony -- his
21 live testimony that is anticipated in court this week.

22 THE COURT: Who was this call between?

23 MR. KOGER: Well, it -- first of all, the call was with
24 Mr. Seehof's, I guess, girlfriend or common-law wife,
25 Brandy --

1 THE COURT: Okay.

2 MR. KOGER: -- well, Brandy K. And then she spoke with
3 the person, to allegedly Mr. Wilson for several minutes in the
4 call. And then she placed Mr. Seehof on the call, and he
5 spoke briefly on the call. I think the total amount of the
6 call is about 16 minutes, so they probably spoke about -- each
7 of them spoke about eight minutes apiece.

8 THE COURT: That's the one that I had the transcript on?

9 MR. POGUE: That's correct, Your Honor.

10 MR. KOGER: Yes.

11 THE COURT: Of course, I think we're in agreement that
12 any reference to the pre-recorded information about a
13 recording from the detention center should be left out.

14 MR. POGUE: Correct.

15 THE COURT: And also any discussion of plea offers should
16 be left out.

17 So, Mr. Pogue, if you'll address the others. The fact
18 that he was -- there's evidence from which the jury could
19 infer that he was detained during this period of time and the
20 cumulative nature of the testimony that he said.

21 MR. PINCELLI: Your Honor, in regard to the issue of him
22 being detained, at any explicit or pretty clear suggestions --
23 and we may just have to go through it when we go through our
24 stipulations to determine which -- what, in regard to those
25 statements we agree on, that would be -- that would directly

1 suggest that he's incarcerated, I don't mind pulling those
2 out, Your Honor.

3 THE COURT: Right.

4 MR. PINCELLI: However, there are a couple of instances
5 in regard to the plea negotiations and suggestions that he
6 wants to -- that the State -- it may help if I just read more
7 directly the quote, Your Honor.

8 THE COURT: Right.

9 MR. PINCELLI: If you go to page --

10 THE COURT: I left my copy.

11 MR. PINCELLI: I have another copy, Your Honor.

12 THE COURT: Okay. For some reason, I left it in there.
13 Didn't think I'd need it right now. Okay. I got it. Okay.
14 Where do you want me to look?

15 MR. PINCELLI: Your Honor, page 8, about three-quarters
16 of the way down, it's Pep, and he says, "I'm sorry, I
17 apologize, and, you know, I want to" -- obviously, Your Honor,
18 the State is of the position that there is clear consciousness
19 of guilt in there. But the last sentence there, "They going
20 too far with how much time they trying to give me over some
21 BS."

22 THE COURT: Yeah.

23 MR. PINCELLI: Your Honor, I mean, what he believes is
24 too much time could be 30 days or 30 years. So, Your Honor,
25 that's -- Your Honor, the State's position is that, again,

1 that's another very clear consciousness of guilt statement,
2 and, Your Honor, that we would take the position that is not a
3 reference to a plea negotiation directly.

4 He just thinks that we are just asking for too much time
5 in regard to what his position is. It makes no specific
6 reference to any sort of offer. Again, it could be 30 days,
7 it could be 30 years. The jury would have no, you know, no
8 context of -- as long as we pull any reference out to a
9 specific amount of time, I don't think that that really goes
10 to plea negotiations, Your Honor.

11 THE COURT: What --

12 MR. KOGER: Judge, I mean, --

13 THE COURT: Alright, Mr. Koger.

14 MR. KOGER: -- I wouldn't -- you know, I wouldn't agree
15 with that. I mean, basically, again, when you -- he's on
16 trial, he's in court. Too much time, you know, that's not --
17 you know, a reasonable juror wouldn't infer that we're talking
18 about 30 days or 45 days or something like that. I just think
19 that too much time, you know, infers a significant amount of
20 time, especially with the charges he's here before the Court
21 on: Two counts of attempted murder and possession of a weapon
22 during the commission of a violent crime.

23 THE COURT: Here's the problem with that phrase. I agree
24 that the length of time one way or the other probably is not
25 significant in this case, but there could be an inference from

1 that that he would be willing to plead guilty if the time was
2 right. In other words, if the offer was better, in other
3 words. And that's a concern about that. It's the first part
4 "I'm sorry and I apologize," as you say, to the extent that
5 that's an admission of guilt, it's fair game, but if -- if you
6 would read what might be, perhaps, a logical or illogical
7 conclusion from this, that "I'd be willing to plead guilty if
8 they would -- if they wouldn't ask for so much time," and
9 that's an inference that could be drawn for that. So I agree
10 that that part needs to be taken out, that sentence.

11 They went too far with how much time they trying to give
12 me.

13 MR. POGUE: That last sentence, Your Honor?

14 THE COURT: That last sentence.

15 MR. POGUE: Okay.

16 THE COURT: Everything else is fine.

17 MR. POGUE: Your Honor, also, the sentence in between
18 there with "I want to come home, man. You know, I got family
19 too," I would agree with him in regard to I think that
20 suggests that he's still incarcerated, so I will be fine with
21 removing any sort of --

22 THE COURT: Yeah.

23 MR. POGUE: -- you know, statement of that -- of that
24 vein.

25 THE COURT: All right. So you can take the "I'm sorry

1 and I apologize" and from that point on, delete the rest of
2 it? Is that the idea?

3 MR. POGUE: That's correct, Your Honor. And we may be
4 able to go through this together without occupying too much of
5 your time, Judge.

6 THE COURT: Okay. Well, I tell you what: I'll stand
7 down while you-all are talking. I'm right back there if you
8 need me.

9 MR. POGUE: Okay.

10 THE COURT: And so just -- just come back or ask me to
11 come out here, and we'll put it on the record if we need to.

12 MR. POGUE: Thank you, Judge.

13 MR. KOGER: Thank you, Your Honor.

14 THE COURT: I'll stand at ease then, folks. I'll be back
15 there. I won't know what's going on, so you-all tell me when
16 you need me. I'd like to be out here by no later than 12:00,
17 though, to start putting these things on the record. Okay?

18 MR. POGUE: Thank you, Judge.

19 MR. KOGER: Thank you.

20 THE COURT: All right.

21 (A brief recess was taken.)

22 THE COURT: Thank you, folks. You-all can be seated.

23 Okay, gentlemen. Where are we now?

24 MR. POGUE: Judge, I think that we've come to pretty much
25 a consensus on most things in regards to the jail call.

1 There's just two short lines that we have a disagreement on in
2 regard to his objection of being cumulative.

3 THE COURT: Okay. Can you focus on what you have not
4 agreed on?

5 MR. POGUE: Yes, sir. It's two lines on page 8, Your
6 Honor. I'm sorry; page 7.

7 THE COURT: Here I am with it.

8 MR. POGUE: Your Honor, if you go down to -- almost all
9 of the way down. It's the -- Thomas is the one speaking. The
10 paragraph starts with, "Hey, you know, they're looking for the
11 other person too."

12 THE COURT: Right.

13 MR. POGUE: Where it starts with "I don't know who the F
14 came with you," Your Honor, he has objected to the cumulative
15 for, it starts with "I don't know" all the way through "they
16 cut my tires on my Daddy's Jaguars and all that." That
17 sentence, essentially. And I'll let him make his argument in
18 regard to that.

19 THE COURT: All right. Mr. Koger.

20 MR. KOGER: Your Honor, may it please the Court. I do
21 have an objection. Thomas Seehof is on the witness list here.
22 By this coming in in this -- in this call right here, "I don't
23 know who the F came with you," and he's allegedly referring to
24 the defendant, he's going to be here, and I imagine he's going
25 to testify to something similar. So, basically, by having the

1 jury listen to the call and hearing that, that would -- it is
2 my contention that that's cumulative and that would maybe even
3 bolster his credibility once he takes the stand.

4 THE COURT: All right. Let's go over it. If he
5 testifies, of course, it may be cumulative. If he doesn't,
6 then it's not. But even if he does testify, then you would be
7 able to cross-examine him on that issue and call to attention
8 his credibility and believability if you chose to do that.

9 I don't find that that single statement in that regard is
10 so cumulative as to distort the evidence in this case or to
11 bring undue influence on that simple -- on that clause or
12 phrase. I'll allow that in. It's difficult for me at this
13 juncture to see what the entire probative value of it is and
14 work in the context of all things, but I don't find that it is
15 so prejudicial as to render the process unfair. Your
16 objection to that is respectfully denied.

17 MR. KOGER: And, Your Honor, also on the same page under
18 the Thomas section, "and then I was -- I was doing something
19 with you." Again, you know, "something with you," again, he
20 -- like you said, he's going to testify, but we do think that
21 is also cumulative and may turn into bolstering another
22 witness.

23 THE COURT: Okay. And I'm still trying to find that
24 part. Let's see --

25 MR. KOGER: That's on the same page --

1 THE COURT: I got it. It's on page --

2 MR. POGUE: It's the last Thomas paragraph on that page,
3 Your Honor.

4 THE COURT: Oh, okay. I would have eventually got it. I
5 don't think that necessarily applies to a criminal act so as
6 to render that prejudicial. I note that respectfully denied.

7 MR. KOGER: And, Judge, I want to put my overall
8 objection, just for the record, to -- to the entry of this --
9 of the phone call evidence based upon it is highly prejudicial
10 to my client and so much so that it outweighs any probative
11 value having the many objections. And I will, of course,
12 during the time of trial, I will reiterate my objections.

13 THE COURT: Alright. And -- and I will allow your
14 objections to run throughout the course of the -- of the
15 testimony in that regard. And I take it that's because of the
16 nature of the recorded conversation from a jail -- having
17 prejudice just naturally attached to that. Is that the basis
18 of it, for the most part?

19 MR. KOGER: Well, basically, we already agreed to take
20 out the first section. I mean, you know, I wanted it to --
21 you to deem it inadmissible, but in light that you have not
22 deemed it inadmissible --

23 THE COURT: Right.

24 MR. KOGER: -- and that portion would be redacted, but it
25 is a jail call, and it came from jail. That's why.

1 THE COURT: There have been a good many cases recently
2 dealing with jail calls and with the warnings that are
3 sufficient, whether they are or not, in their use. I don't
4 think that this case invokes any of those.

5 I will call you-all's attention to the use of extensive
6 recorded conversations from a jail cell that occurred in the
7 case of the State vs. Michael Juan Smith, a Richland County
8 case. It's a famous case of the Five Points shooting that
9 resulted in the paralyzing of an innocent victim named Martha
10 Childress, which, of course, this case has attracted a lot of
11 attention for many reasons.

12 The opinion is No. 5591 -- five five nine one. It was
13 filed in August of 2018. The Court of Appeals in the opinion
14 cited some extensive jail calls that were made between the
15 appellate, Mr. Smith, and another individual and allowed those
16 -- as a matter of fact, I'm not even sure that the issue was
17 raised as to whether or not there was prejudice attached to
18 those. Nonetheless, I found that the -- the trial court
19 allowed them, and the Court of Appeals didn't comment upon
20 their prejudice as a result of that.

21 There's some other parts of that conversation, I think,
22 that weigh on perhaps some of the content of the concerns
23 about this particular series of telephone calls. They have
24 not been raised particularly out here in this setting, but in
25 chambers, back there, they were, as to whether or not the

1 comments in that particular case that were made by Mr. Wilson
2 admitted to "I'm sorry," if it was an admission of guilt or
3 anything of that nature, and the general content of the calls
4 regarding Mr. Wilson trying to get somebody else to get
5 witnesses not to testify. That line of questioning is
6 specifically dealt with on page 59 of that opinion. You-all
7 have probably already read it and are familiar with it, but
8 anyways, it's instructive if you have not.

9 All right. What else?

10 MR. POGUE: Your Honor, I don't know that he has, you
11 know, objections in regard to the proposed redactions that I
12 have for -- really, it's more of just me cutting out a clip
13 than it is we redacted stuff. It's just a couple of, you
14 know, not more than a minute or two, I believe, in each of
15 those three calls that I propose to offer as evidence, Your
16 Honor.

17 And, again, to make the State's position clear, the State
18 would have no -- wouldn't have a problem with it if they
19 wanted to stipulate to the entire call coming in, but there's
20 -- in the State's opinion, there's a wealth of -- excuse me --
21 of character evidence -- 404(b) evidence in that --

22 THE COURT: Right.

23 MR. POGUE: -- that they're talking about setting up drug
24 operations and all that. So I believe that I've narrowed that
25 as much as I possibly can, although, if he wants to object to

1 not having the proper context and needing the entire call,
2 obviously, those issues come into play.

3 So whatever -- I guess what the State's position is, is
4 we're fine with either one, but if the entire call comes in, I
5 think that needs to be put on the record that that's a trial
6 strategy that the entire call comes in.

7 THE COURT: Right. Mr. Koger?

8 MR. KOGER: May it please the Court. Your Honor, we
9 touched upon this in chambers. My objection to the videos
10 coming in is that it's being a video. Once we -- I had
11 opportunity to view them out here in open court, you know, he
12 is in an orange jumpsuit, and I don't know -- of course, I
13 don't have any objection to what we agreed upon as far as the
14 redacted call -- the redactions, and I know Your Honor stated
15 that there was some case law that's basically just the
16 expectation on -- of crimes of this magnitude that meet
17 expectation on having a jury that is sometimes -- that will be
18 warranted before someone can bond on this -- on these
19 particular charges, but just that he, in the three clips in an
20 orange -- an orange jumpsuit, I think, is just highly
21 prejudicial and more than probative value of the call.

22 Now, I don't know whether the State has the technology to
23 do it strictly on audio or to somehow split screen and just
24 take Mr. Wilson out of the video or just do an audio, but I
25 think even -- even if you rule that, on the one that he's in

1 there less than 30 days -- I think that's the October 3rd call
2 -- or the November 7th call, which is near 30 days, I think by
3 the jury just viewing that for the short period of time, that
4 would taint him throughout the trial.

5 COURT REPORTER: I'm sorry; that would what?

6 MR. KOGER: That would taint him throughout the trial.

7 THE COURT: Right. I'm sure that, perhaps, somewhere on
8 that screen the date of the call shows up, although I don't
9 think it's -- I recall seeing it --

10 MR. PINCELLI: Your Honor, it does not. That testimony
11 -- to lay the foundation for the date of the call -- first of
12 all, in my pre-trial conversations with the defense attorney,
13 Mr. Koger, he indicated that he wouldn't -- that they -- he
14 wouldn't require the Securist custodian to come here to
15 testify from Dallas. You know, basically, just have the
16 officer who had extracted it and downloaded the video testify
17 as to regards to the date that he extracted it and the date of
18 the call. And all that is embedded within the -- within the
19 data of the -- of the video call.

20 THE COURT: Is it apparent to a jury or juror?

21 MR. PINCELLI: The date?

22 THE COURT: As to -- yeah.

23 MR. PINCELLI: No, sir, Your Honor.

24 THE COURT: Okay. Then, Mr. Koger, does that not
25 somewhat blunt the concern about the jury reaching some

1 conclusion of the fact that some of these calls were made
2 months after he was arrested, if the date of those calls is
3 not evident to a jury?

4 MR. KOGER: Well, that's -- that's just -- you know,
5 that's just the thing. If the date is not evident, they --
6 you know, they could -- they could come up with that he still
7 -- he's still in jail on these things.

8 THE COURT: I guess they could suppose anything that they
9 want to that's outside of the evidence. We don't have any
10 control over that. We can try to control the inferences that
11 might be drawn from that if they are -- if they're clear
12 inferences that would be -- would be suggested by the evidence
13 itself, not an inference that is suggested by the -- by the
14 conjecture of the -- of an observer. If there's nothing
15 within the context of the -- the tapes themselves, no date
16 stamps or anything like that, then -- and the jury's certainly
17 not going to be asked to -- to draw an inference about his
18 being in jail or draw an adverse inference from the fact that
19 he's in jail, I don't -- I don't think that that's a -- is a
20 matter that is going to be prejudicial in this regard.

21 MR. KOGER: It's not possible to just do the audio?

22 THE COURT: Sir?

23 MR. KOGER: Is it not possible to just do the audio?

24 THE COURT: I suppose they could, but frankly, the video
25 does more than just record the -- the words themselves. It

1 records the same thing that a jury would be able to see from a
2 witness in court: The demeanor of the witness, the actions of
3 the witness, the tone, the inflection, all of those things
4 which enter into a hearer's consideration as to the
5 credibility to be given to the testimony.

6 I'll allow the video. I know that you're concerned about
7 it, but I don't think that the fact that it shows him in a
8 prison suit when -- when a jury is going to be told at some
9 point in time that he was arrested and taken into custody --
10 that that -- that that's going to taint the proceedings as
11 well, Mr. Koger.

12 MR. KOGER: Well, Your Honor, I just want to raise my
13 objection for the record --

14 THE COURT: I understand.

15 MR. KOGER: -- and I want to have it to continue
16 throughout the trial, but I will reiterate it again.

17 THE COURT: I'll do that. If you will remind me and I
18 will make a note to note it and renew my rulings as I allow it
19 to continue throughout that line of questioning.

20 MR. KOGER: Thank you.

21 MR. PINCELLI: Your Honor, just for a point of clarity
22 for our purposes and our case in chief, when I have the
23 officer who extracted these files off, do I need to make sure
24 he makes no specific reference as to the date of these video
25 calls in regard to when they -- because y'all made a mention

1 of that in your exchange, and if that evidence -- if Your
2 Honor wishes that evidence to be excluded from the jury's
3 knowledge as to the dates that these calls took place, the
4 State is fine with that. I just want to make sure that we
5 don't put anything into the record, you know, that's improper
6 for the jury.

7 THE COURT: Let's do that. Let's just stay away from
8 that unless it's -- unless it is critical to some element of
9 proof that you need to have in, and I don't think that it is
10 because, quite frankly, the fact that this jury is not going
11 to necessarily have that evidence nor, I think, it needs to
12 know the evidence of exactly when these calls were made. He
13 can talk about the sequence of them. When this was made, then
14 another was made, and a third was made. That's fine. That's
15 fair game. But the date, I don't think you need it. And it
16 was, quite frankly, part of my rationale in -- in denying
17 Mr. Koger's objection to that.

18 MR. PINCELLI: Thank you, Your Honor.

19 THE COURT: Okay. All right. What else do we have?

20 MR. POGUE: Your Honor, we had a motion to exclude any
21 evidence that the defendant may try to offer in regard to
22 third-party guilt without first having an in-camera review to
23 make a determination that it is properly offered, it's not
24 just their conjecture that there is some support either to its
25 sufficiency that would allow more than just opportunity and

1 motive for third-party guilt to be admissible before the jury,
2 Your Honor.

3 THE COURT: And I take it that would necessarily come up,
4 I suppose, if the defendant chooses to put up a witness; is
5 that right?

6 MR. POGUE: Your Honor, or testimony that would be
7 elicited from -- on cross-examination in regard to a
8 particular individual.

9 THE COURT: Okay. That is asking a police officer if
10 they had other people to consider -- I'm trying to figure out
11 the context --

12 MR. POGUE: Your Honor, being that he can ask leading
13 questions, he can say, Well -- you know, he can make
14 implications and say, "Well, you said Q was there; right?"
15 Well, you know, Q hadn't had the gun, or whoever else it may
16 be that he may try to implicate as the assailant.

17 THE COURT: Right.

18 MR. KOGER: Your Honor --

19 THE COURT: Well, if other people were, in fact, there,
20 then that's fair game for him to develop. As to whether --
21 whether he goes beyond that and suggests that somebody else
22 actually committed the crime -- the case law on third-party
23 guilt is pretty well hammered out, really.

24 MR. POGUE: Sure.

25 THE COURT: And -- and the lynchpin of it, in addition to

1 the things that you had mentioned a minute ago, Mr. Pogue, is
2 that the testimony must be inconsistent with the defendant's
3 guilt, and that's really the -- is the swing vote most of the
4 time. And so that's -- I take it that -- at least that's what
5 I'm going to apply as the law when I -- when I analyze the
6 testimony.

7 Mr. Koger, what do you say to that?

8 MR. KOGER: Well, Your Honor, of course, I don't agree
9 with the motion. I basically -- maybe -- not maybe, there are
10 some evidentiary issues that -- that places or maybe connects
11 one of the witnesses, and I want to be allowed to be able to
12 -- to cross-examine the law enforcement and cross-examine the
13 actual witness if the State decides to put him up.

14 THE COURT: Well, without knowing what the context of all
15 of this is going to be, it's impossible for me to rule in
16 limine on something that's going to survive the testimony that
17 might actually come in. And so all I can tell you is that, if
18 I see it going there, I'm going to apply the case law on
19 third-party guilt to whatever you-all are doing, and if it
20 doesn't meet the third-party guilt test, then it doesn't come
21 in. That's the best I can tell you until I hear it.

22 MR. KOGER: Thank you, Your Honor.

23 MR. POGUE: Thank you.

24 THE COURT: And, Mr. Pogue, if you feel like that you
25 know -- you know what's likely to be said --

1 MR. POGUE: Sure.

2 THE COURT: -- then we need to take some of the testimony
3 in camera out, out of the presence of the jury, I'll do that.
4 I'd like to limit that, for obvious reasons. We've got some
5 time constraints, but if it becomes necessary in order to
6 protect this record and to make sure that the -- that all of
7 those things are preserved, then I'll do it.

8 MR. POGUE: Thank you, Your Honor.

9 MR. KOGER: Thank you, Your Honor.

10 MR. POGUE: Your Honor, obviously, drug activity is at
11 the center of this case.

12 THE COURT: Right.

13 MR. POGUE: The res gestae of the case involves bad
14 acts --

15 THE COURT: Right.

16 MR. POGUE: -- that we have to allege against the
17 defendant, Your Honor. So both the bad acts of him being a
18 drug dealer and, you know, distributing drugs to him and
19 people who are familiar and will testify in this case, as well
20 in the past and at the time of -- all of the -- all of the
21 acts in regard to drug distribution that we will allege on the
22 part of the defendant -- and not necessarily allege; we're not
23 trying to prove anything -- that may be mentioned in testimony
24 that the State offers, Your Honor, it would be contemporaneous
25 with this act within the res gestae of the case.

1 And, also, there is a sex act, Your Honor, that we don't
2 intend to get that -- that deep into at all, but just as -- as
3 a -- as, again, part of the res gestae of the case, the
4 victims in this case claim that the defendant owed him money
5 -- owed them money for a sex act that one of the girls
6 provided for him and that he did not pay them and that that's
7 why they stole his drugs. So it's -- it's -- it's kind of the
8 impetus for this whole thing as they allege.

9 THE COURT: And I take it out -- the alleged shooting,
10 then, followed necessarily on the failure to pay for the
11 sex act, the selling of the drugs, and then the shooting? Is
12 that the sequence of this?

13 MR. POGUE: The sequence is the sex act, the failure to
14 pay for the sex act, they steal the drugs as a result of the
15 debt that they believe that they're owed, and then the
16 shooting because of the -- the theft of the drugs.

17 THE COURT: All right.

18 MR. POGUE: Does that make sense, Your Honor, regarding
19 the sequence?

20 THE COURT: I understand.

21 Mr. Koger?

22 MR. KOGER: Your Honor, may it please the Court. I do
23 understand what Solicitor Pogue just -- just placed before
24 you, but also, too, I want to be allowed to go into the -- the
25 contemporaneous acts of the witnesses in this case because

1 you're dealing with, you know, alleged drug activity that --
2 that goes both ways with the use of drugs and -- and that,
3 just the overall drug culture. So as long as it is both ways,
4 then it's both ways.

5 THE COURT: It would appear to be. It can't be -- yes?

6 MR. POGUE: Your Honor, obviously, I would say that I
7 have no objection to any proper impeachment materials.

8 THE COURT: That's right. No problem with that.

9 MR. POGUE: As long as it's proper within -- within --

10 THE COURT: Oh, yeah. Oh, yeah. We're going to be
11 civil, play by the rules.

12 MR. POGUE: Yes, sir, Your Honor. I think we already
13 mentioned the sequestration of the witnesses. The two phone
14 records that we've got -- one being from T-Mobile and the
15 other being a phone extraction that the Lexington County
16 Sheriff's Department expert extracted from the defendant's
17 phone that was collected as evidence when he was apprehended
18 at the Palmetto Inn Hotel -- I don't know if there's going to
19 be any objection as to the admissibility of those or
20 challenging of the search warrant in regard to the collection
21 of those or not, but if not, I don't know if you can
22 potentially stipulate as to -- because, see, there is a lot
23 of, again, 404(b) evidence in those extractions.

24 THE COURT: Right.

25 MR. POGUE: So only a narrow portion is relevant to this

1 case --

2 THE COURT: Right.

3 MR. POGUE: -- but there's data that goes back, you know,
4 a long time on one of the phones. So we're just offering
5 evidence on the LG phone, and we -- I had emailed, I believe,
6 you a proposed --

7 THE COURT: Right.

8 MR. POGUE: -- a proposed line item from the cell phone
9 extraction. Now, I'm not concerned with the -- with the
10 T-Mobile because it doesn't have any content of text messages
11 on there, but the extraction of the cell phone, Your Honor, I
12 wanted to see if we would be able to reach some sort of
13 agreement as to the admissibility and the narrowing of the
14 relevancy of the data in the phone to this case.

15 THE COURT: All right. Mr. Koger?

16 (Counsel conferring off the record.)

17 THE COURT: Y'all think you can work that out?

18 MR. KOGER: Yeah, we can work that out.

19 THE COURT: Okay.

20 MR. POGUE: I'm just looking for anything we can do to
21 streamline it, Your Honor.

22 THE COURT: Oh, I'm all for streamlining. And I
23 appreciate it.

24 MR. POGUE: Just because it's going to be immediately,
25 Your Honor, or pretty soon after we begin opening statements,

1 there's not any objection in regard to hearsay on the 9-1-1
2 call in regard to excited utterance exception that we'll offer
3 as an exception to the content of the call as well as a
4 business record.

5 THE COURT: Right. Do you have any objection to that,
6 Mr. Koger? I'll be glad to --

7 MR. POGUE: And we can address that when the trial
8 starts. We had talked about it in chambers, so I didn't know
9 if that was something --

10 THE COURT: If those come up, 9-1-1 calls --

11 MR. POGUE: That's fine.

12 THE COURT: -- for the most part seem to meet the excited
13 utterance.

14 MR. POGUE: The reason why I'm asking is because of
15 opening statements, Your Honor, and there's also one other
16 issue about excited utterance. The eight-year-old --

17 THE COURT: Yeah.

18 MR. POGUE: -- my co-counsel may want to mention that in
19 opening statements, that the eight-year-old also knew him and
20 identified him to a police officer and the -- Ms. -- Brandy.
21 I'll just call her Brandy.

22 THE COURT: I understand.

23 MR. POGUE: But that he ID'd her -- both to -- I'm sorry;
24 not, Brandy. Pete Fortner. The neighbor, Pete Fortner --
25 Brandy, and Sergeant Miles Rawl with the Lexington County

1 Sheriff's Department. All three of those individuals, he told
2 that -- that Pep-Pep did it. So that would be something --

3 COURT REPORTER: You said Pep-Pep did it? Is that what
4 you said?

5 MR. POGUE: Pep-Pep. P-e-p hyphen P-e-p.

6 Your Honor, this was -- again, he was still under the
7 stress of the event that caused the excitement. This was
8 maybe an hour after the shooting, that he had been sitting
9 right beside the girl that was shot in the living room. And,
10 Your Honor, the police officers were, obviously, still on
11 scene. They were processing the scene. CSI hadn't even got
12 there at that point. And he's eight years old, Your Honor.

13 MR. KOGER: And, Judge, you know, I'm going to be making
14 an objection just to -- just to preserve the record on these
15 issues.

16 THE COURT: All right. I will note that, as long as the
17 foundation is laid, as Mr. Pogue has indicated it will be,
18 that is, as to the time and the sequence and things like that
19 to acknowledge it, that will, apparently, will come in under
20 Rule 803(2), and so if that foundation is laid, then I'll let
21 it in.

22 MR. POGUE: Thank you, Your Honor.

23 THE COURT: I'll note your objection; however, you can
24 protect the record in that regard.

25 MR. KOGER: Thank you.

1 MR. POGUE: I believe that it's, Your Honor.

2 THE COURT: Okay. Just in --

3 MR. POGUE: I'm sorry, my apologies.

4 MR. PINCELLI: One more matter. The defendant's brother,
5 who, obviously, as you now know has involved himself in this
6 case intimately, we have subpoenaed. He indicated that he was
7 not willing to abide by that subpoena in regard to the State.
8 Only if the defense attorney told him to come up here would he
9 be up here to testify.

10 I guess my thing is, he's here right now, Your Honor, but
11 I would just at least like the Court to be aware or possibly
12 even if we need to instruct him that he needs to be here,
13 because I don't anticipate calling him today, but it will
14 definitely be tomorrow.

15 THE COURT: Right. Is he in the courtroom right now?

16 MR. KOGER: Yes, Your Honor.

17 THE COURT: And his name?

18 MR. POGUE: Everette Wannamaker.

19 THE COURT: Everette? Okay.

20 Mr. Wannamaker, if a valid subpoena has been served on
21 you that compelled you to appear in court, if you refuse to
22 appear in court in response to that subpoena, then the Court,
23 upon request, can enforce that subpoena by having you brought
24 in to court by law enforcement officers. That subpoena does
25 not direct what you say, it does not direct the words of your

1 testimony. It simply directs your appearance in court. And
2 so I want to make sure you understand that. Do you understand
3 that?

4 MR. WANNAMAKER: Yes, sir.

5 THE COURT: Okay. Thank you.

6 MR. POGUE: Thank you, Judge. That's it.

7 THE COURT: Mr. Koger, anything further from the defense?

8 MR. KOGER: Nothing further from the defense, Your Honor.

9 THE COURT: All right then. I woefully overestimated the
10 length of time it was going to take. I hope that I did the
11 same in the length of time it's going to take to try the case.
12 We'll see.

13 MR. POGUE: Me as well, Your Honor.

14 THE COURT: But once we get -- once we get the trial
15 started -- I was thinking back there a while ago -- once we
16 get the trial started, then I'm on automatic pilot. I just
17 sit here, and if it looks like the flight is taking some
18 direction off-course, I try to get it back on. But,
19 otherwise, I let you-all do the work. And that's the thing I
20 enjoy about -- about being a trial attorney -- a trial lawyer
21 and now a trial judge.

22 So we will -- when the jury comes in at 2:00, the jury
23 will be brought in. I will appoint a foreperson. The jury
24 will be sworn. I'll make some brief introductory comments,
25 avoiding the use of the word "truth" or "justice" at any time

1 during those comments in accordance with the Bailey decision,
2 allow opening statements by each of you-all, and then we'll
3 start the trial.

4 Who will open for the State? Mr. Pincelli?

5 MR. PINCELLI: I will, Your Honor.

6 THE COURT: Thank you. Okay. All right. Any questions,
7 then, before we break?

8 MR. KOGER: No questions, Your Honor.

9 THE COURT: Okay. I wish I'd told the jury to be back at
10 1:00, but I didn't, so they'll be back at 2:00. So you won't
11 have this long of a lunch hour either for the rest of the
12 trial, so enjoy your lunch.

13 MR. POGUE: Thank you, Judge.

14 THE COURT: 2:00, folks. Thank you.

15 (A lunch recess was taken from 12:30 p.m. to 2:03 p.m.)

16 AFTERNOON SESSION

17 (State's Exhibit No. 1, CD 9-1-1 Call, was marked for
18 identification.)

19 (State's Exhibit No. 2, aerial photo, was marked for
20 identification.)

21 (State's Exhibit No. 3, photo, was marked for
22 identification.)

23 (State's Exhibit No. 4, photo, was marked for
24 identification.)

25 (State's Exhibit No. 5, photo, was marked for

1 identification.)

2 THE COURT: Thank you, ladies and gentlemen. Please be
3 seated. Good afternoon.

4 Folks, I understand that all the jurors are present. Is
5 the State and the defense ready for the jury?

6 MR. POGUE: The State's ready, Your Honor.

7 THE COURT: Mr. Koger?

8 MR. KOGER: The defense is ready, Your Honor.

9 THE COURT: Okay. You can bring in the jury.

10 (Jury enters the courtroom at 2:06 p.m.)

11 THE COURT: I'm going to have to move some things around.
12 If I could ask you to leave that open so that Mr. Harter can
13 sit there, and then you can sit on the back seat.

14 Ms. Muniz, if you'll sit down here in one of these two --
15 no, you're right -- you're right where you are. Mr. Harter,
16 you can sit on the other side of -- I'm sorry; Mr. Baxley?

17 JUROR: Yes, sir.

18 THE COURT: Now, I think I've got everybody right. I
19 should have put place cards out, make it easier for y'all. I
20 apologize for moving you around.

21 Mr. Harter, I've asked you to occupy that chair. I want
22 you to serve as the foreperson of the jury. That just means
23 that you'll be the jury spokesman here in court. When the
24 trial is over, you'll be responsible for writing the verdict
25 of the jury, but I'll tell you more about that before you have

1 to do it. Don't worry about it now. You just need to
2 remember right now you've got a reserved seat. That will be
3 your chair throughout the trial of this case.

4 Ms. Graham, Ms. Tillmon; is that right? Ladies, you-all
5 are the alternate jurors, and you'll sit in those two chairs
6 throughout the trial of this case, unless I ask you to sit
7 somewhere else during the course of the trial. All right?

8 Ms. Muniz, you were selected as an alternate, too, before
9 the trial began, but we have moved you into the principal
10 seat. The rest of you can sit wherever you want to when you
11 come in from time to time. It's always a good idea to do what
12 you do this time and that is, move all the way down before you
13 sit down, because if you don't, somebody is going to step on
14 your feet to get to the empty chair beyond you. So I think
15 it'd be kind of painful during the course of the trial.

16 Ladies and gentlemen, you are going to be sworn in now as
17 jurors, and I want you to pay particular attention to the oath
18 that you are about to take. It is a time honored and it is an
19 artfully worded oath, and it tells you very completely but yet
20 at the same time very concisely what your responsibilities as
21 jurors are in this trial.

22 I'm going to be reminding you during this trial and
23 indeed after this trial as to exactly what you're sworn to do
24 as jurors, so pay attention now, please, as the clerk
25 administers the oath.

1 deliberations, you still think that there's a real possibility
2 that he is not guilty of the charges, the State has not met
3 its burden of proof, and the defendant in that case will be
4 entitled to a verdict of not guilty at your hands.

5 So you are going to be sitting there listening, listening
6 to the lawyers and listening to the witnesses and listening to
7 me, and then when the trial is over, you'll go back in your
8 jury room and you'll listen to each other and you'll talk
9 about what you've seen and heard in this courtroom.

10 And after you've finished your discussions in that jury
11 room, you'll write a verdict which will express your opinion
12 as to whether or not the State has met its burden of proof in
13 this case, a verdict that says "We find the defendant guilty"
14 or "We find the defendant not guilty" according to your view
15 of the evidence and the law in this case.

16 Thank you, folks, for your attention to these remarks.
17 Now, please give that same attention to the lawyers as they
18 present their opening statements.

19 Mr. Pincelli?

20 MR. PINCELLI: Thank you, Your Honor. May it please the
21 Court.

22 THE COURT: Yes, sir.

23 OPENING STATEMENT ON BEHALF OF THE STATE

24 MR. PINCELLI: Ladies and gentlemen, this is a violent
25 case and a serious one. We're here today because two women

1 got shot, and it wasn't a mysterious suspect. There were no
2 sketches, no vague descriptions that the police had to rely
3 on. They didn't have to do a photo lineup. Because the
4 victims, the two women that got shot, knew the defendant,
5 called him by name shortly after they got shot, before they
6 went to the hospital. You'll hear it. Before they gave
7 written statements, they knew who shot them. This isn't a
8 whodunit. We're going to show you that Tashonby Wilson did
9 it. You're going to hear that, on September 26, 2016, the
10 victims, Brittny and Ashley, they were going through a hard
11 time. They were behind on the rent, they were struggling with
12 addiction, and they were owed some money from the defendant.

13 They met up with another man, Thomas Seehof. He also
14 struggled with addiction. They met up with him to go to the
15 defendant's apartment, to his hotel room at the Palmetto Inn.
16 They went there for drugs. And what happened there is what
17 leads us here today.

18 Brittny and Ashley, down on their luck, struggling with
19 addiction, they thought they'd recoup their losses, the money
20 they were owed, and they stole some drugs from the defendant.
21 They told Thomas Seehof, the man that gave them a ride there,
22 they hopped in his truck, and they left.

23 Well, the defendant he didn't realize right away, but it
24 didn't take him long to find out. And you'll see that.
25 You'll see in the phone records that he starts calling the

1 phone that the victims shared. Calling it over and over.
2 You'll hear the content of those calls. You'll hear the
3 victims talk about him wanting those drugs back. You'll see
4 phone records that he called Thomas, the man that gave them a
5 ride there. The defendant wanted to know where those drugs
6 were. You'll hear how they all went back to Thomas's condo,
7 Boardwalk Villa Apartments here in Lexington County right by
8 the lake, on the lake. They went there. Brittny, Ashley,
9 Thomas went to Thomas's condo. Thomas's girlfriend was there,
10 Brandy, and her young, eight-year-old son. All those people
11 in the condo. Who shows up? Tashonby Wilson, looking for his
12 drugs. But he wasn't just looking for his drugs. He was
13 looking to get even at this point, and he showed up with a
14 gun. And he showed up with a gun, and you'll hear the people
15 say that he had the gun in his hand when he came in, and when
16 he didn't get his drugs, he shot Ashley in front of everybody
17 there.

18 You'll hear how Ashley gets up, runs out shot, takes Bri
19 with her, runs across the condo parking lot. And Brittny --
20 Brittny will tell you how she was beating on a door, pleading
21 to get let in. Well, Pep didn't stop. Tashonby Wilson, who
22 they also knew as Pep, followed them outside, kept on
23 shooting.

24 Bri got shot several times while she's pounding --
25 pounding on a neighbor's door trying to get let in. You'll

1 hear from that neighbor, Mr. Ward. You'll hear how he's
2 eating supper with his wife, watching TV, and he hears
3 screaming and pounding on the front door, and then he hears
4 gunshots. You'll hear what he saw when he opened the door,
5 two women shot and bleeding. He did his best to apply first
6 aid until EMS came. You'll hear that. You'll see a statement
7 from him.

8 The name of the man who shot them, the name that the
9 victims told him, it's in there: T. Wilson. Tashonby Wilson.
10 You see, this isn't a whodunit.

11 An eight-year-old boy, I told you, was in that room. He
12 knew the defendant. He told law enforcement who shot them.
13 Pep-Pep, the defendant's nickname. And you'll hear, as I told
14 you, these victims, several of the witnesses, they were
15 struggling with addiction. It was a hard time. But the thing
16 with the lifestyle they were leading at the time, the places
17 they had to go, the people they had to talk to, it's a
18 tight-knit community, and when you are dependent on a
19 substance the way they were dependent, they had to get it,
20 they had to know the people to get it from, and they knew them
21 real well. You'll hear how often they saw the defendant
22 because of this and how well they knew him before this fateful
23 night when they both got shot, the victims.

24 You'll hear how all these people get this information to
25 the police. But that's not all law enforcement had to deal

1 with. They had more information. You see, I told you about
2 the cell phones. Well, law enforcement had cell phone
3 records. You'll see those cell phone records. You'll see the
4 calls coming in. You'll also see data extracted from those
5 cell phones that will show you text messages. You'll see
6 everything relating to this. And you'll see the defendant
7 knew to leave his phone when he went to go kill those girls.
8 He didn't bring it with him when he went to go do the
9 shooting, because just like I'm sure many of you know, a phone
10 can tell where you're at. He knew to leave that behind.

11 That wasn't the only thing done to cover his tracks.
12 You'll hear from a man that loaned the defendant a car that
13 night. You'll hear from other people, the defendant had his
14 own car. Tashonby Wilson had a car, but he borrowed another
15 one to get to Thomas's condo to shoot the girls. You'll hear
16 it's an older Honda with a loud muffler.

17 You'll also hear one of the witnesses on scene saw a car
18 that roughly matched that description, loud muffler, driving
19 off after the shooting.

20 The gun brought to the scene, you'll hear who gave it to
21 him. .40 caliber semi-automatic pistol. Same kind that the
22 victims will describe. Same kind of weapon that CSI will tell
23 you they found shell casings spent on the ground, projectiles
24 lodged in the wall. Some of those projectiles were inside
25 Mr. Ward's apartment, the man who opens his door after he's

1 eating supper with his wife to help these girls that were shot
2 and bleeding, same kind of bullets. You'll hear about that
3 gun the defendant brought back, tried to give it back. He
4 didn't want it on him.

5 You'll hear from multiple law enforcement witnesses, CSI,
6 they're going to connect all these dots for you, all this
7 information. And you'll hear from EMS that responded on the
8 scene, treated the gunshot wounds, rushed these women to the
9 hospital. You'll hear they did a good job. The victims are
10 both going to testify. They're here today. This isn't a
11 murder. It's an attempted murder. And that's what we're
12 going to prove to you, because that's what the defendant
13 stands accused of: Two counts of attempted murder and one
14 count of possession of a weapon during a violent crime.

15 Now, attempted murder, I'm sure you have all heard
16 before -- and we'll get more into the law and, of course, the
17 judge is in charge of all that, but just roughly, we're going
18 to prove to you that attempted murder means a person had
19 intent to kill, tried to do so, did attempt to do so, and had
20 malice aforethought. And that's just a couple of fancy words
21 that he meant to do the bad thing and thought about it before
22 he did. Two counts of that.

23 The other one is kind of self-explanatory: Possession of
24 a weapon during a violent crime. Well, attempted murder is a
25 violent crime, and he used a gun to do it, attempt it.

1 Attempted murder with a gun.

2 Now, the judge just told you, right before I got up here,
3 about the burden of proof. We have to prove things to you
4 beyond a reasonable doubt. He told you, you must be firmly
5 convinced. Another way that is used to think about this is
6 you are not -- a reasonable person would not hesitate to act.
7 And, importantly, what it does not mean is that you are not
8 left without any doubt in your mind because we know there are
9 very few things in this world we can be completely sure of.
10 So any doubt you have has to be reasonable.

11 And you have an important job, and the judge has told you
12 what it is. You're going to hear all this testimony, people
13 sitting in that chair. You're going to see and hear a lot of
14 evidence, see pictures, hear calls, see phone records, and you
15 take all that, and you use the common sense you came in this
16 courtroom with today, and you decide what's credible, "What do
17 I believe?" And then you make a decision.

18 I've told you all the people -- and it's not even all the
19 people. I've told you many of the people you'll hear from:
20 The victims who immediately told law enforcement and people on
21 scene who shot them. All of those people in the room, the
22 condo: Thomas, Brandy, their eight-year-old son. All those
23 people tell law enforcement who did the shooting. The
24 eight-year-old boy knew who did the shooting. It was that
25 obvious.

1 Ladies and gentlemen of the jury, when we're done, it's
2 going to be that obvious to you. Tashonby Wilson did the
3 shooting. He's guilty of it, and that's why, when this is all
4 said and done, you should convict him of attempted murder, two
5 counts of it, and possession of a weapon during a violent
6 crime. Thank you.

7 THE COURT: Thank you, Mr. Pincelli.

8 Mr. Koger?

9 MR. KOGER: May it please the Court.

10 THE COURT: Yes, sir.

11 MR. KOGER: Solicitor Pincelli.

12 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

13 MR. KOGER: One of the things that Judge Cooper stated is
14 that opening statements are not evidence. Now, admittedly,
15 this case is not going to paint a very flattering picture of
16 our living area here in Richland and Lexington County, and
17 it's going to involve learning things about a drug culture
18 that you probably didn't know as citizens exist in that
19 manner.

20 What you're going to learn about the drug culture in this
21 trial is who is supplying, who is demanding, and who are
22 consuming as addicts.

23 On September 26th, 2016, those three things collided at
24 the Boardwalk between the Palmetto Inn in Richland County and
25 the Boardwalk Apartments in Lexington County. You are going

1 to -- it may come out in testimony as to who is selling to
2 who -- to whom, who is buying from whom, who is loyal to what
3 part, and who owes who, and how the relationships work and how
4 it affects those people involved.

5 Now, Mr. Wilson sits here at the table here as an
6 innocent man. He has that constitutional right. And as you
7 have heard from the judge and from the solicitor's office that
8 they must prove their case beyond a reasonable doubt. That is
9 a very high burden, but it's supposed to be a high burden,
10 because it is supposed to be very difficult to convict
11 someone, will not have an innocent man go to prison by not
12 meeting that burden.

13 Now, with all its imperfections and faults, the American
14 criminal justice system is still the greatest in the world,
15 and over the next several days, you, as citizens of Lexington
16 County, will participate in this system. As has been stated
17 by Judge Cooper and as been stated by Solicitor Pincelli is
18 that the evidence in whatever form, whether it's through
19 testimony or physical evidence, that will come from this chair
20 right here, and as those who have taken an oath and sat in
21 this chair, it is your job to judge the credibility, the
22 believability, and whether they are telling the truth or
23 whether they are not telling the truth. And that requires, as
24 I know you will, that requires, especially in this case,
25 attention to detail and an undivided focus.

1 Mr. Wilson sits here, again, as an innocent man, and I am
2 sure that after you go in to deliberate in the jury room after
3 you hear the evidence and notice the lack thereof that you
4 will come back not guilty on two counts of attempted
5 murder and not guilty on possession of a weapon during a
6 violent crime for Mr. Wilson, who sits at the defendant's
7 table. Thank you.

8 THE COURT: Thank you, Mr. Koger.

9 Gentlemen, the sequestration order will now be in effect,
10 so I'll ask you to make sure that that's being complied with.

11 You can call your first witness.

12 MR. PINCELLI: Your Honor, the State calls Nikki Rodgers.

13 THE COURT: Come forward, Ms. Rodgers, to be sworn.

14 NIKKI RODGERS,
15 the witness, after having first been duly sworn, was examined
16 and testifies as follows:

17 THE CLERK: Once you're seated, state your full name and
18 spell your last on the record, please. Oh, spell your first
19 name also.

20 THE WITNESS: Nikki Rodgers. N-i-k-k-i R-o-d-g-e-r-s.

21 DIRECT EXAMINATION

22 BY MR. PINCELLI:

23 **Q** And you're a chief, aren't you?

24 **A** I'm the Chief of Communications in Lexington County, yes,
25 sir.

1 Q I just wanted to get your title straight. Thank you,
2 Chief.

3 And where are you currently employed?

4 A Lexington County 911 Communications.

5 Q And as the chief, what does that pertain?

6 A I run the whole department, anything from budgets to
7 scheduling to training to keeper of the records, making sure
8 that all of our equipment is kept up in good standards.

9 Q How long have you been doing this?

10 A Twenty-five years.

11 Q The same place?

12 A The same place. Started out as a dispatcher, moved all
13 the way up as a chief.

14 Q Can you explain the function of Lexington County
15 Communications Center?

16 A We are a consolidated 911 center. We dispatch for EMS,
17 fire service, law enforcement for all of the municipalities in
18 Lexington County and the Sheriff's Department except for Casey
19 Public Safety, West Columbia, and Batesburg Police
20 Departments. Everything else is under our -- our department.

21 Q And it's roughly emergency calls?

22 A Emergency calls, yes. About 450,000 a year.

23 Q In your role as the chief there, are you familiar with
24 the storage of records?

25 A Yes. We keep them for 90 days. After 90 days, they are

1 recorded over, and everything is digitally recorded.

2 Q Are the records of 911 calls maintained during the
3 ordinary course of business?

4 A Yes.

5 Q And as part of your official duty as chief there, do you
6 have control or custody over those things?

7 A Yes, sir.

8 Q Chief Rodgers, I believe you have been given a document
9 related to this incident. Can you explain what that is?

10 A I have with me what we call a CAD report, which is a
11 computer-aided dispatch report. It's basically our
12 record-keeping system of what calls come in, who they're
13 dispatched to, and the maintenance of that activity during
14 that time period. So everything that's said over the radio as
15 far as information given out, everything that is units getting
16 on the scene, it's all time stamped and date stamped.

17 Q And can you explain how they're generated, how they're
18 created, what information goes into them?

19 A Sure. So, when a 911 comes in, the call-taker answers
20 the phone. That information is automatically dumped into our
21 computer, which is computer-aided dispatch, which starts an
22 event ID, which is the record log for that particular call or
23 request.

24 So if someone calls for fire service or EMS or law
25 enforcement, that record is started, and it keeps the dates

1 and times and the caller's information. We ask questions over
2 the phone, give them information, then dispatch the
3 appropriate agency or department over the radio, and then that
4 information is documented back and forth.

5 **Q** And is there any way for those reports to be manipulated
6 after they are saved into your system?

7 **A** They cannot be altered at all. It's not a -- any way for
8 -- after the -- they can be manipulated at the time of the
9 event, but after the event has closed and goes to history,
10 there's no more editing of that -- that call or that event.

11 **Q** Can you walk us through this specific report? I guess,
12 first, generally, what kind of information do you get a
13 snapshot of?

14 **A** The first information is always the caller's name, their
15 location, what type of call they're calling, whether it is
16 they need law enforcement or fire service or EMS. And then,
17 from that point, the call-taker will ask a series of questions
18 and document that in the notes field. That information or
19 this computer system also tells us what jurisdiction it is, so
20 if it is in the town of Lexington versus the Sheriff's
21 Department versus, you know, Gilbert. It tells us that
22 information also.

23 **Q** So more specifically now to this report, can you tell me
24 the date?

25 **A** Sure. We received a call on 9/26 of 2016 at 2021 hours,

1 which would be 8:21 p.m.

2 Q And based on that information, does it show you where the
3 call came from?

4 A The call came from [REDACTED] Boardwalk Lane, and the caller was
5 a Emily Ward. And it also gives her phone number of
6 (803) 808-[REDACTED].

7 Q Thank you.

8 Does it give you any information -- I believe you
9 testified that it gives you what kind of call it was. Can you
10 tell us that?

11 A It does. It actually gives us what type of call,
12 basically whether it's a wireless call, whether it's a 911
13 call, whether it is a call by a seven-digit telephone line.
14 This call actually is a 911 call that comes in on 911.

15 Q And is there any information about the specifics of a 911
16 call?

17 A Basically, the information that's dumped from the 911
18 call is the caller's address and phone number, and then we
19 have to verify the caller's name.

20 Q And does it tell you what type of event? Is there any
21 information there?

22 A This information gave -- the caller gave us the
23 information that it was a gunshot wound, which is put in as a
24 nature code, which categorizes who responds.

25 COURT REPORTER: Did you say "nature"?

1 THE WITNESS: Nature code, yes, ma'am.

2 BY MR. PINCELLI:

3 Q And can you tell who did respond? What kind of
4 departments?

5 A From this report -- there's multiple reports for each
6 type of call, but this would be a fire, EMS, and law
7 enforcement call. And it does state that on this record.

8 Q Are there other notes attached of what goes over the
9 radio? What, if any, kind of notes are attached there?

10 A There are notes. This is information that the call-taker
11 obtains from the caller, and it is date- and time-stamped
12 also. So as you're listening to a call, you can actually go
13 back and create the caller and the dispatcher or call-taker
14 actually going through the call with the caller.

15 Any of the information that is on here is given out --
16 that is specific to the call is given out over the radio. So
17 since this was a gunshot wound and we had EMS, fire service,
18 and law enforcement responding, they would all get the same
19 basic information that -- where to respond; actually, the
20 address of where they were going -- Boardwalk Lane -- and then
21 that there were multiple victims. The caller was at the end
22 of the subdivision; that the shot went through the door.
23 Let's see, that they had a belt around the leg where she was
24 shot and...

25 Q What, if any, other information on there relates to the

1 parties involved?

2 **A** There was -- I'm trying to find it. There's a lot of
3 notes on this call, so you have to go through them line by
4 line, but the caller did indicate that the victims knew this
5 person, and that the shooter was --

6 MR. KOGER: Objection, Your Honor.

7 THE COURT: What's the nature of the objection?

8 MR. KOGER: Excuse me?

9 THE COURT: Yes, sir. The grounds for the objection.
10 She's reading from the report, as I understand it; is that
11 right?

12 THE WITNESS: Yes, sir.

13 THE COURT: All right.

14 MR. KOGER: Improper foundation in that she was about to
15 state the supposed name, and the proper foundation has not
16 been laid.

17 THE COURT: I'm sorry; I didn't understand exactly what
18 the objection was. She's reading from the report. Can you
19 help me with that? I couldn't hear all of the objection,
20 Mr. Koger. I apologize.

21 MR. KOGER: Your Honor, improper -- she was -- she was
22 about to name the person named in the report, and the proper
23 foundation had not been allowed for her to have done that.
24 I'm just objecting to it, Your Honor.

25 THE COURT: Mr. Pincelli, do you want to offer this

1 record into evidence?

2 MR. PINCELLI: Your Honor, I would.

3 THE COURT: All right. You're offering it under the
4 Business Records Act?

5 MR. PINCELLI: Yes, Your Honor. I believe that the
6 witness has demonstrated that she has -- keeps this in the
7 ordinary course of business. She has care and custody of such
8 records.

9 THE COURT: All right. Mr. Koger, it does appear that
10 the requirements of the rules of evidence, which allows for
11 this type of document to come into evidence, have been
12 complied with based on the foundation that has been set under
13 Rule 803(6). I'll allow it into evidence.

14 There is, however, a portion of that evidence that does
15 not allow subjective opinions or judgments to be admissible,
16 so I don't know what's going to come out of this. We might
17 transgress that particular part of the rule. As long as we're
18 not talking about subjective opinions and judgments, then
19 she's entitled to read from the record in its entirety.

20 MR. KOGER: Your Honor, I just want you to note my
21 objection.

22 THE COURT: Yes, sir, I will.

23 MR. PINCELLI: Your Honor, to stay away from any
24 subjective information, I'd like to ask the witness just read
25 the assailant's name that would be in the report to -- just

1 what she was going to say prior to the objection.

2 THE COURT: All right, sir. You can do that.

3 THE WITNESS: Just read it straight from the paper;
4 correct?

5 MR. PINCELLI: That's correct.

6 THE WITNESS: Okay.

7 A So, "Caller is at the very end of the subdivision.
8 Shooter is Wilson, Tashiby (verbatim). Left in small, black
9 Toyota."

10 Q Thank you.

11 MR. PINCELLI: I believe those are all of my questions
12 based on the CAD report. Your Honor, permission to approach?

13 THE COURT: All right.

14 Q I'm going to hand you this disk. Do you recognize what
15 this is?

16 A I do.

17 Q Can you tell the jury, what is that?

18 A This is a copy of the 911 call from this CAD event, and I
19 know that because it's got my initials and date on it.

20 Q Are 911 calls something that you also have care and
21 custody over through your position at LCCC?

22 A Yes.

23 MR. PINCELLI: Your Honor, at this time, we'd like to
24 mark what's been -- we'd like to move what's been marked as
25 State's 1 into evidence.

1 THE COURT: All right. Subject to objections, State's 1.

2 MR. KOGER: Yes, Your Honor.

3 THE COURT: In evidence.

4 (State's Exhibit No. 1, CD 911 Call, was received into
5 evidence.)

6 BY MR. PINCELLI:

7 Q Thank you, Chief Rodgers.

8 MR. PINCELLI: Beg the Court's indulgence.

9 THE COURT: All right.

10 BY MR. PINCELLI:

11 Q That's all the questions I have for you. Please answer
12 anything from the defense counsel.

13 THE COURT: Mr. Koger, you can cross-examine.

14 MR. KOGER: Yes, Your Honor, just one question.

15 CROSS-EXAMINATION

16 BY MR. KOGER:

17 Q Ms. Rodgers --

18 A Yes, sir.

19 Q -- what you just read from about a Tashiby (verbatim)
20 left in a small black Toyota?

21 A Yes, sir.

22 Q The spelling of that name, is that something that the
23 dispatcher tried to figure out if someone come in -- someone
24 calls to spell the name?

25 A We do not ask them to spell the name unless we really

1 can't understand it, but we try to do the best we can as far
2 as spelling.

3 Q Okay. So with this spelling right here, that was based
4 upon what the dispatcher thought, how do you spell it?

5 A Correct. The call-taker, their interpretation.

6 Q Okay. Thank you. No further questions.

7 A Yes, sir.

8 THE COURT: Thank you.

9 Redirect, Mr. Pincelli?

10 MR. PINCELLI: None from the State, Your Honor.

11 THE COURT: Thank you.

12 Ms. Rodgers, you can step down.

13 Mr. Pincelli? Mr. Pogue?

14 MR. POGUE: Your Honor, the State calls Emily Dawkins
15 Ward.

16 THE COURT: Come forward, please, ma'am, and be sworn in.

17 EMILY DAWKINS WARD,

18 the witness, after having first been duly sworn, was examined
19 and testifies as follows:

20 THE CLERK: Have a seat over there, please, ma'am. Once
21 you're seated, state your full name, spelling your last for
22 the record, please.

23 THE WITNESS: Okay. My name is Emily Ward, W-a-r-d.

24 DIRECT EXAMINATION

25 BY MR. PINCELLI:

1 Q How are you this afternoon, Ms. Ward?

2 A Okay.

3 Q Are you nervous?

4 A Yes.

5 Q It's okay to be nervous.

6 A I know. I know.

7 Q Ms. Ward, where are you currently living?

8 A I live at [REDACTED] Boardwalk Lane.

9 Q Where is that in Lexington?

10 A It's a beautiful place. We're not really town homes
11 because we actually own the land that our home is on, but
12 there were -- we're connected. But I'm on the very end, and
13 we're right down from Jake's Landing. It's beautiful,
14 beautiful place on Lake Murray.

15 Q And how long have you lived there?

16 A Oh, gosh. Since '99. I think I've been there since '99.

17 Q So you were living there on the evening of September 26,
18 2016?

19 A Oh, yes. Yes.

20 Q Do you recall that particular evening?

21 A Oh, yes. My life kind of changed that night.

22 MR. PINCELLI: Permission to approach the witness, Your
23 Honor.

24 THE COURT: Yes, sir.

25 BY MR. PINCELLI:

1 Q Ms. Ward, I'm handing you what's marked as State's
2 Exhibit No. 1. Do you recognize that item?

3 A I do. Yes, I do.

4 Q What is that?

5 A It's -- I verified -- verified the 911 conversation I
6 had.

7 Q That's a copy of the 911 call that you made?

8 A Yes. Yes.

9 Q And that's your voice that's on that call?

10 A Yes.

11 Q Okay.

12 A I sound like a man but it was me.

13 Q Is it a fair and accurate reflection of the conversation
14 that took place with the 911 operator?

15 A Yes, it is.

16 MR. PINCELLI: Your Honor, at this time, the State would
17 move to enter State's Exhibit 1 into evidence.

18 THE COURT: All right. It's already in evidence subject
19 to objection. Do you wish to publish it now?

20 MR. PINCELLI: Your Honor, I was just making sure; I
21 couldn't remember if we put it into evidence. If it's in
22 evidence, we'll publish it later in the testimony.

23 THE COURT: Okay. That will be fine.

24 BY MR. PINCELLI:

25 Q Ms. Ward, I'm also showing you what's marked as State's

1 Exhibit 2. Do you recognize this image?

2 **A** Yes, I do.

3 **Q** I've got it upside down. I'm sorry.

4 **A** I can still recognize it. I know my spot. Yes.

5 **Q** And what is this?

6 **A** This is -- this is showing Boardwalk, where I live, and
7 it's showing Jake's Landing and all that stuff. It's showing
8 Boardwalk.

9 **Q** Is this a fair and accurate reflection of the aerial view
10 of the property and the close vicinity of the property that
11 you live?

12 **A** Yes. Yes.

13 MR. PINCELLI: Your Honor, at this time, the State would
14 move State's Exhibit 2 into evidence.

15 THE COURT: Mr. Koger?

16 MR. KOGER: Without objection, Your Honor.

17 THE COURT: Without objection, State's 2 is in evidence.
18 Thank you.

19 (State's Exhibit No. 2 was received into evidence.)

20 BY MR. PINCELLI:

21 **Q** I'm going to hand you a laser pointer.

22 **A** Okay.

23 **Q** Can you see that image right there?

24 **A** I think I can.

25 **Q** If you want to step down --

1 MR. PINCELLI: May she step down, Your Honor?

2 THE COURT: You can. Ms. Ward, if you'll stand on the
3 other side of the photograph, please, and face in the
4 direction of the court reporter.

5 THE WITNESS: Yes, sir.

6 THE COURT: Thank you.

7 BY MR. PINCELLI:

8 Q If you would, please, for the jury, just point out where
9 the property is that you live, the complex --

10 THE COURT: Other side, please, ma'am, Ms. Ward.

11 THE WITNESS: I'm sorry.

12 THE COURT: That's okay. You need to be facing the court
13 reporter. It's important that she hear what you're saying.
14 So you have to stand on the other side of the photograph, and
15 that way, you can show the photograph to the jury, what they
16 need to see, and the court reporter will be able to hear what
17 you're saying. Okay?

18 THE WITNESS: Am I doing it right?

19 THE COURT: If you're not blocking the jury out, you're
20 fine there.

21 BY MR. PINCELLI:

22 Q If you would just kind of circle with the laser pointer
23 the property -- the condominium complex Boardwalk Villas is.

24 A I'm in the very last house right -- right there on
25 Boardwalk. The very last one before you hit a fence.

1 Q And which road is this right here?

2 A Number [REDACTED] or North Lake Drive.

3 Q Where is the dam in relation to this street?

4 A A little bit further down that way.

5 Q This way?

6 A Yes.

7 Q All right. You can take your seat. Thank you.

8 Ms. Ward, I'm handing you what's been marked as State's
9 Exhibit 3 for identification purposes. Do you recognize that
10 image?

11 A Yes, I do.

12 Q What is it?

13 A This is -- this is a picture of the homes at Boardwalk.
14 That's our boat storage.

15 Q Is it an aerial image?

16 A Aerial image, yes.

17 Q Is it a zoomed-in aerial image of the same property?

18 A A lot better, mm-hmm, yes.

19 Q All right. Is it a fair and accurate reflection of the
20 way the property looked on the evening of September 26, 2016?

21 A Yes. Yes.

22 MR. KOGER: No objection.

23 THE COURT: The number again, please, sir?

24 MR. PINCELLI: State's Exhibit 3, Your Honor.

25 THE COURT: Thank you. 3, without objection.

1 MR. PINCELLI: Permission to publish, Your Honor?

2 THE COURT: Yes, sir.

3 (State's Exhibit No. 3 was received into evidence.)

4 BY MR. PINCELLI:

5 Q Is that better? Do you still have the laser pointer?

6 A I do.

7 Q Can you show the -- you don't have it upside-down?

8 Sorry. So the top of this image would be north?

9 A Yes. Don't ask me north, south, east, or west.

10 Q Can you point out to the jury where your condominium is.

11 A Yes. I can do that. With this? I'm on the very -- oh,
12 right there, [REDACTED]. That's me.

13 Q Can you also point out where [REDACTED] Boardwalk Lane is?

14 A Yes. Right there.

15 Q And who lived at [REDACTED] Boardwalk Lane on the evening of this
16 incident?

17 A Thomas -- Thomas Seehof and his girlfriend, Brandy, and a
18 nine-year-old boy. It was owned by Thomas's dad. Thomas
19 didn't own it, but he lived there.

20 Q So let's go to that evening. Tell me, what were you
21 doing that evening around 8:00?

22 A Oh, well, I'm a huge Voice fan, so "The Voice" was on,
23 and we had just sat down with our supper, getting ready to
24 watch "The Voice," and then the debates were coming on after
25 that, so we just thought we had our whole night set. You

1 know, "The Voice" and debates and supper. Do you want me to
2 keep going?

3 Q Yes, ma'am.

4 A There was a horrible -- a horrible sound at my door. I
5 have a beautiful beveled glass door, and it sounded like
6 terrible banging and a young -- a lady's voice saying, "Help
7 me, help me, he's going to kill me."

8 And my husband and I, we just looked at each other and
9 went, "Oh, my gosh. What is that?" I have two dogs. They
10 started going crazy. And, you know, there's this horrible
11 sound. I just knew the glass on my door was going to break
12 because I've never heard that before.

13 Q Was she knocking or banging on the door?

14 A It sounded like beating. It wasn't -- no, she was not
15 knocking. She was "Help me, help me, he's going to kill me."

16 Q And what did you hear or observe after that?

17 A Horrible -- what sounded like -- I never knew what
18 gunshots sounded like -- it's -- horrible sounds. A loud
19 bang, bang, bang.

20 Q Do you recall how many you heard?

21 A I -- in my brain, I only heard three. That's what I
22 heard, and I do know there were more than that.

23 Q So what happened after you heard these bangs?

24 A I'm staring at my husband going "Oh, my gosh," and he
25 goes, "Okay, I'm going to go to look." And he sat his tray

1 down and hesitated just a moment because the sound -- the
2 sound was going on all at the same time that you're getting
3 up, you know, going to see what on earth is that, and he
4 hesitated just a moment, and I'm so glad he did because
5 outcomes could have been different. But he goes to the door
6 and opens it when it was quiet, I have to admit. We waited
7 until it was quiet.

8 Q How much time passed, you think, between the time that
9 you heard the gunshots and your husband opened the door?

10 A Oh, gosh, maybe -- maybe a minute. I mean, it --

11 Q At the most, you would say?

12 A Yeah, yes.

13 Q What happened when you opened the door?

14 A There was a young lady slumped -- slumped or -- when you
15 come up to our door, there's, like, a little -- the door's
16 here (indicates) with a little kind of vestibule thing to the
17 side, on either side. She was -- she was slumped there. And
18 all we saw at that time -- all he saw was her. And he hollers
19 at me and says, "Call" -- "Emily, call 911 and get out here."
20 And that's -- that's what I did.

21 Q Is that when you called 911?

22 A It is.

23 MR. PINCELLI: Your Honor, permission to publish the 911
24 call?

25 THE COURT: Yes.

1 (911 call played.)

2 BY MR. PINCELLI:

3 Q Now, Ms. Ward, on that 911 call, you were mentioning it
4 had to be a drive-by. You didn't actually see a car?

5 A No, sir, I did not.

6 Q Do you have any knowledge whatsoever as to whether they
7 shot them from a car or not, or was that you speculating?

8 A I -- I was speculating. I had no knowledge at all.

9 Q This is State's Exhibit 3 again.

10 A Yes.

11 Q Is there any way -- you communicated this [REDACTED] here, this
12 is where you live. This happened right in front of your
13 condo?

14 A Right.

15 Q Is there any way to get out of the condominium complex
16 driving in this direction?

17 A No, there -- no, it ends.

18 Q This is a dead end?

19 A Yes. And there's -- there's a fence and bushes there.
20 You can't get through.

21 Q Ms. Ward, I'm handing you what's been marked as State's
22 Exhibits 4 and 5. Do you recognize these images?

23 A Yes, I do. That's my front -- front of my house.

24 Q If you'll just look at both of them for me.

25 A Yeah. Yes, sir.

1 Q And what are these images?

2 A These are where the girls were. I'm sorry.

3 Q What's in the picture?

4 A Oh, my front door, the towel -- towels that we had on --

5 Q Where is this -- I guess what I'm saying is, What

6 location does this picture depict?

7 A Oh, my front door.

8 Q I was going to say, Is that the front of your condo?

9 A Yes.

10 Q Both of them?

11 A Yes. Yes, both of those are the front.

12 Q And is this a fair and accurate --

13 A Let me say, we call it the front. We never know is the
14 lake side the front or this back here, because that's kind of
15 the parking lot. But that's the door everybody comes in, so
16 we call it the front.

17 Q And are these images fair and accurate reflections of the
18 front of your condominium after this incident on the evening
19 of September 26 of 2016?

20 A Yes, yeah. Yes.

21 MR. PINCELLI: Your Honor, at this time, the State would
22 move to enter Exhibit 4 and 5 into evidence.

23 THE COURT: Mr. Koger?

24 MR. KOGER: Without objection, Your Honor.

25 THE COURT: Thank you. Without objection.

1 MR. PINCELLI: Permission to publish, Your Honor?

2 THE COURT: Yes, sir.

3 (State's Exhibit Nos. 4 and 5 were received into
4 evidence.)

5 BY MR. PINCELLI:

6 Q Do you still have the laser pointer?

7 A I do, yes.

8 Q Can you show us or tell us what we're looking at right
9 here, for the jury?

10 A Yes. Hold on, you guys. I'm left-handed, so I'm going
11 to try to do it right-handed. Go ahead with it.

12 Q It's up on the ceiling.

13 A Is it? Oh, I see. Yeah, yeah. Okay. Right there's my
14 door. This is the little thing, when we opened the door, that
15 she was curled up on. That little vestibule thing I was
16 trying to tell you about right there.

17 Q Is this the door that the victim in this case was
18 knocking on -- your door she was pounding on, would you say?

19 A Yes. Yeah, that door. And then right around here is
20 where we moved her. And that's towels that had been on the
21 one girl's abdomen.

22 Q Where did the -- I'm going to show you -- this is State's
23 Exhibit 4. I'm going to show you State's Exhibit 5.

24 A Okay.

25 Q This is the same part of your condo, just a bit closer?

1 **A** Yes.

2 **Q** Where did the gunshot wound -- gunshot projectiles come
3 through your condo?

4 **A** Okay. Over here right on this side where she was
5 slumped, I have holes in my -- it came through right there.
6 It came through my front door, and there's a little something
7 right there. So that's -- those right there go straight
8 through to my house, inside my home.

9 **Q** I'm going to put State's 4 back up there.

10 **A** Okay.

11 **Q** Can you show the jury, when your husband opened the door,
12 where were the two girls who were shot?

13 **A** Okay. The one girl with the really bad leg was right
14 here. That's where she was -- again, if you can imagine her
15 -- you know, how you curl up. And that's where she was when
16 we opened the door.

17 **Q** Shot in the legs?

18 **A** Yes.

19 **Q** And where was the other girl?

20 **A** Well, the other girl -- the other girl was real erratic.
21 I think she was -- she came running down -- what -- I saw
22 after we were outside taking care of the first girl, Bri, I
23 believe is her name. And the other girl, I didn't see -- my
24 husband saw her because he went out first. I did not see her
25 until she came running back down there.

1 Q And when you walked outside, what was your husband doing?

2 A He had already put a tourniquet on the girl -- he got his
3 belt off and --

4 Q He used his belt as a tourniquet?

5 A He used his belt because it was -- she was -- yes; she
6 was bleeding very badly.

7 Q Was she bleeding a little bit or a lot?

8 A A lot.

9 Q The substance that we see all over here --

10 A Yes.

11 Q -- what is this?

12 A All that's blood.

13 Q That came from the girl who was shot in the leg?

14 A Yes. And then you see -- you can see more. See on this
15 side of the towel? That's more blood over there. And that's
16 when they -- we had them both up here at one time, trying to
17 take care of both of them.

18 Q Ms. Ward, I believe that's all the questions that we
19 have. Please answer any questions that the defense attorney
20 may have.

21 A Okay.

22 THE COURT: Mr. Koger, cross-examine?

23 CROSS-EXAMINATION

24 BY MR. KOGER:

25 Q Ms. Ward --

1 **A** Yes.

2 **Q** -- do you remember giving a statement -- a written
3 statement the night of the incident?

4 **A** Yes.

5 MR. KOGER: Your Honor, may I approach?

6 THE COURT: Yes, sir.

7 BY MR. KOGER:

8 **Q** And would it be fair to say it was around 10:02 on that
9 particular evening?

10 **A** When we wrote this statement?

11 **Q** Yes.

12 **A** Yeah.

13 COURT REPORTER: Did she say yes?

14 BY MR. KOGER:

15 **Q** She said to say yes.

16 **A** Yes. I'm sorry.

17 **Q** Read through the statement before I ask you a question.

18 **A** Okay. (Reviewing document.) Yes, sir.

19 **Q** And I think you testified, too, that you and your husband
20 paid the most attention to Ms. McRae because you said
21 Ms. Jeffcoat was kind of coming back and forth; correct?

22 **A** Yes, sir.

23 **Q** Is there any witness statement that you said on that
24 particular night that Ms. McRae said he was going to kill me?
25 Is that in that statement?

1 **A** No.

2 **Q** And this was given the night of the incident; correct?

3 **A** Yeah. Like I said, she was screaming. You're right.

4 **Q** Thank you. No further questions.

5 **A** You're welcome.

6 THE COURT: Re-direct, Mr. Pogue?

7 MR. POGUE: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. POGUE:

10 **Q** Ms. Ward, did you write down everything that everybody
11 said in that statement?

12 **A** No, I didn't.

13 **Q** You said they --

14 **A** No, sir.

15 **Q** No further questions.

16 THE COURT: Thank you. Ms. Ward, you can step down.
17 Thank you, ma'am.

18 THE WITNESS: Thank you.

19 (The witness exits the stand.)

20 THE COURT: Mr. Pincelli?

21 MR. PINCELLI: Your Honor, the State calls Jim Ward.

22 THE COURT: Mr. Ward, come forward, please, to be sworn.

23 JAMES D. WARD, JR.,

24 the witness, after having first been duly sworn, was examined
25 and testified to as follows:

1 CLERK OF COURT: Once you're seated, please state your
2 full name, spelling your last, please.

3 THE WITNESS: My name is James D. Ward, Junior. Last
4 name is W-a-r-d.

5 DIRECT EXAMINATION

6 BY MR. PINCELLI:

7 Q Good afternoon, Mr. Ward.

8 A Good Afternoon.

9 Q Mr. Ward, where do you live?

10 A I live at [REDACTED] Boardwalk Lane in Lexington.

11 Q And how long have you lived there?

12 A That particular address, since about 2001.

13 Q Does anybody else live there with you?

14 A My wife.

15 Q And what's her name?

16 A Her name is Emily.

17 Q Were you living in that apartment on September 26, 2016?

18 A Yes.

19 Q You remember anything special about that date?

20 A Other than the -- other than the shooting and stuff that
21 happened that evening, no.

22 Q So you do recall the shooting?

23 A Oh, yes.

24 Q What were you doing right before that happened?

25 A Emily and I had just sat down to -- to eat dinner in

1 front of the TV, watching "The Voice."

2 Q And what got your attention that night?

3 A There was a loud slamming or something at our front door.
4 We have a front door with a glass in it, and so I heard first
5 this slamming really hard. I was afraid somebody was out
6 there that would break the glass, it was so loud. And they
7 started -- they started hollering, "Please help us."
8 Something to the effect, "He's trying to kill us" and slamming
9 on the door.

10 And so I got up and put my -- set my tray down, and then
11 -- as I was walking towards the front door, I saw flashes of
12 light in the glass, and that's when I turned to Emily and I
13 said, "That sounds like gunfire to me." And so what I assumed
14 later on was that I was seeing, like, muzzle flash or
15 something.

16 And I ducked, to be honest, just to the side in the
17 hallway, I don't know, for five or ten seconds until I didn't
18 hear that anymore and then went to the door and opened it.

19 Q So you said you ducked there for about five or ten
20 seconds.

21 A Mm-hmm.

22 Q How much time had transpired between the time you heard
23 the banging and you got to the door and opened it?

24 A Oh, from the time I heard it in the living room and to
25 get there, probably 30, 45 seconds.

1 Q What did you see when you opened the door?

2 A I didn't see anything immediately except there was some,
3 what appeared to be blood, on the stoop there. And I heard a
4 couple of young ladies hollering, "Please help us." So I
5 stepped out and, around the corner, I could -- I could see
6 these -- these two ladies sitting on the ground in front of my
7 house.

8 Q Mr. Ward, I'm going to put up a couple of photos for you
9 and see if you can -- I'm going to show what's marked as
10 State's Exhibit 4. Mr. Ward, do recognize where that is?

11 A Yeah, that's the -- that's the front of my house.

12 Q I'm going to show one more. This is marked as State's
13 Exhibit 5. Do you recognize that?

14 A Yeah, that's the front door I was telling you about at my
15 house.

16 Q And what do you recognize about this photo? Is this from
17 that time?

18 A Oh, yeah, I'd say so. I recognize the blood spatters all
19 over the concrete and flagstones there. And that was a towel
20 that we -- that we had out there and we had been using with
21 one of the one young ladies. And that extension cord was just
22 something I had strewn in the front yard.

23 Q So you said you opened the door, and one of the young
24 women was right outside. Using this photo to indicate, where
25 was she?

1 **A** The one that I first made contact with was just off the
2 picture there to the right, and she was seated facing the --
3 excuse me -- seated facing the sidewalk with her knees up.

4 **Q** Mr. Ward, this is a laser pointer. I think that might
5 help you point out.

6 **A** She would have been right over in here.

7 **Q** What exactly were the injuries that you did observe?

8 **A** On her, what I saw were, especially her right leg, blood
9 coming out of her right where her kneecap was -- was located.
10 And then they -- there was another wound over on the left leg.
11 I did not notice it, whether it was bleeding or not. This
12 other one was, like, spurting blood, oozing out. It wasn't
13 spurting, you know, two feet or anything like that, but it was
14 -- you could tell that it looked like it might have been going
15 with her heartbeat.

16 **Q** Did you do anything as a result?

17 **A** Well, the first thing I did was duck back inside the
18 house and asked Emily to call 911 and then come out here.

19 And so then I went back to this young lady. I believe
20 her name was Bri. And I took off my belt and wrapped it
21 around her thigh just above -- just above her knee, and I
22 tightened it as tight as I could and just held it there, you
23 know, with my hand to keep it from slipping. I was attempting
24 to put a tourniquet on it so it would slow that bleeding down
25 because it looked like it was just going to keep going. We

1 had tried to put a, you know, a towel up there too, you know,
2 some pressure. That wasn't doing anything.

3 Q And you said you treated this one young lady that was
4 shot in the leg. Was there anybody else you saw?

5 A Yeah. There was another young lady. I do not recall her
6 name, and she would have been sitting here and there, as far
7 as time is concerned, right about in here, leaning up against
8 the house there. But -- but she kept coming and going. You
9 know, she was sitting there. She seemed really distraught to
10 me. Crying, hollering. She actually got up from that space
11 and left. And I was so busy dealing with Bri, I didn't pay
12 any attention where she went.

13 Q How was she injured?

14 A She had what appeared to be a gunshot in her abdomen, and
15 that's really all I could tell. We got some towels for her
16 later on to try to get some pressure on that, but I couldn't
17 tell that she was losing blood as rapidly.

18 Q Mr. Ward, did you speak with police that evening or law
19 enforcement?

20 A I'm sorry?

21 Q Did you speak with law enforcement that evening?

22 A Yes.

23 Q Did they take a written statement or did you give them
24 one?

25 A Yes.

1 Q I'm going to hand this up. If you recognize this as
2 yours, can you read through it, and I'm going to ask you a
3 question about it. Just let me know when you're finished.
4 Let me know when you're done, and I'll get that from you.

5 A (Reviewing document.) That is mine, yes.

6 Q Thank you.

7 Do you recall -- the two girls that got shot, do you
8 recall them telling you anything? If they did, what do you
9 remember?

10 A Well, they told me that, of course, they had been shot.
11 And I remember them talking about, you know, being hurt and
12 hurting and things like that. They didn't go into a lot with
13 me. They spoke more with my wife because she was trying to
14 relay information to the 911 operator. I mean, I heard things
15 like "I'm starting to feel cold, I'm feeling faint," you know,
16 things like that, so we were trying to comfort them as best we
17 could.

18 Q What, if anything, do you remember them saying about who
19 did that to them?

20 A Well, again, they asked, through the 911 operator, who.
21 And I remember them -- them saying -- I could remember a last
22 name Wilson, but all I could remember, because it was a little
23 bit of an unusual first name, all I could remember was it
24 started with a T. And that's what I heard.

25 Q Okay.

1 **A** But, later on, I could not -- I could not remember the
2 first name.

3 **Q** Thank you, Mr. Ward. That's all I have for you.

4 **A** Okay.

5 THE COURT: Mr. Koger, cross-examine?

6 MR. KOGER: Beg the Court's indulgence.

7 No questions for this witness, Your Honor.

8 THE COURT: Thank you. You can step down, Mr. Ward.

9 Thank you very much.

10 THE WITNESS: Thank you.

11 MR. PINCELLI: Your Honor, these two witnesses can be
12 excused?

13 THE COURT: Sure, without objection.

14 MR. KOGER: No objection, Your Honor.

15 THE COURT: Mr. and Mrs. Ward can be excused. Thank you.

16 MR. PINCELLI: Your Honor, the State would next call
17 Deputy Baum to the stand.

18 THE COURT: Okay. Deputy Baum, come forward, please, and
19 be sworn.

20 DEPUTY KEVIN BAUM,
21 the witness, after having first been duly sworn, was examined
22 and testifies as follows:

23 CLERK OF COURT: Once you're seated, state your full
24 name, spelling your last, please.

25 THE WITNESS: Kevin Baum, B-a-u-m.

BY MR. PINCELLI:

A Hey.

A I work for the Lexington County Sheriff's Department.

A I am a master deputy over patrol division in West Region.

A I started in 2015.

A I was a road deputy in the same region, West Region.

A Yes, sir.

A Answer calls for service. We're the first ones on the scene. If you call 911, we show up.

A Yes, sir.

A Yes, sir.

A We were notified by dispatch that there was a shooting incident which, I believe, was [REDACTED] Boardwalk Lane, which is in Lexington. I arrived on scene about two minutes after

1 Lieutenant Fryer, who was the first one there.

2 Q Did you come into contact with the victims?

3 A Yes, sir. When I arrived on scene, there were two
4 females by, I believe, [REDACTED]. They had gunshot wounds. One was,
5 I believe, to her abdomen, and the other one had lower body
6 gunshot wounds.

7 Q What were your duties on the scene?

8 A To secure the scene. We secure the scene before EMS and
9 Fire can come in to make sure there's no danger for them to
10 come render aid. We secured the scene. They came in. They
11 rendered aid to the female victims, transported them to
12 Richland. At that point, we would secure the crime scene with
13 tape, we start a crime scene log, and then we canvass the area
14 for evidence and hold it for Major Crimes to show up.

15 Q You mentioned a crime scene log. What is that?

16 A It's basically a sheet of paper that dictates anybody who
17 enters the crime scene. They would write their name, the time
18 they enter, and the time they leave, and the reason why
19 they're there.

20 Q And what's the purpose of something like that?

21 A It's just to keep record of everybody who comes and goes
22 within the crime scene.

23 Q You also mentioned that you helped secure the scene and
24 then you helped canvass for evidence; is that correct?

25 A Yes, sir. I believe I located some shell casings, and

1 they were marked with traffic cones. Placed the traffic cones
2 over top of them to keep anybody from walking over them.

3 Q And where were those things that you located?

4 A If I remember correctly, in the roadway on Boardwalk
5 there. I don't remember exactly where, but they were outside
6 -- outside [REDACTED] -- between [REDACTED] and [REDACTED].

7 Q You told me earlier what -- it took you about two minutes
8 to respond, I believe, is what you testified to?

9 A Yes. Well, about two -- I got there about two minutes
10 after Lieutenant Fryer had. It probably took me -- I think
11 the call came out at 8:23. I probably roughly arrived three
12 minutes after.

13 Q Did you have a chance to speak with the victims while you
14 were there?

15 A Yes, sir. We didn't know their names at the time. I
16 spoke to them very briefly because Fire and EMS were there
17 helping them with the gunshot wounds, but they did mention
18 that they knew the guy who had shot them, and they gave the
19 name as Tashonby Wilson.

20 Q All right. Thank you, Deputy Baum. That's all I have
21 for you.

22 A Okay.

23 THE COURT: Mr. Koger, cross-examine?

24 CROSS-EXAMINATION

25 BY MR. KOGER:

1 Q Yes, Deputy Baum. What was the extent of your
2 participation in the investigation?

3 A I didn't -- I mean, my extent was to secure the scene.
4 After the females were transported for -- to the hospital, we
5 hold the scene until Major Crimes, which is the investigators,
6 show up, and then we turn over the scene to them.

7 Q Okay. And you didn't go on later on to the Palmetto
8 Hotel to apprehend the defendant, though; right?

9 A No, sir.

10 Q Now, you say that you -- how many shell casings were
11 found on the scene?

12 A I don't know the total that were found. I just know that
13 I had found some and marked them. They weren't actually -- I
14 didn't dictate how many I found and marked.

15 Q Okay. And what was the caliber of the shell casings?

16 A I'm not -- we don't usually pick them up and look because
17 it's evidence, so I'm not exactly sure what the caliber was.

18 Q Do you know whether the shell casings were sent for
19 analysis?

20 A I'm not the evidence custodian. I don't know. I'm sure
21 they were, but I didn't do it.

22 Q Okay. Thank you.

23 THE COURT: Redirect, Mr. Pincelli?

24 MR. PINCELLI: Very briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. PINCELLI:

2 Q Deputy Baum, you said you were second on the scene. Who
3 was the first on the scene; do you recall?

4 A That would be Lieutenant Scotty Fryer.

5 Q And what was his job description?

6 A He's the watch commander over the road. Basically, he
7 handles all major instances. If something major comes up, he
8 gets notified so he can notify the chain of command.

9 Q And who does he work for?

10 A He works for Lexington County Sheriff's Department.

11 Q Where did all this occur?

12 A In Lexington County.

13 Q Okay. Thank you.

14 RECROSS-EXAMINATION

15 BY MR. KOGER:

16 Q One more question, and you might have already testified
17 to this right here. Did you secure the scene or did
18 Lieutenant Fryer secure the scene?

19 A I believe I got there roughly two minutes after. Whether
20 he called scene secure or not, I'm not sure because EMS and
21 Fire, they'll stage until the scene's secure so they can come
22 in and help. We're going to want to make sure nobody's
23 getting shot at. So I'm not sure who called out scene secure,
24 but when I got there, I believe Fire and EMS were coming
25 shortly after me, so maybe he called out scene secure. I'm

1 not -- I'm not a hundred percent positive.

2 Q Okay. Thank you.

3 THE COURT: Thank you. Deputy Baum, you can step down.
4 Thank you.

5 THE WITNESS: Thank you.

6 MR. PINCELLI: Your Honor, the State calls Christopher
7 Carlucci.

8 THE COURT: Mr. Carlucci, come forward, please, and be
9 sworn.

10 CHRISTOPHER CARLUCCI,
11 the witness, after having first been duly sworn, was examined
12 and testifies as follows:

13 CLERK OF COURT: Once you have a seat, state your full name,
14 spelling your last, please.

15 THE WITNESS: Christopher Carlucci. C-a-r-l-u-c-c-i.

16 DIRECT EXAMINATION

17 BY MR. PINCELLI:

18 Q Mr. Carlucci, where do you work?

19 A Lexington County EMS.

20 Q And what's your position there?

21 A I'm a paramedic.

22 Q How long have you worked there?

23 A Almost four years now. Three and a half to four.

24 Q And how long have you been a paramedic?

25 A I've been a paramedic since February of 2016.

1 Q What kind of training do you have to do to be a
2 paramedic?

3 A You have to be an EMT first, generally for at least a
4 year. I was an EMT for six years before I became a paramedic.
5 Paramedic school is nine months of class and 500 hours of
6 riding around on an ambulance for clinical time. Also some
7 time in the hospital.

8 Q Once you become a paramedic, what are your job duties?
9 What's your day-to-day entail?

10 A The paramedic is pretty much in charge of an individual
11 ambulance, so you have a partner who's an EMT. You oversee
12 them and yourself. And you're in charge of all the medical
13 care that happens in the ambulance.

14 Q And were you working as a paramedic back in September of
15 2016?

16 A Yes, sir.

17 Q And do you recall the incident that we're here for today?

18 A Yes, sir.

19 Q Do you recall the date that it happened?

20 A I have it right here. It was September 16, 2016 --
21 September 26, 2016.

22 Q And how were you alerted about the incident?

23 A Our dispatcher came over the radio, notified us that we'd
24 be responding to a shooting at this address.

25 Q And how -- can you explain to the jury how you get that

1 information? How does a dispatch work?

2 **A** So whoever calls 911 tells the dispatcher the vital
3 information they need to know. If it's something urgent like
4 that, we get sent immediately, even if we don't know all the
5 details yet. So pretty much all we had when we got dispatched
6 was for a shooting.

7 **Q** So you had information there was a shooting. Did you
8 know how many people?

9 **A** No.

10 **Q** About how long did it take you to get on scene after you
11 got that call?

12 **A** So we -- I believe it was about seven or eight minutes.
13 We were very close to it but had to wait for the police to get
14 there so they could assure the assailant had left.

15 THE COURT: I'm sorry; couldn't hear the last part of
16 that. You had to wait on the police to get there. And then
17 what did you say after that, sir?

18 THE WITNESS: So they could make sure it was safe for us
19 to enter the scene.

20 THE COURT: Okay. Thank you.

21 THE WITNESS: Make sure the assailant had left.

22 THE COURT: All right.

23 BY MR. PINCELLI:

24 **Q** And who was on the scene when you got there?

25 **A** I believe there were two deputies on scene, as well as

1 some bystanders.

2 Q And what do you recall observing once you got there?

3 A The two deputies were with two females sitting on the
4 sidewalk, and one of the bystanders was holding, I believe, a
5 belt around one of the female's right legs.

6 Q What did you do to assess the injuries on scene?

7 A So my attention was first drawn to one of the females who
8 had -- it looked like a gunshot wound to the abdomen. Since
9 it was in a central area of her body, it seemed like it was
10 probably life-threatening. So I asked her her name, probably,
11 and she was able to respond to me. She appeared to be
12 breathing normally. I didn't see any or didn't notice at the
13 time any immediately life-threatening blood loss, I guess,
14 from her wound.

15 Again, it was dark. And I did also feel for her radial
16 pulse, which was strong. So then I moved on to the second
17 patient. And her breathing was labored. She had a lot more
18 blood loss, it seemed, and she had no radial pulse, indicating
19 that she'd probably lost a lot of blood.

20 Q So you describe seeing one patient that had a gunshot
21 wound and moving on to another. And am I correct in
22 understanding that it was because you thought she had a more
23 serious injury?

24 A Yes. I mean, I noticed the gunshot wounds on both
25 patients. The second patient, the gunshot wounds appeared to

1 be mostly all on the lower extremities, her legs, so that's
2 why I assessed the one with the gunshot wound to the abdomen
3 first. But then, after assessing both, I decided the second
4 one with the gunshot wounds to the legs was actually the most
5 critical.

6 **Q** Do you recall that patient's name?

7 **A** Brittney McRae.

8 **Q** And you testified that she had -- and correct me if I'm
9 wrong -- something about a radial pulse?

10 **A** She did not have a palpable radial pulse.

11 **Q** Can you explain for me and as well to the jury what that
12 means medically?

13 **A** Yes. So the radial pulse is when you just feel someone's
14 wrist, and you will be able to -- if the person has a radial
15 pulse, their systolic blood pressure is higher generally than
16 80 milliliters of mercury. Yeah, and so she didn't. I could
17 not feel one.

18 **Q** What does that mean to you as a --

19 **A** That her blood pressure was probably lower than that,
20 meaning most likely caused by the blood loss.

21 **Q** What kind of blood loss did you observe her to have?

22 **A** Again, it being dark out, I had to -- and the severity of
23 her injuries, I had to just pretty much make an educated guess
24 based on the pool of blood. I estimated two to three liters
25 of blood were lost.

1 Q What does that mean -- for me and the jury, is that a lot
2 of blood? Is that a little bit of blood?

3 A That's pushing more than half the blood in your body --
4 half to -- maybe a little more than half.

5 Q Would you categorize that -- or how would you categorize
6 that? Is that life-threatening? Is it serious?

7 A That is absolutely life-threatening.

8 Q What kind of treatment did you deem was necessary at that
9 time?

10 A We needed to get her into the ambulance as fast as
11 possible and take her to a trauma center.

12 Q And how did you do that?

13 A Well, first, we had to deal with the -- prevent further
14 blood loss by applying a tourniquet. So we loosened the belt
15 that was being held by the bystander, saw that the belt was
16 actually helping, but we had to take that off because the
17 tourniquet is much better at that.

18 So once we got the tourniquet on, I believe, we got her
19 in the ambulance and then had to start an IV to give her some
20 fluids back to bring her blood pressure back up.

21 Q Then what happened?

22 A And then we called in a trauma alert to Richland ER,
23 indicating there were severe life threats, and they pretty
24 much had a team -- when you call a trauma alert in, they get a
25 team of doctors and nurses ready so, as soon as we get there,

1 they can start working.

2 Q And why were you going to Richland if this happened in
3 Lexington County?

4 A Because Richland is the only trauma center in the area --
5 Level 1 trauma center. Lexington is not as -- Lexington ER is
6 not as well equipped to handle that.

7 Q What does Level 1 mean as far as a trauma center?

8 A A Level 1 trauma center has -- not exactly sure what all
9 of the requirements are. I know they have to have a
10 neurosurgeon at the hospital 24/7 ready to provide treatment.
11 There's a couple of other things. They have to have the
12 trauma teams ready to go at all times.

13 Q Is that why you brought her --

14 A That is why we brought her there.

15 Q All right, Mr. Carlucci. That's all I have for you.
16 Thank you. Wait and answer any questions the defense has.

17 A Oh, I'm sorry.

18 THE COURT: Mr. Koger?

19 MR. KOGER: No questions of Mr. Carlucci.

20 THE COURT: Thank you. Mr. Carlucci, you can step down.
21 Thank you for coming.

22 Folks, let's take a brief afternoon break at this time
23 and start back a little bit after 4:00. We'll take about 15
24 minutes, so about five after 4:00, we'll start back. We'll be
25 in recess until then.

1 Ladies and gentlemen, if you will follow Mr. Waters. I
2 didn't fully introduce you. Mr. Waters will have you in care
3 off and on during this process, and if you will follow him.
4 Remember not to talk about this case among yourselves in the
5 jury room. Thank you.

6 (Jury exits the courtroom at 3:49 p.m.)

7 THE COURT: Folks, we'll start back at five after 4:00.

8 (A brief recess was taken from 3:49 p.m. to 4:11 p.m.)

9 THE COURT: Thank you, folks. Please be seated.

10 MR. POGUE: Going through a time-saving endeavor right
11 now and seeing if we can stipulate to some of these.

12 THE COURT: Do you need some more time?

13 MR. POGUE: Just to let you know, we are moving along at
14 a breakneck pace for what I consider right now, so we're
15 hopefully not going to go to Monday.

16 THE COURT: That's encouraging.

17 MR. POGUE: I figured that would probably --

18 THE COURT: Makes me smile. Do you need a few more
19 minutes right now?

20 MR. KOGER: Probably about 10 or 15.

21 MR. POGUE: Probably about 10 or 15 more minutes. Is
22 that okay?

23 THE COURT: Oh, yeah. I just want to send word to the
24 jury that we'll be a little bit longer than I thought. Okay.

25 (A brief recess was taken from 4:12 p.m. to approximately

1 4:20 p.m.)

2 THE COURT: Folks, y'all be seated. I'm sorry.

3 MR. POGUE: We've had an argument as to one of the
4 photos.

5 THE COURT: Okay. Well, that's what I'm here for.

6 MR. KOGER: I think the rest of them we ought to be able
7 agree.

8 THE COURT: Okay.

9 MR. POGUE: Ms. Snelgrove, who's the crime scene
10 investigator that I'll put most of these photos through --

11 THE COURT: Right.

12 MR. POGUE: -- she'll be after this next witness. She
13 may take a little bit longer since she's the crime scene
14 investigator.

15 THE COURT: Right.

16 MR. POGUE: And I don't know how -- Mr. Koger obviously
17 may get into cross, so if we -- after we do this one, if you
18 want to adjourn for the day or we want to go ahead and try to
19 do Ms. Snelgrove, we could do that. But, like I said, I
20 didn't anticipate us getting past the point that we got.

21 THE COURT: Okay. Well, let's do this: If we can go
22 ahead and -- do you have somebody else you can put in between
23 now and five?

24 MR. POGUE: Yes.

25 THE COURT: Okay.

1 MR. POGUE: The one we're about to call.

2 MR. PINCELLI: Oh, yeah, we have another witness.

3 There's one more EMS person, and then I figured that we could
4 probably adjourn and do --

5 THE COURT: Well, let's do that, because I don't want to
6 wear them out the first day as long we -- I understand we're
7 making time or better time than you thought then we can -- we
8 can break them in. We've still got some other stuff that can
9 be done. And I tell you what we can do, unless this next
10 witness is going to be involved in the disputed piece of
11 evidence that you've got --

12 MR. PINCELLI: He's not. He's the other EMS.

13 THE COURT: Let's do this. Let's get this EMS person out
14 of the way and then, after the jury goes home, you-all can
15 argue about the picture that's in dispute. Okay?

16 MR. PINCELLI: All right. Thank you, Judge.

17 THE COURT: All right. Please bring the jury.

18 (The jury enters the courtroom.)

19 THE COURT: You can call your next witness in the
20 courtroom now if you would like to. Just sit him back there
21 in the back until the jury's in place.

22 Folks, thank you for your patience. The lawyers have
23 been going over some items of evidence to try to expedite and
24 save some time. You won't see that savings of time today but
25 later in the trial of the case when photographs and things

1 like that are being offered.

2 They've been going through those things to see what needs
3 to be argued about and what does not need to be, so it has
4 streamlined things a good bit. I tell you that so that we've
5 been wasting time to save time. Does that make any sense?
6 Well, that's my story and I'm sticking with it. You'll see
7 tomorrow, I think, the savings of time.

8 There's one more witness that we're going to call today.
9 The next witness after that witness will be a rather lengthy
10 witness. We don't want to start that witness today and go
11 well past our normal stopping time, and we don't want to
12 interrupt that witness in midstream. So we've got one more
13 witness that will complete our work for the day. The lawyers
14 tell me that we're on good time, and so we'll be optimistic
15 about our end date with that in mind. All right?

16 All right, Mr. Pincelli, Mr. Pogue, call our next
17 witness, please.

18 MR. PINCELLI: The State calls Michael Beale.

19 THE COURT: Come forward please, Mr. Beale, and be sworn.

20 MICHAEL BEALE,
21 the witness, after having first been duly sworn, was examined
22 and testifies as follows:

23 CLERK OF COURT: Once you're seated, state your full
24 name, spelling your last, please.

25 THE WITNESS: My name is Michael Beale. Last name is

1 spelled B-e-a-l-e.

2 DIRECT EXAMINATION

3 BY MR. PINCELLI:

4 Q Mr. Beale, where do you work?

5 A I work for Lexington County EMS.

6 Q What's your position there?

7 A Currently I'm a lieutenant over training and compliance.

8 Q How long have you been with Lexington County EMS?

9 A I'm in my 14th year, sir.

10 Q How long have you been with EMS in general?

11 A Twenty-four.

12 Q Twenty-four years?

13 A Yes, sir.

14 Q In your position now, what are your job duties?

15 A Currently, we're in charge of -- myself, another
16 lieutenant, and the deputy chief -- of coordinating and
17 oversight of all QA/QI training matters, continuing education,
18 CEP certification for both our agency as well as the EMS side
19 of the fire service agency, which is part of Lexington County.

20 Q So there's a lot of acronyms and stuff, but I take it
21 you're in a leadership role?

22 A Yes, sir, currently.

23 Q You still respond to calls?

24 A Yes, sir. We -- when the system becomes depleted or
25 there's a demand close to where we're currently at, at

1 Ballpark Road, which is the administration office, we have
2 QRVs available, and we'll respond then just like other
3 clinicians and act in a -- we're an administrative role
4 normally but we can function in an operational role where we
5 would actually go out and run calls.

6 **Q** What was your position in September 2016?

7 **A** I was a night shift assistant region commander, also
8 lieutenant but in the operational realm. I was tasked
9 assisting the shift supervisor, who is a captain-level
10 certification paramedic, in monitoring the north side of the
11 county, which is north of I-20, in operations with EMS units
12 and responding to calls of high-level nature.

13 **Q** What kind of training and classes have you had to take to
14 get to that level?

15 **A** I was an EMT for -- for quite a long time, was put
16 through paramedic school as part of the County program,
17 applied and became a sergeant-level paramedic, continued on
18 with leadership courses, command structure, incident command
19 system, learning how to be a leader, learning how to
20 communicate, different leadership courses the County offers
21 through Lexington County training programs that they have
22 through leadership, and applied -- took me two attempts,
23 became a lieutenant on the second go-around as an operations
24 lieutenant.

25 And then, once you're in that position, then you start in

1 with the instructor-level courses like ACLS. I'm actually
2 AHA, advance cardiac life support, pediatric life support,
3 (indiscernible) trauma, different certifications where you
4 actually become an instructor rather than just holding a cert,
5 you teach it to your crews.

6 **Q** So those were all certifications you've gotten as a
7 paramedic just as you worked your way up?

8 **A** Right. Once I became a leader, then you're -- along with
9 the operational side, the expectation is that you'll train the
10 person below you to basically, eventually, replace you so we
11 -- you know, lifting up our EMTs as well as the paramedics and
12 training them all to do their jobs.

13 **Q** Do you remember how you got involved in the incident
14 we're here for today?

15 **A** Yes, sir. I was running -- well, I was working in the
16 north side of the county, like I do night shift as the
17 assistant region commander, and a high-level call came in for
18 a gunshot. And those are automatically tagged to a -- whoever
19 the closest supervisor is as well as a ALS ambulance response
20 with a first responder, which is usually our fire service.

21 **Q** What is an ALS?

22 **A** Advance level -- paramedic level certification, so
23 advanced life support.

24 **Q** How did you get that information? What called you to the
25 scene?

1 **A** It came through a 911 communication. Somebody -- a
2 gentleman -- or an individual called 911 stating there's been
3 a shooting, and through our dispatch system, it then codes it
4 and sends it out to the appropriate resources that are -- it
5 sends the closest available resources to the call.

6 **Q** How long did it take you to get the scene roughly?

7 **A** I was initially dispatched with Unit 1. I think it took
8 us, approximately, I think, seven and a half, eight minutes to
9 get there. I know we had a little bit of delay for scene
10 security due to the nature of the call being a gunshot, and of
11 course, we don't know with a weapon -- or if it's still active
12 scene or whatever. So, then, I want to say it was right
13 around eight minutes.

14 **Q** When you got there, who do you remember seeing?

15 **A** On my arrival, I remember seeing a fire service vehicle,
16 law enforcement vehicles, as well as I interacted with
17 Sergeant Carlucci, who was already engaged in patient care
18 with his patient at that point. And then he directed me to --
19 or at which point, I directed my attention to the second
20 patient.

21 **Q** What role did you take in taking care when you're on the
22 scene?

23 **A** The scene itself was being managed well, so it didn't
24 require any supervisory intervention. So, at that point, I
25 was the only other paramedic on scene, so I took over patient

1 care for the other gunshot victim.

2 Q Do you recall her name?

3 A I have it written down for the sake of memory. Ashley --
4 Ashley Jeffcoat.

5 Q What do you recall about her injuries?

6 A She sustained a gunshot wound to the right lower
7 quadrant.

8 Q What does that mean?

9 A So she had an injury entrance wound into that right lower
10 groin area just off the midline, so right above her hip-groin
11 area there in the pelvis.

12 Q What -- did you take vitals or what kind of information,
13 if any, did you get?

14 A Initially, the vital signs I do on a critical patient
15 like that is to assess mental status, which she was awake,
16 alert, and talking to me. She was actively breathing although
17 she was a little bit labored. Obviously, the situation was --
18 was quite traumatic for her so heavy breathing's not really a
19 surprise necessarily. I did go for a radial pulse at the
20 wrist, which I'm able to determine -- first of all, do I have
21 one at the wrist which would help me determine a baseline
22 blood pressure without having to actually put the cuff on,
23 just give me kind of an estimation of ballpark as for as
24 criticality.

25 And then, you know, is it an elevated heart rate, is it a

1 normal heart rate, is it regular, irregular, and that kind of
2 stuff to give me a really quick picture. It takes a matter of
3 a few seconds.

4 **Q** After getting all the information, how did you assess the
5 situation you were dealing with?

6 **A** I -- following protocol as well as using experience had
7 deemed the patient to be of a critical nature. Penetrating
8 trauma, especially with a gunshot, requires Level 1 trauma
9 center receiving capabilities, which is what Richland Memorial
10 Hospital is in our area. She meets criteria for penetrating
11 trauma, so she would be a load-and-go candidate, which means
12 we're going to get off the scene as quick as possible.

13 We try to -- national standard, we call it the Platinum
14 10, which means, regardless of the traumatic event, you want
15 to be on and off scene in under 10 minutes to keep us within
16 what's called the golden hour, which is that first hour from
17 the point somebody's injured to the point they receive that
18 critical intervention. We try to keep it within that hour.
19 It improves survivability.

20 **Q** What did you do on scene to help facilitate survival of
21 this patient?

22 **A** It was a very expeditious assessment: Determine what the
23 life threats were, you know, with the gunshot victim, finding
24 how many holes there are, determine where they went through and
25 through, or what other structures potentially damaged, and

1 then securing the patient to make sure we don't cause any
2 additional injury, and then get off the scene and to the
3 trauma center.

4 **Q** Did you provide any treatment to the patient?

5 **A** Yes, sir. Again, following protocol nature, you know,
6 with a situation like that, unless there's an airway issue
7 which needs to be managed right away -- airway, breathing and
8 circulation are the top three. She had airway, she was
9 breathing, and her circulation -- again, had a radial pulse,
10 even though rate was a little bit elevated. Those didn't need
11 any critical interventions, so then it was get her immobilized
12 to a long spine board because we weren't sure if the
13 projectile had injured her pelvis or her spine.

14 And once we had her secured to a long backboard, the neck
15 and head to toe, just to be sure we keep that in line,
16 immobilization, keep her neuro, you know, to be able to move
17 and keep her faculties following the event, put her on a
18 stretcher, stretcher into the truck, and then we proceeded
19 emergent to the hospital.

20 I had initially, when we responded to the incident, put a
21 secondary unit on standby just for the nature; we weren't sure
22 if we had one or two victims. At the time we were determined
23 there were two individuals shot, I dispatched -- had dispatch
24 send me another ambulance, which had arrived minutes right
25 behind me, so they were there, available to assist, and we

1 loaded into that ambulance.

2 Q You were aware, like you said, there were two gunshot
3 victims. What, if anything, did you have to do with the
4 second gunshot victim? You said you helped Ashley.

5 A Right. That was -- once I arrived and Sergeant Carlucci
6 was engaged with his patient, was absolutely capable of
7 managing the situation, was doing everything appropriate, I
8 left him to his patient, and I engaged my own patient.

9 Q Did you witness what type of injuries she had?

10 A I did note a pretty significant leg injury, and, I
11 believe, an injury to the foot, but I couldn't speak
12 specifics.

13 Q You said something, you then respond emergent. Can you
14 explain to the jury what that means as far as transport?

15 A With our system -- and back in 2016, a lot of this wasn't
16 in play, but we do have a tiered response system now. But,
17 back then, a person who would call 911 would get a
18 lights-and-sirens ambulance response, which means we would
19 expeditiously get to your -- your location, obviously,
20 traveling safely with due regard, but it would allow us to get
21 past traffic lights, through stop signs, and around,
22 hopefully, congested traffic.

23 Q So are there different levels of response for what level
24 of incident you're responding to?

25 A Currently, our system employs -- and I don't want to

1 speak to that particular -- we were just starting to go into
2 that -- it was evolving at that time period, but we did have
3 the opportunity where we could have BLS in service so if we
4 had a lower-level call, say a minor fall injury, scratch,
5 abrasion, nothing that required critical intervention, we
6 would send a crew of EMTs to the scene, and they would manage
7 that incident, leaving the paramedic-level clinicians
8 available for the high-acuity calls, which would be --

9 **Q** How was this -- again, how was this kind of incident
10 classified?

11 **A** It was -- it was absolutely classified as what we would
12 call either a Delta or a Echo, I don't exactly remember off
13 the top of my head, but --

14 THE COURT: I'm sorry; what -- you would call that --

15 THE WITNESS: There's a -- with our tiered response, we
16 have Delta, which would include ALS response, which would be
17 an ambulance with first responders like fire service.

18 THE COURT: Right.

19 THE WITNESS: An Echo-level response is the highest level
20 that we have. That would be like cardiac arrest --

21 THE COURT: Right.

22 THE WITNESS: In this case, a gunshot, which will
23 automatically populate to a supervisor, an EMS unit, and fire
24 service, and we all -- just kind of all-hands-on-deck.

25 THE COURT: All right.

1 THE WITNESS: This one actually classified as a
2 Echo-level call, or at least high level, which would get me to
3 respond as a supervisor.

4 BY MR. PINCELLI:

5 Q So what kind of things would cause it to be an Echo or
6 Delta?

7 A The easiest one is a cardiac arrest, somebody who
8 currently doesn't have a pulse and is deemed to be, you know,
9 something that has acutely happened, like they just went into
10 cardiac arrest. They require intervention within a matter of
11 minutes, so we would get every resource available that's
12 within a distance that can actually affect a change to respond
13 to that.

14 MR. PINCELLI: Your Honor, permission to approach?

15 THE COURT: Yes, sir.

16 BY MR. PINCELLI:

17 Q Michael, I'm going back to the incident in question.

18 A Yes, sir.

19 Q Do you recognize this?

20 A Yes, sir. That was my annotation.

21 Q Okay. Is this a part of your report?

22 A It is, sir.

23 Q Could you find in that report for me?

24 A Yes, sir. It's the third page, I believe, of seven.

25 Q Could you explain what that is?

1 **A** It helps with -- we do a narrative-type documentation.
2 Obviously, we're writing a report using text but for visual
3 representation, it helps with an anatomical position to show
4 where the entrance entered on the right side and then exited
5 the patient's buttock relatively in the back side. So it
6 passed straight through on through.

7 **Q** Is this an accurate a portrayal of what you created?

8 **A** This is the exact document, yes, sir, as we have a
9 touchscreen computer with a stylus-type pen, and the screen
10 pops up with this image, and then you can actually draw right
11 onto it, very generically keeping it somewhat simple because
12 it's pretty limited.

13 MR. PINCELLI: Your Honor, I'd like to have this marked
14 and added into evidence.

15 THE COURT: Okay.

16 MR. KOGER: Without objection, Your Honor.

17 THE COURT: Without objection, it will be State's next.

18 COURT REPORTER: It's 42.

19 (State's Exhibit No. 42, drawing, was marked for
20 identification and received into evidence.)

21 BY MR. PINCELLI.

22 **Q** Mr. Beale, I'm just going to show you the back of that.

23 **A** Yes, sir.

24 **Q** What kind of information does that have on there?

25 **A** This is the continuing assessment. So with our

1 paperwork, we timestamp when we do full head-to-toe
2 assessments, we're tasked with doing them with vital sign
3 checks. For critical patients, we want to do it at a minimum
4 of every five minutes, sooner if they're an even more acute
5 life threat. We can do it as quick as every two minutes. A
6 stable patient would be every 15 to 30 minutes. And so that
7 -- the way it breaks out is every time I did a head-to-toe
8 assessment to determine the stability, to make sure she wasn't
9 starting to decompensate, then I document those findings every
10 -- try to keep it every five minutes along with all the
11 interactions assessment, vital sign-wise, and treatment.

12 MR. PINCELLI: Your Honor, permission to publish what's
13 been marked State's Exhibit 42.

14 THE COURT: 42, without objection, entered.

15 MR. KOGER: I think it's missing the second sheet.

16 MR. PINCELLI: Oh, I'm sorry.

17 THE COURT: I'm sorry I thought (indiscernible).

18 Without objection?

19 MR. KOGER: Without objection.

20 THE COURT: Thank you.

21 BY MR. PINCELLI:

22 Q Michael, do you recognize this image?

23 A Yes, sir. That was the image we were just discussing.

24 Q What we were just --

25 A The one I drew, yes, sir.

1 Q -- looking at? Explain to the jury what we're looking at
2 now that they can see.

3 A So it's an added piece of information that allows us to
4 take, and, of course, it was a female patient so it gives you
5 a generic silhouette of a female or a male or a child.
6 Depending on the nature of your patient or the age, it
7 automatically populates that based on what I set the patient's
8 age at based on their date of birth.

9 And then it gives you the anterior and posterior, which
10 would be the anterior being the front and the posterior being
11 the back, so which case -- and the situation with the gunshot,
12 I can annotate or draw roughly estimate where the entrance
13 wound was.

14 And then when we logrolled the patient during our
15 treatment process, we found the exit wound, so this is an
16 added piece of information to add a visual representation,
17 along with my narrative documentation, which is text, just to
18 add that extra, visual component.

19 Q Thank you, Mr. Beale. That's all I have for you. If
20 you'll answer any questions that the defense attorney has.

21 THE COURT: Mr. Koger, cross-examine?

22 CROSS-EXAMINATION

23 BY MR. KOGER:

24 Q Mr. Beale, you testified that from, that particular
25 location over at Boardwalk, that y'all go to

1 Palmetto-Richland?

2 **A** Yes, sir.

3 **Q** Approximately how long would it take to leave from that
4 location of the residence to go to Palmetto-Richland?

5 **A** May I look -- I actually have that time stamp if you
6 would like it.

7 **Q** That's fine.

8 **A** So, at the point we went en route or transporting to the
9 hospital was 8:42. We arrived at the destination facility at
10 9:10, so approximately.

11 **Q** So it was 8:42 and then 9:10. About 20-30 minutes?

12 **A** Yes, sir.

13 **Q** You testified, too, that, once you came on the scene and
14 saw that, I guess, Mr. Carlucci was dealing with Ms. McRae,
15 that you -- you checked, I guess, what you need to check to
16 see whether Ms. Jeffcoat was in duress, and you said she was
17 actively breathing; correct?

18 **A** She did have an open airway, yes, sir.

19 **Q** She was able to conversate?

20 **A** She was.

21 **Q** You checked for the radial pulse at her wrist?

22 **A** Yes, sir. She had a palpable radial pulse, yes, sir, and
23 it was --

24 **Q** At that point, did you still consider it to be
25 life-threatening?

1 **A** I did. The nature of the injury itself warrants the
2 possibility of severe bleeding internally, which I can't -- if
3 somebody has an internal injury, there's no way to do anything
4 with that except for surgically.

5 So, let's say, an extremity wound, you can apply a
6 tourniquet or direct pressure. Somebody that has an injury to
7 the abdominal cavity or, you know, internal structures or
8 damage, that -- that's a requirement of a thoracic surgeon or
9 something like that to actually go in there and repair the
10 bleed.

11 **Q** She was conscious at this point because she was able to
12 conversate; right?

13 **A** Yes, sir.

14 **Q** So she was somewhat stable?

15 **A** Well, we use -- I wouldn't use the verbiage "stable."
16 That implies that there isn't any -- for me, it implies that
17 there's no possibility that she could become worse. Her
18 system was compensating, so we aided in that process to keep
19 her from going into what we would call decompensated shock
20 where her system has used all of its resources; in other
21 words, she's bleeding out and even the interventions that I
22 have wouldn't necessarily be enough without a surgeon's
23 intervention immediately.

24 **Q** Was she in worse condition than Ms. McRae?

25 **A** I couldn't say, sir, without actually assessing both

1 patients.

2 Q Thank you. No further questions.

3 THE COURT: Redirect, Mr. Pincelli?

4 MR. PINCELLI: No redirect, Your Honor.

5 THE COURT: Thank you, Mr. Beale. You can step down.

6 Thank you, sir.

7 THE WITNESS: Thank you.

8 THE COURT: Ladies and gentlemen, this is a good time to
9 stop because of the hour of the day, and it's a logical
10 stopping place as well. I'm going to send you home overnight,
11 reminding you, of course, as always, not to talk about this
12 case with anybody when you get home. Don't try to find out
13 anything about it. Don't talk about it among yourselves when
14 you get back to the jury room tomorrow. We'll see you at 9:30
15 tomorrow morning. Have a safe trip home. Thank you.

16 (The jury exits the courtroom at 4:55 p.m.)

17 THE COURT: Okay, folks. Do you want let's try to deal
18 with that evidentiary matter regarding the photograph now?

19 MR. POGUE: I think yes, Your Honor. Permission to
20 approach?

21 THE COURT: Yes, sir, please do.

22 MR. POGUE: This is the photograph, Your Honor. It is a
23 photograph of a note that was on the counter in [REDACTED] Boardwalk
24 Lane, which is where the incident first started, where the
25 female victim, Ashley Jeffcoat, was shot inside the living

1 room of Mr. Seehof.

2 That picture, Your Honor, is of, again, a note that was
3 left when the crime scene went through the home, Your Honor.
4 They found that -- they didn't have to search, it was kind of
5 in plain view on top of the counter. Your Honor, the initial
6 statements that Mr. Seehof and Ms. -- I butcher her last
7 name -- Brandy made to law enforcement was to that they didn't
8 know who the individual was. The defendant's nickname in this
9 particular case that most people who are associates know him
10 by is Pep.

11 And, Your Honor, that is not something that we would
12 enter in -- that particular photograph right there, Your
13 Honor, would establish, again, that there had to have been
14 some sort of prior relationship and indicates pretty close
15 relationship for Mr. Seehof to be leaving a note for his wife
16 like that or live-in girlfriend that references the defendant
17 by his nickname.

18 THE COURT: This is Mr. Seehof's signature on this note?

19 MR. POGUE: He will testify to all that.

20 THE COURT: Okay. And you would offer this, then, if
21 Mr. Seehof denies some closer relationship with the defendant
22 in this case, and he might do it; is that correct?

23 MR. POGUE: That's correct, Your Honor.

24 THE COURT: If he acknowledges that relationship, then,
25 will this have any relevance?

1 MR. POGUE: No, sir, Your Honor, I would only use that if
2 we had any sort of issue regarding him not admitting to the
3 level of closeness of the relationship.

4 THE COURT: Okay. Mr. Koger?

5 MR. KOGER: Your Honor, if --

6 MR. POGUE: Otherwise, it would be self-serving hearsay.

7 THE COURT: Right.

8 MR. POGUE: If Solicitor Pogue is going to admit it the
9 way he just stated for the Court, I have no problem with that.
10 Only if Mr. Seehof tries to deny a closer relationship, then
11 that's fine.

12 THE COURT: If you want to mark this for identification
13 just to give it a number, and if you need to put into evidence
14 at the time, depending on what Mr. Seehof testifies to, we can
15 take the ID off and put it (indiscernible). Okay. All right.

16 COURT REPORTER: 43.

17 THE COURT: And that will be for ID, Madam Reporter, for
18 right now.

19 (State's Exhibit No. 43, photograph, was marked for
20 identification.)

21 MR. POGUE: Thank you, Judge.

22 THE COURT: Thank you. Anything further, Mr. Pogue, for
23 the -- before we break, for the State?

24 MR. POGUE: I don't believe so, Your Honor. We have, you
25 know, some phone records -- I believe the T-Mobile records

1 that we're able to obtain from what was Metro PCS back in the
2 day. They're now all owned by T-Mobile, but I believe
3 Mr. Koger has stipulated to those coming into evidence, and I
4 will try to get with them -- I sent them a copy the narrow
5 version of the extraction that I had in my records earlier
6 during pre-trial, and I'm thinking that we may be able to get
7 on the same page in that regard and that would streamline the
8 testimony of the expert as well, but not to solicitate any
9 sort of argument or decision on your part, but I think -- I'm
10 hoping that we can probably reach an agreement on that by --
11 in the morning.

12 THE COURT: I'll be here tomorrow, certainly to make
13 those decisions if you all can't agree to it. Okay?

14 MR. POGUE: Thank you, Judge.

15 THE COURT: All right. Any reason then why -- why we
16 need to get here earlier than about 9:15 tomorrow to deal with
17 any matters of law that you know about at this time?

18 MR. POGUE: No, Your Honor.

19 MR. KOGER: No, sir.

20 THE COURT: Okay. All right, we'll be recessed then till
21 9:30 tomorrow, folks. Have a good evening, and I'll see you
22 -- I'll be here a little earlier, but we'll start back at
23 9:30.

24 MR. POGUE: Thank you, Judge.

25 MR. KOGER: Thank you, Judge.

1 (At 5:00 p.m., the hearing adjourned until 9:30 a.m. on
2 April 25, 2019.)
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1 CERTIFICATE OF TRANSCRIBER

2 CASE/NO.: State v Tashonby Pedrick Wilson

3 DATE OF PROCEEDING: Day 1/April 24, 2019

4 COURT REPORTER: Bonnie Kelly (retired)

5
6 I, Bobbi J. Fisher, do hereby certify that the
7 foregoing transcript is a true and correct record of the
8 recorded proceedings; **that said proceedings were transcribed**
9 **to the best of my ability from the audio recording and**
10 **supporting information**, and that I am neither counsel for,
11 related to, nor employed by any of the parties to this case,
12 and I have no interest, financial or otherwise, in its
13 outcome.

14 16 _____
17 Bobbi J. Fisher, RPR

18 NCRA Registered Professional Reporter (RPR)

19 Prepared: October 14, 2021
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1 STATE OF SOUTH CAROLINA

2 GENERAL SESSIONS

3 COUNTY OF LEXINGTON

4 -----x

5 STATE OF SOUTH CAROLINA,)

)

6 Plaintiff,)

)

7 vs.)

Transcript of Record

)

2019-GS-32-1182

)

2019-GS-32-1184

)

2019-GS-32-1188

9 TASHONBY WILSON,)

)

10 Defendant.)

11 -----x

12 April 25, 2019

13 JURY TRIAL - VOLUME 2

14 B E F O R E:

15 The Honorable G. Thomas Cooper, Presiding Judge; and a jury.

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

17 Bradley Pogue, Esq.

18 Luke Pincelli, Esq.

Attorney for the State

19 Joshua Koger, Esq.

Attorney for the Defendant

24 Court Reporter: Bonnie Kelly (retired)

25 Transcribed by: Bobbi Fisher, RPR

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E X H I B I T S(Exhibits on file in the Clerk's Office.)

<u>EXHIBIT</u>		<u>ID.</u>	<u>ADM.</u>
State 6-39	Photos	169	176
State 44-117	Photos	169	176
State 118	Sock	180	182
State 119	Sock	183	183
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State 129	Photo of Wound	227	XXX
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State 131	Photo of Wound	227	238
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State 133	Photo of Wound	227	238
State 134	Photo of Wound	227	XXX
State 135	Photo of Wound	227	XXX
State 136	Photo of Wound	227	238
State 137	Photo of Wound	227	238
State 138	Disk	252	252
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COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	(DCRP only) Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(Whereupon, the following proceedings started at 9:43 a.m.)

(State's Exhibits 6 through 39, photos, were marked for identification.)

(State's Exhibits 44 through 117, photos, were marked for identification.)

(State's Exhibits 124 through 126, casing, were marked for identification.)

(State's Exhibits 120 through 123, projectile, were marked for identification.)

(State's Exhibit No. 127, projectile, was marked for identification.)

THE COURT: Y'all ready to go now?

MR. POGUE: Yes, sir, Judge. We do have an argument about (indiscernible) to a lay witness, so we can handle that.

THE COURT: Can we do that now?

MR. KOGER: Yes, Your Honor.

MR. POGUE: Yes, Your Honor.

THE COURT: All right. We'll get started, then, at least and make whatever headway we can before we have to deal with that.

MR. POGUE: All right.

THE COURT: You can bring us the jury.

(The jury enters the courtroom at 10:04 a.m.)

THE COURT: Ladies, they fooled you with the placement of

1 those chairs this morning. I'm sorry. If it's too crowded
2 there -- that's the reason they moved one of those chairs over
3 there and that's fine.

4 THE JUROR: So it's okay?

5 THE COURT: It will be okay. When you leave this time --
6 well, you can move it right now if you want to, because you
7 are kind of crowded there; right? Just move it back there a
8 little closer. We'll be able to keep you -- keep you apart if
9 we need to.

10 I know what y'all have been doing. You've been back
11 there taking up a collection to buy me a new watch; right? I
12 said 9:30 and you were here at 9:30, and five after 10:00, I
13 asked you to come out. I would take you up on that, but I can
14 tell you that, in the last 27 years that I've been doing this,
15 I've got a whole drawer full of new watches that jurors have
16 been buying for me over the years, and I apologize for that.

17 You'll see in just a few moments the reason for the
18 delay. One of the first witnesses today is going to be a
19 person who is in charge of a lot of the evidence. I told you
20 that the evidence is largely testimony that will come from the
21 stand. It's also photographs like you've begun to see
22 already, and there are a lot of them in this particular case,
23 and some of those things had to be dealt with as matters of
24 law, some of them had to be handled administratively in here.

25 The lawyers got here and started on that somewhat earlier

1 today but not in time enough to get us out here at 9:30, so --
2 but that delay has expedited what will happen during the
3 course of this trial. There will not have to be any -- or
4 much back and forth when the evidence comes in, in this
5 particular case, by virtue of what has been done while you
6 have been in the jury room back there.

7 I'm not going to waste any more of your time. I just
8 wanted to explain the reason and that we're mindful of your
9 time, and we try not to waste it, and what has been done, once
10 again, I think will expedite the course of this trial before
11 you.

12 You'll recall that yesterday when you left the State was
13 presenting its evidence and testimony in this case, and we
14 pick up at that point today, as the State continues to call
15 witnesses and present evidence to you.

16 Mr. Pogue?

17 MR. POGUE: Thank you, Your Honor. May it please the
18 Court?

19 THE COURT: Yes, Mr. Pogue.

20 MR. POGUE: The State calls Brenda Snelgrove.

21 THE COURT: Come forward, please, Ms. Snelgrove.

22 DET. BRENDA SNELGROVE,
23 the witness, after having first been duly sworn, was examined
24 and testifies as follows:

25 CLERK OF COURT: Once you're seated, state your first and

1 last name, spelling your last, please.

2 THE WITNESS: Yes, ma'am. My name is Brenda Snelgrove,
3 S-n-e-l-g-r-o-v-e.

4 DIRECT EXAMINATION

5 BY MR. POGUE:

6 Q Detective Snelgrove, where are you currently employed?

7 A Lexington County Sheriff's Department.

8 Q This may sound repetitive, but in what capacity are you
9 employed?

10 A I'm a crime scene investigator.

11 Q What all does that entail?

12 A We respond to many different types of calls, taking
13 photographs, collecting evidence, and packaging the evidence
14 correctly, and turning it into where we hold it in evidence.

15 Q And is the Crime Scene Investigative Unit, is that within
16 another unit in the Lexington County Sheriff's Department?

17 A Yes, sir. That's in the Major Crimes Unit.

18 Q Okay. And what does Major Crimes do? What is that?

19 A Major Crimes is going to be crimes against persons.

20 Q All right. Were you employed as a crime scene
21 investigator on the evening of September 26th, 2016, at the
22 Sheriff's Department?

23 A Yes, I was.

24 Q And were you involved in this case?

25 A Yes, sir.

1 Q Explain how you became involved in this case.

2 A I was actually on call, so that means, if a call comes
3 out, they'll call me first to respond to it.

4 Q So when you were called out, where were you called out
5 to?

6 A I was called to [REDACTED] Boardwalk Lane in Lexington.

7 Q Is that also -- is that the Boardwalk Villas condominium
8 complex?

9 A Yes, sir.

10 Q All right. And when you got there on scene, what did you
11 do? What did you see?

12 A When I got on scene, I saw that there was crime scene
13 tape up, and I was told, you know, there had been a shooting
14 and I needed to process the scene, but we was waiting on a
15 search warrant, but there was some that was in the middle of
16 the street, so I began taking photographs.

17 Q And before you begin your crime scene investigation, do
18 you gather any evidence or speak with any of the officers that
19 are on scene, who may be in charge of the scene, in regard to
20 how you should maybe go about processing the crime scene? In
21 other words, do you get information from them that assists you
22 in your crime scene investigation?

23 A Yes, sir. I'll usually talk to a deputy that responded.
24 Usually I try to get the first one, if he's still there or
25 she's still there. I also talk to a detective that is there.

1 And that night, I actually spoke with Detective Andaloro.

2 Q And based upon the information that they gave you, would
3 that be a basis for the action that you took in this
4 particular case?

5 A That is correct.

6 Q Okay. Not to establish the truth of it, but what were
7 you told that explained your actions?

8 A I was told there had been a shooting with two victims,
9 and they had already been transported to the hospital. They
10 told me they had -- it started at [REDACTED] Boardwalk Lane and it ran
11 over to [REDACTED] Boardwalk Lane.

12 Q So when you first go out there on the scene, what did you
13 first do?

14 A When I first --

15 Q After you got that information.

16 A After that I got that information, what I did was I began
17 taking photographs as I saw it from outside of the crime scene
18 tape, and then I worked my way inside the crime scene and
19 started on the patio of [REDACTED] Boardwalk Lane. And there was a
20 blood trail leading from -- coming from it all the way to [REDACTED]
21 Boardwalk Lane, and I photographed it.

22 MR. POGUE: Permission to approach the witness, Your
23 Honor?

24 THE COURT: Yes, sir.

25 BY MR. POGUE:

1 Q Now, Detective Snelgrove, were you -- did you have a
2 different last name at the time of this incident?

3 A I did. I was -- I was Investigator Vancil at the time.

4 Q Okay.

5 COURT REPORTER: Vancil?

6 THE WITNESS: Vancil. V as in "Victor" a-n-c-i-l.

7 BY MR. POGUE:

8 Q And you got married between then and now?

9 A I actually got married that weekend.

10 Q Wow, that's -- the same weekend that this happened?

11 A Yes.

12 Q So that was an eventful weekend.

13 I'm handing you, Detective Snelgrove, what's pre-marked
14 as State's Exhibits 6 through 39 as well as State's Exhibits
15 44 through 117. And it may take you a minute or two to go
16 through these, but if you would, just look at -- go through
17 the pictures, please, and tell me whether these photos --
18 whether you recognize all of them.

19 A (Reviewing documents.) Yes, sir. These are all
20 photographs I've taken.

21 Q And what are these images of?

22 A They're images of outside of ■■■, inside of ■■■. There's
23 some between the two condo areas, House ■■■ and House ■■■, and
24 there's also more pictures at ■■■.

25 Q Okay. And are these images all a fair and accurate

1 reflection of those particular locations that you mentioned on
2 the evening or early morning of the 27th?

3 **A** They are.

4 MR. POGUE: Your Honor, at this time, the State would
5 move State's Exhibits 6 through 39 and 44 through 117 into
6 evidence.

7 THE COURT: Mr. Koger?

8 MR. KOGER: Without objection, Your Honor.

9 THE COURT: Thank you. Without objection, those are in
10 evidence. Thank you.

11 (State's Exhibit Nos. 6 through 39 and 44 through 117
12 were received into evidence.)

13 MR. POGUE: Thank you, Your Honor. Permission to
14 publish?

15 THE COURT: Yes, sir.

16 Ladies and gentlemen, as a matter of information, you
17 will have all of these items of evidence in the jury room with
18 you at the conclusion of this trial. So if there's something
19 that interests you, make a note, and you can spend more time
20 looking at the evidence when you get into your jury room,
21 okay, after the trial while you're deliberating.

22 (Pause in the proceedings.)

23 MR. POGUE: All right, I apologize to the Court, but they
24 make much better sense if I got them in kind of an orderly
25 fashion. I thank everybody.

1 BY MR. POGUE:

2 Q All right. We'll start with State's Exhibit 45. Tell us
3 what we're looking at here if you can.

4 A Right here, I'm taking a photo of what I see of [REDACTED]
5 Boardwalk from outside of the crime scene tape.

6 Q Okay. All right. Is this [REDACTED] here (indicates)?

7 A Yes, sir.

8 Q Do you have a laser pointer up there, by chance?

9 A Yes.

10 Q You can just use that as we go along.

11 A Okay.

12 Q Is that the same thing, just a little bit closer?

13 A Yes.

14 THE COURT: Is that number -- the number of that?

15 MR. POGUE: I apologize, Your Honor. That's State's
16 Exhibit 6.

17 THE COURT: Thank you.

18 BY MR. POGUE:

19 Q Can you tell me what's going on with the tires here?

20 A If you look at the tires of this Jaguar, this one in
21 particular and this one in this truck, they're both flat.

22 Q This is State's Exhibit 7. Are all the tires on all the
23 vehicles flat?

24 A No, sir.

25 Q Can you tell me which tires are flat on the vehicles?

1 Would it help for me to continue to go through the pictures
2 and then tell me?

3 **A** That would, or if I am allowed to look at my report.

4 **Q** Sure. You can look at your report.

5 **A** On the Jaguar, there was three of its tires flat. On
6 this Chevrolet truck, it was all four of its tires were flat.
7 This vehicle right here, none of the tires on it was flat.

8 **Q** Okay. Are those the flat tires you referenced here?

9 **A** Yes, sir. You see this back one is flat.

10 **Q** All right. Could you tell from your investigation how
11 those tires had gotten flat?

12 **A** I was not able to on scene.

13 **Q** Did you see any punctures in any of the tires?

14 **A** On one of them in the Chevrolet truck on the driver's
15 side, the rear one, I saw some defects in the tire. I'm not a
16 hundred percent sure if they're the reasons why they were
17 flat, but that's something abnormal you would see.

18 MR. POGUE: For the Court's reference, this is State's
19 Exhibit 47.

20 THE COURT: Thank you.

21 BY MR. POGUE:

22 **Q** State's Exhibit 49, it's a little bit dark.

23 **A** That's just another one of the tires that was flat.

24 **Q** Okay. All right. Is this rear one flat too?

25 **A** Yes, sir, I do believe so.

1 Q Okay. What are we looking at here? This is State's
2 Exhibit 8.

3 A This is the front -- the front part of the porch and the
4 front door of [REDACTED] Boardwalk Lane.

5 Q State's Exhibit 9?

6 A This is just another angle looking at the front door of
7 [REDACTED] Boardwalk.

8 Q State's Exhibit 10?

9 A This is at the front door looking back out to the parking
10 lot. You see, there's one of the vehicles right there.

11 Q What is this item right here on top of this? I guess it
12 looks like some sort of --

13 A That white? That's a sock.

14 Q Okay. All right. Was that of any relevance to you in
15 the course of your investigation, the socks?

16 A Yes, sir. I was advised that the shooter used a sock
17 over top of the gun.

18 Q So they told you that he put a sock over -- like over the
19 gun? Did they say whether it was a handgun or a shotgun or
20 anything like that?

21 A A handgun.

22 Q Okay. So you're looking for a sock that would fit over a
23 handgun?

24 A Correct.

25 Q What are we looking at here?

1 **A** That's an evidence marker, No. 11, for that sock on top
2 of -- I think, it was, like, an air conditioner or something
3 like that.

4 **Q** Does this mean that you collected the sock?

5 **A** I collected the sock, yes, sir.

6 MR. POGUE: Permission to approach, Your Honor?

7 THE COURT: Yes, sir.

8 BY MR. POGUE.

9 **Q** I'm handing you an item right now. Can you tell me what
10 that is?

11 **A** This is the item we were just seeing in the photo, No.
12 11. It's a white Hanes sock.

13 **Q** Okay. And is that an item that you collected?

14 **A** This is, and I can tell that by my initials and when I
15 dated it.

16 **Q** Okay. All right. And did you submit this to evidence in
17 this case?

18 **A** Yes, sir.

19 MR. POGUE: The Court's reference to that is State's
20 Exhibit 118 for ID.

21 THE COURT: Okay. Thank you.

22 (State's Exhibit No. 118 was marked for identification.)

23 BY MR. POGUE:

24 **Q** Are you familiar with the way that the evidence
25 custodians at the Lexington County Sheriff's Department store

1 items of evidence?

2 **A** Yes, sir.

3 **Q** Okay. Are you aware of the fact that they keep a chain
4 of custody on these particular items when they're logged in?

5 **A** Yes, I am.

6 **Q** Do you know anything about how that happens?

7 **A** Yes.

8 **Q** Okay. Can you just tell us just a little bit about what
9 happens?

10 **A** Okay. When I'm turning in evidence, I'll fill out a form
11 called a voucher form, and I'll turn it in either to an actual
12 custodian into their hands or I'll put them into a locker.

13 The custodian then takes it and they'll check it and make
14 sure everything's correct, it matches the voucher of what I
15 was turning in, and then they check it in. Kind of like when
16 you do a library book, checking it out and checking it back in
17 to the library.

18 **Q** And based upon your notes, are you aware of when you
19 logged that item into evidence?

20 **A** Are you asking the date?

21 **Q** Yes, ma'am.

22 **A** Yes. I'm sorry. I turned it in on December 17th. I
23 mean, sorry -- sorry, October 17th, 2016.

24 MR. POGUE: Beg the Court's indulgence.

25 THE COURT: Yes, sir.

1 (The attorneys confer off the record.)

2 MR. POGUE: Your Honor, my conversation with the defense
3 attorney is that he would stipulate to the chain on this as
4 opposed to us having to call the evidence custodian into court
5 and putting all these items into evidence.

6 MR. KOGER: That is correct, Your Honor.

7 THE COURT: Thank you. Thank you, Mr. Koger.

8 Ladies and gentlemen, that means that the process has
9 been short-circuited somewhat in a good way, that anybody
10 who's touched this evidence throughout the process will not
11 have to be called into court as that has been stipulated.
12 Thank you.

13 MR. POGUE: I believe, Your Honor, at this time, I've
14 laid the foundation to put one item, State's Exhibit 118 into
15 evidence.

16 THE COURT: All right. 118 is now in evidence.

17 (State's Exhibit No. 118, sock in brown bag, is received
18 into evidence.)

19 BY MR. POGUE:

20 Q Detective Snelgrove, I'm going to wait for them to give
21 you gloves before I have you open it up. I'll go ahead and
22 give you a couple more items to put into evidence. Okay?

23 A Yes, sir.

24 Q This is State's Exhibit 15. What are we looking at here?

25 A That is a photo of another sock that I found on the

1 patio. It's actually, like, a half wall. It's on top of it.

2 Q All right. And you collected that item as well?

3 A Collected it as No. 10.

4 Q Investigator Snelgrove, I'm handing you what's State's
5 Exhibit 119. Do you recognize that item?

6 A Yes, this is Item No. 10. This is the package I placed
7 it in, including the item. It's the white sock that I located
8 on that low wall ledge of [REDACTED] Boardwalk Lane.

9 MR. POGUE: Your Honor, at this time, the State would
10 move State's Exhibit 119 into evidence.

11 MR. KOGER: No objection.

12 THE COURT: State's 119 into evidence.

13 (State's Exhibit No. 119, sock in bag, was marked for
14 identification and received into evidence.)

15 BY MR. POGUE:

16 Q Investigator Snelgrove, we've got gloves now. I'm going
17 to hand you up State's Exhibits 118 and 119 and have you open
18 those items and take them out one at a time, if you don't
19 mind.

20 A Do we have a pair of scissors or something like that?

21 Q Go ahead and take it out.

22 A Okay.

23 Q Which item is this here?

24 A This is Item 11. This is the one that was collected off
25 of that black, like, air conditioner item on the porch.

1 Q So that's State's Exhibit 118?

2 A Yes.

3 Q Do you observe any sort of holes or what appears to be
4 burning or anything like that, singeing on the sock?

5 A No, sir.

6 Q If the sock had been placed over the gun, a pistol, would
7 you expect that there would be some sort of hole in the sock?

8 A I would expect that. And burn marks.

9 Q Is that like stippling?

10 A Stippling? Yes.

11 Q All right. And the same questions for this sock. Do you
12 see any holes or stippling or singeing on this sock?

13 A No, sir.

14 Q Does it appear to you that either one of those socks
15 would have been placed over a gun?

16 A It does not.

17 Q Did you locate any more socks anywhere between
18 Condominium [REDACTED] and Condominium [REDACTED], the parking lot, and the
19 entire area that you searched?

20 A I did not. It was only those two.

21 Q What are we looking at here?

22 A That's the front door of --

23 Q This is State's Exhibit 19. Sorry, go ahead.

24 A This is the front door of [REDACTED] Boardwalk Lane.

25 Q This is State's 20.

1 **A** When you walk in and turn to the left, this is what you
2 see.

3 **Q** Are there bedrooms down that hall?

4 **A** There are.

5 **Q** This is State's Exhibit 23.

6 **A** That's basically the same location as I was in last time,
7 but I'm turned around facing part of the front door and the
8 kitchen/dining room area.

9 **Q** What are these items here?

10 **A** Looks to be a pair of tennis shoes and a purse.

11 **Q** Did you search that purse?

12 **A** We did look in that purse.

13 **Q** Were you able to locate anything that you collected from
14 that purse?

15 **A** Yes, sir. We collected a phone out of it.

16 **Q** State's Exhibit 24, is that just turning a little bit
17 more to the left there?

18 **A** Yes.

19 **Q** State's Exhibit 25, again, just turning a little bit more
20 to the left?

21 **A** Yes.

22 **Q** The front door would be, if you're looking at that
23 picture, on the right?

24 **A** Correct.

25 **Q** State's Exhibit 26, again, turning just a little bit to

1 the left?

2 **A** Yes, sir.

3 **Q** And you searched this entire condominium; correct?

4 **A** Along with Detective Andaloro and Sergeant Novak.

5 **Q** What are we looking at in this image right here?

6 **A** This is more -- this is standing right in front of the
7 front door but more into the kitchen area. And you're looking
8 into the living room. And if you see past it, you see a clock
9 -- sorry, hold on, you see a clock up here (indicating) and
10 then that's, like, a den area.

11 **Q** And, Investigator, you can take your gloves off now.

12 **A** Thank you.

13 **Q** This is State's Exhibit 28.

14 **A** This is part of the living room, and you see over here
15 (indicating), this is a kitchen area.

16 **Q** Are you aware of, again, just to inform your
17 investigation, as to whether anybody had been shot in this
18 particular condominium?

19 **A** Yes. I was advised that somebody had been shot in the --
20 in there and that the homeowner or resident of the home had
21 started cleaning it up -- cleaning the blood up.

22 **Q** All right. What are we looking at here?

23 **A** This is the living room, and you can actually see a mop
24 handle right here (indicating).

25 **Q** How about this photo right here? This is State's Exhibit

1 30.

2 **A** It's another section of the living room.

3 **Q** What's on the left on the wall?

4 **A** Right here (indicating)? This is a television
5 entertainment center.

6 **Q** And the couch is on the right?

7 **A** Correct.

8 **Q** All right. Is that chair where it was when you came to
9 conduct your investigation in this condo?

10 **A** That's correct. The chair is where it was -- how I found
11 it, but I was advised that it had been moved.

12 **Q** This is State's Exhibit 31. That's the television. If
13 you're sitting on the couch, that's what you see?

14 **A** Yes, sir.

15 **Q** All right. Were you advised as to where that chair had
16 been moved from? State's Exhibit 32.

17 **A** I do not remember. I just know it was in the living
18 room.

19 **Q** Okay. State's Exhibit 33. This is a closer view of the
20 chair?

21 **A** Yes, sir. Another angle.

22 **Q** What are we looking at here at State's Exhibit 34?

23 **A** On this, this is part of the rug it was covering, and
24 there's some spots of blood, reddish-brown stains.

25 **Q** Based upon your experience as a crime scene investigator,

1 you presume that to be blood?

2 **A** That is correct.

3 **Q** State's Exhibit 54.

4 **A** And you see more right here (indicating) in this
5 light-colored part of the rug.

6 **Q** Was that chair previously covering that before it was
7 moved?

8 **A** That is correct. That's -- after we moved the chair out
9 of the way, that's what you saw on the rug.

10 **Q** State's Exhibit 55, is that just a closer image of that?

11 **A** That is correct.

12 **Q** What are we looking at here in State's Exhibit 35?

13 **A** This is that chair in the corner. The couch is right in
14 this area (indicating) and this placard is marking where I
15 located a projectile.

16 **Q** Just for the clarification of the Court, what is a
17 projectile?

18 **A** The projectile is the part of a bullet that comes out
19 when a gun is fired.

20 **Q** State's Exhibit 36.

21 **A** You see the projectile right here (indicating).

22 **Q** That's just a closer image of what we were looking at
23 previously?

24 **A** That's correct.

25 **Q** Same thing as State's Exhibit 12 -- I'm sorry; State's

1 Exhibit 56?

2 **A** Yes, sir.

3 **Q** What are we looking at here in State's Exhibit 57?

4 **A** To me, I saw that as a projectile defect in the wall,
5 meaning that the projectile made contact with the wall.

6 **Q** For a point of reference, where is the projectile in
7 relation to this mark on the wall?

8 **A** The projectile is over here (indicating) on the floor,
9 towards the right.

10 **Q** So State's Exhibit 58, which direction, either from left
11 to right or right to left, across the photo there, would you
12 presume that projectile had been moved before you found it and
13 where it -- I mean, did you come to any conclusions in regard
14 to that issue, in regard to the direction that that projectile
15 was coming from?

16 **A** I did not.

17 **Q** Okay. What is this room that's back here?

18 **A** I -- I called that the den.

19 **Q** It's that the same room that you were referencing?

20 **A** Yes, sir.

21 **Q** I apologize; that's State's Exhibit 59.

22 State's Exhibit 60 is a closer image or a different image
23 of that same room?

24 **A** Yes, sir. It's just another angle.

25 **Q** What is this white container?

1 **A** It's a trash can.

2 **Q** Did y'all look in that trash can?

3 **A** We did.

4 **Q** Did you find anything of relevance to you in that trash
5 can?

6 **A** No, sir.

7 **Q** This is State's Exhibit 37. Is this the purse that you
8 had referenced earlier?

9 **A** Yes. That's the purse that was on the floor in the
10 dining area.

11 **Q** And I believe you previously testified that you had
12 collected a phone from that purse?

13 **A** Yes.

14 **Q** State's Exhibit 38, is that an image of the phone that
15 was collected?

16 **A** Yes, sir, it is.

17 **Q** And that was Item 15?

18 **A** Yes, sir.

19 **Q** And that phone was in the purse, just to clarify;
20 correct?

21 **A** That purse (verbatim) was found in the purse.

22 **Q** The phone was found in the purse?

23 **A** Correct.

24 **Q** State's Exhibit 39, where is this?

25 **A** That is in the living room, and we're looking at the mop

1 right there.

2 Q Had that mop appeared to have been used to clean up
3 anything?

4 A Yes, sir.

5 Q What did it appear to have been used to clean up?

6 A It looked to have been used to clean up blood.

7 Q State's Exhibit 61, is that the trash can?

8 A That's the trash can that was located in the den.

9 Q What are we looking at in State's Exhibit 62?

10 A That is trash out of a wicker basket.

11 Q Was there anything of relevance to that wicker basket in
12 regard to your investigation?

13 A Yes, sir.

14 Q State's Exhibit 63?

15 A We located this bag right here with white residue.

16 Q Okay. What did that appear to be to you?

17 A Unknown substance. Possible drugs.

18 Q Is that packaging, from your experience as a crime scene
19 investigator, that drugs typically may come in?

20 A That's correct.

21 Q State's Exhibit 64, what are we looking at?

22 A This is the still of [REDACTED] Boardwalk Lane. There's
23 actually -- it's kind of hard to see in this photograph, but
24 there's actually blood on that mat.

25 Q State's Exhibit 65.

1 **A** You see it better in this photo, right here (indicating).

2 **Q** State's Exhibit 66, what are we looking at?

3 **A** That's -- if you -- that's going back off of the patio,
4 and you see these dots on those -- those dark reddish-brown
5 dots? That, in my experience, is blood.

6 **Q** State's Exhibit 67. This is further down the path; is
7 that right?

8 **A** It's further down. It's right before you start going
9 down the steps off of the patio. If you look over here, you
10 see some more of the trail.

11 **Q** Okay. Is that blood that's on that rock right there?

12 **A** There's some right here on this stone and that rock right
13 there.

14 **Q** Okay. State's Exhibit 70?

15 **A** This is further down. This is where those vehicles that
16 we saw earlier are parked. This particular vehicle was the
17 one that didn't have any of the tires appearing to be flat to
18 me. You can actually see some of the trail on this barrier
19 between the asphalt and the grass. I guess you can call it a
20 curb.

21 **Q** And just to reference everybody in regard to where this
22 location is, I'll put back up State's Exhibit 3. Could you
23 put out where Condominium ■ is here?

24 **A** So ■ is right here, and this is that barrier I was
25 talking about.

1 Q All right. And where is Condominium [REDACTED]?

2 A [REDACTED] is down here.

3 Q State's Exhibit 71, is that some more of the blood that
4 you were referencing?

5 A That's correct.

6 Q State's Exhibit 72, what are we looking at here?

7 A This is the driver's side rear door on that same vehicle
8 it that didn't appear to have any tires flat, and I'm actually
9 particularly interested in this handle right here. Do you see
10 on that corner? And you'll see another view.

11 Q My fault.

12 A No, go ahead, you're fine. Go ahead.

13 Q State's Exhibit 73.

14 A And you see there's blood on that handle.

15 Q Is that blood that would have just dripped on there, or
16 does that appear to be transferred to there?

17 A That appears to be transferred blood.

18 Q What does that mean exactly when you say "transferred
19 blood"?

20 A Transferred would mean that it was on another surface.
21 In this case, I would believe it was on a hand, and that hand
22 touched that handle, leaving blood behind.

23 Q All right. What are we looking at in State's Exhibit 74?

24 A This is going along that path I was following of the
25 blood trail going to [REDACTED], and these cones were actually used to

1 mark shell casings by deputies that first arrived on scene
2 prior to my arrival.

3 Q What are these items right here that are out in the
4 distance?

5 A It looks to be more cones.

6 Q State's Exhibit -- I apologize; State's Exhibit 13.

7 A So under that cone was a shell casing, and that's what I
8 collected as Item No. 1.

9 Q State's Exhibit 75, is that the shell casing you
10 referenced?

11 A That's correct.

12 Q Could you tell which caliber casing this was?

13 A I could. And that's one of the reasons why I took a
14 picture of the head stamp, and that was a -- let me look at my
15 notes; sorry. That was .40 caliber S&W.

16 Q A .40 caliber, is that a rifle round or a pistol round?

17 A Pistol round.

18 Q State's Exhibit 76.

19 A This is just continuing following my path.

20 Q Just for the Court's clarification, which path are you
21 referencing here in these photographs? State's Exhibit 3,
22 we're looking at here.

23 A So I'm in this area right here.

24 Q Can you point out, approximately, where that casing was
25 in this photograph?

1 **A** It was about right in here.

2 **Q** State's Exhibit 77.

3 **A** That's me just following the trail still.

4 **Q** State's Exhibit 78.

5 **A** That's, in my experience, blood.

6 **Q** Is this a zoomed-in image of that spot we just --

7 **A** It is.

8 **Q** -- saw in Exhibit 77?

9 All right. State's Exhibit 79, are those the cones that
10 you referenced earlier that were out in the distance?

11 **A** Yes, those are two more cones.

12 **Q** State's Exhibit 80, same cones?

13 **A** Same cones, just closer up.

14 **Q** And what were those cones used for again?

15 **A** Those cones were put over shell casings that was located
16 by deputies.

17 **Q** Would those have been the people who initially responded
18 on the scene?

19 **A** Yes, sir.

20 **Q** State's Exhibit 14, what are these two number placards
21 here?

22 **A** That is marking those shell casings that were under those
23 traffic cones.

24 **Q** Again, State's Exhibit 81, were you able to determine
25 what kind of casing that was?

1 **A** It was .40 caliber as well -- S&W.

2 **Q** State's Exhibit 82, State's Exhibit 83, is that also a
3 .40 caliber casing?

4 **A** Yes, sir.

5 **Q** State's Exhibit 84, what are we looking at here?

6 **A** This is looking at the front door of [REDACTED] Boardwalk, and
7 you see I have an item placard, Item No. 4.

8 **Q** And, again, just to orient myself where is this location?

9 **A** This is [REDACTED] Boardwalk, and I'm right here, like right in
10 front.

11 **Q** Can you just point roughly to -- in this photograph where
12 those casings, Placards 2 and 3 were?

13 **A** They were along in this area, the sidewalk.

14 **Q** All right. State's Exhibit 85, what is this an image of,
15 ma'am?

16 **A** This is just another view of that, a closer-up. This is
17 the front door. Here's that placard that's actually marking
18 that projectile, and you see blood here and a projectile
19 defect all in the wall.

20 **Q** When you say "projectile defect," again, what does that
21 mean?

22 **A** That just means that's a place where a projectile made
23 contact.

24 **Q** In layman's terms, is that where a bullet would have hit
25 a surface?

1 **A** Yes. I'm sorry, yes.

2 **Q** People like me sometimes don't understand it. I like to
3 be clear.

4 State's Exhibit 86, is that just a closer image of that
5 projectile you were referencing?

6 **A** Yes.

7 **Q** State's Exhibit 87, is that the defect?

8 **A** Yes.

9 **Q** State's Exhibit 88.

10 **A** That is a projectile defect I located in the front door
11 of [REDACTED] Boardwalk Lane.

12 **Q** State's Exhibit 90.

13 **A** This is --

14 **Q** What is this --

15 **A** I'm sorry.

16 **Q** No, go ahead.

17 **A** This is the front door of [REDACTED], and this is that door
18 frame. And this right here is blood.

19 **Q** What is this substance here?

20 **A** That is blood as well.

21 **Q** Just to reference everybody again, around what time in
22 the evening is all this happening, are you taking these
23 photographs?

24 **A** I arrived at 2129, which is 9:29 o'clock, and so this was
25 a little bit later, so it was probably closer to 10 by then.

1 Q So, just roughly, 10:00.

2 What are we looking at in this?

3 A This is the wall right next to the front door. So the
4 front door is right here, and then there's a piece of wall
5 that comes out, and you see blood on here in several different
6 locations.

7 THE COURT: That's 71?

8 MR. POGUE: I apologize, Your Honor. That's Exhibit --
9 State's Exhibit 91.

10 THE COURT: 91. Thank you.

11 BY MR. POGUE.

12 Q And just to show the perils of crime scene investigation
13 sometimes, I believe, this is State's Exhibit 92. This is the
14 same location; is that correct? The same image of the wall?

15 A Yes. Can you turn it? There we go.

16 Q Sorry. To show the perils of crime scene investigation,
17 what is this right here?

18 A In my experience, that's a black widow.

19 Q I'm pretty sure that's a black widow; is it not?

20 A Yes.

21 Q I just noticed that when I was going through the photos.

22 A Yes, sir.

23 Q Are you these the same defects you referenced, though, in
24 State's Exhibit 90?

25 A Yes. There's more blood, and I didn't say this in the

1 other photograph, but this right here is a projectile defect,
2 and there's another one right here.

3 Q State's Exhibit 94, what's the purpose of these -- these
4 -- what looks like rulers?

5 A That's just so I can get a measurement of the hole.

6 Q What are we looking at in State's Exhibit 95?

7 A This is a vehicle that was parked out in front [REDACTED]
8 Boardwalk.

9 Q State's Exhibit 3? Where was the location?

10 A So that vehicle is, like, right here in this area. Trees
11 are kind of covering that area up.

12 Q Was that vehicle of any particular relevance to you?

13 A It was because I followed blood from the front door back
14 to -- I say back of the car, but it's really the front of the
15 car, how it was parked.

16 Q State's Exhibit 97, what is that area that we're looking
17 at?

18 A This is the front of that vehicle that was in front of
19 [REDACTED]. You see right here is blood.

20 Q Is that transfer blood or is that another type of blood?

21 A From what I see here, this looks like transfer, so it
22 came from another object.

23 Q Okay. Potentially a hand?

24 A Potentially a hand.

25 Q What are we looking at in State's Exhibit 98?

1 **A** This is more blood coming from the bumper right here, and
2 it's dripping down on the ground -- well, it dripped.

3 **Q** State's Exhibit 99.

4 **A** This is a closer up of the drips on the -- on the ground.

5 **Q** When you notice a number of drips that are all in the
6 same location like that, does that indicate anything to you?

7 **A** That tells me that the person with the blood-leaking
8 wound stood there for a while, to allow that much blood to
9 drip in that same area.

10 **Q** They weren't just continuously moving?

11 **A** Correct.

12 **Q** State's Exhibit 100, is that just also blood that's on
13 that vehicle?

14 **A** Yes. That's the blood I pointed out earlier on the
15 bumper. This actually fell off of the person with a blood
16 wound.

17 **Q** State's Exhibit 101.

18 **A** This is inside of Boardwalk Lane. This is the front
19 door.

20 THE COURT: Which number, please?

21 MR. POGUE: 101.

22 THE COURT: I mean, which number of the condo? You said
23 it's inside Boardwalk --

24 THE WITNESS: [REDACTED] Boardwalk.

25 THE COURT: Okay, thank you.

1 MR. POGUE: Thank you, Judge.

2 A The projectile defect that I pointed out in the front
3 door, this is the other side of the door. You see it right
4 there. And if you look over here on the side of the wall,
5 those are two more that we saw earlier outside.

6 BY MR. POGUE:

7 Q Does that indicate that those projectiles came all the
8 way through that wall?

9 A It tells me that they did at least come through to the
10 wall on the other side.

11 Q In the course of your investigation, were you able to
12 determine whether those .40 caliber projectile rounds or
13 projectiles came all the way through?

14 A We did. They were not in the wall or in the door. We
15 actually located them in the apartment of [REDACTED] -- or condo.

16 Q State's Exhibit 102, is that the defect in the door?

17 A That's a defect of the door with the tape -- scale tape.

18 Q All right. What are we looking at in State's Exhibit
19 103?

20 A This is a column in that condo, and if I'm not mistaken,
21 it hit right here.

22 Q State's Exhibit 104.

23 A Yes, it hit right here.

24 Q State's Exhibit 105.

25 A And then it went into this box of envelopes.

1 Q State's Exhibit 106.

2 A And that is where we located it.

3 Q State's Exhibit 107, is that the projectile?

4 A That is, correct.

5 Q State's Exhibit 108.

6 A That's just a better view of those defects I was pointing
7 out earlier on the sides of the wall. We have one right here
8 and one right here.

9 Q State's Exhibit 110.

10 A So you see -- it's kind of hard to see it over here, but
11 you have a defect right here, here, and here.

12 Q Is that the same thing in State's Exhibit 111?

13 A Yes, that's just a better view of what we saw in that
14 box.

15 Q State's Exhibit 112.

16 A And that is where we located the projectile inside of
17 that box.

18 Q State's Exhibit 113, is that just the item that you
19 marked as Placard 8?

20 A Correct.

21 Q State's Exhibit 115.

22 A It's just another view of the box that was closer to the
23 wall.

24 Q Did that projectile travel all the way through that box?

25 A That's what I saw, yes, sir.

1 Q All right. Were you able to locate the projectile that
2 you believed traveled through that box?

3 A Yes, that was the one in the box of the files.

4 Q All right. State's Exhibit 116, what are we looking at
5 in this photo?

6 A This was a different one. It's really hard to see in
7 this photo, but hopefully, you'll get to see the other photo.
8 There is actually a projectile on the floor there.

9 Q State's Exhibit 117.

10 A And there it is.

11 MR. POGUE: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 MR. POGUE: Permission to approach again, Your Honor.

14 THE COURT: Yes, sir.

15 BY MR. POGUE.

16 Q Investigator, I'm handing you -- actually let me get them
17 pre-marked first.

18 Investigator, I am handing you up what's marked as
19 State's Exhibit 124, 125, and 126. Do you recognize those
20 particular items?

21 A Yes, sir. These are items that I collected as No. 1,
22 No. 2, and No. 3.

23 Q And what are they?

24 A They are all shell casings that have been fired.

25 Q Are those the .40 caliber casings that you referenced in

1 the photos?

2 **A** They are.

3 MR. POGUE: Your Honor, at this time, the State moves
4 State's Exhibits 124 through 126 into evidence.

5 THE COURT: Mr. Koger?

6 MR. KOGER: Without objection, Your Honor.

7 THE COURT: Without objection, in evidence.

8 (State's Exhibit Nos. 124 through 126, casings, were
9 received in evidence.)

10 BY MR. POGUE:

11 **Q** Investigator Snelgrove, I'm now handing you what's marked
12 as State's Exhibits 120, 121, 122, 123, and 127. What are
13 these items?

14 **A** These are all projectiles I collected.

15 **Q** Do they still appear to be in the same condition that
16 they were when you entered into evidence?

17 **A** Yes, sir.

18 MR. POGUE: Your Honor, at this time, the State would
19 move Exhibits 120, 121, 122, 123, and 127 into evidence.

20 THE COURT: Mr. Koger?

21 MR. KOGER: Without objection.

22 THE COURT: Thank you. Without objection, in evidence.

23 (State's Exhibit Nos. 120 through 123, projectiles, was
24 received in evidence.)

25 (State's Exhibit No. 127, projectile, was received in

1 evidence.)

2 BY MR. POGUE:

3 Q Investigator Snelgrove, did you ever send any of those
4 cases off to be tested, ma'am?

5 A No, sir.

6 Q If the person who loaded that gun had placed their hands
7 on the casings was not the person that was alleged to have
8 fired the gun, would there be any evidentiary value to you for
9 having this tested?

10 A No, sir.

11 Q In regards to the projectiles, did you ever send any of
12 those off to have any sort of what they call ballistic
13 examinations done on those?

14 A No, sir.

15 Q And why was that?

16 A It was because we did not have a gun to compare them to.

17 Q So you never found or collected a gun during the course
18 of this investigation; is that correct?

19 A To my knowledge, no, sir, we did not.

20 Q In regard to DNA, did you collect any items that -- or
21 based upon, you know, the information that you were given that
22 formed your investigative decisions in this case, did you
23 collect any items that you would potentially have tested for
24 DNA?

25 A No, sir.

1 Q If you had information that you based your investigation
2 on that the individual that was a suspect in this particular
3 case had already been within the dwelling previous to this
4 incident in the past, would you be able to collect DNA and
5 date that DNA to know when they were in that house?

6 A No. There's no way we can date DNA.

7 Q All right. So if you were given that information, would
8 you deem it relevant, if you were the investigator, to send
9 that off for testing?

10 A I would say it was irrelevant because when I say "date
11 DNA," I mean that we cannot tell when that DNA was left in
12 that particular area.

13 MR. POGUE: Beg the Court's indulgence.

14 THE COURT: Okay.

15 MR. POGUE: Your Honor, no further questions at this
16 time.

17 BY MR. POGUE:

18 Q Investigator Snelgrove, if you would please give
19 Mr. Koger, the defense attorney, the same courtesy you gave
20 me.

21 THE COURT: Mr. Koger, cross-examine?

22 MR. KOGER: Yes, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. KOGER:

25 Q Ms. Snelgrove, from my notes right here, I think it was

1 No. 19 that was a photograph of the front door -- trying to
2 find it here -- the front door of No. [REDACTED].

3 MR. KOGER: Beg the Court's indulgence, Your Honor.

4 THE COURT: All right.

5 BY MR. KOGER:

6 Q Is that the front door of Condo No. [REDACTED]?

7 A Yes, sir.

8 Q Okay. All right. Now, did anyone on the scene dust this
9 door for prints?

10 A No, sir.

11 Q Okay. And I think there was another photograph, I think
12 [REDACTED], that showed the inside of the door, if I'm not mistaken.

13 [REDACTED], excuse me.

14 Now, the interior of that door and the door jamb and the
15 moulding around the door, was that door dusted for prints, the
16 interior?

17 A It was not.

18 Q Okay. Now, Item No. 10 was one sock; correct?

19 A That is correct.

20 Q And it was a total of two socks found in the residence;
21 correct?

22 A They were found on the patio of [REDACTED], so outside of the
23 residence.

24 Q But -- but -- of Condo [REDACTED]?

25 A Yes, sir. Yes, sir.

1 Q And No. 10 was found on top of a portable cooler -- a
2 portable air conditioner or something?

3 A Yes, sir.

4 Q Okay. All right. And No. 10, which one had the brownish
5 or reddish stains?

6 A The No. 11 had the brownish-red stains.

7 Q And what was your determination of the brownish-red
8 stains?

9 A In my experience, I would say it's blood, but I did not
10 test it.

11 Q Okay. So there was blood on No. 11, and you didn't test
12 it?

13 A It was reddish-brown stains. I'm not sure if it was
14 blood.

15 Q But you just testified to, in your professional opinion,
16 that it was blood?

17 A Correct.

18 Q Okay. Now, No. 11 was found where again?

19 A It was -- No. 11 was found on that -- on the wall ledge.

20 Q So No. 10 was found on the portable air conditioner -- on
21 top of it?

22 A Let me -- let me look at my notes to make sure that I got
23 those numbers, because I think I got them backwards.

24 Q Okay.

25 A The one with the reddish-brown stains was on the low wall

1 ledge. That was No. 10. And No. 11 was the sock that was on
2 the Portacool -- Portacool air conditioner. That was No. 11.

3 Q Now, did you dust the top of the Portacool air
4 conditioner for prints?

5 A No, sir.

6 Q Okay. And I think on that same Portacool air conditioner
7 there was a can or something?

8 A I don't remember.

9 Q We'll find that picture.

10 MR. KOGER: Your Honor, beg the Court's indulgence.

11 THE COURT: Yes, sir.

12 BY MR. KOGER:

13 Q And this would be State's Exhibit No. 10. Is there a can
14 on top of that Portacool?

15 A Yes, sir, there is.

16 Q And that can is red and gray; correct?

17 A Looks like it has some black on it as well.

18 Q Okay. All right. And did you dust that can for prints?

19 A No, sir.

20 Q Wouldn't you agree that, since the allegation was made
21 that two socks -- because you received that information when
22 you entered the scene; correct?

23 A Yes.

24 Q Okay. Do you think it would have been of evidentiary
25 value to dust both the can and the Portacool next to the sock?

1 **A** No, sir.

2 **Q** It would not have been?

3 **A** I would not have believed it would be because we were not
4 advised -- or there was no reason to believe he hung out on
5 the patio before or after he did the shooting, so he wouldn't
6 have left any fingerprints behind.

7 **Q** But the socks were placed on top of the Portacool.

8 **A** But that means he wouldn't have touched the Portacool,
9 yeah.

10 **Q** But he could have possibly touched the Portacool if the
11 socks were placed on the Portacool; right?

12 **A** It's possible but highly unlikely.

13 **Q** Possible. And he could have touched the can possibly;
14 correct?

15 **A** No, sir. There would be no reason why he would have
16 touched the can.

17 **Q** He could not have touched the Portacool and inadvertently
18 touched the can?

19 **A** No, sir, not enough to leave a fingerprint that would
20 have been valuable.

21 **Q** But you didn't dust them?

22 **A** I did not.

23 **Q** So you don't know?

24 **A** My experience tells me I do, so...

25 **Q** But you didn't dust for them.

1 **A** I did not.

2 **Q** Okay. Now, speaking about the sock, you didn't have any
3 type of blood analysis on the sock; correct?

4 **A** Correct.

5 **Q** All right. And the allegation was that the sock was used
6 to place over the gun; correct?

7 **A** Yes, sir.

8 **Q** Okay. Now, with that, is it possible, from your
9 training, can DNA be transferred by sweat?

10 **A** Yes, sir.

11 **Q** By perspiration; correct?

12 **A** Yes, sir.

13 **Q** Okay. So if the sock was over the gun, it was possible
14 that perspiration could have been transferred to the sock?

15 **A** That's correct.

16 **Q** But you did not do any kind of DNA analysis on the sock;
17 correct?

18 **A** That's correct.

19 **Q** So you don't know; correct?

20 **A** Don't know that there's any DNA --

21 **Q** You don't whether DNA was transferred to the sock because
22 you did not do the analysis; correct?

23 **A** Correct.

24 **Q** And you didn't do the analysis on the other sock, did
25 you?

1 **A** No, sir.

2 **Q** Now -- and also, if the sock was used in close vicinity,
3 which is the allegation, of the shooting and the gun, did you
4 check for blood spatter?

5 **A** Blood spatter on the socks?

6 **Q** Yes.

7 **A** We didn't see any on the socks, but I did look at them.

8 **Q** Okay.

9 **A** That's why I notated that there were reddish blood stains
10 on the one sock.

11 **Q** Okay. But you did not test those reddish blood stains in
12 an analysis; right?

13 **A** Correct.

14 **Q** Okay. So if it was on the sock but you didn't -- well,
15 that color of stain was on the sock but you decided not to
16 test it?

17 **A** Correct.

18 **Q** Now, you stated at the beginning of your testimony about
19 the three vehicles. I think you testified to -- did you
20 testify to a Jaguar?

21 **A** Yes, sir, I did.

22 **Q** So there was three flat tires on the Jaguar; correct?

23 **A** Yes, sir.

24 **Q** And there were three flat tires on the Chevrolet truck?

25 **A** Actually it was four tires, yes, sir.

1 Q Four of them on the truck -- the Chevrolet truck.

2 A Yes, sir.

3 Q And it was a Ford car? And there was another vehicle
4 with no flat tires?

5 A Yes, sir. The other vehicle was a Ford, and it didn't
6 have any flat tires.

7 Q Those are the vehicles; correct?

8 A Yes, sir.

9 Q And there was certain -- of the flat tires on the Jaguar,
10 which three were flat as you recall, looking in your notes?

11 A From recalling looking at the photos earlier, it was
12 these two back ones and this front one, but I'm not sure
13 unless I would look at all of the photographs.

14 Q Okay. All right. And did you dust for any prints around
15 the areas of the flat tires on the car?

16 A No, sir.

17 Q Now, you also stated -- I think you stated that the Chevy
18 Silverado had all four?

19 A Yes, sir.

20 Q Okay. And did you dust around the areas of the flat
21 tires on the Chevy Silverado?

22 A No, sir, I did not.

23 Q Okay. Did you dust any hoods or trunks on any of these
24 vehicles?

25 A No, sir.

1 Q And did you dust for prints on any of the tops of these
2 vehicles?

3 A No, sir.

4 Q And you testified to doing a thorough processing of the
5 scene; correct?

6 A Yes, sir.

7 Q You processed throughout Condo No. [REDACTED]; correct?

8 A Yes, sir.

9 Q Okay. Did you dust for prints of any single thing in
10 Condo [REDACTED]?

11 A No, sir.

12 Q And you did some type of process processing within Condo
13 [REDACTED]; correct?

14 A Some, yes, sir.

15 Q Okay. All right. Now, you stated that a package of
16 white residue was found in the trash can?

17 A Yes, sir.

18 Q Okay. And you stated you believed it was drugs --
19 probably drugs; correct?

20 A Correct.

21 Q Okay. But you didn't test that but, as you say, it was
22 probably drugs?

23 A Probably, yes, sir.

24 Q All right. And did you dust the trash can or anything?

25 A No, sir. It was wicker basket. You are not able to dust

1 it.

2 Q Okay. But one was a white plastic trash can; correct?

3 A That was the one in the den with the other trash that we
4 didn't find anything of value in it.

5 Q So you didn't dust the white plastic trash can?

6 A No, sir.

7 Q Okay. Now, I think that, from one of the pictures, that
8 it showed the contents of both the white trash can and the
9 wicker basket?

10 A No, sir, it was the contents of the wicker basket.

11 Q The wicker. Okay.

12 A Yes, sir.

13 Q All right. You didn't search the contents of the white
14 trash can?

15 A Yes, we did.

16 Q Okay. Were any type of a Newport cigarette pack that was
17 empty or a Kool cigarette pack, was any of those found in the
18 trash can?

19 A I do not recall.

20 Q Okay. You didn't note it in your report that you found
21 them, though; correct?

22 A No, sir.

23 Q When you went to the wicker basket, did you find an empty
24 Newport cigarette pack or empty Kool cigarette pack?

25 A I'm not sure. I'd have to look at the photos.

- 1 Q Huh?
- 2 A I would have to look at the photos.
- 3 Q Okay. We'll pass on the photos.
- 4 Would you say those are the contents -- State's Exhibit
- 5 61, those are the contents of the white trash can; correct?
- 6 A You can see some of the contents, yes, sir.
- 7 Q Okay. All right. And did you go through it?
- 8 A We did.
- 9 Q It's kind of nasty, but did you go through it?
- 10 A We did, yes, sir.
- 11 Q Now, I noticed that blood is on -- would you say there's
- 12 blood in the trash can?
- 13 A No, sir.
- 14 Q Okay. That's not blood?
- 15 A No, sir.
- 16 Q Okay. What is the red stuff in the trash can?
- 17 A It looks like it's the ink. Like tattoo ink.
- 18 Q Okay. But you didn't process it for blood; correct?
- 19 A No, sir. It didn't have the consistency or anything,
- 20 from my experience, to be blood.
- 21 Q Okay. And within in this trash, did you see an empty
- 22 Newport pack or an empty Kool pack of cigarettes?
- 23 A I don't know.
- 24 Q Okay. You don't know?
- 25 A No.

1 Q You went through the trash can; right?

2 A Yes.

3 Q Okay. And you don't know what's in the trash can?

4 A Well, there's more photographs I took, so I don't know
5 what all is in there, and sometimes not all the photographs
6 are taken of the contents, because we go through it.

7 Q Okay. If you were to have found the Kool pack of
8 cigarettes empty and the Newport pack, you would have noted it
9 in your report, though; correct?

10 A No, sir, because I don't see the relevance of it.

11 Q Oh, you don't see the relevance of --

12 A The cigarette packs, because you can find that in
13 anybody's trash that smokes.

14 Q Okay. So -- and not with reference in this case to a
15 Newport pack and a Kool pack?

16 A Not from my knowledge.

17 Q Okay. Were you given that information?

18 A No, sir, not that I recall.

19 Q Okay. Now, this is from the wicker basket; correct?

20 A Yes, sir. You can actually see it right there.

21 Q Okay. All right. And you would say that that is a -- do
22 you recall whether there was cigarettes in that Marlboro pack?

23 A I don't recall, no, sir.

24 Q Okay. All right. But this came out of the wicker
25 basket; correct?

1 **A** Yes, sir.

2 **Q** Now, you made a comment about that you felt any analysis
3 would not have been of value to you because you cannot date
4 DNA; correct?

5 **A** Correct.

6 **Q** Okay. But did you receive any information prior to your
7 investigation that the defendant had ever been in Condo [REDACTED]?

8 **A** Yes.

9 **Q** Okay. What information was that?

10 **A** That he's been there before.

11 **Q** Before that night?

12 **A** Yes.

13 **Q** Okay. So that's why you didn't check?

14 **A** Check what?

15 **Q** Check the DNA in the place -- with the socks and
16 everything?

17 **A** I'm not sure about the socks. That actually is not my
18 call. But as far as doing any, like, touch DNA in the condo,
19 there was no reason to.

20 **Q** Wouldn't it have been helpful if you had done DNA on the
21 socks and if any skin cells had transferred to the socks, it
22 would have been better evidence to put him in there?

23 **A** It might have been but, like I said, that wasn't my call
24 to send that off to be tested.

25 **Q** Okay. So someone else higher up made that decision?

1 **A** They would have, if they thought it was necessary.

2 **Q** Okay. Does the technology exist to -- from your
3 training, does the technology exist to get skin cells off of
4 casings after they've been ejected?

5 **A** No. Highly unlikely.

6 **Q** Does it exist?

7 **A** It exists, but for that happen, it's very rare.

8 **Q** But it exists, and it could have been processed; correct?

9 **A** Could have, but there's -- we don't have luck with that.
10 We have not had any luck with that.

11 **Q** In this lab -- in your lab, you don't have any luck with
12 it?

13 **A** Well, we actually don't do it at my lab.

14 **Q** Okay. And what do they do to process it?

15 **A** It would be sent to SLED.

16 **Q** SLED. All right.

17 Does SLED have the capabilities to do it?

18 **A** If it's there.

19 **Q** Okay. All right. But it was not done on the casings;
20 correct?

21 **A** No, sir.

22 **Q** Okay. All right. And how many casings were found?

23 **A** Three.

24 **Q** And when did your involvement end in this particular case
25 as far as with processing of the scene?

1 **A** When I left.

2 **Q** When you left? So you were no longer involved with them
3 obtaining other items?

4 **A** If -- I'm sorry; I don't quite understand.

5 **Q** I mean, not on the scene. You're not involved in the
6 testing or processing of any items that was taken from the
7 defendant when he was arrested?

8 **A** The defendant?

9 **Q** Yes.

10 **A** No, sir.

11 **Q** Okay. You did not process any clothes or anything after
12 your participation on that night?

13 **A** I'm not quite -- I'm not quite following. I'm sorry.

14 **Q** Okay. All right. When the defendant was apprehended --

15 **A** Uh-huh.

16 **Q** -- items were -- his clothing --

17 **A** Oh, okay. No, sir, I had no involvement in that.

18 **Q** Okay. All right. So, basically, you came out to the
19 scene, you did your processing, and that was it. Well, not
20 yet, you continued to work with --

21 **A** With what I did, yes.

22 **Q** With what you did.

23 **A** Yes.

24 **Q** Gotcha. Okay.

25 As far as with processing the shell casings, you stated

1 that it would not have been of any evidentiary value because
2 you didn't have a gun, but isn't it true that you could have
3 at least found out the type of gun, the brand of gun, by
4 processing the shell casings?

5 **A** That is outside of my realm of expertise.

6 **Q** Okay. You have no training on that? You have no
7 knowledge of that?

8 **A** For all the details that you're asking, no, sir.

9 **Q** Okay. So, basically, you don't know that if -- if a
10 shell casing is tested, even though you do not have the gun,
11 you can at least find out what brand of gun it was that shell
12 casings came from?

13 **A** Like I said --

14 MR. POGUE: Your Honor --

15 THE COURT: Just a second.

16 Yes, sir.

17 MR. POGUE: Objection, Your Honor. The defense attorney
18 is testifying as to expert knowledge without any sort of basis
19 or evidence being provided to the jury on that.

20 THE COURT: He's entitled to ask what might be revealed
21 by certain type of testing. I'll allow him to do that, but he
22 can't go beyond the evidence, of course, even in
23 cross-examination.

24 MR. KOGER: No further questions. Thank you.

25 THE COURT: Thank you.

1 Mr. Pogue, redirect?

2 MR. POGUE: Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. POGUE:

5 Q The defense attorney was extremely focused on those
6 socks, so I'm going to ask a couple of questions about the
7 socks.

8 Without taking them back out again, because you've
9 already looked at them, is there any possible way that either
10 one of those socks could have been over a pistol and then the
11 pistol fire?

12 A No, sir. If that was the case, there would have been a
13 hole in the sock.

14 Q Have you seen other pictures that you've taken of what a
15 hole looks like when a free projectile round passes through
16 it? Have you seen images of that?

17 A We've seen a few of them.

18 Q Okay. All right. Did any -- either one of those socks
19 have any sort of hole in them that would even be close to --

20 A Not even close. I didn't even see a hole from wear and
21 tear.

22 Q All right. So the fact that there was maybe blood, maybe
23 not blood on the sock that was on the stoop in the front of
24 the house, it had no gunshot hole in -- what appears to be a
25 gunshot hole in it, does it have any investigative value

1 outside of whatever substance may be on the sock?

2 **A** No, sir.

3 **Q** Were there any other items of clothing that you found at
4 the scene, or towels or anything like that, that had blood on
5 it?

6 **A** I'm looking at my notes. I'm sorry. Yes -- yes, sir.
7 In front of [REDACTED] Boardwalk Lane, there was a brown-white
8 flip-flop and a bloody towel.

9 **Q** And did you ever receive any items of evidence from any
10 other investigators involved in this case that had blood on
11 them?

12 **A** Oh, yes, sir, we did. I received -- the way I packaged
13 them, I received 13 other items that was collected from the
14 hospital from the two victims.

15 **Q** Who gave those items to you?

16 **A** They were collected by Detective Andaloro.

17 **Q** And did you put those items into evidence after he gave
18 them to you?

19 **A** Yes, sir. Since they were bloody, we want to let them
20 dry before we package them. So I took custody of them and
21 laid them out or hung them up so they could dry so then I
22 could package them.

23 **Q** And did you have any of those tested for DNA?

24 **A** No, sir, not that I'm aware of.

25 **Q** Did you have any reason to believe that whoever the

1 assailant was in this case had left any blood anywhere on the
2 scene?

3 **A** No, sir.

4 **Q** Had you had any information based upon your investigation
5 that anybody else, other than the two victims, were bleeding
6 at the scene?

7 **A** Repeat that question again.

8 **Q** Did you ever receive any -- or during the course of your
9 crime scene investigation and the information that you
10 received that informed your investigation, did you have reason
11 to believe that there was blood that could have been from
12 somebody other than a victim, like a potential assailant?

13 **A** No, sir. There was only the two victims that was
14 bleeding.

15 **Q** So if you find blood on the sock and you have reason to
16 believe that the suspect was never bleeding, would you have
17 the evidentiary value of testing that blood?

18 **A** No, sir.

19 **Q** Would you assume that it came from a victim?

20 **A** Yes, sir.

21 **Q** In regards to questions about testing for fingerprints,
22 did you ever have any information that informed your
23 investigation that the person that shot these two individuals
24 touched anything that you could have taken a fingerprint off
25 of?

1 A No, sir. I wasn't advised of him touching anything.

2 Q Can you puncture the tire of a car with your finger?

3 A Well, not with your finger but something in your hand.

4 Q All right. The can that he was referencing in that photo
5 -- I'm not putting it back up -- do you recall, was that a
6 spray paint can?

7 A I'm not sure. It just looked like an aerosol can of some
8 sort. Black shine.

9 Q Did it appear to be a beverage can to you?

10 A No, sir.

11 Q So you wouldn't assume that, again, without something
12 else that would inform your investigation, that the assailant
13 would touch any one particular item on the scene?

14 A No, sir.

15 Q Would that be a fair assumption?

16 A Yeah.

17 MR. POGUE: No further questions, Your Honor.

18 THE COURT: Thank you.

19 Any follow-up on those questions, Mr. Koger?

20 RECROSS-EXAMINATION

21 BY MR. KOGER:

22 Q But one can brace himself on a vehicle if the accusation
23 is on flattening tires; correct? That's possible; right?

24 A It's possible, yes, sir.

25 Q And the one bracing himself on one of the vehicles, then

1 prints could have been taken; correct?

2 **A** Possible.

3 **Q** Okay. Possible. Okay.

4 And the fact is that you didn't dust for any prints in
5 this matter; correct?

6 **A** Correct.

7 **Q** And you didn't process any DNA in this matter; correct?

8 **A** Correct.

9 **Q** All right. So there's no physical evidence that
10 Mr. Wilson had been inside Apartment [REDACTED]; correct?

11 MR. POGUE: Objection to that question, Your Honor.

12 MR. KOGER: No further questions.

13 THE COURT: Thank you.

14 Anything else, Mr. Pogue, of your witness?

15 MR. POGUE: No further questions.

16 THE COURT: Thank you. Ms. Snelgrove, you may step down.

17 THE WITNESS: Thank you.

18 THE COURT: How long will your next witness take,
19 Mr. Pogue? I'm just trying to decide whether this is a good
20 time to take a break or after the next witness.

21 MR. POGUE: It could be a little bit. Not as long as
22 this one, Your Honor, but it could be a little bit. I'm
23 guessing probably --

24 THE COURT: All right. We'll go ahead and take the
25 morning recess at this point in time rather than extend the

1 jurors beyond what is acceptable.

2 Ladies and gentlemen, I'm going to send you to your jury
3 room for the morning recess. We'll get you back out here in
4 about 15 minutes to continue the trial. Please don't talk
5 about this case among yourselves. Thank you.

6 (The jury exited the courtroom at 11:37 a.m.)

7 THE COURT: Folks, we'll try to start back about five
8 minutes to the hour.

9 MR. POGUE: Thank you, Your Honor.

10 (A brief recess was taken.)

11 THE COURT: All right. These aren't marked yet, so,
12 Mr. Koger, if you can -- do you object to all of them or are
13 there some that you object to and not others? If so, I can
14 just rule on what I need to rule on.

15 MR. KOGER: May I approach?

16 THE COURT: Yes, sir, please.

17 MR. POGUE: Judge, we can pre-mark them just for ease of
18 the record and then deal with it.

19 THE COURT: It would have been helpful.

20 (State's Exhibit Nos. 128 through 137, photos, were
21 marked for identification.)

22 THE COURT: Okay. We'll mark them for ID, of course,
23 initially.

24 COURT REPORTER: Ready, Your Honor.

25 THE COURT: Now?

1 COURT REPORTER: Yes, sir.

2 THE COURT: All right. Now, who are these photos of,
3 please, so that I'll know what I'm talking about?

4 MR. POGUE: Your Honor, these are photos of both victims
5 in the hospital.

6 THE COURT: Okay.

7 MR. POGUE: It demonstrates the extent of their injuries
8 for documentation purposes.

9 THE COURT: Right.

10 MR. KOGER: Your Honor, may it please the Court?

11 THE COURT: Yes, sir.

12 MR. KOGER: And I think, first, Exhibits 129 through 132,
13 these are pictures of Ms. Jeffcoat right here. Basically, my
14 objection is that the pictures are redundant; that we have a
15 total of five pictures that, I think, essentially shows the
16 same thing. Your Honor, may I approach?

17 THE COURT: Please do.

18 MR. KOGER: Okay. I think State Exhibit 128 and 129 --
19 may I approach?

20 THE COURT: Yes, sir.

21 MR. KOGER: -- are redundant, and I think only one should
22 be allowed in.

23 THE COURT: All right. Mr. Pincelli, as to between 128
24 and 129, why do you need both of those? Tell me.

25 MR. PINCELLI: Your Honor, I would just argue that they

1 show different perspectives, different distances from the
2 actual wound. Many of the jurors, I'm sure, are unfamiliar
3 with gunshot wounds, and this better demonstrates what we're
4 dealing with.

5 THE COURT: Right. I know that 128 is, of course, a
6 closer-up view of the wound. I take it that was a wound to
7 the upper leg; is that right?

8 MR. PINCELLI: I believe that would be the exit wound
9 from Ms. Jeffcoat.

10 THE COURT: Okay. The body is partly covered with a
11 blanket, so I can't tell -- I mean, a hospital sheet, so I
12 can't tell whether it's a torso or part of a leg.

13 MR. PINCELLI: And, Your Honor, that would be part of the
14 reason -- the orientation is necessary for these wounds to
15 explain where and how.

16 THE COURT: Frankly, I think, that either photograph is
17 going to require some orientation to let the jury know that
18 this is an exit wound, because where -- one of the responding
19 officers talked about where it had come out and this diagram
20 to support that. I'll allow 128 into evidence. 129 is
21 redundant to that. Okay?

22 MR. PINCELLI: Thank you.

23 (State's Exhibit 129 was denied.)

24 MR. KOGER: And, Your Honor, I have the State Exhibit 130
25 and 131 and 132, and again, it's basically -- one is a distant

1 shot and two are close-up shots. So I would say that the two
2 close-up shots, 130 and 132, may be redundant, and the Court
3 can use its discretion for State Exhibit 131 because it is --

4 MR. PINCELLI: May I approach?

5 THE COURT: Yes, you can.

6 MR. KOGER: -- it is a farther angle.

7 COURT REPORTER: It is a what angle?

8 MR. KOGER: A farther angle.

9 THE COURT: It appears that these are the angles of the
10 exit wounds, as I look at them.

11 MR. PINCELLI: Your Honor, that may be correct. I am
12 unaware, since they have been marked.

13 THE COURT: Do you want to look at them? I will allow
14 131 and 132. Those are the more distant. 130 is an extreme
15 close-up, which I don't think is necessary. And the
16 orientation, that is, the location of this as being the exit
17 wound, I think, is more fully amplified by these photographs.

18 I think that both of these sets of photographs are
19 necessary to support what the testimony has already been. I
20 may be wrong, but when you look at the photographs, you-all
21 can confirm what appears to me is, in 128, is the entrance
22 wound; 131 is three-quarters of the body of Ms. Jeffcoat,
23 which I think is helpful to orient the path of the wound; 132
24 is a close-up to show it better. I will allow those. I will
25 grant the objection as to 129 and 130.

1 (State's Exhibit No. 130 was denied.)

2 MR. KOGER: On 133 -- and, actually, 134 and 135, again,
3 I think we have some redundancy here with these photos right
4 here with Ms. Mcrae being on the gurney right here and showing
5 the wound on her leg.

6 THE COURT: All right. You can pass those up.

7 Mr. Pincelli, look at 133 and see if that is not
8 sufficient to describe the wounds, and tell me what 134 and
9 135 add to 133. Take a look at 133 and then look at these
10 other two and see what 134 and 135 add to it.

11 MR. PINCELLI: Your Honor, we'll accept 133. It's the
12 best demonstration of that.

13 THE COURT: All right. 133, then, and these are the ones
14 which I have allowed into evidence, and the others are in this
15 stack. I have granted the objection as to 129, 130, and 133.
16 Okay? Everybody clear on that?

17 MR. POGUE: Your Honor, I believe --

18 THE COURT: 133 is --

19 MR. POGUE: 134 and 135 is the --

20 THE COURT: You're right. You're exactly right. 133,
21 131, 132, 128 are okay.

22 MR. POGUE: Okay.

23 THE COURT: Objection as to 129, 130, 134, and 135
24 sustained.

25 (State's Exhibit Nos. 134 and 135 were denied.)

1 MR. KOGER: And, Your Honor, my final two. Actually, I
2 withdraw my objection to State Exhibit 137, but State Exhibit
3 136, as you previously ruled in some other photographs, this
4 is an extreme close-up of the injury. And I withdraw my
5 objection to 137.

6 THE COURT: I think 137 gets all what you need, from my
7 perspective. 136 is a closer-up, of course, but it doesn't
8 add anything other than a little more detail. These are two
9 separate wounds in separate legs; right?

10 MR. POGUE: I believe so, Your Honor. It's the multiple
11 wounds to the lower legs.

12 THE COURT: This is one leg?

13 MR. POGUE: Right.

14 THE COURT: Now, those are two separate legs?

15 MR. POGUE: Yes.

16 THE COURT: Okay. I'll allow both of those in over
17 objection.

18 COURT REPORTER: Which one?

19 THE COURT: 136 and 137 in evidence over objection --
20 which one did you object to, Mr. Koger? I can't remember.

21 MR. KOGER: Actually, I had objected to 136. I withdrew
22 my objection to 137.

23 THE COURT: 136 is over objection. Both are okay.

24 All right. Thank you, folks.

25 MR. POGUE: Thank you, Your Honor.

1 THE COURT: Ready to go?

2 MR. POGUE: Yes, sir.

3 THE COURT: Okay. Bring us the jury.

4 MR. POGUE: Your Honor, before the jury comes in, I just
5 wanted to ask for a point of clarification. We will be
6 publishing those redacted video calls to this witness.

7 THE COURT: Right.

8 MR. POGUE: Do you want us to have the attorneys and the
9 witness phrase that they've been redacted for judicial economy
10 or --

11 THE COURT: If you'd like for me to tell them I, as a
12 matter of a law, have decided that certain parts of these are
13 -- are not for your consideration or something benign like
14 that. Okay?

15 MR. POGUE: I guess that was what my question was, is
16 whatever you determine.

17 THE COURT: And it will fall subject to objection by
18 Mr. Koger, that he had previously filed in pretrial, as to
19 those things being shown.

20 MR. KOGER: So do I need to make the objection in front
21 of the jury or do you already note that or --

22 THE COURT: No, you can make it for me, because the jury
23 doesn't concern itself with objections. As long as the record
24 reflects your objection, it's really -- you're making it for
25 the Supreme Court. Okay?

1 MR. KOGER: Gotcha.

2 THE COURT: I'll note the objection, and we'll go forward
3 subject to your objection. It will be a continuing objection
4 throughout any portions of those video or audio recordings.

5 MR. KOGER: Thank you.

6 MR. PINCELLI: Thank you, Judge.

7 MR. POGUE: Thank you, Your Honor.

8 THE COURT: Thank you all.

9 (The jury enters the courtroom at 12:15 p.m.)

10 THE COURT: Thank you, folks. We have been dealing with
11 some evidentiary matters outside of your presence regarding
12 some photographs that you will be seeing through some of the
13 next witnesses, and I've had to deal with those matters
14 outside of your presence.

15 Likewise, when some of the stuff that the witness is
16 going to be testifying, parts of some audio and video
17 recordings will be played and shown to you. These are
18 photographs -- or, excuse me, are audio and video recordings
19 of conversations that have been recorded, some of them on tape
20 and some of them on video as well. These conversations are
21 somewhat lengthy, and so, as a matter of law, I have
22 determined that certain parts of them should simply be
23 redacted or edited out. You are not to gather that anybody is
24 trying to hide anything that you need to know in order to
25 reach your decision.

1 I have determined, as a matter of law, that some of these
2 things are irrelevant for your consideration on the question
3 of guilt or innocence. That's what I do, as I told you
4 yesterday. I'm the judge of the law; I have to decide whether
5 you can look at something or see something or hear something.
6 And so I made that decision. As a result of that, some of
7 these things that you will see or hear will be somewhat
8 chopped up. Some of them will not be sequential and
9 hopefully, within themselves, they will make sense, but they
10 are simply parts of the larger conversations, which I have
11 determined should be done to save your time and also to save
12 you from having to concern yourself with matters that do not
13 concern you and that are not to be involved in your
14 deliberations in any event.

15 All right, Mr. Pincelli, you can call your next witness.

16 MR. PINCELLI: Yes, Your Honor. Thank you. The State
17 calls Detective Andaloro.

18 THE COURT: Come forward, Detective Andaloro, please, and
19 be sworn.

20 DET. JOSEPH ANDALORO,
21 the witness, after having first been duly sworn, was examined
22 and testified to as follows:

23 CLERK OF COURT: Have a seat, sir. Once you're seated,
24 state your full name, spelling your last, please.

25 THE WITNESS: Joseph Andaloro, A-n-d-a-l-o-r-o.

3 Q Thank you, Detective. And what agency are you a
4 detective for?

24 **A** Yes, sir. I received a phone call from, at the time,
25 Sergeant Laintz, who advised me that we had a shooting

1 incident occur at Boardwalk Lane in Lexington, specifically
2 Unit [REDACTED] and [REDACTED] and between there. He advised me that himself,
3 as well as a few other detectives and at the time CSI Vancil,
4 would be responding to the scene.

5 He advised me that there were two female patients that
6 had been shot, and they were en route emergent by ambulance to
7 Palmetto Health Richland. And I responded to Palmetto Health
8 Richland to the trauma bays to meet with the victims at that
9 location.

10 **Q** And about what time do you recall responding to the
11 hospital to meet with the victims?

12 **A** Yes, sir, if I may refer; I actually noted it in my
13 report. I responded at 2121, which would be 9:21 p.m. on the
14 26th, I arrived at Palmetto Health Richland.

15 **Q** And when you arrived, what condition were the victims in?

16 **A** When I arrived, they were actually both in the trauma
17 bay, so I went into what is called the viewing area. And
18 that's in between -- they have two trauma bays at Palmetto
19 Health Richland, being a Level 1 trauma center. Because of
20 their condition, not sure if they were stable, I was actually
21 advised by surgeons, doctors, and nurses that I wasn't even
22 allowed into the trauma bay, which, typically, they do let us
23 in to talk with victims, especially with -- at the time, I
24 didn't know who she was, but Ms. Mcrae had lost a lot of
25 blood, and they were getting emergency CT scans. So I was

1 basically just taking photos at that time when I first
2 arrived, allowing them to stabilize them in the trauma bays.

3 MR. PINCELLI: Permission to approach the witness?

4 THE COURT: Yes, sir.

5 MR. PINCELLI:

6 Q Detective Andaloro, I'm showing you what's been marked
7 State's Exhibit 131, 132, 133, 136, 137 as well as State's
8 Exhibit 128. Do you recognize these items?

9 A Yes, sir. These are the photos that I took of the two
10 victims at the hospital that night.

11 Q Are they fair and accurate depictions of what you saw?

12 A Yes, sir, they are.

13 MR. PINCELLI: Your Honor, I would move these exhibits
14 into evidence at this time.

15 THE COURT: In evidence. 136, subject to objection.

16 (State's Exhibit Nos. 128, 131, 132, 133, 136 and 137,
17 photos at hospital, were received into evidence.)

18 MR. PINCELLI: Thank you, Your Honor. Permission to
19 publish to the jury?

20 THE COURT: Yes, sir.

21 BY MR. PINCELLI:

22 Q Detective Andaloro -- and, again, can you explain where
23 you were when you took these pictures?

24 A Yes, sir. I was in what they call the viewing area in
25 between the two trauma bays. And I believe a few of the

1 pictures were also in the ER room once they were stabilized,
2 especially Ms. Jeffcoat, one of the two victims.

3 Q And when did you become aware of the identities of the
4 victims?

5 A While I was at the hospital. I actually spoke with both
6 of them so, initially, the one patient, Ms. Jeffcoat, I had
7 her first and last name. Brittny McRae was a Jane Doe until I
8 spoke with -- at the hospital, basically, to talk. In the
9 course of my investigation, I found out both of their full
10 names and who they were.

11 Q Detective Andaloro, I'm showing you what's been marked as
12 State's Exhibit 131. Can you tell me who that is?

13 A Yes, that's going to be Ashley Jeffcoat.

14 Q And what are we observing there?

15 A We're observing -- we can actually almost see both of
16 them, but the entrance wound is on this side, and we're
17 observing the exit wound from the gunshot wound that she
18 sustained. That's what I'm trying to photograph there is
19 basically showing that. I had two nurses assist me. They
20 rolled her over so I could take that photograph so we had it.
21 I believed it was relevant.

22 Q And this is State's 132. Is that the same victim?

23 A Yes, sir.

24 Q What are we seeing there?

25 A It's another shot, closer, showing -- trying to show the

1 exit wound. That's just one of the nurse's hands.

2 Q State's 128. How about this?

3 A Yes, sir.

4 Q Would that be the entrance wound?

5 A Yes, sir.

6 Q Would that be the same victim?

7 A Yes, sir, that's also Ms. Jeffcoat.

8 Q How many injuries did she sustain? What do you recall?

9 A What I recall through records and investigation is that
10 she was shot one time in the abdomen area in that lower
11 quadrant, and then it went out -- kind of wrapped around her
12 hip and went out her bottom, her backside.

13 Q So showing State's 131 again, can you explain to the jury
14 that injury?

15 A Yeah. So, basically, she was shot in through the front,
16 and it wrapped around inside of her and then came out right
17 there. That's the exit wound. So she got shot one time, and
18 the bullet traveled around her and went out.

19 Q Now showing State's 133, what is this?

20 A All right. That's actually Brittney McRae. It's a
21 photograph of her.

22 Q What does this photo show?

23 A This photo is actually me when I'm -- I'm now, at this
24 point, allowed in the trauma bay that she was in. They had
25 her a little bit more stable, and they allowed me to come in

1 and take some pictures of her from inside. And
2 that's showing, specifically right there -- she has multiple
3 gunshot wounds on her legs, but I was trying depict that --
4 wanted to show the whole -- all of her face, who she was,
5 where the wounds belonged to -- or who they belonged to.

6 **Q** In this photo, it appears there's something on her hand,
7 I believe. Can you explain what's going on there?

8 **A** Yeah, that -- a lot of times, our first responders, which
9 will be Fire, EMS specifically would normally do that. They
10 sometimes -- when there -- when it's like gunshot incident,
11 they will put the bags over that, if there's possibly any kind
12 of evidence or things like that. They'll just tape it up as a
13 precaution and send them to the hospital.

14 **Q** Showing you 137 now. Which victim is this?

15 **A** This is Brittny McRae. This is going to be her left leg
16 -- inside of her leg. That's her knee. That's showing -

17 **Q** That's another gunshot wound?

18 **A** That's correct.

19 **Q** I'll show you 133 again where you've got that closer
20 image. What's the purpose of the yellow brace there?

21 **A** Yeah. She was shot several times, so I don't know that
22 she was able to walk. I don't know, again, at this point, the
23 extent of her injuries, because I'm not getting much. They're
24 doing life-saving measures on her based off listening to the
25 doctors and nurses that was -- I was just trying to get -- I

1 was trying to get -- my purpose in being there is to get
2 investigative -- take pictures and talk with her and see what
3 actually happened to her. But they were trying to, obviously,
4 still treat her and make sure she was stable.

5 **Q** Right. And now we're looking again at 137. Was that the
6 same brace that we just saw in the other photo?

7 **A** That's correct. That's correct.

8 **Q** And now I'll show you 136. What are we observing in that
9 photo?

10 **A** I'm trying to show the braces that was in the previous
11 photos that you showed to us, covering up some of the other
12 gunshot wounds, because they were trying to brace her leg and
13 stabilize her leg. So showing another gunshot wound,
14 obviously, right here.

15 **Q** You described both victims' conditions. Were you able to
16 speak with them at the hospital?

17 **A** I was. I was able to speak with both victims at the
18 hospital.

19 **Q** And what did you learn through the course of your
20 investigation, through your conversation there? Anything of
21 interest?

22 **A** I did. I learned that both victims advised me that they
23 had met up with a gentleman they knew as Tattoo, and his first
24 name was Thomas, and then he had taken them over to the
25 Palmetto Inn, which is located over on Morning Hill in

1 Richland County, and that they went to Room 120. And there
2 was multiple people there, and that they were there for a
3 little bit, and then they left, going back to --

4 Q I'm just going to stop you for just a second.

5 A Yes, sir.

6 Q When does this timeline begin? Did you get a feel for
7 that? Are we talking the same day as the event?

8 A Yeah. Yes, so this is hours earlier, I apologize, on the
9 26th. September 26th.

10 Q And you were telling me that they had gone with a man
11 named Tattoo to travel to the Palmetto Inn?

12 A That's correct, the Palmetto Inn, which is a motel in
13 Richland County.

14 Q And what occurred from that point?

15 A They went inside a room -- inside Room 120 where they met
16 with the defendant that's in the courtroom, Tashonby Wilson.
17 They were there for a little bit, and then they left that
18 location.

19 When they left the location with Thomas in his burgundy
20 Silverado -- they told me they left in his pick-up truck with
21 him and went back to his location. They weren't sure exactly
22 where he lived, but they told me they were, like, condos that
23 was over by Lake Murray, by the lake, and that, as they were
24 on the way back or as they were there, their recollection was
25 that Mr. Wilson, who they identified as and also -- backing

1 up, they identified -- I asked, "Who did this to you?" They
2 immediately both told me that Tashonby Wilson, who they knew
3 as Pep, and they had known him for about a year, is the person
4 that shot them. They both told me that. That's part of my
5 investigation, obviously, to find out --

6 Q Okay. So just to be clear --

7 A Yes, sir.

8 Q This is at the hospital?

9 A This is at the hospital. This is --

10 Q And what was that in response to?

11 A That was when I asked -- basically asking them, you know,
12 "Who did this to you? Who shot you?"

13 Q And what did they say then?

14 A They said, "Tashonby Wilson." Well, one said, "Tashonby
15 Wilson," who they know as Pep, and that's what he goes by.
16 The other one said, "Pep," and I asked, "Do you know his real
17 name?" And they immediately said, "Tashonby Wilson." Yes,
18 sir.

19 Q And you said they had traveled -- after the Palmetto Inn,
20 they left with Tattoo in his burgundy truck?

21 A That's right.

22 Q And they get back where Tattoo lives. What do you recall
23 learning happens next?

24 A That they received phone calls from who they knew to be
25 Tashonby Wilson, or Pep, and that he was accusing them of

1 stealing heroin that he had had in a cigarette box and that he
2 was questioning them, saying he wanted his -- demanding his
3 drugs back from them.

4 When they arrived back at Tattoo's place, or Thomas's,
5 residence, not long after they arrived, Tashonby Wilson showed
6 up, was let in by Thomas and had a gun in his hand and
7 demanded his drugs and ultimately shot Ashley Jeffcoat in the
8 stomach in the living room after threatening everybody there
9 multiple times, saying he was going to kill them.

10 Q And you say "everybody there." Did you learn who was at
11 the condo at that time?

12 A I learned who was at the condo. It was a combination of
13 the detectives and Sergeant Laintz on scene, who they were
14 interviewing there were at Boardwalk, and with them, so kind
15 of joint between the two. But I learned that Thomas; his
16 girlfriend, Brandy; Brandy's child, who was eight or nine at
17 the time, MINOR, I believe, were in there, as well as Brittny
18 McRae and Ashley Jeffcoat, the two victims.

19 Q And you said they were there. And then what was reported
20 to you was Tashonby Wilson entered with a gun?

21 A He entered in through the front door with a gun and
22 demanding for his drugs and ultimately came kind of through
23 the kitchen, in the pictures we saw, into the living room and
24 shot Ashley once at that point in the living room.

25 Q Did that scene continue to progress at any other

1 locations?

2 **A** It did. At that point, Ashley and Brittny -- and,
3 mainly, I got this through Ashley. They ran out the door and
4 was just, basically, trying to get away from the situation.
5 They ran down towards, you know, [REDACTED], where Brittny knocked on
6 the door, and Ashley was kind of hiding behind a car. And,
7 basically, he shot at them -- shot the gun multiple times,
8 striking Brittny several times in the legs.

9 **Q** And did you get any other information regarding the
10 identity of the suspect? You said you had his name already.
11 Was there anything else that tied him?

12 **A** Yes, they provided me Tashonby's phone number as
13 (803) 757-[REDACTED], and they said that he called them multiple
14 times.

15 **Q** And what did you do with that information?

16 **A** Once I finished -- I assisted in executing the search
17 warrant with Ms. Snelgrove, but once I was able to get back to
18 the sheriff's department, to our headquarters, I did what's
19 called a preservation letter, and I sent that to -- one
20 moment, please -- I sent that preservation letter request -- I
21 faxed it to Metro PCS, which now is T-mobile; it's merged. I
22 also emailed the preservation letter because, in a more
23 serious case like this, I want to make sure they, you know,
24 got that preservation letter.

25 And then the following day, I obtained a search warrant.

1 I presented what's probable cause to a judge and got a search
2 warrant for those actual phone records for that phone number.

3 **Q** Okay. And just for me and the jury, we're talking about
4 the phone, and you mentioned a preservation letter. Can you
5 explain what that is and why you would get something like
6 that?

7 **A** Absolutely. So whether you have T-mobile or Verizon or
8 Tracfone or Straight Talk, some of them have different
9 policies for retention. Some of them don't keep text messages
10 and phone calls for -- they keep it for a duration of time,
11 but if we don't request it or ask them to preserve it, those
12 phone records could be gone. So if we want to use them in
13 court, like today or like this week or a later point in time,
14 we may not have that if we want to look at it.

15 So seeing that they provided that number and that he was
16 contacting them, I wanted to preserve that to give me time to
17 get the search warrant, not knowing where the investigation
18 would lead. Sometimes you can't be behind a computer, you're
19 out in the field interviewing people, like I was at the
20 hospital. So I wanted to make sure that was saved. And they
21 normally save it for about 90 days, based off statutes, is my
22 understanding.

23 **Q** And then you said something about a search warrant for a
24 phone. Is that, like, the actual phone, not just records? Or
25 can you explain that to me?

1 **A** As far as the specific phone accounts or...

2 **Q** What else related to the cell phone other than the
3 preservation letter?

4 **A** Okay. So -- and then there was cell phones at 120
5 Palmetto Inn. So, at a later time, I obtained search warrants
6 for the physical phones that were collected to actually have
7 phone extractions done on those.

8 **Q** And backing up to after you leave the hospital -- you
9 said the search -- the preservation letter and the search of
10 those cell phones, when did that occur?

11 **A** Much later.

12 **Q** All right. So the night you're at the hospital, where do
13 you go from the hospital?

14 **A** I go from the hospital to Boardwalk Lane to meet with CSI
15 Vancil at the time, now Snelgrove, that recently spoke, and
16 Sergeant Laintz and the other detectives. Being lead
17 detective, once I was able to clear the hospital with the
18 victims, I wanted, obviously, to go to the crime scene and see
19 where this incident occurred and tying things together and
20 also help her as she's processing the scene, to see what we're
21 looking for through that process.

22 **Q** And you said -- so you were part of the search of the
23 condo?

24 **A** That's correct.

25 **Q** And, again, what condo was that?

1 **A** Oh, at [REDACTED] Boardwalk Lane in Lexington County, South
2 Carolina.

3 **Q** I'm going to show you what's been marked as State's 3.
4 Can you point out where you were?

5 **A** Yes, sir. So [REDACTED] is right here and then [REDACTED]. And when I
6 was en route to the hospital, that's when I was advised where
7 the incident occurred, at [REDACTED], [REDACTED], and in between there, so I
8 responded to this location, parking somewhere over here, and
9 then linking up with CSI Vancil at the time.

10 **Q** And about what time do you recall being there?

11 **A** I didn't specifically notate, but it would have been
12 maybe just prior to the 27th or maybe early into the 27th, a
13 few hours after -- I was at the hospital for a good bit of
14 time because I was waiting on the victims, to talk with them,
15 but I immediately left Palmetto Richland and responded to the
16 scene. I'm not sure if that's notated in CSI Vancil's report.

17 **Q** Did you find anything while you searched the condo,
18 anything that gave you a better picture of what happened?

19 **A** Well, I mean, one thing that -- I found information -- my
20 investigation led me to believe that the -- that Mr. Seehof,
21 or Thomas Seehof, the resident there, was familiar and knew --
22 the residents there knew Tashonby Wilson, or Pep.

23 **Q** Going back to the cell phones, I believe you said the
24 phone company was Metro PCS; is that correct?

25 **A** That is correct.

1 **Q** So, through your capacity as a detective, do you send
2 something to them and then receive data back?

3 **A** That's correct. And you typically will receive it in the
4 email fashion back. It will either be in a ZIP file or
5 several PDF and Excel files. It just depends on the company.

6 **Q** Did you do anything else through your investigation that
7 you got digital evidence for?

8 **A** I did. I watched some videos and listened to some phone
9 calls.

10 **Q** And what kind of --

11 MR. PINCELLI: Excuse me; beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 BY MR. PINCELLI:

14 **Q** All right. Exactly what kind of those -- what was it you
15 watched?

16 **A** So I went onto a thing called Securus, where we can watch
17 jail calls between inmates and --

18 COURT REPORTER: Did you say Securus?

19 THE WITNESS: Securus, S-e-c-u-r-u-s. I'm sorry, ma'am.

20 **A** And we have two systems. One's for phone calls made and
21 one's for visitation. Our visitation at Lexington County
22 Detention Center, they don't actually get to physically be
23 with them. They do it through -- it's video to video. They
24 can also do it, like, through your residence. If they're in
25 the detention center, you can call someone at home if they

1 have money. So I was viewing videos there as well as some of
2 the audio phone calls.

3 BY MR. PINCELLI:

4 Q And through your investigation, did you find something
5 from Securus that was of evidentiary value to this case?

6 A I did. I found a few videos that I listened to, or a few
7 videos that I watched, and a few phone calls, and the ones
8 that I found relevant to this case, I downloaded those. I
9 find that there's some pertinent information in them.

10 Q And were the parties related to this case?

11 A They were.

12 Q I'm showing you a disk. Do you recognize what that is?

13 A Yes. This is a disk that has the video calls from the
14 defendant, Tashonby Wilson, also known as Pep.

15 Q And how do you recognize what that is?

16 A It has my initials and a date on it, and I signed it.

17 Q And did you have the opportunity to watch this in full?

18 A I did. I watched it in its entirety.

19 MR. PINCELLI: Your Honor, at this time, I'd like to mark
20 this as State's exhibit and enter it into evidence.

21 THE COURT: Okay. Go ahead and mark it so I can rule on
22 it.

23 MR. PINCELLI: Your Honor, this is going to be State's
24 138.

25 THE COURT: 138 in evidence over objection of defense

1 counsel.

2 MR. PINCELLI: Thank you, Your Honor.

3 (State's Exhibit No. 138, CD, was marked for
4 identification and received in evidence.)

5 MR. PINCELLI: At this time -- sorry; beg the Court's
6 indulgence.

7 BY MR. PINCELLI:

8 Q And, Detective Andalaro, is this a fair and accurate
9 depiction of the portion of the video that you downloaded?

10 A Yes, sir, it is.

11 MR. PINCELLI: Your Honor, at this time, I would move to
12 publish this. And these would be the video calls from jail.

13 THE COURT: Okay. First of all, Detective Andalaro,
14 you've indicated that these calls were made from the jail or
15 within the jail itself. Before these calls begin, is there a
16 warning to parties on either side that the call's going to be
17 recorded?

18 THE WITNESS: Yes, sir, there is. Every time, it
19 notifies you the company that it's by and that this is subject
20 to recording. That is correct.

21 THE COURT: And that has been true of these calls as
22 well?

23 THE WITNESS: Yes, sir. On every one that I listened to,
24 it had that warning.

25 THE COURT: Even though the warning might not be on the

1 tape, you heard the warnings and you know that everybody was
2 advised before they began these calls that they were being
3 recorded?

4 THE WITNESS: Yes, sir, that's correct. When I listened
5 to it and downloaded it, it had the warnings on there.

6 THE COURT: Thank you. All right, Mr. Pincelli.

7 MR. PINCELLI: Your Honor, may I approach?

8 THE COURT: Sure.

9 BENCH CONFERENCE

10 (A bench conference was held off the record and outside
11 the hearing of the jury and others.)

12 (Open court resumes:)

13 THE COURT: Ladies and gentlemen, this is what I was
14 telling you about when you first came in. These are the calls
15 that have been redacted. The calls were much more lengthy
16 than what you will be looking at, and you should thank us for
17 those redactions because you won't have to listen to nearly as
18 much by virtue of those redactions. That's the reason they
19 appear to be jumping around. Nobody's trying to hide anything
20 that you need to know in order to render a decision in this
21 case.

22 All right, Mr. Pincelli.

23 MR. PINCELLI: Thank you, Your Honor.

24 BY MR. PINCELLI:

25 Q Detective Andaloro, this is one of three files that is

1 saved on this disk. Did you have the opportunity to watch and
2 pull this file and download it?

3 **A** I did.

4 (Exhibit 138/CD plays.)

5 BY MR. PINCELLI:

6 **Q** Detective, this time I'm going to play the second of the
7 three videos files.

8 **A** Yes, sir.

9 **Q** Would this be the other file that you viewed and
10 downloaded from Securus?

11 **A** Yes, sir. It's one of the other files that I downloaded
12 -- I reviewed and then downloaded.

13 (Exhibit 138/CD plays.)

14 BY MR. PINCELLI:

15 **Q** Detective, this is the third video call. Just again, how
16 did you get this and are you familiar with it?

17 **A** Yes, sir. I viewed that off of the Securus and then
18 downloaded it.

19 (Exhibit 138/CD plays.)

20 THE COURT: Detective, do you know the identity of the
21 folks who are shown on the screen?

22 THE WITNESS: Yes, sir, I do.

23 THE COURT: And who are they?

24 THE WITNESS: The defendant that's in the courtroom,
25 Tashonby Wilson, and his brother, Everette Wannamaker, that

1 goes by Epp, on the left side.

2 THE COURT: Thank you.

3 BY MR. PINCELLI:

4 Q Detective, that's all I have for you. Thank you. Please
5 answer any questions from defense counsel.

6 A Yes, sir.

7 THE COURT: Mr. Koger, cross-examine?

8 MR. KOGER: Yes, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. KOGER:

11 Q Detective, you stated that you had spoke with the two
12 victims in the hospital once you were able to see them in the
13 hospital; right?

14 A That's correct. I spoke with both of them at the
15 hospital.

16 Q And while you were at the hospital, you received a call
17 from one of their phones; correct?

18 A I received a call from one of their phones? No, sir.

19 Q They received a call?

20 A No, sir.

21 Q Okay. Did one of them receive a call from area code
22 (803) 451-██████? It's on page 8 of your report.

23 A Let me refer to my report. No, sir, that's not correct.

24 Q That's not correct?

25 A No, sir. If you read the report, that's Ashley's mother

1 that received the phone call, not one of the victims.

2 Q Okay. Well, what information did you glean from that
3 phone call?

4 A That information was that -- I'm not sure what you're
5 asking specifically.

6 Q Okay. You've got page 8?

7 A Yes, sir. I'm right there with you.

8 Q Okay. All right. And you go to the sentence, "She
9 received" -- that's Ms. Jeffcoat's mother? She received phone
10 calls?

11 A Yes. Ms. Mattie mentioned what I advised earlier on Line
12 3. I was meeting with her in the lobby because I was waiting
13 for them to come back from CT scan.

14 Q Okay. All right.

15 A She received a phone call from phone number
16 (803) 451-[REDACTED].

17 Q And that I, that's you or that's --

18 A That's me.

19 Q Okay. And you called her number?

20 A That's correct.

21 Q It was a Garner Lane address?

22 A That's correct.

23 COURT REPORTER: What address?

24 MR. KOGER: Garner Lane.

25 THE WITNESS: Garner, G-a-r-n-e-r.

1 BY MR. KOGER:

2 Q Right. Okay. And what did that person tell you about
3 Ashley and Brittny?

4 A That person didn't tell me anything about Ashley and
5 Brittny.

6 MR. PINCELLI: Your Honor, I'll object to this line of
7 questioning.

8 MR. KOGER: Your Honor, it's in the report. It's part of
9 investigative report.

10 THE COURT: Right. Of course, not everything in the
11 investigative report in No. 7 is admissible under the rules of
12 evidence, but...

13 MR. KOGER: Well, I can --

14 THE COURT: I'm finding a lot of hearsay problems in
15 here.

16 MR. KOGER: Okay.

17 MR. PINCELLI: Your Honor, can we approach?

18 THE COURT: Okay. I think he's going to leave it and go
19 on to something else. Am I right on that?

20 MR. KOGER: But we can approach.

21 THE COURT: Okay.

22 BENCH CONFERENCE

23 (A bench conference was held outside of the hearing of
24 the jury and others.)

25 (Open court resumes:)

1 BY MR. KOGER:

2 Q You were not able to take any written statements from
3 them on that particular night; correct?

4 A On that particular night? No, sir. I did at a later
5 time.

6 Q Okay. And you took statements at a later time. It was
7 about two or three weeks later?

8 A It was October 11, 2016, I took statements -- written
9 statements from both of them at the sheriff's department.

10 MR. KOGER: Your Honor, I beg the Court's indulgence.

11 THE COURT: Yes, sir.

12 MR. KOGER: No further questions.

13 THE COURT: Any redirect, Mr. Pincelli?

14 MR. PINCELLI: No, sir, Your Honor.

15 THE COURT: Detective Andaloro, you can step down.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Mr. Pogue, is this a good time to break for
18 lunch, or do you have a short witness?

19 MR. POGUE: This is a good time, Your Honor.

20 THE COURT: Ladies and gentlemen, we're going to stop now
21 for the lunch recess, and I'm going to ask you to be back in
22 the jury room at 2:15. That's a little over an hour and 15
23 minutes. That should give you enough time, I hope, to get
24 something to eat.

25 Remember, as always, not to discuss this case among

1 yourselves or anybody else. Don't let anybody else talk with
2 you about it. We'll see you back at 2:15 to resume the
3 afternoon. Thank you.

4 (The jury exits the courtroom at 12:54 p.m.)

5 THE COURT: How are we doing on the schedule, gentlemen?

6 MR. POGUE: Your Honor, the time we gained yesterday, we
7 lost some of that back this morning. I think we're still on
8 pace. We're definitely on pace to finish testimony before the
9 end of the day on Friday, but I'd like to also finish and see
10 if we can close on Friday and give it to the jury, but I still
11 think we're on a good pace. We won't finish testimony today,
12 that's for sure.

13 THE COURT: Right.

14 MR. POGUE: But I think we've got, Your Honor, I think I
15 have -- we've done eight witnesses. We have 11 left, but a
16 lot of those are going to be short.

17 THE COURT: Okay.

18 MR. POGUE: Some of those should be fairly short.

19 THE COURT: The clerk advised me this morning that
20 they're going to need this courtroom for a brief period
21 tomorrow to lay the groundwork for a death penalty case
22 starting here next week, just long enough for -- for media
23 folks to know where to set up cameras and that sort of stuff.
24 I told the clerk, of course, our concern about trying to get
25 this case tried as quickly as possible, and she assured me

1 that they would not take a long period of time, but perhaps we
2 can make that just coincide with our morning recess somehow
3 tomorrow to let whoever needs to be -- Judge Griffith needs to
4 be involved in that, as long as -- as well as the court
5 personnel and whatever media folks are going to be here.

6 So, anyway, we'll -- just be advised about that for
7 tomorrow. I don't think that will be a lengthy interruption,
8 and as I say, we'll just make it part of the recess so that
9 we're not taking any time away from our trial time or
10 anything.

11 All right. Court will be in recess until 2:15.

12 (A lunch recess was taken from 12:56 p.m. to 2:15 p.m.)

13 (State's Exhibits 139 through 166, photos, were marked
14 for identification.)

15 (State's Exhibit No. 168, CD, was marked for
16 identification.)

17 THE COURT: Thank you, ladies and gentlemen. Please be
18 seated. Good afternoon.

19 MR. POGUE: Good afternoon.

20 THE COURT: Folks, are both sides ready for the jury?

21 MR. POGUE: Judge, the State is.

22 MR. KOGER: Yes, Your Honor.

23 THE COURT: Okay. You can have your next witness already
24 in the courtroom if you'd like. That's good. Thank you.

25 Bring in the jury.

1 (The jury enters the courtroom at approximately 2:15
2 p.m.)

3 THE COURT: Good afternoon, ladies and gentlemen, and
4 thank you for so promptly returning after lunch. We continue
5 now as the State offers additional evidence in testimony in
6 this case.

7 Mr. Pogue?

8 MR. POGUE: Thank you, Your Honor. The State calls
9 Sergeant Miles Rawl.

10 THE COURT: Come forward, Sergeant, please, and be sworn.

11 SGT. MILES RAWL,
12 the witness, after having first been duly sworn, was examined
13 and testified to as follows:

14 CLERK OF COURT: Once you're seated, state your full
15 name, spelling your last.

16 THE WITNESS: Miles Rawl, R-a-w-l.

17 DIRECT EXAMINATION

18 BY MR. POGUE:

19 Q Good afternoon.

20 A Good afternoon.

21 Q Where are you currently employed, sir?

22 A Lexington County Sheriff's Department.

23 Q What is your rank and position?

24 A I'm a detective sergeant for Lexington County Sheriff's
25 Department, currently serving the South Region property

1 crimes.

2 Q And were you employed with the Lexington County Sheriff's
3 Department on September 26 of 2016?

4 A Yes, sir.

5 Q In what capacity were you employed at that time?

6 A I was a detective for the Major Crimes Unit of Lexington
7 County Sheriff's Department.

8 Q And were you ever called to the scene on this particular
9 case at the Boardwalk Villas that evening?

10 A Yes, sir.

11 Q When you arrived on the scene, what did you do when you
12 got there?

13 A My responsibilities were basically to meet with
14 neighbors, witnesses, parties involved in this, to gather as
15 much information as possible.

16 Q And when you arrived on the scene, did you begin speaking
17 with any of the witnesses and neighbors that were on scene?

18 A Yes, sir.

19 Q Okay. Who did you speak with?

20 A The first person I spoke with was Brandy -- I'm going to
21 go with Brandy K. And then I spoke to her eight-year-old son,
22 MINOR. Then I spoke with to her next-door neighbor, Pete
23 Fortman -- Fortner.

24 Q Okay. And did any of these individuals give you a
25 written statement?

1 **A** Yes, sir.

2 **Q** Who gave you a written statement?

3 **A** Brandy K. did, as well as Pete.

4 **Q** All right. And you said that you had a chance to speak
5 with the eight-year-old little boy that was a witness?

6 **A** I did.

7 **Q** And did that eight-year-old boy -- about how long after
8 this incident was it that you spoke with this young man?

9 **A** It was shortly thereafter. I responded at 21 -- at 9:00
10 p.m., so it was right after the incident occurred.

11 **Q** Still a bunch of police cars on scene and sheriff
12 department vehicles on scene?

13 **A** Yes, sir.

14 **Q** And crime scene tape?

15 **A** Crime scene tape, everything.

16 **Q** Was the crime scene investigation even (indiscernible) at
17 that point?

18 **A** No, sir.

19 **Q** When you're speaking with him, does he indicate that he
20 saw who the assailant was in this particular case?

21 **A** He did. He actually referred to the individual as
22 Pep-Pep.

23 MR. POGUE: No further questions.

24 THE COURT: You're talking about the son or you're
25 talking about Pete?

1 THE WITNESS: The eight-year-old child.

2 THE COURT: Okay. Thank you.

3 All right. Cross-examine?

4 MR. KOGER: Yes, Your Honor. May it please the Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. KOGER:

8 Q How long did you speak with the young man?

9 A I'm sorry?

10 Q How long did you speak with the young man?

11 A It was very briefly.

12 Q What other information did you obtain?

13 A From the young man?

14 Q Yes.

15 A That it was a -- it was a gray car that Pep-Pep drove up
16 in, parked right outside in front of his house.

17 Q It was a gray or silver car?

18 A Gray -- he said gray.

19 Q So the length of your conversation with him was how long?

20 A It wasn't too long at all based on the -- the tragic
21 event that took place, and it was very brief.

22 Q What was your further involvement with this case after --
23 after being at the scene that night?

24 A After being on the scene that night, I responded back to
25 Lexington County Sheriff's Department and interviewed one of

1 the witnesses as well as obtained a search warrant for the
2 Palmetto Inn with assistance of Richland County Sheriff's
3 Department.

4 **Q** Did you participate in that search of -- or that was
5 Richland County?

6 **A** It was Richland County. The location is Richland County.
7 We had officers, along with Richland County, on scene, and I
8 did not participate. It took me a lengthy amount of time to
9 drive to Alvin S. Glen Detention Center to obtain the search
10 warrant. And once I had it signed in hand, I had called units
11 on scene in particular at that time, Sergeant Laintz, to go
12 ahead and execute the search warrant.

13 **Q** Did you participate in going to Room 217 at the Palmetto
14 Inn?

15 **A** Yes, sir, I did.

16 **Q** Did you actually go in Room 217?

17 **A** I did not enter the room of 217, no, sir.

18 **Q** Do you know what contents was found in Room 217?

19 **A** No, sir. At that time, my -- my stay was kind of brief.
20 We had made sure the room was secure, made contact with
21 Frankie Turk (ph) Rivers, and that was about my length of
22 doing the knock-and-talk on Room 217.

23 **Q** Now, you were actually on scene and had contact. Did you
24 ever speak with Mr. Turk?

25 **A** My part in it, again, was very brief.

1 Q Did you speak with him?

2 A Yes, sir.

3 Q From your investigation, what was the gist of that
4 conversation? What did you find out from Mr. Turk?

5 MR. POGUE: Objection. Hearsay.

6 THE COURT: First of all, who is this conversation with?

7 MR. KOGER: Mr. Turk, one of the --

8 BY MR. KOGER:

9 Q The person that was in 217; correct?

10 A Yes, sir.

11 THE COURT: How do we get around the hearsay objection
12 that's been lodged, Mr. Koger?

13 MR. KOGER: It's part of the investigation. I asked him
14 from what he had learned from his investigation, so he says he
15 went to the scene -- not the scene, but he went to Room 217.

16 THE COURT: Right. It would still be hearsay. I mean,
17 you can ask him what he did on the basis of what he learned
18 from talking with the people. That would, of course, be
19 admissible because it's not offered for the truth of the
20 matter asserted, but if you're asking him what the person told
21 him that aided in the investigation as such, then that seems
22 to be squarely within the hearsay exception -- I mean, the
23 hearsay rules, I'm sorry, not the exception.

24 MR. KOGER: I understand, Your Honor.

25 BY MR. KOGER:

1 **Q** Room 120, from your investigation, do you know what items
2 was taken or were not taken or what the parties in the room
3 found?

4 **A** No, sir, I do not.

5 MR. KOGER: Thank you. No further questions.

6 THE COURT: Re-direct, Mr. Pogue?

7 MR. POGUE: None, Your Honor.

8 THE COURT: Thank you. Sergeant, you can step down.

9 MR. POGUE: Your Honor, the State calls Lieutenant
10 Laintz.

11 THE COURT: Lieutenant Laintz, step forward and please be
12 sworn.

13 LT. JESSE LAINTZ,
14 the witness, after having first been duly sworn, was examined
15 and testified as follows:

16 CLERK OF COURT: Once you're seated, state your full name
17 spelling your last, please.

18 THE WITNESS: Jesse Laintz, L-a-i-n-t-z.

19 MR. POGUE: Beg the Court's indulgence.

20 THE COURT: Okay.

21 MR. POGUE: I apologize, Your Honor, (indiscernible).

22 THE COURT: Something that has not been put in evidence
23 yet?

24 MR. POGUE: Correct, Your Honor. There were photos that
25 we previously have not had connections to in regards to the

1 Palmetto Inn.

2 DIRECT EXAMINATION

3 BY MR. POGUE:

4 Q Lieutenant Laintz --

5 A Yes, sir.

6 Q -- were you a lieutenant back on September 26, 2016?

7 A No, sir. At that time, I was a sergeant over a Major
8 Crimes team.

9 Q Okay. What is your current position?

10 A Now, I'm the lieutenant over the Major Crimes Unit.

11 Q What is Major Crimes?

12 A So Major Crimes is a unit of about 44 people that
13 encompasses everything from four teams that do major
14 investigations, from phone harassment, domestic violence, all
15 the way up to homicides. And we have a victim's assistance
16 sexual registry, which we call our SWORD Unit, and CSI. So
17 about 44 people that I oversee that have everything to do with
18 those capacities.

19 Q All right. Did you become involved in this case on the
20 evening of September 26th back in 2016?

21 A I did.

22 Q Okay. And what was the nature of your involvement?

23 A At the time, I was a sergeant over a team of four
24 investigators, and I got a phone call to come out and respond
25 to a shooting incident that happened.

1 Q And where was that shooting incident?

2 A It was at [REDACTED] Boardwalk Lane, which is Boardwalk Plaza
3 right here in Lexington, Lexington County.

4 Q All right. And when you arrived there on the scene at
5 Boardwalk Villas, what was going on? What actions did you
6 take at that point?

7 A When I first arrived on the scene, there was already
8 officers -- uniformed officers there. And I arrive on scene
9 and see a trail of blood, essentially, leading from [REDACTED] --
10 Condo [REDACTED] to Condo [REDACTED]. There was a couple of delegations,
11 "Hey, can you go talk to this person? Can you go talk to this
12 person?", kind of getting detectives to do everything. And
13 then once I reached a lull of something I had to go do, I went
14 and talked to Condo No. [REDACTED].

15 Q And did you have a chance to speak with somebody at this
16 -- who was it that was at Condo [REDACTED]?

17 A James and Emily Ward that were at [REDACTED].

18 Q Do you have a copy of your report with you?

19 A I do.

20 Q And were you able to obtain statements from James and
21 Emily Ward?

22 A I was.

23 Q Did they give you oral statements, written statements, or
24 both?

25 A Originally started off as oral. They were a little shook

1 up. And then there was a typed statement and a written
2 statement that was obtained later.

3 Q And after obtaining statements from then, what did you do
4 next?

5 A From there, I went and talked another resident, and I'll
6 refer to my notes real quick to remember which condo it was.
7 Condo [REDACTED], I talked to an individual there.

8 Q Okay. All right. And do you recall that individual?

9 A It was a Gary Rossen.

10 Q And did Mr. Rossen give you a statement?

11 A No written statement. It was just a verbal statement.
12 All he heard was what he thought was a car backfiring and two
13 doors -- I'm sorry; two doors slamming and what he thought
14 were gunshots.

15 Q And, after that, do you have a chance to speak with
16 anybody else on scene?

17 A I talked to our investigators that were -- so one of the
18 common things that we do after everyone goes and talks to
19 everyone is, like, we all hurry up and scatter and go talk to
20 people and then we all come back together and talk so we can
21 all pass on the information that each individual person got.

22 So the last thing that I actually was there to have our
23 last little group meeting where we talked about the
24 information that everybody had. It's information sharing,
25 essentially.

1 **Q** And after you all share that information, what
2 investigative tactics did y'all take next?

3 **A** We actually had some investigator -- an investigator and
4 a CSI stay on scene, and then we had information from the
5 other interviews that were conducted that our suspect could
6 possibly be at the Palmetto Inn, which was in Richland County.
7 Two different rooms there that we were given, and we were to
8 go look at the Palmetto Inn for our suspect.

9 **Q** Okay. And did you go to the Palmetto Inn personally?

10 **A** Yes, I did.

11 **Q** Did you initially go to the Palmetto or did you meet in
12 another location and then go to the Palmetto?

13 **A** So, due to the fact that it's in Richland County, we
14 don't have any arrest powers there, we went to the New Hope --
15 New Springs Church -- yeah, the New Springs Church, waited in
16 that parking lot, called Richland County, waited for Richland
17 County to show up there. Once Richland County showed up, we
18 went to the -- the Palmetto Inn.

19 **Q** And when you went to the Palmetto Inn, what did you do
20 then?

21 **A** At the Palmetto Inn, we were told by Richland County that
22 there -- it was under construction. This is a hotel where the
23 doors are on the outside, and it's known for illegal activity,
24 and we went to go -- and the Richland County knew that the
25 place was under renovations. There was actually only seven

1 rooms that were being rented out. So with those seven rooms,
2 we went to the front and tried to talk to the individual that
3 was running it at that point in time to see which rooms, if we
4 could try to figure out some names.

5 In the midst of doing that, we had Room 120 and 217, so
6 those were two rooms we were going to make contact with, and
7 the first room we went to was 120.

8 **Q** When you made contact or, I guess, you knocked on Room
9 120. How did you approach?

10 **A** We actually went up and actually knocked on the door, and
11 it was a Richland County deputy that did that. We knocked on
12 the door, the door cracked open, an individual's face popped
13 through. It was the defendant, who we knew from other
14 pictures that we had seen that it was him.

15 **Q** All right. At that point in time, was he placed under
16 arrest?

17 **A** At that point, he was placed under arrest by Richland
18 County, and Richland County transferred the arrest to us,
19 because we don't have jurisdiction to arrest. So Richland
20 County arrested him and then gave him over to us.

21 **Q** So they transferred custody to Lexington County?

22 **A** That is correct, sir.

23 **Q** At that point, what happened?

24 **A** At that point in time, we were able to seize some objects
25 inside the room, looked like drug paraphernalia, and we also

1 wanted to search that room to see if there was anything that
2 we could find that related to the drugs -- or, I'm sorry, to
3 the incident that happened at the Boardwalk, so we got a
4 search warrant for the hotel room.

5 MR. POGUE: Beg the Court's indulgence.

6 May we approach, Your Honor?

7 THE COURT: Yes, sir.

8 BENCH CONFERENCE

9 (A bench conference was held outside of the hearing of
10 the jury and others.)

11 (Open court resumes:)

12 THE COURT: Lieutenant Laintz, you can step down. You're
13 subject to recall.

14 THE WITNESS: Okay.

15 THE COURT: Please don't discuss your testimony with
16 anybody while you're off the stand. Okay?

17 THE WITNESS: Yes, sir.

18 MR. POGUE: Your Honor, the State at this time would call
19 -- actually (indiscernible).

20 THE COURT: Okay.

21 MR. POGUE: Your Honor, the State at this time would call
22 Thomas Seehof.

23 THE COURT: Mr. Seehof, come forward, please, and be
24 sworn.

25 THOMAS SEEHOF,

1 the witness, after having first been duly sworn, was examined
2 and testified as follows:

3 CLERK OF COURT: Once you're seated state your full name,
4 spelling your last, please.

5 THE WITNESS: Thomas Jerome Seehof, S-e-e-h-o-f.

6 DIRECT EXAMINATION

7 BY MR. POGUE:

8 Q How are you doing, Mr. Seehof?

9 A Pretty good. How are you?

10 Q Do you know the defendant in this case, Tashonby Wilson?

11 A Yes, sir.

12 Q Do you know him -- or, at the time, did you know him
13 fairly well?

14 A Yes, sir.

15 Q Okay. And what's his nickname, if you know that?

16 A Pep.

17 Q Do you recall the evening of September 26, 2016?

18 A Yes.

19 Q Rewind earlier in the day. Did you ever meet up with two
20 female individuals by the name of Ashley Jeffcoat and Brittney
21 McRae?

22 A Yes.

23 Q Do you recall where you met up with them?

24 A Wal-mart. Bush River, or Broad River Road area.

25 Q So it would have been the Harbison Wal-mart?

1 **A** The Harbison Wal-Mart.

2 **Q** And what happened after you met up with them over on
3 Harbison?

4 **A** I don't exactly know. I know I met them again. I gave
5 them a ride to the Palmetto Inn, and that's where --

6 **Q** You don't remember if you were anywhere else prior to
7 going to the Palmetto Inn? Did you go to the Regency Inn, by
8 chance?

9 **A** I can't -- I can't remember. It's possible.

10 **Q** Let me ask you this: At this time in September of 2016,
11 would it be fair to say that you had a drug addiction?

12 **A** I was. I did.

13 **Q** What were you addicted to?

14 **A** I was addicted to heroin.

15 **Q** How often did you do heroin at that point?

16 **A** I was doing close to a gram and a half a day.

17 **Q** And were you doing heroin on the day of September 26,
18 2016?

19 **A** Yes.

20 **Q** All right. Let me just go to the part that you remember.
21 When you go to -- Ashley Jeffcoat and Brittny McRea, you said
22 that you went to the Palmetto Inn, is that --

23 **A** Yes.

24 **Q** How did y'all get to the Palmetto Inn?

25 **A** I drove.

1 Q What were you driving at that time?

2 A I drove a red Chevrolet Silverado.

3 Q Okay. And when y'all arrived at the Palmetto Inn, was
4 this in the morning? midday? afternoon? evening?

5 A It was afternoon. It wasn't night yet. It was still
6 light out.

7 Q Okay. All right. And when you arrived at the Palmetto,
8 do you recall what you and the two victims did when y'all got
9 there?

10 A We went into Pep's room.

11 Q Okay. All right. And when you went into Pep's room,
12 what did you do?

13 A I bought some heroin from him.

14 Q Okay. What did the two victims in this case,
15 particularly Ashley Jeffcoat, what did she do?

16 A They saw -- they saw Pep put his heroin in a Newport
17 cigarette pack and it was sitting on the TV and one of them
18 grabbed it and asked me to give them a ride and I gave them a
19 ride out of there. That's what happened.

20 Q All right. And you said that Ashley Jeffcoat, I guess,
21 stole some heroin from him when he wasn't looking, I guess?

22 A No, he wasn't looking. He didn't know it was gone.

23 Q And it was in a pack of cigarettes?

24 A Yes.

25 Q At the time that she stole it or shortly thereafter, you

1 knew that she had stolen it; correct?

2 **A** Yes.

3 **Q** At least by the time you were in the car riding together;
4 correct?

5 **A** Yes.

6 **Q** All right. And when y'all got back into your vehicle,
7 where did y'all begin driving to?

8 **A** We went to my condo in Lexington.

9 **Q** Okay. All right. And on the way there, did you get any
10 phone calls?

11 **A** I got several calls from Pep saying that they had taken
12 something, and I played stupid like I didn't know what was
13 going on and, you know, I'll ask them this, that, and the
14 other and just kind of played it off.

15 **Q** All right. You said you got a phone call from the
16 defendant in this case, Tashonby Wilson?

17 **A** Yes.

18 **Q** About how long after you left did he call you?

19 **A** Minutes.

20 **Q** Okay. All right. And he called you and said what?

21 **A** "One of those girls got my shit and I need it back now,"
22 pretty much.

23 **Q** All right. Did you call -- let me ask you this question:
24 What was your phone number back then? Do you recall what your
25 phone number was back then, in September 2016?

- 1 **A** 546, like, [REDACTED] or something like that. I don't know the
2 exact number. I know it was a 546 number. I've changed my
3 number since then.
- 4 **Q** If you heard it, would you recognize it?
- 5 **A** Yes. 546-30 --
- 6 **Q** How about 542-[REDACTED]?
- 7 **A** [REDACTED]. That was my number, yes, sir.
- 8 **Q** 803; right?
- 9 **A** 803.
- 10 **Q** Now, did the defendant in this case call the two victims
11 that were riding in the car with you at that particular point
12 on the ride back to your place?
- 13 **A** Yes.
- 14 **Q** Did he call them multiple times?
- 15 **A** Yes.
- 16 **Q** Did he call you multiple times?
- 17 **A** Yes.
- 18 **Q** And what was the essence of those conversations?
- 19 **A** He knew that somebody took his stuff and he wanted it
20 back. Bottom line.
- 21 **Q** Do you eventually get to your condominium?
- 22 **A** We get to my condo, yeah.
- 23 **Q** And what condo was that?
- 24 **A** [REDACTED] Boardwalk Lane in Lexington in Boardwalk Villas.
- 25 **Q** That's in Lexington County?

1 **A** Yes, sir.

2 **Q** All right. When you arrived there, what did y'all do
3 next?

4 **A** We go inside and we go in a room, and the girls give me a
5 little bit of it, which was my sole intention, and then there
6 was a knock on the door and that was it.

7 MR. POGUE: Permission to approach the witness, Your
8 Honor.

9 THE COURT: Yes, sir.

10 BY MR. POGUE:

11 **Q** Mr. Seehof, I'm handing you up what's marked as State's
12 Exhibit No. 166. Do you recognize what that image is?

13 **A** This is the route I take every time I -- to -- from my
14 condo. This is the route -- this is the route that I drive
15 every -- well, every time I go to the Palmetto Inn, this is
16 the route I take to my condo, is what it looks like.

17 **Q** Is that an aerial image?

18 **A** Yeah. Google Maps, yes.

19 **Q** Is this a fair and accurate reflection of the distance at
20 the time that --

21 **A** Yes, yes.

22 **Q** -- September 2016?

23 **A** Yes.

24 MR. KOGER: Your Honor, without objection.

25 THE COURT: Thank you. Number 166.

1 MR. POGUE: Your Honor, permission to publish?

2 THE COURT: Yes, sir.

3 BY MR. POGUE:

4 Q Is this where your condo is located, here?

5 A Yes, sir.

6 Q In Lexington?

7 A Yes, sir.

8 Q Is this where the Palmetto Inn, is right in here?

9 A Yes, sir.

10 Q So you came by 2926 (ph)?

11 A Yes, sir.

12 Q And what is the distance in miles?

13 A It's, like, 10 miles. Takes, like, 15 minutes.

14 Q Depending on traffic?

15 A Depending on the traffic. No traffic, you can make it in
16 15 minutes.

17 Q All right. So when you get to your house, you said that
18 y'all divided up the drugs that the girls had taken. What did
19 y'all do at that point after that?

20 A After that, we -- we were getting ready to do something.
21 I don't know what because --

22 Q Let me ask it this way: Did anybody arrive at your condo
23 at that point in time?

24 A Yeah. That's when there was a knock on the door and it
25 was -- it was Pep, and I answered the door.

1 Q About how long after you got there do you think that that
2 happened? I mean, I know it's hard to remember. Just a
3 couple of minutes?

4 A Not long. A couple of -- it was pretty quick. I'd say
5 five to ten minutes after we were there.

6 Q It could have been 30 to 45?

7 A It couldn't have been 30, 45. It was about 5, 10
8 minutes. It was quick.

9 Q So let me ask you this: At this point, when Pep gets
10 there, he knocks on the door, you say?

11 A Yeah.

12 Q Did you let him in? Did you go to the door and let him
13 in?

14 A Yeah.

15 Q And what was he holding?

16 A He had a pistol in his hand.

17 Q He had a pistol in his hand?

18 A It was just a black pistol. Not a revolver, just a
19 pistol. Looks like a -- I don't know -- it wasn't like a big
20 Desert Eagle --

21 THE COURT: Mr. Seehof, would you pull that microphone a
22 bit closer to you.

23 A It wasn't a big Desert Eagle. It was, you know, a
24 regular-sized pistol. It wasn't a small one. Regular-sized
25 pistol.

1 BY MR. POGUE:

2 Q Was he angry?

3 A Yeah.

4 Q What did he say to you?

5 A He didn't say anything. He walked right past me and
6 started talking to the girls and said, "Where's my shit?"

7 Q What else did he say?

8 A He said he was getting -- I can't give you verbatim what
9 he said. All I know is he said he was getting his stuff. And
10 he was aiming the pistol at one of them. I don't remember
11 which one it was in the living room at the time. I forget
12 their names. But then he pulled out a sock and put it over
13 the pistol and shot her in the stomach. And I froze up and
14 jumped in front of my son and my wife, who were sitting in the
15 living room two feet away from all of it.

16 Q Is it safe to assume that everybody that was in that
17 living room saw that?

18 A Everyone saw it.

19 Q What happened after he shot her?

20 A I made sure -- I said, "Please don't do this in front of
21 MINOR," which is my son, and I made sure that he was okay. And
22 after that, I really don't know what happened because one of
23 them ran outside. They ran outside, and I immediately -- I
24 just freaked out and made sure MINOR was okay. And then I ran
25 around and started hiding stuff that I knew I shouldn't have

1 and knew it was real, you know.

2 Q All right. So after the -- do you recall whether Brandy
3 and MINOR ran out of the house with them?

4 A They did at some point in time, but I don't know the
5 exact time. I know I -- I know, from this moment on, I spent
6 trying to clean up, you know, because I knew that we were
7 about to get in trouble.

8 Q You say you cleaned up. After they left, did you hear
9 anymore gunshots?

10 A Yeah, I did hear one, or I thought I heard one.

11 Q So, Tashonby Wilson, the defendant, did he -- what did he
12 do after he shot the girl?

13 A He ran after them.

14 Q Did you hear him shooting at them or did you hear gunfire
15 when they went outside?

16 A I think I did, but I don't remember. My mind went
17 somewhere else when the first one happened. I kind of blanked
18 out.

19 Q So at what point, after they went outside, do you start
20 cleaning up?

21 A Immediately.

22 Q When you say "cleaning up," like what did you do?

23 A Well, I mean, there was a huge puddle of blood that was
24 on the floor and -- my mindset at the time was -- I was --
25 since that day, I've kicked heroin and live a different life

1 now. At the time, I just -- my thought process was I didn't
2 want to get in trouble and I just started cleaning up
3 everything. I knew police were coming, and all this stuff was
4 registering, so I can't -- I can't give you the exact series
5 of events. I just -- that was what I was doing.

6 I didn't go outside after them. I made sure MINOR and
7 Brandy were okay, and I started trying to clean up, knowing
8 that the law was coming. I couldn't hide it. You know,
9 that's how my mind was working back then. I don't --

10 **Q** I'm showing you State's Exhibit 6. Do you recognize this
11 image?

12 **A** Yes, sir, that's my truck and that's my dad's Jaguar and
13 that's my condo and my little nautical front porch.

14 **Q** This is State's Exhibit 27. What's this a picture of?

15 **A** That's my kitchen in my condo -- in my old condo.

16 **Q** So when the defendant came in, did he walk through that
17 little area between the refrigerator and the island?

18 **A** Yeah, he walked through that area that you see right
19 there. And you can see it in the background. I was standing
20 right in front of that coffee table, just about in the center
21 of the picture, in the back against that green wall in the
22 opening, and Pep was standing right in front me. And the girl
23 that got shot is pretty much behind the refrigerator on this
24 wall over here. And Brandy and MINOR were sitting in that
25 recliner right there.

1 **Q** Mr. Seehof, there may be a laser pointer up there. Is
2 there a laser pointer up there? There it is. That may help
3 you.

4 **A** Okay. Okay.

5 **Q** This is State's Exhibit 28. What are you looking at in
6 this image right here?

7 **A** That's my living room. That's where -- that's the living
8 room of the condo.

9 **Q** State's Exhibit 30. Is that where that chair normally
10 is, that green chair?

11 **A** No, that chair's not normally right there. This chair is
12 out of place. It's usually against this wall over here.

13 **Q** And why was that chair placed right there?

14 **A** Because there -- because the ground had a pool of blood
15 on it right there.

16 **Q** And you're aware that that was a crime scene that you
17 were cleaning up at that time; right?

18 **A** At the time, I -- I am now and after the fact, yes. I
19 was not thinking about that at the time.

20 **Q** So the blood that you were talking about that was
21 underneath that chair, was that something that pertained to
22 this case, Ashley Jeffcoat?

23 **A** Yes.

24 **Q** State's Exhibit 39, is this the mop that you used?

25 **A** Yes, it is.

1 Q All right. After you began cleaning up, how long -- was
2 it very long until law enforcement arrived?

3 A It wasn't very long when law enforcement arrived on the
4 scene.

5 Q Do you remember speaking to any law enforcement when they
6 got there?

7 A I do.

8 Q And did you give them a statement in regard to what
9 happened?

10 A I did.

11 Q Were you truthful in that statement?

12 A Nope.

13 Q What did you lie about in that statement?

14 A Pretty much everything.

15 Q You've got to be more specific than that.

16 A Well, I told them -- number one, I told them that -- the
17 first thought that came to my mind was -- well, I'm on heroin
18 and I'm trying to -- you know, I'm not telling the truth about
19 anything, and I really can't tell law enforcement, yeah, these
20 two girls just came over and this and that.

21 So I told them that they came over, we were working on a
22 tattoo, which we weren't working on a tattoo, and that's how I
23 knew the girls, and that somebody showed up, and I didn't know
24 who it was and broke -- you know, came in and shot them. And
25 that's what I told them at first.

1 Q All right. Are you a tattoo artist, though?

2 A I am.

3 Q You were a tattoo artist at the time?

4 A Yes.

5 Q So that was kind of your cover as I understand that --

6 A Yes. Yes.

7 Q All right. And why was it that you lied about it?

8 A Well, I was scared of getting in trouble, you know. I
9 didn't want to tell the police, Well, I know that they just
10 took a bunch of heroin, and I'm hooked on it, and I was going
11 to get something out of the deal so that's the truth. I
12 didn't say that at the time. I was just scared of getting in
13 trouble and lied.

14 Q Were you arrested that evening for anything?

15 A I was.

16 Q What were you arrested for?

17 A I had -- I think I had -- I think it was I had a warrant
18 for shoplifting, so they took me in.

19 Q So they arrested for what?

20 A I think it was for shoplifting.

21 Q Did you have a warrant for your arrest?

22 A A warrant, yeah. There was a pending warrant.

23 Q Were you ultimately convicted of that shoplifting?

24 A No, it's still -- it's still unresolved.

25 Q Were you given any promises or anything like that for

1 your testimony here today?

2 **A** No.

3 **Q** So after you're placed under arrest, they took you to the
4 detention center?

5 **A** They did.

6 **Q** What happened when you got to the detention center?

7 **A** I told the truth about what had happened and that I --
8 because it just registered what had really happened, and I
9 could have easily been shot, my son could have been shot,
10 Brandy could have been shot. And I talked to somebody, and I
11 told them that I did know who the shooter was and gave them a
12 name and...

13 **Q** When you say you told them the truth, what did you tell
14 them then? I mean, what was different than what you
15 previously --

16 **A** Well, I told -- I told them I knew who it was. I didn't
17 tell them the full truth, like I still had heroin at my house
18 that I hid and all that, but I told them that I did know -- at
19 first, I said I had no idea who it was. After that, I did
20 tell them.

21 **Q** Who is Q?

22 **A** Q is -- his name is Job Quarles. He was a heroin dealer
23 as well that I dealt with on a regular basis.

24 **Q** Would it be safe to say that he was your dealer?

25 **A** Yes.

1 Q Was the defendant also your dealer?

2 A Yes.

3 Q Did you use Q more or did you use the defendant more?

4 A I used Q more.

5 Q Both individuals knew where you lived; right?

6 A Yes.

7 Q Was Q there? Do you remember seeing Q there that
8 evening?

9 A Q was not there.

10 Q If Q was there, would you have known Q?

11 A I would have known him from the go, yeah.

12 Q How long and how well at the time did you know Q?

13 A Ten times better than Pep. I'd been to Q's -- I knew Q a
14 lot better, a lot longer.

15 Q Brandy knew who the defendant was at that time as well;
16 is that correct?

17 A Yes.

18 Q How about MINOR?

19 A Yeah.

20 Q MINOR knew who he was?

21 A Yeah, because I had brought MINOR around.

22 Q MINOR being your eight-year-old son?

23 A Yes, at the time. He was -- he would be riding with me,
24 and I'd say, I've got to stop here for a minute and stay in
25 the truck. He had seen him to know who he was.

1 Q What did MINOR know him as? What name?

2 A Pep. Or MINOR would say Pep-Pep because he has a speech
3 thing.

4 Q I'm going to ask you a couple of questions about your
5 criminal history. Okay?

6 A All right.

7 Q In 2008, did you have shoplifting conviction?

8 A Probably so.

9 Q I can't have you --

10 A Yes, yes, yes.

11 Q In 2010 -- I'm sorry; in 2013, did you have a charge of
12 assault and battery of a high and aggravated nature?

13 A No.

14 Q Okay.

15 A No.

16 Q All right.

17 2014, did you have a shoplifting?

18 A Yes.

19 Q 2015, did you have a possession of a stolen vehicle?

20 A No. Possession of a stolen vehicle? I never have been
21 charged with that.

22 MR. POGUE: Beg the Court's indulgence.

23 THE COURT: All right.

24 BY MR. POGUE:

25 Q Let me ask you this: Have you gotten any pressure from

1 the defendant in this case not to come testify?

2 **A** We've had big communication that he didn't want me to
3 show up here. I mean -- and I've lied and said I'm not coming
4 and this and that, but --

5 **Q** How about his brother?

6 **A** His brother's called several times and not offered us
7 anything or anything like that, just wondering if we'd show
8 up. But, you know, we tried -- we tried to fix our lives.
9 This is a big eye-opener, the way we were living, and we've
10 moved to Florida and moved on since then so just --

11 **Q** Did the defendant in this case make a telephone call to
12 you and actually speak with your wife Brandy?

13 **A** Yes.

14 **Q** And that was prior to coming to testify today?

15 **A** Yes.

16 **Q** All right. And were you there for part of that
17 conversation?

18 **A** I was.

19 **Q** Okay. And what was the defendant saying?

20 **A** That they're going to ask you to see a lineup, and all
21 you got to do is say that you don't recognize me and that some
22 people were supposed to come see us about something, like
23 private investigators, and they're actually the bondsman that
24 I used to bond out. So we know these people personally, and
25 they never came and saw us.

1 Q How about his brother? Do you know his brother's name?

2 A Epp; that's all -- or E -- yeah, Epp. That's all I know
3 him as.

4 Q Did Epp ever try to contact you to in regard to secure
5 your absence when it comes to testifying in this trial?

6 A Yes.

7 Q And when's the last time that you heard from him in that
8 regard?

9 A I heard from him as recently as, I think it was the
10 Saturday before Easter. He Facebook messaged me and was
11 wondering if I was coming to the --

12 Q At this point, don't say exactly what he said when he
13 tried to contact you.

14 A Oh, he tried to contact me.

15 Q Mr. Seehof, I'm going to hand you up what's marked as
16 State's Exhibit 168. It's a compact disc DVD. Do you
17 recognize that?

18 A Yes, sir.

19 Q Do you know what it is?

20 A Yes.

21 Q What is it?

22 A This is a telephone call that occurred between Pep and my
23 fiancée that is recorded onto a disc.

24 Q Have you had a chance to listen to that call?

25 A I have.

1 Q Okay. Is it a fair and accurate reflection of the
2 telephone call that took place between you and the defendant
3 and your wife?

4 A It's the exact call.

5 Q Okay. All right. And is that the defendant's voice that
6 we hear that's speaking with you?

7 A Yes.

8 Q Do you know his voice?

9 A Yes.

10 Q And that's your voice that we hear on there as well?

11 A Yes.

12 Q And are you with your wife when you're on the phone with
13 the defendant?

14 A I am.

15 MR. POGUE: No further questions.

16 THE COURT: Yes, sir. Mr. Koger, cross-examine?

17 MR. KOGER: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. KOGER:

20 Q Mr. Seehof, how long have you been clean and sober?

21 A Since August 2008 -- or August 2018.

22 Q Of '18?

23 A Yeah, a little over a year.

24 Q Well, congratulations.

25 A Thank you.

1 Q What I have to ask you, this is about what happened on
2 September 26, 2016. So we have to go back to that year.
3 Okay?

4 A Yes, sir.

5 Q Now, you say that you used a gram and a half a day of
6 heroin, correct, back in September 26 of 2016?

7 A Give or take, yes, sir.

8 Q Now -- and again, I'm not familiar with the ways that you
9 inject it. Or did you inject it? smoke it? sniff it?

10 A I was an IV drug user.

11 Q Okay. Now, prior to September 26, 2016, how many years
12 had you been hooked on it?

13 A Heroin, I got -- I got hooked on heroin right after I got
14 out of the Marine Corps.

15 Q That was what year? I mean, what kind of time frame?

16 A 2001.

17 Q 2001?

18 A Yes, sir.

19 Q So we're talking about 15 years?

20 A Yes, sir.

21 Q Now, you also stated your son is eight years of age;
22 correct?

23 A At the time he was eight, yes, sir.

24 Q So at the time he was eight, so now he's what?

25 A He's eleven. He just had a birthday April [REDACTED].

1 Q Okay. Now, you stated he knew this person named Pep
2 because he had saw him?

3 A I would have [REDACTED] MINOR with me when I would go get heroin
4 and tell [REDACTED] MINOR I was stopping by to see somebody.
5 Eight-year-olds ask every question in the book; I'd tell him
6 that's Pep -- my friend, Pep, and go about our day.

7 Q So what was his age when you took [REDACTED] MINOR with you to --

8 A Eight.

9 Q Huh?

10 A Eight. I only knew Pep for a little while. Eight years
11 old.

12 Q How long had you known Pep?

13 A Less than six months.

14 Q Less than six months?

15 Would [REDACTED] MINOR get out at the hotel?

16 A No.

17 Q Now, you stated that, of course, you gave -- you recall
18 giving your first statement on September 26, 2016; correct?

19 A Yes.

20 Q And you testified to certain parts of that statement --

21 MR. KOGER: Your Honor, may I approach?

22 THE COURT: Sure.

23 BY MR. KOGER:

24 Q And this is a two-page statement. Is that your
25 statement?

1 **A** Yes, sir, it is.

2 **Q** Okay. And is this your handwriting?

3 **A** Yes, it is.

4 **Q** Okay. And this is your signature?

5 **A** Yes, it is.

6 **Q** Can you read this statement for the Court?

7 **A** "I had set up a tattoo appointment for Bri, and a black
8 gentleman showed up at my house demanding to see her and then
9 pulled out a pistol and told her to come outside with him.
10 Forced Bri, took her friend outside, where I heard a gunshot.
11 I did not see it but heard it, so I went outside to see both
12 girls running to the right, yelling, and then the black
13 gentleman fired several more rounds. Then I proceeded to lock
14 the door and check on my girlfriend and son. When the police
15 arrived, I saw" --

16 THE COURT: The microphone is real sensitive to you so --
17 there you go.

18 **A** "Then I proceeded to lock the door and check on my
19 girlfriend and son. When the police arrived, I saw the girls
20 laying down in front of another unit, yelling. Then I
21 proceeded to talk to the police."

22 "Question and answer. Question from Detective B. Miller.
23 Answer, Thomas Seehof.

24 Question: How do you know Bri?

25 A: Through a friend who I did tattoo work on, Job

1 Quarles, which is Q.

2 Question: Did Bri and her friend meet you this evening
3 at the Shell gas station near the dam and then follow you to
4 your home at [REDACTED] Boardwalk Lane?

5 Answer: They rode with me to the Shell, got cigarettes,
6 then came to my house. Bri rode with me and friend
7 separately.

8 Question: Do you know who the black man with the gun is?

9 Answer: No.

10 Question: Describe the black man with the gun.

11 Answer: Six foot, 155ish, white T-shirt, big ears. He
12 is a darker black male.

13 Question: Describe the gun.

14 The male had a handgun, not a revolver. Smaller in size
15 but not a subcompact concealed weapon.

16 Question: Did you see the black male shoot the gun?

17 Answer: No.

18 Question: About how long was Bri and her friend at your
19 house when the black male showed up?

20 Answer: Ten to fifteen minutes.

21 Question: Did the black male knock at the door when he
22 arrived or did he just come in?

23 Answer: Knocked. I answered the door and then he barged
24 in and barnished (verbatim) a pistol, and I told him
25 (verbatim) all to get the fuck out because my eight-year-old

1 and girlfriend were sitting there.

2 Question: Was Bri or her friend on the phone, and if so,
3 what was that conversation like?

4 Answer: Yes, arguing about something. Sounded like
5 something serious, though; lots of cussing and yelling."

6 And then I signed it 9/26/16.

7 Q So you just testified to that you knew Mr. Wilson six
8 months prior?

9 A Roughly.

10 Q Roughly?

11 A Roughly six months or less prior to this.

12 Q So you didn't know him in 2015?

13 A No.

14 Q How did you get to know Mr. Wilson?

15 A I don't know the exact moment we met, but I met him
16 through buying heroin. That's all I know. I don't know the
17 exact time or spot.

18 Q Did you purchase heroin from Mr. Wilson or did you
19 purchase another drug?

20 A I purchased heroin. I might have bought some crack from
21 him as well.

22 Q Now, you refer in that statement that Q, Job Quarles, you
23 refer to him as a friend; correct?

24 A Yes.

25 Q Okay. Now, how long have you known Mr. Quarles?

- 1 **A** I've known Mr. Quarles four or five years.
- 2 **Q** At this time or --
- 3 **A** At this time.
- 4 **Q** At this time?
- 5 **A** At that time.
- 6 **Q** At that time? So you had known Mr. Quarles maybe since
- 7 2010, 2011, or something?
- 8 **A** Around there, yes, sir. Around 2012.
- 9 **Q** 2012?
- 10 **A** Yes, sir.
- 11 **Q** About how many purchases of heroin have you made from
- 12 Mr. Quarles?
- 13 **A** Hundreds.
- 14 **Q** At that time?
- 15 **A** Hundreds.
- 16 **Q** So you would consider that you was actually closer to
- 17 Mr. Quarles than Mr. Wilson?
- 18 **A** Yes.
- 19 **Q** Now, you would agree that, within the last ten years, you
- 20 have had a lot of problems with shoplifting and other crimes;
- 21 correct?
- 22 **A** I have.
- 23 **Q** How long have you lived Florida?
- 24 **A** We moved down there a little over a year ago now.
- 25 **Q** So you're talking maybe about April of 2018?

1 **A** I closed on my house June of last year.

2 **Q** Do you have any pending drug charges down in Florida?

3 **A** No.

4 MR. POGUE: I'll object to that question.

5 THE COURT: He's already answered the question. I'll
6 allow it.

7 BY MR. POGUE:

8 **Q** If I show you a record stating that you --

9 **A** There's an arrest for Martin County. They found an empty
10 bag in my truck and threw it out. They said it was cocaine
11 and it was, like, sugar or something. I don't know. I didn't
12 know it was there. It's dismissed. I did not have any
13 pending charges in Florida.

14 **Q** Now, out of this right here, you was charged with a
15 miscellaneous tattoo violation?

16 **A** I was charged with miscellaneous tattoo violations,
17 tattooing out of my residence without a license.

18 **Q** And when you gave -- you gave the second statement on
19 September 28th; correct?

20 **A** It was either -- yeah, it was a day or two later, yes,
21 sir.

22 **Q** And I think you testified to that there was a bench
23 warrant for shoplifting at that time?

24 **A** That's what I was arrested for that night, yes, sir.

25 **Q** For the bench warrant? Okay.

1 **A** For a warrant.

2 **Q** All right. At the time you gave the second statement,
3 were you already charged with the tattoo violation?

4 **A** No.

5 **Q** Okay. When did you get charged with the tattoo
6 violation?

7 **A** It came after -- I can't remember. It came after. It
8 just showed up when I was already in jail for another
9 shoplifting because I hadn't stopped using heroin yet.

10 **Q** What type of bond did you get for the tattoo violation?

11 **A** I don't know.

12 MR. POGUE: Objection.

13 **A** Maybe -- I don't know. I have no idea.

14 THE COURT: State your objection. I take that back.
15 I'll allow it. I am going to say it will probably go to bias.

16 **A** I do not know what type of bond I got on that. I'm
17 pretty sure that I was arrested on another shoplifting and the
18 tattoo one showed up, so maybe I'm wrong. I'd get a surety or
19 a PR bond. I don't know.

20 BY MR. KOGER:

21 **Q** So you could have possibly got a PR bond?

22 **A** Possibly.

23 **Q** You do recall posting any money for bond?

24 **A** Possibly. I don't remember.

25 **Q** Okay. Someone posted it for you?

1 **A** Yes.

2 **Q** Okay. Now, from your testimony, it seems that, at the
3 time, that one of the alleged victims took the drugs, that you
4 -- that you knew about it at the time it happened at the
5 Palmetto Inn or did you find out about it subsequently?

6 **A** I saw them do it at the Palmetto Inn.

7 **Q** Okay.

8 **A** I wasn't a part of it. I saw them do it. So I gave them
9 a ride to my condo with the intent of getting some of it
10 because I was strung out. I mean, that's just the straight up
11 truth, and that's what I did.

12 **Q** But you do admit that, when you was first approached,
13 when you gave the first written statement, that you said one
14 thing and then you changed up about two days later?

15 **A** Yes, I did.

16 **Q** One more question: Had Mr. Wilson ever been to your
17 home?

18 **A** Yes.

19 **Q** How many times?

20 **A** I think only once.

21 **Q** And what time frame did he come to your home?

22 **A** I'm sorry; what was the question?

23 **Q** What time frame did he -- was he there recently?

24 **A** From the time of this occurrence?

25 **Q** Not this right here. I'm talking about had he been in

1 your home before this incident?

2 **A** He had been to my home, yes.

3 **Q** Okay.

4 **A** He had not been inside my home. He had been to my home.

5 **Q** To your home.

6 **A** He knew where I lived.

7 **Q** Okay. So he was never inside your home?

8 **A** No.

9 **Q** Thank you.

10 THE COURT: Mr. Pogue, redirect?

11 MR. POGUE: No redirect, Your Honor.

12 THE COURT: Thank you.

13 Mr. Seehof, you can step down. Thank you.

14 THE WITNESS: Thank you.

15 THE COURT: How long is the next witness going to take?

16 MR. POGUE: I'd like to recall Lieutenant Laintz, Your
17 Honor.

18 THE COURT: You ready to do that now?

19 MR. POGUE: Yes, sir.

20 THE COURT: Okay. Go ahead.

21 Mr. Laintz, please resume the stand. Of course you're
22 still under oath.

23 THE WITNESS: Yes, sir.

24 LT. JESSE LAINTZ,

25 the witness, after having previously been duly sworn, was

1 recalled and examined and testified as follows:

2 RECALLED DIRECT EXAMINATION

3 BY MR. POGUE:

4 Q Lieutenant Laintz, (indiscernible) asking you about
5 conducting a search warrant at the hotel at Palmetto Inn, Room
6 120; is that correct?

7 A Yes, sir.

8 Q I'm going to hand you up some images that are marked
9 State's Exhibit 146 -- I'm sorry; I apologize -- State's 139
10 through 165.

11 A Okay.

12 Q Just look through those and tell me if you recognize
13 those images.

14 A (Reviewing documents.) Yes, sir.

15 Q What are all of these images of?

16 A Those are all images of the Palmetto Inn, the hotel in
17 Richland County I was talking about before I left.

18 Q Okay. And are these all a fair and accurate reflection
19 of the Palmetto Inn and Room 120 and the items therein on the
20 evening -- or early a.m. of September 27, 2016?

21 A Yes, sir.

22 MR. POGUE: Your Honor, at this time, the State would
23 move State's Exhibits 139 through 165 into evidence.

24 THE COURT: Mr. Koger?

25 MR. KOGER: (Indiscernible.)

1 THE COURT: Sir?

2 MR. KOGER: Without objection, Your Honor.

3 THE COURT: Thank you. 139 through 165 in evidence.

4 (State's Exhibit Nos. 139 through 165, photos, received
5 in evidence.)

6 BY MR. POGUE:

7 Q Lieutenant Laintz, we'll go through these fairly quickly.
8 Is this the Palmetto Inn?

9 A That's the office of the -- the main office of the
10 Palmetto Inn, yes.

11 Q And did you speak with anybody in the main office when
12 you were there?

13 A I did. I don't remember who it was. It was somebody who
14 was employed there.

15 MR. KOGER: Your Honor, I believe the State intends to
16 stipulate to the State's Exhibit 169, which is the motel
17 record for the Palmetto Inn on that date.

18 MR. POGUE: That's correct, Your Honor.

19 THE COURT: 169?

20 MR. POGUE: 169.

21 THE COURT: Okay.

22 MR. POGUE: It has some redactions for privacy reasons
23 but it has --

24 THE COURT: I understand. 169 is in evidence without
25 objection.

1 (State's Exhibit No. 169, motel registry, was marked for
2 identification and received into evidence.)

3 BY MR. POGUE:

4 **Q** Is this the document that you -- that law enforcement
5 were given that evening in regards to the motel registry at
6 the time?

7 **A** It is. We went up and asked who was registered. That's
8 the document that we received.

9 **Q** Okay. All right. Who's in Room 120?

10 **A** 120 is right there, and it says Tashonby Wilson.

11 **Q** All right. And Room 217, Lacy Johnson?

12 **A** Correct.

13 **Q** Who is that? Did y'all know who that was?

14 **A** At the time, we didn't, but we were able to -- there were
15 several narcotics investigators that responded with me from
16 Lexington County. They were able to start putting names
17 together -- a lot better at names than I am, so they were able
18 to start putting some names together. That ended up being a
19 girlfriend of another suspect who was believed to be friends
20 with our defendant.

21 **Q** All right. Who was that individual?

22 **A** He goes by Q. Just give me one second. It was Job
23 Quarles.

24 **Q** He went by Q?

25 **A** He went by Q, yes.

1 Q Lacy Johnson, you heard, was his girlfriend?

2 A Yes.

3 Q Okay. All right. And who was Turk? I believe he asked
4 you about Turk. Oh, I'm sorry, I apologize. He asked another
5 witness about Turk.

6 Do you know who Turk is?

7 A I do not know offhand who Turk is.

8 Q Did you ever speak to an individual named Turk on the
9 scene?

10 A There was another individual that was on scene, and it
11 was a Frankie Rivers. I don't know if that's his nickname or
12 not.

13 Q What room was he in?

14 A He was in 217.

15 Q Do you know whether Mr. Quarles was in Room 217 at the
16 time?

17 A He was not, but Mr. Rivers, who was in 217, said that he
18 was the cousin of Q.

19 Q Back to Room 120, what are we looking at here?

20 A So that's Room 120 right there. That is the dumpster,
21 because all of these that you see with open curtains are
22 essentially under renovation. They're ripped out, so there's
23 a bunch of construction trash and stuff in there, and that's
24 Room 120 right there at Palmetto Inn.

25 Q Okay. One thing I forgot to ask you about last time in

1 regard to Room 217. Did you -- did y'all ever -- were you
2 able to obtain a search warrant for Room 217?

3 **A** 120, we were; 217, we were not. We were not able to put
4 a nexus into this case there.

5 **Q** So you didn't believe that you had enough to have
6 probable cause to search 217?

7 **A** That is correct. We didn't have probable cause to go
8 into 217 because there wasn't a nexus to this crime at that
9 point in time that we knew of.

10 **Q** Okay. All right. Were you there at the time that the
11 search warrant was executed?

12 **A** I was.

13 **Q** Okay. All right. Who else was there?

14 **A** It was myself, Sergeant Burke with Narcotics, Hodges with
15 Narcotics, CSI Derrick, a Richland County Simmons, and there
16 was a couple of other Richland County officers there, and
17 Brandon Miller, another investigator of ours, showed up on
18 scene later on after he returned from getting a search warrant
19 signed.

20 **Q** Is this Room 120?

21 **A** It is. This is Room 120 when you first walk in. There's
22 going to be an air conditioner to your left.

23 THE COURT: That number, please, sir?

24 MR. POGUE: I apologize, Your Honor. That is State's
25 Exhibit 145.

1 THE COURT: Thank you.

2 A There's going to be an air conditioner right here, a
3 TV -- like a little table and a TV over here, and then that's
4 the bed, kind of in the center of the room.

5 BY MR. POGUE:

6 Q Is this looking further, left, in State's Exhibit 146?

7 A That is correct. That's actually the cover for the AC
8 unit and a little fridge right there.

9 Q Is that the AC you're referring to?

10 A That is the AC unit right there.

11 Q That's State's Exhibit 147.

12 148, is that just a general layout of the room there?

13 A It is.

14 Q Were y'all looking for any particular item when you were
15 searching the room, specifically?

16 A So the items that we were looking for was primarily a
17 gun. Since there was a shooting involved, we wanted to find
18 the firearm. And also any electronics. Phones have become a
19 very important part of any investigation that we do, so
20 finding phones or any type of electronics that we can look for
21 information on, including tracking information, is important
22 to us.

23 Q Okay. All right. And, obviously, by this point, the
24 defendant had already been taken into custody and transported
25 away from the scene?

1 **A** That is correct.

2 **Q** Okay. All right. And were you able to locate a gun
3 inside that room?

4 **A** We were unable to locate a gun.

5 **Q** Okay. Were you able to locate any electronic devices in
6 that room?

7 **A** We ended up finding three cell phones inside that room.

8 **Q** Okay. All right. What are we looking at in this image
9 right here? Do you have the laser pointer?

10 **A** I do. So that's a small little flip phone. That's
11 another phone that's back there, and there's actually a third
12 phone that we'll find as soon as we go through those covers.
13 There's a third phone on the bed.

14 **Q** You're talking about right here, that's underneath the
15 covers right there?

16 **A** Yep.

17 **Q** Okay. All right. Is that this phone right here? The LG
18 phone?

19 **A** Yes. That is the third phone that wasn't in the original
20 picture just now.

21 **Q** Okay. All right. Is that the front of that phone?

22 **A** Yes. At that point, we actually took it outside, took
23 pictures on the cement out there, and that's the bag we put it
24 in for evidence.

25 **Q** Okay. All right. And I'll show you State's Exhibit 158.

1 What are we looking at here?

2 **A** So we like to take the battery out so nothing can be --
3 because you can actually get on a phone and dump it
4 externally, and then we, also, like to get the serial numbers
5 that are located right there, so we can do a search warrant
6 for that phone right away as well.

7 **Q** Do you know whether a search warrant for the data related
8 to that cell phone serial number was requested?

9 **A** We got a search warrant for all those phones that were
10 there.

11 **Q** All right. So you got data for that phone?

12 **A** We did.

13 **Q** All right. Let me ask you this: Were you the one that
14 took custody of that phone or did somebody else take custody
15 of that phone?

16 **A** That phone was taken custody by Lexington County, but
17 CSI, when they were on scene, they went ahead and took custody
18 of that phone and turned it in to our evidence.

19 **Q** Was it CSI Derrick that took custody of that phone?

20 **A** That is correct, sir.

21 **Q** You were there on scene when she took it into custody?

22 **A** I was.

23 **Q** Okay. All right. Y'all looked under the bed, I assume,
24 as well?

25 **A** Yes, we looked everywhere we could think of.

1 Q Okay. All right. What are looking at here in State's
2 Exhibit 160?

3 A So there's the bed, there's the fridge next to the
4 moldy-looking AC over here, and then right there is a pair of
5 pants with money coming out of the pocket.

6 Q All right. Is that the money you just referenced in
7 State's Exhibit 160 -- here in State's Exhibit 161?

8 A It is. Same thing, just closer -- closer picture.

9 Q All right. State's Exhibit 163, is that the check that
10 was with the money?

11 A It is. There was a check that was just folded on top of
12 the money in the last picture. That's the check unfolded and
13 a picture taken of it.

14 Q All right. Last photo. State's Exhibit 165, what are we
15 looking at here in this picture?

16 A So that is a pillow case that is full of makeup and other
17 women items, common -- makeup commonly used by women. And
18 then there's looks like a smoking device and then some foil
19 right there. That was when you first came in the door where I
20 said there's a table to your right or as you were going in the
21 door straight ahead, that's sitting on top of the table right
22 there.

23 Q All right. Were those items -- did they belong to the
24 female that was in the motel room with the defendant at the
25 time?

1 **A** I would believe so. There was a female that was in there
2 that we actually let her go. She walked out -- walked on her
3 free will away from there, and it makes sense that those are
4 hers.

5 MR. POGUE: Beg the Court's indulgence.

6 Your Honor, I believe the State and the defense can also
7 stipulate to State's Exhibits 170 and 171, 170 being the cell
8 phone information in regard to the LG phone that was recovered
9 and collected in the hotel room that belonged to cell phone
10 number (803) 757-██████, as well as State's Exhibit 171, which
11 is the cell phone data that was given as a result of the
12 search warrant that was issued in this particular case.

13 THE COURT: Without objection, then, Mr. Koger?

14 MR. KOGER: Without objection, Your Honor.

15 THE COURT: Thank you. 170 and 171 entered.

16 (State's Exhibit No. 170, cell phone information page,
17 was marked for identification and received into evidence.)

18 (State's Exhibit No. 171, cell phone data extraction, was
19 marked for identification and received into evidence.)

20 MR. POGUE: And, Your Honor, I believe one other
21 stipulation that we can make in regard to the cell phone data
22 is that all of the cell phone data is in what they call UTC
23 time which, at the time, this was daylight savings time, which
24 UTC time would have been four hours ahead.

25 THE COURT: Okay.

1 MR. POGUE: So you have to subtract four hours from
2 whatever time it is that shows in UTC time to have the correct
3 time for Columbia, South Carolina -- Lexington, South
4 Carolina, at the time.

5 THE COURT: Okay. I'll let one of you all do the math.
6 We'll accept as that --

7 MR. KOGER: (Indiscernible), Your Honor.

8 THE COURT: Thank you.

9 MR. POGUE: I apologize; I want to put the cell phone in
10 there.

11 THE COURT: Sir?

12 MR. POGUE: I'd like to put the cell phone into evidence,
13 Your Honor, before I put the calls in.

14 THE COURT: Okay.

15 (State's Exhibit No. 172, cell phone, was marked for
16 identification.)

17 BY MR. POGUE:

18 **Q** For the record, I'm handing you up what's been marked as
19 State's Exhibit 172. Do you recognize that item?

20 **A** I do. This appears to be the phone, especially with the
21 markings that are all over the bag, of the phone that was
22 located underneath the covers in the bed.

23 MR. POGUE: Your Honor, I believe we can also stipulate
24 no objection to Item 172, which is the cell phone that was
25 collected from the Palmetto Inn and submitted into evidence.

1 THE COURT: Okay. Thank you.

2 Without objection?

3 MR. KOGER: Without objection, Your Honor.

4 (State's Exhibit No. 172, cell phone, received into
5 evidence.)

6 MR. POGUE: No further questions, Your Honor.

7 THE COURT: Thank you.

8 Cross-examine, Mr. Koger.

9 CROSS-EXAMINATION

10 BY MR. KOGER:

11 Q You pronounce the last name "Lance"?

12 A Lance, like the crackers, is the easiest way to do it.

13 Q Okay. Now, you stated you were actually on the scene in
14 Room 120 and Room 217; correct?

15 A Yes.

16 Q Okay. All right. And did you have an opportunity, in
17 relation to Room 217 -- of course, you didn't get a search
18 warrant, but did you see anything in plain view in Room 217?

19 A So talking to the deputies that were on scene, they ended
20 up seeing a .40 caliber magazine that was loaded in Room 217.
21 We asked -- they asked if they could go in there and do a
22 walk-through to make sure there was nobody
23 in there. They do the walk-through, and while doing so, in
24 plain view, they see that .40 cal magazine that had .40
25 caliber bullets in it. And we talked extensively about it,

1 and we did not get a search warrant for that.

2 Q Okay. Now, at the time, that -- when these items were
3 seen in plain view, did you have knowledge that .40 caliber
4 casings were found on the scene back at Boardwalk?

5 A Yes, sir, we did.

6 Q Okay. And you testified to that you didn't see a nexus
7 between the two?

8 A At the time of going there, we did not.

9 MR. POGUE: I'll object to that, Your Honor. I believe
10 the testimony was he didn't have enough of a nexus.

11 MR. KOGER: Okay.

12 THE COURT: All right.

13 BY MR. KOGER:

14 Q At the time --

15 A We did not have enough --

16 Q -- enough of a nexus?

17 A Correct.

18 Q Even though the bullets on the scene was .40 caliber
19 casings and that you saw in plain view .40 caliber bullets in
20 that room?

21 A Yes, sir.

22 Q Now, and you also testified to -- that from this
23 investigation, you -- it came to your attention that Lacy
24 Johnson is the girlfriend or was the girlfriend of Q, Job
25 Quarles; correct?

1 **A** That is correct.

2 **Q** Now, did you ascertain -- I think you testified to that
3 either you or someone spoke to Frankie, Frankie Rivers;
4 correct?

5 **A** That is correct.

6 **Q** It came about in your investigation that Mr. Quarles, he
7 was not in the room at that time?

8 **A** He was not.

9 **Q** All right. Did it come to your investigation how long
10 Mr. Quarles had been gone at the time that you --

11 MR. POGUE: Objection, Your Honor, that would call for
12 hearsay.

13 THE COURT: He can answer the question if it came to his
14 attention, but he can't answer how much time; that's another
15 question.

16 You can answer that question.

17 **A** Will you repeat the question? I'm sorry.

18 BY MR. KOGER:

19 **Q** Yeah. Did it come to your attention during the
20 investigation that the time -- that Mr. Quarles had not been
21 there at the time you approached Room 217 at that time?

22 **A** I don't even know if that was inquired upon. At that
23 point in time, I do not know.

24 **Q** Okay. Who made the determination that it was not enough
25 nexus?

1 **A** That was me.

2 **Q** Thank you. No further questions.

3 THE COURT: Re-direct, Mr. Pogue?

4 MR. POGUE: Your Honor, just briefly.

5 REDIRECT EXAMINATION

6 BY MR. POGUE:

7 **Q** Lieutenant, can you tell me what probable cause is?

8 **A** Probable cause, as I like to say, is the belief that's
9 based upon facts that a crime has been, is about to, or is
10 going to be committed. And you have to base that on articular
11 facts, something that you can present to a judge that says
12 this.

13 **Q** Okay. So as the lieutenant of Major Crimes, if you want
14 to search someone's motel room, what level of evidence do you
15 have to give to a judge in order to obtain a search warrant?

16 **A** So we have to assure that somehow that room is connected
17 and the evidence that is involved in this crime is going to be
18 in that room.

19 At that point in time, we didn't know about Q. We knew
20 that they could have been friends, but we didn't know a lot
21 about Q. And just because there's .40 caliber bullets inside
22 of a room doesn't give us a right to go search that.

23 **Q** Would it be fair to say that you would have liked to have
24 searched that room?

25 **A** I would have -- very much so.

1 Q Okay. All right. But you feel like it would have been a
2 violation of their Fourth Amendment rights if you had
3 attempted to obtain a search warrant at that point of that
4 motel room?

5 A At that point in time, my belief was that we would have
6 been violating that person's Fourth Amendment rights if we
7 would have went and got a search warrant for that hotel room.

8 MR. POGUE: I don't believe I have any further questions,
9 Your Honor.

10 THE COURT: Thank you.

11 Any follow-up on that narrow issue, Mr. Koger?

12 MR. KOGER: Yes, Your Honor.

13 RECROSS-EXAMINATION

14 BY MR. KOGER:

15 Q From your cooperation with Richland County deputies on
16 that night, did it come to your attention that Job Quarles was
17 a drug dealer?

18 THE COURT: No, sir, that goes beyond -- that goes beyond
19 redirect, as I understand it. He simply asked about the level
20 of probable cause. He did answer to the fact that he didn't
21 know about Q's involvement, so if that question that you're
22 asking goes to that, I'll let you inquire about that. Is that
23 what you're asking about?

24 MR. KOGER: Yes, Your Honor.

25 THE COURT: Okay. I'll let him answer.

1 **A** There was a lot of knowledge -- Richland County had a lot
2 of knowledge of there being drug deals done there, but whether
3 or not that Q was a drug dealer, I don't know if that was ever
4 talked about.

5 BY MR. KOGER:

6 **Q** And one more question: The same process that you went
7 through to get the search warrant for Room 120, you could have
8 went through that same process to have gotten a separate one
9 for Room 217?

10 **A** If we would have had probable cause, we could have done
11 that, but at that time, we did not have probable cause.

12 **Q** Thank you.

13 THE COURT: Mr. Pogue, you've got the last word.

14 MR. POGUE: Nothing, Your Honor.

15 THE COURT: Thank you. Lieutenant Laintz, you can step
16 down.

17 THE WITNESS: All right. Thank you, sir.

18 THE COURT: Thank you.

19 Folks, we'll stop now for the afternoon recess. We'll
20 resume at 10 minutes after the hour. That's 20 minutes.
21 We'll try to get back started at 4:10. Thank you.

22 Don't discuss this case among yourselves while you're in
23 the jury room.

24 (The jury exits the courtroom at 3:50 p.m.)

25 THE COURT: Folks, we'll start back at 10 after the hour.

1 (A brief recess was taken.)

2 MR. POGUE: The next witness I'm calling is a very short
3 witness. That was a neighbor who would just also testify in
4 regard to MINOR's statement and some other observations of
5 his and actions that he took on the scene. But the next
6 witness I'll call after him -- and he shouldn't take very long
7 -- would be Mike Phipps, who did the cell phone extraction on
8 the LG phone.

9 And as we mentioned, or I may have mentioned, obviously,
10 the cell phone extraction has a myriad and treasure trove of
11 Lyle 404(b) evidence that goes all the way back so we've done
12 this very -- I've done a very abbreviated timeline that's -- a
13 summary that's made it easier for the jury to understand, you
14 know, and the timeline essentially is all the entries off the
15 cell phone extraction timeline, the Cellebrite program, from
16 September 26, 2016, at 4:53 p.m. which is a call -- an
17 incoming call from a gentleman who is going to be testifying
18 as well, and then it ends, essentially, when the phone is
19 taken into evidence, and the last entry is September 27th at
20 4:56 a.m.

21 THE COURT: All right. Thank you.

22 MR. POGUE: Your Honor, what I have done is I've removed
23 all of the references to, like, more salacious websites like
24 Back Page and things like that. Now, the entry shows in
25 there, but it doesn't show what the website is. Like another

1 one was like MILFWatch or something like -- anything that can
2 be, you know, construed negatively as prior bad act by the --
3 or a contemporaneous bad act even with the defendant. And
4 what I've also done is, we've removed duplicate entries in the
5 phone. A lot of the times, there's duplicate entries. And
6 he'll testify to all this, but I've also had him highlight --
7 let's see, one, two, three four different phone numbers, Your
8 Honor. I apologize; it's five different phone numbers.

9 The doctor, which is -- he will testify as to his number,
10 and, obviously, you know, he will not be discussing, you know,
11 why these numbers are relevant, why he's on the stand, until
12 we call the next person and have them identify their telephone
13 number, which would be one of the numbers that's highlighted.

14 A couple of them have already been identified. One is
15 Mr. Seehof's that ends in [REDACTED]. The victims in this case who
16 shared a cell phone will testify that their's is (803)
17 200-[REDACTED], and Q -- the individual Q, who will also testify --
18 maybe not today, but he will testify -- and his number is
19 [REDACTED], and his is highlighted in a different color.

20 Those numbers, they're each highlighted in a different
21 color so you can identify that, you know, that color that
22 pertains to that number of that individual.

23 Just so it makes it easier for the jury when they're
24 going through this lengthy cell phone record -- extraction or
25 report or summary, I should say, so they can be able to easily

1 tell or allow the lawyers to easily tell which entry in the
2 timeline of the phone activity pertains to which person.

3 THE COURT: Every number that's highlighted on that
4 report, the owner of that number either has testified or will
5 testify; is that fair to say?

6 MR. POGUE: That's correct, Your Honor.

7 THE COURT: Okay.

8 MR. POGUE: That's correct.

9 THE COURT: All right. Mr. Koger?

10 MR. KOGER: May it please the Court? Of course, my
11 objection is I've already stipulated to the other phone
12 records coming in, and I do understand, because of the text
13 messages on here, that this one will have to come in. My
14 objection to it is the numbers being highlighted --

15 THE COURT: Okay.

16 MR. KOGER: -- in different colors.

17 THE COURT: I know that there -- the reason for the
18 explanation, I think, is -- makes sense under these
19 circumstances. They would have to be highlighted in some
20 fashion simply to stand out from all of the others that
21 there's not any testimony about. Therefore, those other
22 things would be irrelevant.

23 Simply to complete the phone records, I think all of
24 those numbers have to be there. The relevant numbers, then,
25 should be set apart some way to let the jury know what they

1 need to pay some attention to, if they think it's relevant.

2 And, finally, as Mr. Pogue testified or has stated it is
3 important that they can keep these separate, one from the
4 other. I note your objection to the highlighting, but I
5 think, respectfully, that there's a good reason for it, not
6 that it unduly emphasizes one over the other. It simply
7 separates one from the other so the jury can tell the
8 difference.

9 I note your objection but respectfully overrule it, and
10 I'll allow State's exhibit number whatever it is into evidence
11 over your objection.

12 MR. KOGER: Thank you, Your Honor.

13 THE COURT: Thank you.

14 MR. POGUE: Just to clarify, Your Honor, this is in
15 evidence now; correct?

16 THE COURT: As soon as you give me the number.

17 MR. POGUE: I apologize. This is going to be 167.

18 THE COURT: What's that number?

19 MR. POGUE: 167.

20 (State's Exhibit No. 167, cell phone extraction report,
21 was marked for identification and received into evidence.)

22 MR. POGUE: Your Honor, one more matter. The only
23 item -- and, again, Detective Phipps will testify to this.
24 The only items that they have from the cell phone
25 extraction -- the only data that doesn't show up in the

1 timeline are multi-media data like audio, video, and photos,
2 essentially.

3 THE COURT: Right.

4 MR. POGUE: They don't show up in the timeline, so there
5 is one audio that pertains to a voicemail from the doctor that
6 he will testify to and has a copy of a recording of, Your
7 Honor, and we will ask that that be entered into evidence as
8 well.

9 There is no hearsay testimony in that voicemail, and I'll
10 be happy to play it for the Court when we get it. He's
11 extracting it right now or downloading it, putting it on a CD.

12 THE COURT: Who is the doctor?

13 MR. POGUE: That's who he is entered in the phone --
14 under -- in Mr. Wilson's phone. That was his nickname. His
15 name is Richard Koch. Last name is K-o-c-h.

16 THE COURT: I see.

17 All right. Is the way clear now for the jury to come in?

18 MR. POGUE: Yes, sir, Your Honor.

19 THE COURT: Bring the jury in.

20 (The jury enters the courtroom at 4:20 p.m.)

21 THE COURT: Thank you, folks. The State now will
22 continue to offer evidence and testimony.

23 MR. PINCELLI: Thank you, Your Honor. The State at this
24 time calls Gerald Pete Fortner to the stand.

25 THE COURT: Come forward, Mr. Fortner, please, and be

1 sworn.

2 GERALD PETE FORTNER,
3 the witness, after having first been duly sworn, testifies as
4 follows:

5 CLERK OF COURT: Once you're seated, state your full
6 name, spelling your last, please.

7 THE WITNESS: My name is Pete Fortner, F-o-r-t-n-e-r.

8 DIRECT EXAMINATION

9 BY MR. PINCELLI:

10 Q Mr. Fortner, how you doing?

11 A All right.

12 Q Good afternoon to you.

13 Where do you currently live?

14 A I live in Boardwalk Villas.

15 Q Okay. And where did you live on the evening of September
16 26, 2016?

17 A Boardwalk Villas.

18 Q What was your address?

19 A [REDACTED]. Number [REDACTED].

20 Q All right. I'm putting up on the overhead what is
21 State's Exhibit 3. Is there a laser pointer up there for you?
22 Do you see a laser pointer sitting up there?

23 Can you point out where you currently live and where you
24 lived at the time?

25 A Right there.

1 Q And do you know where -- let me ask you this: Do you
2 know Thomas Seehof?

3 A Yes, I do.

4 Q Okay. Did he live at Boardwalk Villas --

5 A Yes, sir.

6 Q -- in 2016?

7 A Yes, sir.

8 Q Where did he live?

9 A He lived in [REDACTED], right there.

10 Q Does he still live there?

11 A No, sir.

12 Q Do you remember that evening, September 26, 2016?

13 A Yes, sir.

14 Q Tell me what you were doing that evening around 8:00.

15 A We was -- my wife and I had been sitting on the porch,
16 like we usually do every Sunday. We was just at the lake, so
17 we were just chilling on the front porch.

18 Q All right. And while you're, I guess, sitting on the
19 front porch, did you ever go inside?

20 A We went inside and ordered pizza, and I used the
21 restroom.

22 Q Okay. All right. At some point soon thereafter, did you
23 ever hear any gunfire?

24 A Soon as I come out of the restroom and into the living
25 room, I heard four or five pop, pop, pop, pop, pop.

1 Q Did you immediately recognize that to be gunfire?

2 A I told the wife, I says, "That's not any firecracker.
3 That's gunshots."

4 Q All right, sir. What did you do after you heard the
5 gunshots?

6 A I went outside and seen a black man running up to the
7 front of the house, probably from this area. He was coming up
8 through here. I seen him, approximately, right there in the
9 parking lot.

10 Q Where was he coming from?

11 A From this area down here.

12 Q All right.

13 A He come up the parking lot right there.

14 Q Describe the individual that you saw.

15 A He was --

16 Q What was the general description?

17 A He was a black male with a white T-shirt and had a -- to
18 his hand like this, covered up. One hand over the other. And
19 he was run, run, run --

20 Q He had a shirt wrapped around his hand, you said?

21 A Wrapped around his hand, yes, sir.

22 Q Did it look he was trying to conceal something?

23 A Yes, sir.

24 Q Did you ever actually see what it was that he was
25 concealing?

1 **A** No, sir. I never did see what it was.

2 **Q** What did he do when he ran past you?

3 **A** It was -- it was a car sitting in the parking lot --
4 well, backing up right in this area here, and he was going
5 towards it, and it sounded like he was saying, "Hurry up, man"
6 or "Come on, man," like he needed to get in the car.

7 **Q** Okay. And did you see him get into the car?

8 **A** Yes, sir.

9 **Q** What did you do after you saw him get into the car?

10 **A** It was a small vehicle with a loud muffler. They took
11 off.

12 **Q** Was it an older vehicle or a newer vehicle?

13 **A** It was a older vehicle. A small vehicle like a Toyota or
14 a Honda with one of them loud mufflers on it.

15 **Q** Do you recall what kind of color it may have been?

16 **A** I don't recall that.

17 **Q** That's fine.

18 So what did he do when he jumped in the car?

19 **A** They took off. I went inside my house, got my keys, run
20 out, went out in the parking lot, thought they had turned
21 right. I stopped to see if I could hear the muffler because
22 there wasn't any traffic coming by. So I took a right, went
23 to the red light. Didn't hear anything. Went to the next red
24 light, which is Winger's Nursery. Stopped there to see if I
25 could hear anything. Didn't hear anything. Went up to the

1 church and didn't see the car, so I turned around and come
2 back to the house.

3 Q You were attempting to follow the vehicle but they lost
4 you?

5 A They lost me, correct.

6 Q All right. What did you do after that?

7 A Parked the car and went down to the end of the building
8 where all the hollering was going down. And two girls were
9 down there with some other people, and they had towels wrapped
10 around them and everything. And I went back up through this
11 area right here and directed the police and ambulance and
12 everything down that a-way.

13 Q All right. And that individual that you saw running with
14 his hand concealed like that, was he was a darker-skinned
15 black male?

16 A Darker-skinned black male, yes, sir.

17 Q All right. Did you ever give a statement to law
18 enforcement when they were on scene?

19 A Yes, sir.

20 Q Did you give a written statement to law enforcement?

21 A Well, my wife wrote it for me, yeah. Correct, yeah.

22 Q Why did your wife write it for you?

23 A Because I don't write too good with thumb missing. I'm
24 not a perfect writer. Let's put it that away.

25 Q Did you have a work-related accident that caused that?

1 A Yes, sir.

2 Q Does it prevent you from writing easily --

3 A Writing, well, yes, sir. Nerve damage and all that.

4 Q Okay. All right. Who all lived in Condo [REDACTED] with Thomas?

5 A It was Brandy and [REDACTED] MINOR .

6 Q Okay. Who is [REDACTED] MINOR ?

7 A [REDACTED] MINOR is Brandy's son.

8 Q About how old he was at the time; do you recall?

9 A Nine. Eight, nine. I think nine.

10 Q He was a little boy?

11 A Yes, sir.

12 Q All right. Did you have a chance to speak with Brandy or

13 [REDACTED] MINOR after this incident?

14 A I spoke to both of them and --

15 Q What did [REDACTED] MINOR tell you about the incident?

16 A [REDACTED] MINOR was in the house, an hour, hour and a half
17 later, somewhere around in there, and I asked him if he was
18 doing okay. He said yeah, he was fine. I said, "Well, what
19 happened?" He said that Pep-Pep come to the door with a gun,
20 forced his way in, pushed Thomas out the way, went inside, and
21 that's when he heard the shots, but [REDACTED] MINOR hid behind a
22 chair or the couch.

23 MR. PINCELLI: No further questions, Your Honor.

24 THE COURT: Thank you. Cross-examine?

25 CROSS-EXAMINATION

1 BY MR. KOGER:

2 Q At the time of the incident, was it dark?

3 A No, sir.

4 Q Okay. It was around about 8:30 in September?

5 A Somewhere in that vicinity. I can't recall the time.

6 Q Okay, okay.

7 A Because it was still daylight.

8 Q It was still daylight.

9 Did you see any type of facial description on the person
10 that you said was black?

11 A No, sir. I mean, I don't recall right off the top of my
12 head anymore.

13 Q Okay. All right.

14 A Because, I mean, I seen him, but as far as look-wise, no,
15 sir.

16 Q Okay. And it would be safe to say that when your wife
17 wrote the statement back on September 26th, 2016, that you did
18 not make any facial description or anything?

19 A No, sir.

20 Q Thank you.

21 THE COURT: Redirect?

22 MR. PINCELLI: Just briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. PINCELLI:

25 Q When you say "daylight," was it just a little bit of

1 light left or was it, like, midday?

2 **A** No, it was dusk. Around dusk.

3 **Q** So it was a little bit of light?

4 **A** It was still -- yeah.

5 MR. PINCELLI: No further questions, Your Honor.

6 THE COURT: Thank you. Mr. Fortner, you can step down.

7 THE WITNESS: Thank you.

8 THE COURT: Mr. Pogue?

9 MR. POGUE: Your Honor, the State calls Detective Mike
10 Phipps to the stand.

11 THE COURT: Come forward, Detective, please, and be
12 sworn.

13 DET. MICHAEL PHIPPS,
14 the witness, after having first been duly sworn, was examined
15 and testifies as follows:

16 CLERK OF COURT: Once you're seated, state your full
17 name, spelling your last.

18 THE WITNESS: Michael Phipps, P-h-i-p-p-s.

19 DIRECT EXAMINATION

20 BY MR. POGUE:

21 **Q** Detective Phipps, were you ever been asked to -- first
22 let me ask you this: Where are you currently employed?

23 **A** With the Lexington County Sheriff's Department.

24 **Q** In what capacity?

25 **A** As a forensic technology examiner. I look at electronic

1 items for -- to try to recover items of evidence off of those
2 items.

3 Q What types of items?

4 A Cell phones, computers, anything digital these days that
5 might have something of value.

6 Q How long have you served in that capacity?

7 A I've been examining cell phones since 2007.

8 Q Okay. All right. And have you had any training in that
9 regard?

10 A I have. My first training was in 2007 specific to that.
11 Most recent training was in 2017 and 2018. I had a three-week
12 course of basic cell phone data extraction from a training
13 center in Hoover, Alabama, the National Computer Forensic
14 Institute, and then, in 2018, a one-week advance course.

15 Q Ballpark, how many hours of training have you had in
16 regard to this particular field?

17 A Probably well over 800.

18 Q How many cell phones do you reckon you've extracted in
19 your time?

20 A Probably over 600.

21 MR. POGUE: Your Honor, the State at this time would move
22 to qualify Detective Phipps as an expert in cell phone
23 extraction.

24 THE COURT: All right. Voir dire, Mr. Koger?

25 MR. KOGER: No voir dire, Your Honor. Without objection.

1 THE COURT: Thank you. Detective Phipps is so qualified.

2 MR. POGUE: Thank you, Your Honor.

3 BY MR. POGUE:

4 Q Detective Phipps, were you asked to do a cell phone
5 extraction for an LG Stylo 2 Plus phone that was taken into
6 evidence regarding this case?

7 A Yes, sir, I was.

8 Q Did someone get a search warrant for you to extract that
9 phone?

10 A Yes. Detective Andaloro obtained a search warrant and
11 turned that over to me for examination.

12 Q Did you take the phone from evidence? Did you collect
13 the phone from evidence yourself?

14 A I did.

15 Q Okay. All right. So, at that point, when you collected
16 the phone, take me through the process. What do you do when
17 you, quote, "extract" the phone?

18 A Of course, we take the phone. We examine the seals. We
19 document it through photography to show the state of the
20 device when we receive it. Take some detailed notes of the
21 model, serial numbers, things like that.

22 In this case, we -- the phone was secured with a lock.
23 Actually a Knock Code. I had to use a device manufactured by
24 Cellebrite called a Universal Forensic Extraction Device, or
25 UFED, and that device allows us to bypass that lock and obtain

1 what's called a physical acquisition of the phone.

2 Physical acquisition meaning all the binary data, all the
3 ones and zeros that are stored within that device.

4 **Q** And what does the Cellebrite program do with that data?

5 **A** We then process the data in another software tool by
6 Cellebrite called Physical Analyzer, and it does something
7 called parsing, which is identifying what photos are, what
8 text messages are, any artifacts that is within the device,
9 and it converts into a readable, viewable format.

10 **Q** Okay. Does it -- when you go through this process, does
11 it extract all available data that would be stored on that
12 phone?

13 **A** It tries to. Obviously, there's potentially certain
14 things that are obscured that it might not, but obviously, you
15 know, call logs, call history, internet browsing activity,
16 photos, multimedia photos, video, audio recordings, just a
17 multitude of artifacts that it's capable of carving out.

18 **Q** Okay. And after you've extracted or converted, as you
19 said, all those ones and zeros, what happens after that? Like
20 how do you generate any sort of report?

21 **A** We then generate a report back to the investigator that
22 allows them to load the report into a reader version of our
23 software. You can then visualize that, search it. Obviously,
24 he's going to be much more intimate to the case and know what
25 makes -- what is important to the case and what isn't versus

1 maybe all he had is what's in the affidavit of the warrant to
2 go by.

3 Q The Cellebrite data and the program that you're able to
4 essentially view the data on and generate reports from, can
5 that be manipulated in any way at that point?

6 A It cannot. Additional reports can be generated off of it
7 to narrow the scope of the report, but you can't change what's
8 within the content.

9 Q Detective Phipps, I'm handing you what's already been
10 stipulated, or entered into evidence, I should say, as State's
11 Exhibit 167. Are you familiar with that item right there?

12 A Yes, sir, I am.

13 Q What is it?

14 A It's a spreadsheet version of what we call a timeline.
15 It's a -- within the software, we can generate a timeline for
16 a specific period of time, listing various artifacts that it
17 -- and activity within that time frame.

18 Q Okay. All right. And is everything -- all the data
19 that's on the phone included within that time line?

20 A There are certain items that were removed from this time
21 line that were either duplicates or items that really didn't
22 have a bearing and was just noise to the case. It didn't have
23 any bearing on the case.

24 Q Okay. And what is the relevant time frame of the report
25 that you have there that was generated?

1 **A** This runs from September 26th, 2016, at 4:53 p.m. in the
2 afternoon until September 27th at 4:56 in the morning.

3 **Q** What is the phone number that's associated with that LG
4 phone that you extracted?

5 **A** Area code (803) 757-██████.

6 **Q** I'm handing you State's Exhibit 170. Do you know what
7 that item is?

8 **A** This is a legal response from the carrier, T-mobile, in
9 reference to an inquiry from this case.

10 **Q** Okay. All right. And State's Exhibit 170 is already
11 into evidence as well.

12 Can you tell me the phone number that's associated with
13 that T-mobile account?

14 **A** Yes, it's (803) 757-██████.

15 **Q** And who is the name that T-mobile says that number is
16 registered to?

17 **A** Tashonby Wilson.

18 **Q** How about multimedia --

19 MR. POGUE: Permission to publish, Your Honor --

20 THE COURT: Yes, sir.

21 MR. POGUE: -- State's Exhibit 167.

22 BY MR. POGUE.

23 **Q** What about multimedia messages, or data, I should say?
24 Are they within this timeline?

25 **A** They are not. That's due -- a multimedia artifact can

1 have varying dates and times. It can have a date where it's
2 created, a date viewed, date last accessed. I mean, because
3 the software doesn't know which date to use, it excludes
4 multimedia from the timeline. You have to manually recover
5 that.

6 **Q** Okay. And what type of data is it when we talk about
7 multimedia?

8 **A** Still photos, video clips, audio recordings.

9 **Q** How about voicemails that were restored on the phone from
10 a call?

11 **A** Yes, that would be under the audio recording category.

12 **Q** Okay. All right. And were you asked to extract any
13 audio from the cell phone -- or I should say, were you asked
14 to download any audio from the cell phone extraction that you
15 did in this case?

16 **A** Yes, sir. There was a specific voicemail message that
17 occurred September 26, 2016, at 6:07 -- I believe that was
18 p.m. -- yes, p.m.

19 **Q** Is this an item that you downloaded yourself from the
20 report?

21 **A** Correct. It's a sub-report from the original, so it's
22 right out of the original report.

23 MR. POGUE: Just for the Court's edification, Your Honor,
24 that is State's Exhibit 173.

25 THE COURT: All right.

1 MR. POGUE: And, Your Honor, at this time, the State
2 would move that item into evidence.

3 THE COURT: 173?

4 MR. POGUE: Yes, sir, Your Honor.

5 THE COURT: All right. Mr. Koger?

6 MR. KOGER: Your Honor, may we approach?

7 THE COURT: Yes, sir.

8 BENCH CONFERENCE

9 (A bench conference was held off the record and outside
10 the hearing of the jury and others.)

11 (Open court resumes:)

12 MR. POGUE: The State actually will move just to mark
13 this for identification subject to further foundation.

14 THE COURT: 173 for ID only. Thank you.

15 (State's Exhibit No. 173, audio clip, was marked for
16 identification).

17 BY MR. POGUE:

18 **Q** Detective Phipps, as I'm going through this, there are
19 highlights on a lot of these line items within this report.
20 What is this highlighting that we see?

21 **A** The color coding that you see is just for reference to
22 show groupings. Each color is to a specific number or contact
23 within that person's phone.

24 MR. POGUE: No further questions, Your Honor.

25 THE COURT: Thank you. Cross-examine?

1 MR. KOGER: I have no questions for this witness.

2 THE COURT: Thank you. Mr. Phipps, you can step down.

3 THE WITNESS: Thank you, sir.

4 THE COURT: Mr. Pogue? Mr. Pincelli?

5 MR. PINCELLI: Your Honor, the State calls Richard Koch.

6 THE COURT: Ladies and gentlemen, the witnesses in this
7 case have all been sequestered, as they are not allowed in the
8 courtroom while other folks are testifying, and so they are
9 sequestered hopefully somewhere in the building, and when the
10 attorneys call them to testify, they're brought from some
11 secret room. That's true of witnesses on all sides in cases
12 like this.

13 MR. PINCELLI: Your Honor, I believe this witness is in
14 our conference room. He just uses a walker and he's a little
15 slow to get around.

16 THE COURT: I apologize for commenting on his inability
17 to move quickly.

18 MR. PINCELLI: I'm sure it will be quite all right, Your
19 Honor.

20 THE COURT: Mr. Koch, if you'll come forward, please, and
21 be sworn.

22 CLERK OF COURT: That's okay. Come on down here, sir.
23 It's a lift.

24 (A discussion was held off the record.)

25 THE COURT: Mr. Koch, I'm glad you came. I've been here

1 for a long time, and it's the first time I've ever seen that
2 thing work.

3 RICHARD KOCH,
4 the witness, after having first been duly sworn, was examined
5 and testifies as follows:

6 CLERK OF COURT: Please state your full name, spelling
7 your last for us, please.

8 THE WITNESS: My name is Richard. And my last name is
9 Koch, and it's spelled K-o-c-h.

10 DIRECT EXAMINATION

11 BY MR. PINCELLI:

12 Q Mr. Koch, do you need a second to catch your breath? Are
13 you okay?

14 A Thanks. I have a lot of pain, so that takes my breath
15 real easy.

16 Q Are you ready?

17 A Yes.

18 Q Thank you, sir. Mr. Koch, where are you from?

19 A Originally? Where I was born?

20 Q Sure?

21 A Buffalo, New York.

22 Q Where were you living in September of 2016?

23 A Off of Bush River Road on a street called Latonea Drive.

24 Q You said off of Bush River Road. Are there any landmarks
25 that would describe that location?

1 **A** Yes, there's a church, a Wesleyan church, where the
2 Wal-mart used to be. It's directly across the street from
3 that.

4 MR. PINCELLI: Your Honor, permission to approach?

5 THE COURT: Yes, sir.

6 BY MR. PINCELLI:

7 **Q** Mr. Koch, I'm showing you what's marked as Exhibit 174.
8 Can you describe what this is?

9 **A** Okay. This is an overview of Bush River Road, and then,
10 I believe, this is Broad River Road here. And then the
11 interstate crossing over here.

12 **Q** Does this give you a better idea or could you explain to
13 the jury using this whereabouts you were living in September
14 of 2016?

15 **A** Yes, I can. This is Wal-mart, so Pizza Hut, as I come
16 down. It's not marked. It says Millennium Drive, but I
17 believe -- I think this might be the church I'm talking about,
18 and I think this is Latonea Drive and right --

19 **Q** Just a second. I'm going to show on the big screen so
20 you can better describe it for us. But you understand -- you
21 know where this area is?

22 **A** Yes, absolutely.

23 **Q** Thank you.

24 MR. PINCELLI: Your Honor, at this time, I'd like to move
25 State's 174 into evidence.

1 THE COURT: All right.

2 MR. PINCELLI: Just an aerial map.

3 MR. KOGER: Without objection, Your Honor.

4 THE COURT: 174.

5 (State's Exhibit No. 174, map, was marked for
6 identification and received into evidence.)

7 BY MR. PINCELLI:

8 Q Mr. Koch, this is a fair and accurate reflection of what
9 you remember that area to be at the time?

10 A Yes. The other good landmark that most people know about
11 is the Palmetto Inn, which is directly behind the street.

12 MR. PINCELLI: Your Honor, permission to publish.

13 THE COURT: Yes, sir.

14 BY MR. PINCELLI:

15 Q Mr. Koch, I believe right in front of you is a laser
16 pointer. Feel free to use that.

17 A It was easier to see when you had it blown up.

18 Q There we go. We're just changing the light for you. All
19 right. Can you indicate where you know the Palmetto Inn to
20 be?

21 A Okay. Once again, the Pizza Hut is here. Cross over the
22 interstate where you come down. I'm pretty sure that this is
23 the first street that you come to just past the interstate.
24 You come up, there's a signal here, and the Palmetto Inn, I
25 believe, would be, like, here. It's behind there.

1 Q And you indicated that you live nearby?

2 A Yeah.

3 Q And where in relation to the Palmetto Inn did you live?

4 A On this street that, I think, I'm pretty sure that this
5 is correct, that comes off of Bush River Road. I think that
6 this is here.

7 Q So you're indicating, based on this map, just a little
8 bit to the left of what's marked as 127 Morning Hill Drive?

9 A Yeah, somewhere in this area here, I believe, if that's
10 correct.

11 Q All right, Mr. Koch. Thank you.

12 What was your life back in September 2016? Were you
13 struggling with any life issues at that time?

14 A I certainly was. I have post-traumatic degenerative
15 arthritis of both hips, which are basically bone on bone and
16 need to be replaced. So I was in a tremendous amount of pain.
17 I had -- had my license suspended, so I wasn't able to work
18 anymore.

19 The physical pain that I had wouldn't allow me to work,
20 and so I was living under the good graces of an ex-patient,
21 Dr. John Brinkley, who was allowing me to stay at his place.

22 Although, if I hadn't had his good graces, I probably
23 would have been on the street. I was unhappy being in the
24 environment where drugs were very prevalent. I had suffered
25 from addiction to crack cocaine, and I subsequently recovered,

1 went into rehab and recovered, and was clean for eight years
2 at the time that I moved in there, but the depression and the
3 stress and, you know, just the nature of addiction, I
4 relapsed.

5 **Q** And during the time of September of 2016, was that a
6 period of relapse? Were you using crack cocaine?

7 **A** I was.

8 **Q** And how did you acquire those drugs?

9 **A** I purchased them through dealers that were staying at the
10 Palmetto Inn, which is why I was familiar with it.

11 **Q** Do you know a person named Tashonby Wilson?

12 **A** I actually didn't know that was his name, but I knew him,
13 since I got the subpoena, as Pep.

14 **Q** And what was your relationship with Pep?

15 **A** He was a dealer.

16 **Q** And how did Pep know you? Did he know you as Richard
17 Koch?

18 **A** No. Well, he knew my name, but the person I think that
19 had introduced me to him was someone who I had worked on. I
20 used to be a chiropractor and did some work on him, so he
21 called me Doc, Doctor.

22 **Q** And so you bought drugs from Pep, and he knew you as the
23 doctor; is that correct?

24 **A** Yes, that's correct.

25 **Q** And how did you -- what was that arrangement like? How

1 did you pay for drugs?

2 **A** Sometimes I'd work on him in exchange, and other times, I
3 would pay cash.

4 **Q** Were there any other type of arrangements or trades?

5 **A** I don't recall. He had asked to use my car a couple of
6 times, and I let him, but there wasn't a, you know, a cash
7 exchange. It was just, you know, he was my dealer; I let him.

8 And, you know, I had -- I just want to say the use of
9 that drug very much affects your cognitive functions, your
10 higher functions, and so, you know, you're not in your right
11 mind. You don't make good sound decisions. You're concerned
12 about your well being and so on and some of it goes out the
13 window. So I was making some foolish decisions. I mean, just
14 using crack cocaine is enough of a foolish decision.

15 **Q** Do you recall -- you said you had loaned your car out for
16 drugs. Do you recall, on the night of September 26th, doing
17 that to get drugs from Pep?

18 **A** You know, I actually -- I don't remember specifically. I
19 only recall it because of the subpoena and speaking with the
20 person that I spoke to on the phone. It kind of jogged my
21 memory.

22 Also, at that time, I had been robbed at gunpoint and was
23 hit on the back of the head and been knocked out, and that
24 caused me to have a concussion, and it affected my memory
25 somewhat, so I didn't remember all of the details.

1 Q Well, do you -- I'm sorry to cut you off, but do you
2 recall your phone number at that time?

3 A 803 -- the same as it is now -- 260-██████.

4 Q I'm going to show you what's in evidence and marked as
5 State's Exhibit 167. These are phone logs. Do you
6 recognize --

7 A If you would have a copy of that that I could have here,
8 I think I could read it better. I can't see very well and I
9 don't have my reading glasses. If I had a copy close to me, I
10 would be able to read it, because at this point, I'm not able
11 to focus on, you know, what it says.

12 Q Well, I can identify.

13 A Okay.

14 Q What I'm pointing to up here, that phone number says 1
15 and then followed by area code 803 and then 260-██████. And
16 beside that it reads, "The doctor." Does that number and does
17 that name relate to you?

18 A Yes.

19 Q And you said Pep sold you drugs. How would you
20 communicate with Pep?

21 A By phone.

22 Q Did you know his number?

23 A At the time I did.

24 Q Do you recall it now?

25 A No.

1 Q But you're saying that this is your number, and that's
2 your nickname that Pep knew you by?

3 A Yeah.

4 Q I'm going to zoom in for you, and I'll tell you now that
5 the green highlights indicate that that's your number.

6 A Okay.

7 Q Every time you see green, that's your number.

8 A Okay.

9 Q That will help you orient yourself.

10 A Okay, stop there. I can read it now.

11 Q Can you read that third highlighted row down?

12 A "I could not hear what you were saying on the phone. I
13 need to know how long before you are back here."

14 Q So now that you see that, would you realize, showing you
15 the date, that you were in communication with Pep that day?

16 A Yeah. On this particular occasion, what I do recall,
17 because of what happened, is that he used the car, and I don't
18 what know what he used it for. He didn't say and I didn't
19 ask, but I recall that he called me and said that there was a
20 problem with the car, and I believed him because, often, if
21 the car was hot, it wouldn't start. And he said that he had
22 to leave it at a gas station and he would get a ride back, but
23 I needed to know that it was there. So I called a cab and I
24 went over, and the car started and I brought it home.

25 Q Okay. So you just told us how you got the car back.

1 **A** Yeah.

2 **Q** How did the car get picked up from you?

3 **A** He picked it up.

4 **Q** From where?

5 **A** From where I was living.

6 **Q** Again, where was that?

7 **A** [REDACTED] Latonea Drive.

8 **Q** And did you hand him the keys?

9 **A** No. I have a lot of trouble getting in and out of bed,
10 and, you know, getting up to the door, so I put the key in the
11 car and let him know it was in there, so he just came and got
12 it.

13 **Q** So you told him where the keys were?

14 **A** Yes, I think so.

15 **Q** And what was the point, just one more time, why were you
16 loaning out the car?

17 **A** Just as a favor to him.

18 **Q** Were you looking for anything in return?

19 **A** No. No, there was no, you know, agreement about drugs or
20 anything like that. It was just, you know, letting him --
21 helping him -- helping him out.

22 MR. PINCELLI: Okay. Beg the Court's indulgence.

23 BY MR. PINCELLI:

24 **Q** Mr. Koch, I'm going to go back through some of these
25 records with you.

1 **A** Okay.

2 **Q** Just so the jury can see, we're going to go through the
3 time, and then when you need to zoom in to recognize some of
4 the texts on there, I can do so. Just let me know.

5 **A** Yeah, we need to, because I can't read it from here.

6 **Q** So we already talked about this one. Essentially, you're
7 saying you couldn't hear him on the phone. "Need to know how
8 long you're back there." Would that indicate to you that you
9 needed to know when the car was going to be back?

10 **A** Yeah, I figured so.

11 **Q** Okay. And this time has been adjusted, so the time you
12 read on here would be the time of day. Can you read that now?

13 **A** Little bit more. Back up a little bit. I think that's
14 pretty good.

15 **Q** Do you agree that's 4:54?

16 **A** 4:54, uh-huh.

17 **Q** And so you did not have your car at that time?

18 **A** You know, I honestly don't remember the timing of that.
19 I just remember that it was later. I think it was evening
20 when he picked the car up because I was in bed, and then I had
21 to go get it. So, you know, it was pretty late so that's
22 probably right.

23 **Q** What time did you get the car back; do you recall?

24 **A** I don't. It was probably -- you know, after that call
25 where I said there, I know, I said I couldn't hear you, and I

1 think that's when he was calling me. I think it was probably
2 maybe an hour or two, because I had to call the cab, wait for
3 the cab, and the cab ride from where I live to the gas
4 station, which was on Bush River Road across from where the
5 old AMF Bowling Lanes were. It was some kind of Quick Mart
6 gas place. But, anyway, it was probably only about, maybe a
7 five-minute drive, so....

8 Q Okay. I'm going to walk you through these phone
9 communications.

10 A Okay, yeah.

11 Q This is another one from you at 5:13.

12 A "I have a patient coming in at 5:30. It's quarter after
13 now. Are you going to be back before then? Call me."

14 Q And we'll keep on going.

15 A That call was probably relative to drug --

16 Q Sure, sure.

17 A I think I had the car by then. Here again, I'm trying to
18 remember to the best of my ability.

19 Q This is marked at 5:24.

20 A "Since I did not hear from you, I called my patient and"
21 -- having trouble reading that.

22 Q Magnify it a little bit for you.

23 A "And moved them to 6. You need to be back here before
24 then." Yeah, I think that I was waiting for him to bring me
25 something.

1 Q Okay. Let's move down to here. What are you talking
2 about in this?

3 A The door is open. Come on in. I would like to get --
4 yeah, he was definitely bringing something because I --

5 Q Okay. What does that indicate? "I would like to get
6 60"?

7 A Sixty dollars worth of crack, yeah.

8 Q Okay.

9 A And that would be him bringing it because I had, you
10 know, trouble getting out of bed, so I would just leave the
11 door open for him.

12 Q Okay. And then here you're indicating, "It's really
13 important you get here before 6:00."

14 A Yeah, yeah.

15 Q And move on down. What's this indicating here?

16 A "I called and moved my patient to 6:30. I can't keep
17 doing this." Something "patch" this -- "you said you were
18 coming three minutes ago. This is starting to get on my
19 nerves."

20 This is kind of typical of most dealers. They say
21 they're going to be there in 10 minutes, and, you know, 30
22 minutes later they say, oh, they're two minutes away, and then
23 they show up an hour later.

24 Q And you're starting to get frustrated because you're
25 dealing with addiction?

1 **A** Yeah. And I don't think I was seeing a patient. I was
2 just trying to, you know, get him to think I was so that he
3 would get here kind of thing.

4 **Q** The communications keep going.

5 **A** "Why don't you bring my 60?"

6 **Q** And this is at 6:08.

7 **A** Huh?

8 **Q** This is at 6:08 p.m.

9 **A** Okay, yeah. "Why don't you bring my 60 in? Call me."
10 So maybe he -- I don't know -- maybe he called me and said he
11 was on his way or -- I'm not sure here again.

12 **Q** This here would indicate that there was a call made.
13 This record up here, do you see what I'm pointing to?

14 **A** Yes.

15 **Q** This is at 6:06?

16 **A** Mm-hmm.

17 **Q** This indicates that a phone call was made and, actually,
18 a voicemail was left. If you heard a voicemail with your
19 voice, would you be able to recognize it?

20 **A** Yes, yeah. So that's someone calling me.

21 **Q** No.

22 **A** No.

23 **Q** That would be you calling Pep --

24 **A** Okay, yes, I would --

25 **Q** -- in regard to this conversation.

1 **A** Yes, I would recognize my voice, I think.

2 MR. PINCELLI: Beg the Court's indulgence.

3 THE COURT: All right.

4 MR. PINCELLI: Your Honor, can we approach?

5 THE COURT: Okay.

6 BENCH CONFERENCE

7 (A bench conference was held off the record and outside
8 the hearing of the jury and others.)

9 MR. PINCELLI: Your Honor, I'm going to play what's been
10 marked as State's Exhibit 173 and have the witness
11 authenticate this and see if he can identify his voice on a
12 voicemail.

13 THE COURT: Okay.

14 BY MR. PINCELLI:

15 **Q** And this message would have been extracted off of the
16 phone belonging to Tashonby Wilson, and the message is from
17 September 26th at 6:07 p.m. and that's September 26, 2016.

18 **A** Is this the same night that we've been talking about?

19 **Q** It is.

20 **A** Okay.

21 **Q** As you'll see, all these are the same date, so it's just
22 in the same line of conversation.

23 **A** Okay.

24 **Q** Mr. Koch, while we're trying to get that working, we
25 talked a lot about your car, but I haven't asked you what kind

1 of car it was. Can you explain that to me?

2 **A** Yeah, it was a Honda Accord. And I don't have the
3 paperwork on it anymore. I think it was a 1992. It was given
4 to me by my mother-in-law, and I had it repainted. And it was
5 supposed to be silver, but it was a kind of brownish-silver,
6 four-door. Kind of banged up. It wasn't a very good car but
7 it was what I had.

8 **Q** Was there anything else particular that would identify
9 that vehicle? Some special color? Did it sound special?

10 **A** It had -- the muffler on it was blown out, so it was very
11 loud. That was kind of a distinguishing thing about it. Like
12 I say, it was kind of dinged up. A lot of dents and dings.

13 **Q** Okay. Thank you.

14 At this time, we have the voicemail that I've indicated
15 earlier ready to play. I'm going to ask you to listen to this
16 and see if you can identify it as your voice.

17 (State's Exhibit 173/CD plays.)

18 **A** That sounds like my voice. I can't really clearly hear
19 what it says. I think it said, "What about my 60? Call me."
20 And here again, I'm, you know, waiting on it and, you know,
21 getting frustrated.

22 **Q** I'm going to play it for you one more time.

23 **A** Okay.

24 (State's Exhibit 173/CD plays.)

25 **A** I'm not sure what it says. It's kind of garbled.

1 THE COURT: The question is, Mr. Koch, is that your
2 voice?

3 THE WITNESS: Oh, that is definitely my voice.

4 THE COURT: Okay. Thank you.

5 THE WITNESS: But it's kind of garbled, and I don't know
6 exactly -- something about the 60.

7 THE COURT: I understand.

8 MR. PINCELLI: Your Honor, at this time, we would move
9 State's 173 into evidence.

10 THE COURT: 173 is now in evidence as it's properly
11 authenticated.

12 (State's Exhibit No. 173, audio, marked for
13 identification and received into evidence.)

14 THE WITNESS: That is my voice.

15 BY MR. PINCELLI:

16 Q And again, Mr. Koch, how did you know Pep?

17 A He was -- he dealt crack cocaine.

18 Q And after reading things today and listening to things,
19 do you remember what you were doing with Pep on the evening of
20 September 26th?

21 A I loaned him the car and he was bringing me some crack.

22 Q All right. Thank you, Mr. Koch. We're going to keep
23 going through these records. Moving on later in the evening,
24 if you'll recall, that voicemail was from right after 6:00
25 p.m., and again, remember that these green lines are you.

1 **A** Yeah.

2 **Q** You see what time that is? Can you read that?

3 **A** 7:40 p.m.

4 **Q** Okay. So we've moved forward in time a little bit. I'm
5 trying to get everything so you can read it but also fit it on
6 the screen. This here indicates that it's outgoing, so this
7 would have been something that went to your phone, and this
8 indicates it would have been a short call.

9 **A** Okay. So somebody's calling me?

10 **Q** Correct.

11 **A** Am I getting a voicemail?

12 **Q** I believe it would have connected. And then just several
13 minutes later, you are texting back. Can you see that time
14 there?

15 **A** 7:43 p.m.

16 **Q** And can you tell me what that says?

17 **A** "I put the key on the seat on the driver's side."

18 **Q** And what that would be referring to?

19 **A** You know, that I'd left the key in the car so he could
20 use it.

21 **Q** And how did you receive your car? I believe you told me
22 later -- earlier. I'm sorry.

23 **A** If I have this correct -- if these events are the same
24 night I let him use my car, I left the key in the car. He
25 used it, and I believe he called me and told me that it was --

1 there was a problem with it and that it was at a gas station.
2 And I called a cab and went and got it.

3 Now, I don't remember when that was except, looking at
4 this, it looks like it was, you know, earlier in the evening.

5 Q So you picked up the car from the gas station?

6 A Yes.

7 Q It was not brought back to you?

8 A No, if this is the same night that we're talking about.
9 There were times that I let him use the car that he took it
10 and brought it back, but I seem to think that this is the
11 night I had to go get it.

12 Q And why do you think you had to go get it from the gas
13 station?

14 A Because he told me that he was having problems with it.
15 And I believed him because there were -- it was kind of a
16 finicky thing. If you -- if it got hot and you shut it off,
17 sometimes it wouldn't start, so I believed him. But when I
18 got to the gas station, it started right up so I was a little
19 angry, actually.

20 Q Thank you very much, Mr. Koch. Please answer any
21 questions from defense.

22 THE COURT: Mr. Koger, cross-examine?

23 CROSS-EXAMINATION

24 BY MR. KOGER:

25 Q Yes, Mr. Koch. Back in 2016, how long had you been an

1 addict?

2 **A** As I said earlier, I had gotten into rehab and I had been
3 clean for eight years. Maybe a couple of months. It wasn't
4 very long. And the relapse process, when it happens, happens
5 pretty intensely. I mean, it isn't like it takes you a while.
6 It's -- I can remember when I did. When I did relapse, it
7 was, you know, over one time. You know, one-time use and that
8 was all it took.

9 **Q** And you say that you moved into that particular
10 neighborhood, you was staying there on behalf of goodwill with
11 another doctor. When did you move in that neighborhood?
12 Approximately.

13 **A** So you're talking about September -- you know, maybe a
14 month or so before that.

15 **Q** Okay. So August of 2016?

16 **A** Maybe a little sooner because, initially, I moved into
17 the upper apartment where there was another tenant was there.
18 And then he moved out, and I moved into the basement
19 apartment. And that's when this -- this conversation about
20 using the car and so on, I was in the basement apartment. So
21 July -- June, July, August, September, somewhere in there. It
22 had been a couple of months.

23 **Q** So it would be safe to say that, before this incident on
24 September 26, 2016, that you had known Mr. Wilson about 45 to
25 60 days?

1 **A** Maybe so.

2 **Q** Okay. All right. And how many purchases had you made
3 from Mr. Wilson?

4 **A** I don't know. You know, at that point, I was using
5 probably -- I was purchasing probably about three times a
6 week, so 60 -- 60 to a hundred.

7 **Q** Okay. All right. And you was purchasing crack cocaine
8 from Mr. Wilson?

9 **A** Yes, sir.

10 **Q** Did you also purchase any Xanax pills from Mr. Wilson?

11 **A** No. I didn't do anything other than the crack. In fact,
12 I've been offered marijuana, but, you know, I didn't smoke it.
13 I was just doing crack.

14 **Q** Did you purchase from anyone else from the Palmetto Inn?

15 **A** Yes. Another gentleman that also knew Pep, and I think
16 maybe -- I can't remember who introduced me to who, but his
17 name was G or Q.

18 **Q** Okay. All right. And you knew Q, I guess, less time
19 than you knew Mr. Wilson?

20 **A** Here again, I can't remember. I can't remember if Q
21 introduced me to or which way, but I dealt with both of them.
22 And there was one other person. His name was O.

23 **Q** Okay. All right. And you met all these people within
24 the 45 to 60 days since you moved in the area?

25 **A** Yes. Yeah, once you start doing that, you -- your name

1 kind of gets around and, you know.

2 **Q** You testified on the stand that you would sometimes
3 exchange your chiropractic services for drugs in relation to
4 Mr. Wilson.

5 **A** In his case, yes. I think there was a woman that was
6 staying with him that, you know, knew that I was a
7 chiropractor and said that he had some problems and he came
8 over. That may be how I initially met him, is he came over
9 and I worked on him a little bit, and we exchanged at that
10 time, you know, my service for his drugs.

11 **Q** Do you recall treating him for an accident that occurred
12 in May 2016?

13 **A** I remember he -- it was -- his problem was related to an
14 accident, but I didn't remember when it was.

15 **Q** Okay. All right. And just one other question: How many
16 times did you let Mr. Wilson to use your car during your
17 relationship?

18 **A** Maybe two or three, three or four.

19 **Q** Okay.

20 **A** It wasn't that many.

21 **Q** Okay.

22 **A** No, it wasn't that many.

23 **Q** Okay. And the reason why you allowed him to use the car
24 was because sometimes it was in exchange for using the car for
25 drugs?

1 **A** I don't recall that, but it may have been. I just don't
2 recall. I had to try to stay in his good favors, if you will.

3 **Q** Are you in rehab now?

4 **A** Yes. I subsequently recovered and went back to Narcotics
5 Anonymous and I got ahold of my initial sponsor and, most
6 importantly, moved out of that apartment. I moved into a new
7 apartment, I think it was in July or August of this year, just
8 to get away from that. Yeah, I have subsequently recovered.

9 **Q** Good for you. No other questions.

10 THE COURT: Thank you. Redirect?

11 MR. PINCELLI: None from the State, Your Honor.

12 THE COURT: Thank you. Mr. Koch, you can step down.

13 We'll figure out how to -- I think it will let down just as
14 good as it went up.

15 Ladies and gentlemen, thank you for sitting there
16 patiently as we went a little over time today to try to
17 complete that witness. I'm going to send you home now for the
18 balance of the day and ask you to be back in the jury room
19 again tomorrow at 9:30. See you at 9:30 in the morning.
20 Okay? Thank you. Please remember, as always, not to discuss
21 this case among yourselves or with anybody else.

22 (The jury exits the courtroom.)

23 THE COURT: Folks, anything before we break for the day
24 from the State?

25 MR. POGUE: Your Honor, nothing further from the State.

1 We only have, Your Honor, we're looking at -- we've got five
2 witnesses for tomorrow. Other than the two victims, they
3 should all be fairly short. And the victims won't be terribly
4 long either.

5 THE COURT: All right. We'll work as hard as we can to
6 see how much we can get done.

7 Gentlemen, I would like for you-all, if you could -- I
8 realize you've been busy here all day, but in view of the fact
9 that we are maybe, hopefully, can get this case to the jury
10 tomorrow, we don't know, but we need to be prepared for it
11 anyway. I'd like for you to present to me overnight or first
12 thing in the morning when you get here any requests for
13 charge -- any proposed requests for charge that you think are
14 particularly relevant.

15 I can tell you that, just based on what I've heard so
16 far, of course, the normal burden on proof, of course, I use
17 the *Victor v. Nebraska* burden; that is, proof -- reasonable
18 but is firmly convinced definition and the reasonable
19 possibility definition of that. That's what I tell the jury
20 it is.

21 I tell folks that -- I've tried cases with all of you
22 before, and I know that sometimes you might want to say
23 reasonable doubt is the type of doubt that causes a reasonable
24 person to act, and that's one of the exceptions of reasonable
25 doubt definitions that our Supreme Court has recognized.

1 You're free to use it. Just don't tell the jury that I'm
2 going to use it because I'm not. I don't want you to go out
3 on a limb and say the judge is going to tell you this when I'm
4 not going to tell them that.

5 Depending upon whether Mr. Wilson chooses to testify or
6 not, of course, I'll charge in that regard. I will charge the
7 effect of the criminal record of a witness and the limited use
8 of that. The elements of the offense. And of course, I don't
9 charge the statutes in its entirety on attempted murder
10 because the statute says, as we know, that attempted murder is
11 the attempt to cause death using malice aforethought, either
12 expressed or implied.

13 Our case law since that time, *State vs. King* case is, of
14 course, the one you're all familiar with that says, no, it's
15 not implied. It has to be expressed malice because it is to
16 have a specific intent, but we all know that. So my charge
17 will be tailored in that regard.

18 And right this minute, it appears that, as to attempted
19 murder, the only possible verdicts that's before me right now
20 would be guilty or not guilty. I can't -- usually I would
21 charge circumstantial evidence, of course, and I think that
22 that's appropriate in this case as well.

23 Off the top of my head -- and I left my charges back
24 there in chambers -- those are the types of things that I
25 would reflect on, and I would be glad to listen to any

1 additional requests that you might have or any exceptions to
2 those requests, if you will let me know about that in the
3 morning. Does that create a problem with anybody?

4 MR. POGUE: No, sir, Your Honor.

5 MR. KOGER: No, Your Honor.

6 THE COURT: Okay. Good. All right. 9:30 in the
7 morning?

8 MR. PINCELLI: Sounds good, Judge. Thank you.

9 THE COURT: See at you 9:30. Thank you.

10 (The above proceedings adjourned until 9:30 a.m., on
11 April 26, 2019.)
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1 CERTIFICATE OF TRANSCRIBER

2 CASE/NO.: State v Tashonby Pedrick Wilson

3 DATE OF PROCEEDING: Day 2/April 25, 2019

4 COURT REPORTER: Bonnie Kelly (retired)

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I, Bobbi J. Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; **that said proceedings were transcribed to the best of my ability from the audio recording and supporting information**, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



16

17

Bobbi J. Fisher, RPR

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NCRA Registered Professional Reporter (RPR)

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Prepared: October 14, 2021

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STATE OF SOUTH CAROLINA

GENERAL SESSIONS

COUNTY OF LEXINGTON

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STATE OF SOUTH CAROLINA,)
)
Plaintiff,)
)
vs.) Transcript of Record
) 2019-GS-32-1182
) 2019-GS-32-1184
) 2019-GS-32-1188
TASHONBY WILSON,)
)
Defendant.)

-----x

April 26, 2019

JURY TRIAL - VOLUME 3

B E F O R E:

The Honorable G. Thomas Cooper, Presiding Judge; and a jury.

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

Bradley Pogue, Esq.
Luke Pincelli, Esq.
Attorney for the State

Joshua Koger, Esq.
Attorney for the Defendant

Court Reporter: Bonnie Kelly (retired)

Transcribed by: Bobbi Fisher, RPR

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E X H I B I T S(Exhibits on file in the Clerk's Office.)

<u>EXHIBIT</u>		<u>ID.</u>	<u>ADM.</u>
State 168	CD	260	450
Court 1	Jury Note	586	586
Court 2	Jury Note	589	589
Court 3	Attempted Murder Charge	590	590
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COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	(DCRP only) Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(Whereupon, the following proceedings started at approximately 9:30 a.m.)

MR. POGUE: Judge, when I was preparing my closing argument, I noticed a potential issue in the report that Detective Phipps generated. There's one line item that is a text message that comes in after he's been incarcerated or after this event happened, and it's from an unknown number. I don't know who it is. And it says, "I heard you were in a little trouble earlier this evening, homie" or something like that.

THE COURT: Right.

MR. POGUE: And I don't know the Court's position on that, but that may be something that needs to be redacted out of that. That one, I think, may need to come out.

THE COURT: Can you black it out?

MR. POGUE: Yes, sir. I can just remove it and we can enter an identical copy without that line item.

THE COURT: Okay.

MR. POGUE: I'll get that done when we have the next break.

THE COURT: Okay. That will be fine.

MR. POGUE: Just before it goes back to the jury, obviously.

THE COURT: I'm delighted that you-all are already

1 planning your final argument. That means there'll be an end
2 to this trial eventually.

3 MR. POGUE: More good news, Judge. I've cut one of the
4 witnesses that I intended to call just in the interest of not
5 creating any other additional issues in the trial. I'd like
6 to try to keep it as clean as possible. I'm not going to call
7 the defendant's brother, Everett Wannamaker, now. I was
8 intending to call him first this morning; I'm just going to
9 skip over him. So that would only leave these four witnesses
10 that we have this morning.

11 THE COURT: Okay. Well, good. And I'm glad you did it.

12 And Ms. Kelly has made the good suggestion -- and both
13 counsels agreed to it -- that we'll do a working lunch, and
14 we'll provide lunch to the jurors today so we can take a
15 shorter lunch hour in order to get things through. I
16 appreciate that idea and the cooperation.

17 All right, folks. Is everybody now ready for the jury?

18 MR. POGUE: I just wanted to check with the jail. Is Job
19 Quarles here? I think we're good, Judge. He's going to be
20 next, so...

21 THE COURT: All right. Bring in the jury.

22 (The jury enters the courtroom.)

23 THE COURT: Good morning, ladies and gentlemen. Thank
24 you very much, once again, for your prompt return this morning
25 as we enter the final day of the trial of this case.

1 There's a couple of housekeeping matters to begin with.
2 First of all, in order to make the best use of today's time,
3 it has been suggested and agreed to that the County is going
4 to provide lunch for you in place today. And so during our
5 morning recess, Ms. Laura Counts (ph), who is the clerk --
6 representative of the clerk, she's the deputy clerk who's
7 working with us today -- Ms. Hope Frick has been with us up
8 until now but Ms. Counts (ph) is working today, so that
9 Ms. Frick has some other duties to concern her. She's taking
10 your lunch order, limited though it might be from wherever
11 they decide to get it, and that will be done during the
12 morning recess.

13 And then, during our lunch hour, the lunch will be
14 brought in to you and save some time and get you a lunch on
15 the County. You're going to -- when you see the small amount
16 of the check you're going to get at the end of your service
17 this week, you're going to be real glad you got a free lunch
18 from the County. So that will make the best use of
19 everybody's time.

20 I also have another new face today. Jeff Hopkins is the
21 law clerk for Judge McLeod, one of your resident judges from
22 here in Lexington County, and Judge McLeod has completed his
23 work this week in Edgefield, and so he has loaned his law
24 clerk, Mr. Hopkins, to me today. Jeff is a graduate of the
25 University of South Carolina undergrad and law school, and

1 he's to help me with issues of law and things of that nature,
2 and so that's who we are.

3 I had not introduced to you earlier Bonnie Kelly, who is
4 the most important person in this courtroom. She's the court
5 reporter. She's been taking down, as you have seen, every
6 word that's been said during the course of this trial.

7 And I'm remiss at not having introduced those people to
8 you before now.

9 We are now going to continue the trial of this case, as
10 the State continues to offer evidence and testimony.

11 Mr. Pogue?

12 MR. POGUE: Thank you, Judge. Good morning. May it
13 please the Court? The State calls Job Quarles.

14 THE COURT: Mr. Quarles, come forward, please, and be
15 sworn.

16 JOB QUARLES,
17 the witness, after having first been duly sworn, was examined
18 and testifies as follows:

19 CLERK OF COURT: State your name, please, and spell your
20 last name for the record.

21 THE WITNESS: First name, Job, J-o-b. Last name,
22 Quarles, Q-u-a-r-l-e-s.

23 DIRECT EXAMINATION

24 BY MR. POGUE:

25 Q Good morning, Mr. Quarles. You go by Q; right?

1 **A** Yes, sir.

2 **Q** Do you prefer me to call you Q?

3 **A** No.

4 **Q** Okay. All right. I'll just call you Mr. Quarles.

5 Mr. Quarles, you're currently incarcerated in Richland
6 County; correct?

7 **A** Yes, sir.

8 **Q** Okay. All right. You don't have any pending charges in
9 Lexington County; correct?

10 **A** No, sir.

11 **Q** Okay. All right. Now, other than the limited immunity
12 that I gave you in regard to illegally selling a gun involved
13 in this incident and your drug activity during this time
14 period, I have made you absolutely no promises at all in
15 regard to your testimony today; correct?

16 **A** Yes, sir.

17 **Q** Do you know the defendant in this case, Pep, Tashonby
18 Wilson?

19 **A** Yes, sir.

20 **Q** How do you know him?

21 **A** We was associates.

22 **Q** Okay. How long, prior to the incident that took place at
23 Boardwalk Villas on September 26 of 2016, had you known him?
24 Just approximately.

25 **A** Like a couple of years maybe.

1 Q Okay. All right. Did y'all hang out on a fairly regular
2 basis?

3 A Yeah, pretty often.

4 Q Okay. All right. And during this time period in
5 September of 2016, were you involved in the illegal sale of
6 guns?

7 A Yes, sir.

8 Q Okay. All right. And were you also involved in the
9 illegal sale of narcotics at this time?

10 A Yes, sir.

11 Q Okay. Do you know a gentleman by the name of Thomas
12 Seehof, goes by Tattoo?

13 A Yes, sir.

14 Q Okay. Were you kind of his dealer a little bit?

15 A Yes, sir.

16 Q Okay. All right. Going to the evening of September 26,
17 2016, where were you staying that day, that evening, starting
18 around 6:00, 7:00? Do you remember where you were?

19 A Yeah, I was at the Economy Inn on Broad River.

20 MR. POGUE: Beg the Court's indulgence.

21 BY MR. POGUE:

22 Q Mr. Quarles, I'm going to show you what's entered as
23 State's Exhibit 174. This is just a map of the area near the
24 interchange of I-20 and I-26. Is there still a laser pointer
25 up there for you, by chance?

1 **A** I believe so.

2 **Q** I don't know if you're able to use it or not. Can you
3 raise your arms high enough to use that?

4 **A** No.

5 **Q** You can't? Okay. I'll kind of help you out with it
6 myself. Is this where the Economy Inn, is right here?

7 **A** Yes, sir.

8 **Q** Okay. What hotel is this right here?

9 **A** I believe that's the Palmetto.

10 **Q** Okay. Are you familiar with the Palmetto?

11 **A** Yes, sir.

12 **Q** All right. Were you from time to time staying or have
13 associates that were staying -- in fact, it's your girlfriend
14 -- I should ask you this: Is your girlfriend Lacy Johnson?
15 Or was your girlfriend Lacy Johnson at the time?

16 **A** Kind of like a girlfriend, yeah.

17 **Q** But you knew her well?

18 **A** Yeah.

19 **Q** Okay. She had rented Room 217 at the Palmetto during
20 that time period. We've entered the hotel records for that
21 date. Do you recall that?

22 **A** Yes.

23 **Q** All right. And is it your cousin -- or is it your
24 brother that's Turk?

25 **A** He's, like, my little brother.

1 Q What's his real name?

2 A Frankie Rivers.

3 Q Okay. All right. On the evening of this incident, did
4 you ever get a call from the defendant in this case?

5 A Yes, sir.

6 Q Okay. And what did the defendant want?

7 A He said he was going to pull up. He said he had some
8 kind of problem or something.

9 Q What kind of problem did he say he had?

10 A I don't remember him stating the problem.

11 Q I mean, how did he propose that you were going to help
12 him solve his problem or help him?

13 A Oh, he said that somebody had robbed him or finessed him
14 or something like that.

15 Q Okay. All right. And what did he want you to do to help
16 him in that regard?

17 A He asked if I had a strap, like a pistol.

18 Q Did he know that you sold guns at that time?

19 A I'm sure -- he was aware of it, yeah, but he never
20 purchased none from me before then.

21 Q So he wanted a strap or a gun of some sort. Did you have
22 anything that you wanted to sell at the time?

23 A I didn't. All I had was my gun on me.

24 Q Okay. And what kind of gun was that?

25 A A MP40.

1 Q Is that a Smith & Wesson MP?

2 A Yeah.

3 Q You said -- what caliber?

4 A .40 caliber.

5 Q A .40 caliber? Okay. All right.

6 I'm going to show you portions of State's Exhibit 167,
7 which is the phone extraction from the defendant's phone. And
8 I'm going to go to, approximately -- not approximately,
9 exactly 7:34 p.m., there is an outgoing call. I don't know if
10 you can see right here. There's an outgoing call to this
11 number right here: (803) 361-██████. Whose phone number was
12 that in September of 2016?

13 A That was mine.

14 Q Okay. That's your phone number? All right. It's a
15 30-second call. Is that the call that you're referencing?

16 A Yes, sir.

17 Q Okay. All right. Did you know Tattoo's number at the
18 time?

19 A Not by heart.

20 Q Okay. All right. So he calls you at 7:34, and then
21 calls you again a few minutes later, another 30-second call at
22 7:38. Okay? Again, those calls, you said, were in reference
23 to getting some sort of gun?

24 A (No audible response.)

25 Q Did he come to where you were at the time at the Economy?

1 **A** Yes, sir.

2 **Q** Okay. So he drove over to the Economy?

3 **A** Yes, sir.

4 **Q** Whose car did he drive over to the Economy?

5 **A** I think he might have been in Doc's car.

6 **Q** Who's Doc?

7 **A** A -- like a dope fiend.

8 **Q** Where did he live? Do you remember where Doc lived at

9 that time?

10 **A** Behind the Palmetto.

11 **Q** Right here at the Palmetto?

12 **A** Uh-huh.

13 **Q** Okay. All right. What kind of car did Doc have?

14 **A** A Honda.

15 **Q** A Honda?

16 **A** Yeah.

17 **Q** Was there anything particularly distinctive about that

18 Honda?

19 **A** It got a -- I mean, a messed-up muffler.

20 **Q** So is it kind of loud?

21 **A** Yeah.

22 **Q** All right. He came driving up in that car?

23 **A** (No audible answer.)

24 **Q** All right. So did you give him your Smith & Wesson .40

25 caliber when he got to your hotel room?

1 **A** Yeah.

2 **Q** Okay. Did you sell it to him or give it to him?

3 **A** I sold it to him.

4 **Q** Okay. How much did you sell it to him for; do you
5 remember?

6 **A** I think, like, 350.

7 **Q** 350? Okay.

8 So what happened after that? Did he leave? Did you go
9 with him? Did he ask you to come with him? What happened?

10 **A** He asked me to come with him, but I was in the room
11 drinking and stuff, and my little brother stopped me from
12 going.

13 **Q** Why did he want you to go?

14 **A** I don't know.

15 **Q** So did you go with him?

16 **A** No.

17 **Q** Okay. In fact, it looks like a little bit later on, that
18 second call that came in to you a few minutes after 7:34, at
19 7:38, that other 30-second call, looks like roughly 23 minutes
20 later, at 8:01, after he had already come to your hotel, it
21 looks like you had attempted to call him, but it went to
22 voicemail. That's correct?

23 **A** I believe so, yes, sir.

24 **Q** I know it was a while ago, but does it sound like that
25 could be correct?

1 **A** Yeah.

2 **Q** All right. What happened after all that? What do you
3 next recall in regard to this incident?

4 **A** Like, some time later, he came back to the room, and we
5 talked for a minute, and he left.

6 **Q** What did he say to you when he got there?

7 **A** He made, like, a joke saying that the pistol didn't pack
8 enough power or something like that.

9 **Q** Okay. So he didn't think it was powerful enough?
10 So did he give the gun back to you or did he take it with
11 him?

12 **A** Somehow, it ended up in the room, so he must have left
13 it.

14 **Q** He left it with you?

15 **A** Yeah.

16 **Q** Okay. Do you recall what you did with the gun? This is
17 at the Economy; right?

18 **A** Yes.

19 **Q** So do you recall what you did with the gun?

20 **A** The following day when I found out that something had
21 happened with it, I got rid of it.

22 **Q** You didn't want to be caught with a gun that had been
23 used to shoot two girls; is that safe to assume?

24 **A** Yeah. I saw the news and saw the -- that he got locked
25 up and was -- was, like, charged with shooting two girls, so

1 -- the police was looking for me for some reason, and I got
2 rid of the gun. I didn't want to get caught with it. Nobody
3 would have believed --

4 Q Was Turk how you came about that information?

5 A Yes.

6 Q Okay. All right. Had Turk spoken to the police, as far
7 as you knew?

8 A Yes.

9 Q Okay. All right. So --

10 A They --

11 Q A few minutes --

12 THE COURT: Excuse me. Go ahead. Complete your answer.

13 A Yeah. They had, like, hemmed him up, trying to get to
14 me.

15 BY MR. POGUE:

16 Q I gotcha. Was that at the Palmetto or was that at the
17 Economy?

18 A He got hemmed up at the Palmetto.

19 Q I gotcha. Okay. What room was he in at the Palmetto?
20 Do you remember?

21 A I believe 217.

22 Q Okay. All right. A few minutes after you tried to call
23 him at 8:01, at 8:37, this is roughly an hour, he came by your
24 room -- or, excuse me, he called you initially at 7:34. Then
25 you text him around 8:37, a little over an hour later, and you

1 say, "Come to my room for a while and chill out."

2 Is that in response to the events that had taken place
3 with him in regard to Boardwalk Villas?

4 **A** I don't believe so, no.

5 **Q** Okay. All right.

6 **A** I'm not sure, but I don't believe it was because of the
7 events. We used to hang out, so I probably was just...

8 **Q** I gotcha. Okay. Do you recall whether this is before or
9 after he brought the gun to you? You don't remember?

10 **A** I don't remember.

11 **Q** Okay. All right. Oh, do you recall whether the
12 defendant at this time had a car of his own?

13 **A** No, I'm not aware if he did.

14 **Q** Do you recall him ever having a white --

15 **A** VW.

16 **Q** -- Volkswagen hatchback --

17 **A** Yeah.

18 **Q** -- during that time?

19 **A** Yeah.

20 **Q** I appreciate it. No further questions.

21 THE COURT: Mr. Koger, cross-examine?

22 CROSS-EXAMINATION

23 BY MR. KOGER:

24 **Q** Mr. Quarles, you split your time between the Economy Inn
25 and the Palmetto Inn?

1 **A** Yes, sir.

2 **Q** So sometimes you stay at the Economy and sometimes you
3 stay at Room 217?

4 **A** Yes, sir.

5 **Q** Okay. What was the percentage of time you stayed at the
6 Economy Inn and you stayed at Room 217?

7 **A** I used both of the rooms for, like, business, so, like,
8 I'd be in and out of them all day.

9 **Q** Okay. So business meaning selling drugs?

10 **A** Yeah.

11 **Q** Okay. So, basically, you would say 50/50?

12 **A** Yeah.

13 **Q** And that room, as the solicitor stated, the person --
14 Lacy Johnson?

15 **A** Yes.

16 **Q** At that time, the person that you dealt with as your kind
17 of girlfriend?

18 **A** Uh-huh.

19 **Q** How long had you known Mr. Wilson?

20 COURT REPORTER: Excuse me; is that a yes?

21 THE WITNESS: Yes, that's a yes.

22 Sir?

23 BY MR. KOGER:

24 **Q** How long had you known Mr. Wilson?

25 **A** When this incident occurred, probably, like, two years at

1 that time.

2 Q So you said that you had known Mr. Wilson since 2014?

3 A Roughly.

4 Q Okay. So a period of five years from then until now;
5 correct?

6 A Yes.

7 Q Okay. Now, what type of arrangements, since you stated
8 your business, what type of arrangements did you have with
9 Mr. Wilson as far as who sold what in what territory?

10 A I pretty much did what I wanted.

11 Q Okay. What was your drug -- I don't want to say drug of
12 choice, but what were you known for?

13 A Heroin, cocaine, crack. Anything really.

14 Q Okay. But, basically, was you known as the major heroin
15 supplier as opposed to crack cocaine?

16 A Yes, sir.

17 Q Okay. All right. And how about Mr. Wilson? He was
18 known mainly as a crack cocaine supplier?

19 A I mean, we all sold everything.

20 Q Okay. All right. Now, you were friends with Thomas
21 Seehof?

22 A Yes.

23 Q And how long had you known Thomas Seehof?

24 A Probably around the same time.

25 Q So, approximately, five years.

- 1 **A** Uh-huh.
- 2 **Q** Did you ever sell any heroin to Ashley Jeffcoat?
- 3 **A** I believe so.
- 4 **Q** Okay. All right. How long had you known Ashley
- 5 Jeffcoat?
- 6 **A** I don't -- I don't know. I really didn't know her like
- 7 that.
- 8 **Q** Okay. What did you sell to her?
- 9 **A** Heroin, crack.
- 10 **Q** Okay. How many times do you think that you sold to
- 11 Ashley Jeffcoat?
- 12 **A** I can't -- I can't say, because I wouldn't do the deals
- 13 the majority of the time. I would get other people to do it.
- 14 **Q** Lacy Johnson would do it?
- 15 **A** Maybe or one of my home boys or somebody around.
- 16 **Q** So what you're saying now is she didn't buy directly from
- 17 you?
- 18 **A** No.
- 19 **Q** She bought from your associates?
- 20 **A** Probably, yeah.
- 21 **Q** Okay. So you really don't have any idea of how many
- 22 times she bought heroin from your associates; correct?
- 23 **A** Correct.
- 24 **Q** Okay. How about with Brittney McRea?
- 25 **A** Oh, I'm not even sure.

1 Q Okay. It's the same thing, that she bought from your
2 associates?

3 A I don't even know if she bought anything. I'm not even
4 familiar with Brittny.

5 Q Okay. Did you sell -- was mostly heroin sold out of the
6 Palmetto Inn location or the Economy Inn location?

7 A The same. Like, it was those two hotel rooms and it was
8 other rooms also.

9 Q Approximately, through your associates, how many sales of
10 heroin were made daily?

11 A A lot.

12 Q From your associates.

13 A A lot.

14 Q Huh?

15 A A lot.

16 Q How much is a lot?

17 A I can't --

18 Q How much money did you make daily off of selling heroin?

19 A At the time, probably, like, three grand.

20 Q Three thousand dollars a day?

21 A Yeah.

22 Q Now, since September 26, 2016, do you know how many times
23 you or your associates would have sold or might have sold to
24 Ashley Jeffcoat and Brittny McRae?

25 A None.

- 1 Q Huh?
- 2 A None.
- 3 Q None?
- 4 A Mm-hmm.
- 5 Q Okay. And how do you know that?
- 6 A Because, after this incident, I stopped selling directly
- 7 to, like, small customers.
- 8 Q Okay. Now, you just stated that your associates sold to
- 9 smaller customers. So your associates stopped?
- 10 A No. I did.
- 11 Q But you say that --
- 12 A I'm not sure -- I'm not sure what they did, is what I'm
- 13 saying. I know -- I just -- I stopped.
- 14 Q Okay. But you say that your associates mostly sold;
- 15 correct?
- 16 A Yeah.
- 17 Q Okay. So you never really sold directly or you never
- 18 really sold directly to small customers?
- 19 A Right.
- 20 Q Did you sell directly to major customers?
- 21 A Yes.
- 22 Q Who would you consider a major customer? Not who, but
- 23 what type of person would be a major customer?
- 24 A Somebody that buys drugs to sell drugs.
- 25 Q Okay. So you were a distributor?

1 **A** Yes.

2 **Q** Now, you are in the orange jumpsuit. What charge are you
3 currently in Richland County for?

4 MR. POGUE: Objection, Your Honor. That's --

5 THE COURT: Tell me about the relevance of it -- the
6 relevance of the pending charges.

7 MR. KOGER: Relevance of the pending charges are to show
8 that -- as far as whether he's in for drug charges or not.

9 THE COURT: Well, he's admitted to selling drugs. The
10 pending charges, of course, would not have any evidentiary
11 value beyond that. If it was convictions, of course, it
12 would be --

13 MR. KOGER: Okay.

14 THE COURT: -- specifically --

15 MR. KOGER: Okay. I'll withdraw my question.

16 THE COURT: Thank you.

17 BY MR. KOGER:

18 **Q** Do you have pending charges in any other jurisdiction?

19 **A** No, sir.

20 **Q** Do you have pending charges in any other court?

21 **A** Federal court system.

22 **Q** Okay. All right. And how long have you had those
23 pending charges?

24 MR. POGUE: Objection, Your Honor.

25 THE COURT: The same thing.

1 BY MR. KOGER:

2 Q Now, you also --

3 THE COURT: Objection sustained.

4 BY MR. KOGER:

5 Q Now, you also admitted on the stand that you're selling
6 guns, correct, or firearms?

7 A Yes.

8 Q Okay. And how long have you been selling firearms?

9 A It wasn't something I, like -- if somebody needed -- if
10 one of my close friends needed one, I would sell them one.

11 Q Okay. So how long have you been doing that?

12 A I don't know. It's not something I really kept track of.
13 It's not, like, I was selling guns, like, how I was selling
14 drugs or stuff like that. It wasn't, like, a major business.
15 It was just like to friends, private deals, and stuff like
16 that.

17 Q So drugs were your major business?

18 A Yes, sir.

19 Q Okay. Now, I mentioned the name Thomas Seehof. Did you
20 sell directly to him or did your associates sell to Thomas
21 Seehof?

22 A When he would do tattoo work on me, I would give him
23 stuff.

24 Q So that was in exchange. And how much tattoo work had he
25 done on you?

1 **A** About three or four pieces.

2 **Q** Okay. All right. And you testified to knowing Mr.
3 Seehof since 2014 or something?

4 **A** Roughly.

5 **Q** Now, you said you were an associate of Mr. Wilson. What
6 type of agreement did the two of you have as far as who sold
7 what, what territory, and division of customers? Tell me how
8 that worked. Tell me what type of agreement you had.

9 **A** There really was no agreement. I pretty much did what I
10 wanted to do. He did what he wanted to do.

11 **Q** Okay. Did y'all ever have the same customers?

12 MR. POGUE: Your Honor, I'm going to object if we can't
13 somehow, at some point in time, establish some sort of
14 relevancy for his line of questioning.

15 THE COURT: I think --

16 MR. KOGER: Around September --

17 THE COURT: -- amount of time surrounding these events,
18 I'll allow him to inquire about that.

19 MR. KOGER: Right.

20 THE COURT: You can question him on that.

21 MR. KOGER: Around September 26, 2016.

22 BY MR. KOGER:

23 **Q** You can answer the question as far as what's happening.

24 **A** Same customers?

25 **Q** Huh?

- 1 **A** You said --
- 2 **Q** I mean, did y'all share customers?
- 3 **A** Yeah, I'm sure we sold to the same people.
- 4 **Q** Okay. Now, you say that you used to -- you testified
- 5 that you hung out with Mr. Wilson at times; correct?
- 6 **A** Yes, sir.
- 7 **Q** How often would you hang out with Mr. Wilson?
- 8 **A** Sometimes every other day. Sometimes I wouldn't see him
- 9 for a week. Sometimes every day. It was sporadic.
- 10 **Q** Okay. And did y'all discuss the business?
- 11 **A** No, not really.
- 12 **Q** Okay. Not really?
- 13 **A** Uh-uh.
- 14 **Q** Now, you stated that you stayed 50 percent of the time
- 15 over in Room 217. Were you -- where were you when the
- 16 officers came on that night? Room 217 with -- did you say
- 17 your little brother or someone that you treated like a little
- 18 brother, Turk?
- 19 **A** Yeah, I was -- I was at the Economy Inn.
- 20 **Q** You were at the Economy Inn?
- 21 **A** Uh-huh.
- 22 **Q** Now -- and you -- and those .40 caliber ammunition or
- 23 bullets, did those belong to you, in Room 217?
- 24 **A** You're saying -- I don't understand the question.
- 25 **Q** Okay. The .40 caliber bullets was found in that room --

1 in Room 217 -- did those bullets belong to you?

2 **A** I can't say that they did.

3 **Q** Okay. But, from your knowledge of the situation, they
4 were located in Room 2017 -- I mean, 217?

5 **A** I didn't -- I didn't even know bullets was found in that
6 room.

7 MR. KOGER: I beg the Court's indulgence, Your Honor.

8 THE COURT: Yes, sir.

9 BY MR. KOGER:

10 **Q** Did you and Mr. Wilson have any disagreements?

11 **A** At the time, no.

12 **Q** Okay. You said at the time. How about after that?

13 **A** Yes.

14 **Q** What was the nature of your disagreement?

15 **A** When he got locked up for this situation, word was that
16 he -- the reason that the police were looking for me is
17 because he was trying to blame the crime on me.

18 **Q** Have you spoken with Mr. Wilson since then?

19 **A** No, I haven't. Not that I remember, no.

20 **Q** Have you spoken to anyone in his family since then?

21 **A** Yes.

22 **Q** Okay. Did you have any problem with that member of the
23 family that you spoke with?

24 **A** Yes.

25 **Q** Did you express your dissatisfaction to that family

1 member about Mr. Wilson?

2 **A** No.

3 MR. KOGER: Your Honor, I beg the Court's indulgence.

4 THE COURT: All right.

5 BY MR. KOGER:

6 **Q** Since Mr. Wilson has been away from that area -- from the
7 Palmetto Inn area, have your business increased?

8 **A** After he -- after this situation happened, I kind of -- I
9 left the area.

10 **Q** Did your sales of crack cocaine increase?

11 **A** I can't really say that they did or they didn't because,
12 at the time, I was, like, doing pretty good, like, when he got
13 locked up. I stayed at that level for the majority of the
14 time.

15 **Q** You stated that you made \$3,000 daily; just from heroin
16 or a combination of drugs?

17 **A** Combination.

18 **Q** Okay. All right. And out of \$3,000, what was percentage
19 was heroin and what percentage was crack cocaine?

20 **A** I can't say.

21 **Q** Was it more heroin than crack cocaine?

22 **A** I wouldn't -- I wouldn't -- it's, like, one goes with the
23 other one.

24 MR. KOGER: No further questions, Your Honor.

25 THE COURT: Thank you.

1 Mr. Pogue, redirect?

2 MR. POGUE: No questions, Your Honor.

3 THE COURT: Thank you. Mr. Quarles, you can step down.

4 Mr. Pogue? Mr. Pincelli? Mr. Pincelli?

5 MR. PINCELLI: Your Honor, the State calls Ashley
6 Jeffcoat.

7 THE COURT: Ms. Jeffcoat, come forward, please, and be
8 sworn.

9 ASHLEY JEFFCOAT,
10 the witness, after having first been duly sworn, was examined
11 and testified as follows:

12 CLERK OF COURT: State your name, spelling your last for
13 the record. Spell your first name for me, too.

14 THE WITNESS: It's Ashley, A-s-h-l-e-y. Last name,
15 Jeffcoat, J-e-f-f-c-o-a-t.

16 DIRECT EXAMINATION

17 BY MR. PINCELLI:

18 Q Good morning, Ashley.

19 A Good morning.

20 Q Can you explain -- we all saw you come up there wearing
21 handcuffs. Are you incarcerated in Lexington County for
22 charges here?

23 A No.

24 Q Where are you incarcerated right now?

25 A I'm in Richland County.

1 Q In Richland County?

2 A Uh-huh.

3 Q Have you had any promises made to you about those
4 charges?

5 A No, sir.

6 Q Do you understand that I work in Lexington County?

7 A Uh-huh.

8 COURT REPORTER: Is that a yes?

9 THE WITNESS: Yes, sir.

10 BY MR. PINCELLI:

11 Q Ashley, what relationship do you have in the incident
12 that we're all here for?

13 A I was shot.

14 Q Who shot you?

15 A Pep. Tashonby.

16 Q Where were you living back in September of 2016?

17 A Everywhere. The streets.

18 Q More specifically, I guess, September 26th, the day of
19 the incident, where had you been sleeping leading up to that
20 night?

21 A The Regency off Broad River.

22 Q And what was going on in your life at that time?

23 A I was on drugs, on heroin.

24 Q Would you say you had an addiction problem?

25 A Yes, sir.

1 Q And did that lead you to any specific locations to deal
2 with that addiction?

3 A A lot of locations, but Palmetto to be one of them.

4 Q And why did you go to the Palmetto Inn?

5 A To buy drugs.

6 Q Who did you generally buy drugs from there?

7 A From Pep.

8 THE COURT: I'm sorry; can you speak right in that
9 microphone right there?

10 A From Pep.

11 Q So Pep was your drug dealer?

12 A One of them, yes.

13 Q How long had you known Pep?

14 A Probably a year.

15 Q And how well did you know him?

16 A Up until that day, we were pretty close.

17 Q How frequently would you see him?

18 A Every day.

19 Q And why was it that frequently?

20 A Because I was on heroin.

21 Q And that's something you needed to keep up with?

22 A You get sick if you don't have it.

23 Q So let's get more specific to September 26th, the day you
24 were shot. Can you walk me through -- what were you doing
25 earlier in that day?

- 1 **A** I was at -- I was at the room.
- 2 **Q** At the room in the Regency where you said you were
- 3 staying?
- 4 **A** Yes, mm-hmm.
- 5 **Q** Where did you go from there?
- 6 **A** To the Palmetto.
- 7 **Q** And who did you go there with?
- 8 **A** With Brittney McRae.
- 9 **Q** How did you get there with Brittney?
- 10 **A** With Tattoo.
- 11 **Q** Who is Tattoo?
- 12 **A** Thomas. Seehof, I think, is his last name.
- 13 **Q** And how did you know Thomas Seehof?
- 14 **A** I had just met him. Brittney knew him.
- 15 **Q** Brittney knew him?
- 16 **A** Yeah, Brittney -- I think Brittney showed up with him at
- 17 our room.
- 18 **Q** And how do you know Brittney?
- 19 **A** I date Brittney. I've known her for five years.
- 20 **Q** Does she stay with you?
- 21 **A** Yes.
- 22 **Q** So you and Brittney went with Tattoo to the Palmetto Inn?
- 23 **A** Yes.
- 24 **Q** About what time do you remember that being?
- 25 **A** It was probably five. I mean, it was later in the

1 afternoon, but it wasn't dark yet.

2 Q What happened at the Palmetto Inn?

3 A I went there because Pep owed me some money, and when I
4 asked him for the money, he laughed. So we left and went to
5 the store. Me and Thomas talked about how Pep really wasn't
6 paying attention, you know, to -- he was high, I guess. I
7 don't know. He just wasn't paying attention to his supply.
8 You know, he kept sitting it down, so I told him, if he wasn't
9 going to give me the money he owed me, then I was going to go
10 back and steal all the dope. So that's what we did. Or
11 that's what I did.

12 Q So you said that Pep owed you money?

13 A Uh-huh.

14 Q Why did Pep owe you money?

15 A For a sex act.

16 Q And I know this might be embarrassing, but could you
17 explain what -- what was the deal? How was he owing you money
18 for a sex act?

19 A We -- the night before, we didn't have enough money for
20 the rent in the room, and normally, my girlfriend would --
21 would do that, you know, not me. But he didn't want her. He
22 wanted me. So I agreed to it, and he didn't leave the money
23 like he was supposed to.

24 Q So you said that night on the 26th, when you went to the
25 Palmetto Inn, you felt that Pep owed you money. And what,

1 again, did you do as a result of that?

2 **A** I took all his dope. I took everything.

3 **Q** And what was that kept in or what was -- explain what
4 that was.

5 **A** I think it was in a cigarette pack. A Newport cigarette
6 pack.

7 **Q** And do you know what kind of drugs were in that?

8 **A** It was mainly just a lot of heroin. I think there was a
9 little bit of crack in there.

10 **Q** I guess what happened after that? Did you just leave
11 with the dope?

12 **A** When he turned his head, I grabbed the dope. We all
13 left. When I got in the car, I broke Thomas out, you know,
14 his amount for driving or whatever. Brittny still didn't know
15 about it. She didn't know anything about what I did. And we
16 went back to Thomas's house.

17 **Q** Did Pep ever find out that you had taken the drugs from
18 him?

19 **A** I assume that Tattoo told him. I'm not sure. I mean, he
20 had an idea it was me, obviously.

21 **Q** Did he ever contact you?

22 **A** I think he tried to call our phone, but our phone was
23 messed up, so...

24 **Q** I'm going to show you what's been entered into evidence
25 as State's 167. Ashley, these are cell phone records. And

1 these pink ones are you. Can you see that?

2 **A** Yes.

3 **Q** Can you read those numbers?

4 **A** Uh-huh.

5 **Q** I'm going to read you a number: (803) 200-[REDACTED]. That's
6 a telephone number. Do you recognize that number?

7 **A** I think that was our telephone number at the time, me and
8 Brittny.

9 **Q** Okay. And you said you and Brittny. Were you sharing
10 the phone?

11 **A** Yes.

12 **Q** Okay. So every time you see a pink line, that indicates
13 it's that number that you just told me was your cell phone
14 number at the time.

15 Now, if you also notice, this is September 26th, so this
16 would have been the night of the incident that we're talking
17 about. And this time has been adjusted to show the correct
18 time, so that's 7:25 p.m.

19 Did you know -- you said you knew Pep well. You said you
20 saw him every day because of your addiction. How did you
21 communicate with Pep?

22 **A** I mean, through my phone to his phone number.

23 **Q** So would you say that he knew your phone number and you
24 knew his?

25 **A** Yeah.

1 Q So would you recall that you took a call to your number
2 from Pep on that evening?

3 A Our phone was messed up, though, so if he was calling it,
4 we couldn't -- our phone was messed up. I see that he was
5 calling it, and, you know what I'm saying, we may have tried
6 to answer it, but the phone was messed up. So he was mainly
7 calling Tattoo's phone, trying to communicate with us.

8 Q So after he's trying to call you and you leaving and you
9 have the drugs, where do you go then?

10 A To Tattoo's -- Thomas's condo.

11 Q And was he driving?

12 A Yes.

13 Q Where is Thomas's condo?

14 A It's in Irmo. The Boardwalk Villas.

15 Q Had you ever been to Thomas's condo before?

16 A No.

17 Q But you knew it to be Boardwalk Villas?

18 A Yeah, I just -- I mean, I know now, yeah.

19 Q Who was there when you got there to Thomas's condo?

20 A His wife and his son. Or his girlfriend and son.

21 Q Was Brittny with you as well?

22 A Yes.

23 Q And Thomas was there?

24 A Yes.

25 Q And what happened in the condo when you got there?

1 **A** We got there, and I mean, we hadn't been there long.
2 Like, literally, we had just got there and started settling
3 in. Like we went back to a room, and I think everybody was
4 about to get high, and he showed up -- Pep showed up.

5 **Q** You said Pep showed up?

6 **A** Uh-huh.

7 **Q** Explain how that occurred.

8 **A** We were back in the room. I think -- I guess he knocked
9 on the door, and Tattoo answered the door it, and he already
10 had a gun in his hand. He come in with a gun drawn.

11 **Q** Then what happened?

12 **A** He kept pointing the gun at us. Brittney was screaming
13 and crying because, I mean, she really didn't know what was
14 going on, but after -- after -- you know, he kept asking us to
15 go out -- or asking for the dope back, and I kept telling him
16 I didn't know what he was talking about.

17 And then he asked us to go into the backyard. And I told
18 him I wasn't going into the backyard. So I stood up and I was
19 like -- I told him, basically, I was tired of him threatening
20 me. If he was going to shoot me, just shoot me, and he did.
21 As soon as I said, "If you're going to shoot me, just shoot
22 me," he shot me. I hit the floor. I jumped back up, I
23 grabbed Brittney's hand, and I told her to run.

24 **Q** And where did you run to?

25 **A** Out the front door and across the street to the other

1 condos, knocking on doors.

2 Q What happened after you got outside?

3 A We ran. We were knocking on doors, nobody would answer
4 and nobody would answer. We got to the last one, and I seen
5 we were cornered off, there was nowhere for us to go. I tried
6 to dip off and I hid behind a car, and he had Brittney cornered
7 in a corner, and he just opened up on her. He shot until the
8 gun wouldn't shoot anymore.

9 Q Ashley, I'm going to show you what's been entered in as
10 State's 3. Do you recognize this location?

11 A Yes.

12 Q What is this?

13 A That's where Thomas stayed, the Boardwalk Villas.

14 Q Do you know which number was his?

15 A [REDACTED].

16 Q And from [REDACTED], can you describe to me where you ran out of
17 that condo? You said you ran out.

18 A We ran out, and we ran towards [REDACTED], and we were knocking
19 on doors all the way down to [REDACTED].

20 Q So you got here to [REDACTED]?

21 A Yes.

22 Q And what happened when you got down there?

23 A We were cornered, and he was hot on our ass. So I turned
24 -- I tried to hide, and he had Brittney -- she was still
25 knocking on the door, but he ran up behind her and just

1 started shooting, opened up fire.

2 Q Then what happened? Did he leave?

3 A I think he -- he ran off and then he started to run back,
4 but then he took off and got into a car and left. So I didn't
5 -- I stayed hidden behind the car, because I didn't know if he
6 was running back to get more ammo and was coming back or if he
7 was leaving.

8 Q Did you know -- you knew Pep pretty well. Did you know
9 Pep to have his own car?

10 A Yes.

11 Q What kind of a car?

12 A It was, like, a white hatchback, I think. Like a
13 Volkswagen maybe or something like that.

14 Q Is that the car you remember seeing him get into?

15 A No.

16 Q After Pep left, what do you recall happening?

17 A It was crazy. It was just a lot of chaos. The people
18 finally come out. They helped Brittny.

19 Like, you want to know everything that happened?

20 Q So people come out. Are you talking about neighbors? Or
21 who comes out?

22 A Yeah, the people in [REDACTED] came out, and they were helping
23 her because she was bleeding really bad.

24 Q Did law enforcement or ambulances arrive?

25 A Yes.

1 Q Did you ever meet with law enforcement?

2 A I think at the hospital, not on scene.

3 Q And did you ever give any written statements to law
4 enforcement?

5 A Yes. Not that night, though, but yes.

6 Q Is there anything -- during some of your early
7 communications with law enforcement, did you ever leave out
8 the truth from them?

9 A Yeah, we left out the drug part. We told them we didn't
10 know about, you know. I just told them I didn't take the
11 drugs, I didn't know what he was talking about.

12 Q And why did you do that?

13 A I mean, because -- I guess, that's your mindset. You
14 know, when you're on drugs, you don't want to be in trouble.
15 I didn't -- I just -- I don't know -- I don't know why I felt
16 I could be in trouble for it.

17 MR. PINCELLI: Beg the Court's indulgence.

18 BY MR. PINCELLI:

19 Q Ashley, I don't have any further questions for you.
20 Please answer anything from the defense counsel. Thank you.

21 A Yes, sir.

22 THE COURT: Mr. Koger, you can cross-examine.

23 CROSS-EXAMINATION

24 BY MR. KOGER:

25 Q At that particular time on September 26, 2016, had long

1 had you been an addict?

2 **A** Not very long. Probably less than a year.

3 **Q** How long did you live in that area around the Palmetto
4 Inn? How long did you live in that area, or the Regency?

5 **A** I'm not even sure. Maybe a year. Because I had just got
6 on drugs. I hadn't been on drugs very long.

7 **Q** Okay. And on that particular day, you stated that you
8 went over there about 5:00; correct?

9 **A** Roundabout.

10 **Q** Okay. All right. Had you use drugs on that day before
11 5:00?

12 **A** No, I was sick.

13 **Q** Okay. You was sick?

14 **A** Uh-huh.

15 **Q** Okay. Now, how do you -- you stated you were hooked on
16 heroin; correct?

17 **A** Uh-huh.

18 COURT REPORTER: Is that yes?

19 THE WITNESS: Yes, sir.

20 BY MR. KOGER:

21 **Q** How do you use heroin?

22 **A** Intravenous drug use.

23 **Q** And how many times did you use per day?

24 **A** How many times did I use?

25 **Q** Yeah.

1 **A** A day?

2 **Q** Yeah.

3 **A** Probably three. I mean, I wasn't a heavy, heavy user. I
4 mean, it was enough to get sick.

5 **Q** Okay. All right. And you said you were sick earlier.
6 You were sick from drug use or sick from something else?

7 **A** I was sick from not having heroin.

8 **Q** Okay. Now, let me ask you this here: You say that you
9 had -- that Mr. Wilson was one of your dealers or suppliers;
10 correct?

11 **A** That's correct.

12 **Q** And then you had other suppliers too?

13 **A** That's correct.

14 **Q** Have you ever bought from any of the associates from Job
15 Quarles?

16 **A** He was not my drug dealer.

17 **Q** Say what now?

18 **A** He was not my drug dealer. I met him maybe once before
19 then. I didn't use him for drugs.

20 **Q** Okay. But how about any of his associates?

21 **A** I don't know who his associates are.

22 **Q** Did you ever purchase from Lacy Johnson?

23 **A** No. I met her one time.

24 **Q** Okay. How many other drug dealers did you have? Or
25 other drug suppliers did you have?

1 **A** There was, like, two other people, but they weren't
2 associates of Pep's or of Q's.

3 **Q** Okay. Now, did Mr. Seehof know beforehand you was going
4 to do what you was going to do?

5 **A** Yes.

6 **Q** Okay. So was that planned between you and Mr. Seehof?

7 **A** It wasn't a plan. I told him what I was going to do.
8 Either he was going to go or he wasn't. It was going to
9 happen regardless.

10 **Q** He provided transportation for you to go over there to do
11 it?

12 **A** That's correct.

13 **Q** Okay. Now, you said in your statement that there was
14 supposedly a second person over in the condo?

15 **A** What you mean, "a second person"?

16 **Q** A second person that allegedly came with the defendant.

17 **A** Oh, there was most definitely a second -- yeah.

18 **Q** Did you know that person?

19 **A** No.

20 **Q** Could you give a description of that person?

21 **A** No. I remember seeing him, but it was no one I
22 recognized. I had never seen him before.

23 **Q** Okay. And you couldn't give a description?

24 **A** I mean, I know he was dark-skinned. That's all I know.

25 **Q** The second person?

- 1 **A** Yes.
- 2 **Q** Okay. All right. What was his build?
- 3 **A** I think he was about the same height as Pep.
- 4 **Q** Same height, same slender build?
- 5 **A** Yeah.
- 6 **Q** Okay. How many times were -- you would buy from Mr.
- 7 Wilson daily?
- 8 **A** Normally.
- 9 **Q** Okay. All right. And how is your health right now?
- 10 **A** It's good.
- 11 **Q** Okay. Any problems from the shooting?
- 12 **A** I mean, my hip hurts when it gets cold and stuff. And I
- 13 can't sleep on that side; I have to sleep on the other side.
- 14 **Q** But other than that, you're doing okay?
- 15 **A** That's correct.
- 16 **Q** Okay. How long had you know -- well, you just met
- 17 Mr. Seehof on that particular day; correct?
- 18 **A** Yes.
- 19 **Q** Okay. How about Ms. McRae? Did she know Mr. Seehof
- 20 before then?
- 21 **A** I'm not -- I don't think so. I'm not sure.
- 22 **Q** Would both you and Ms. McRae use Mr. Wilson as a
- 23 supplier?
- 24 **A** Yes.
- 25 **Q** Okay. And did Ms. McRae go with you to other suppliers

1 too?

2 **A** Yes.

3 **Q** And heroin was the drug of her choice too?

4 **A** Yes.

5 **Q** And how long have you known Ms. McRae?

6 **A** I mean, I think we were together, like, two years at that
7 point. We've been together five years now, so about two
8 years.

9 **Q** And was she using drugs before your -- I mean, during the
10 relationship, you say you've been hooked for about a year?

11 **A** Uh-huh.

12 **Q** All right. And y'all have been together how long?

13 **A** We've been together for five years. At the time, we'd
14 been together for two years. She was on drugs before me. I
15 wasn't on them.

16 **Q** Okay. Now, you admitted to that you were not entirely
17 truthful on the first statement; correct?

18 **A** Not at all. It was probably all a lie. I mean, I don't
19 remember what I wrote, but it wasn't true.

20 **Q** And you gave a revised statement, about, what, two -- two
21 and a half years later?

22 **A** I don't think I ever --

23 **Q** I mean, you gave a written statement a couple of weeks
24 after being in the hospital; correct?

25 **A** Once I got clean and they came and asked me about it, I

1 told the truth. But, yeah, that was later. That was years
2 later, yeah.

3 Q Okay. All right. So, basically, about not being paid
4 for the sex act and saying that you took the drugs, that came
5 a couple of years later?

6 A That's correct.

7 Q Okay. And during the time from -- you gave your initial
8 statement, I think, October 11th, 2016, what type of
9 communication have you had with the solicitor's office from
10 2016, October 11th, up until recently?

11 A I mean, I haven't been in communication with them the
12 whole time. Just recently they asked me -- they subpoenaed me
13 to court.

14 Q Okay. So, basically, you came up with the second part of
15 the statement in April of this year?

16 A I didn't come up with it. I told the truth in April of
17 this year.

18 Q But you told the truth in April 2019. Okay. And you
19 gave your initial statement in October 2016?

20 A That's correct.

21 Q Now, that night before you went to the hospital, did you
22 go back in Room -- Condo [REDACTED] and took the drugs with you?

23 A Yeah.

24 Q Okay. And you took them to the hospital with you?

25 A That's correct.

1 Q And what happened to your drugs once you got to the
2 hospital?

3 A They gave me some pain medicine, and I don't remember. I
4 guess I dropped them. I don't know.

5 Q Okay. All right. And were you aware from your tests in
6 the hospital that you still had drugs in your system? Had you
7 used any of the drugs?

8 A That I got from him? No. He came too quick. I didn't
9 get to use them. I was still sick.

10 Q All right. So you didn't use any drugs from the time
11 that you were there at 5:00 up until the time you went to the
12 hospital?

13 A No.

14 Q Okay. Before then, had you used drugs the prior day?

15 A That day?

16 Q No, the prior day.

17 A The day before I got shot?

18 Q Right. Mm-hmm.

19 A Of course. If you're on heroin, you use it every day or
20 you're going to be sick.

21 MR. KOGER: Your Honor, may I beg the Court's indulgence?

22 THE COURT: Yes, sir.

23 MR. KOGER: No further questions, Your Honor.

24 THE COURT: Thank you.

25 Redirect, Mr. Pincelli?

1 MR. PINCELLI: Very briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. PINCELLI:

4 Q Ashley, who did you say at the time shot you?

5 A It was Pep. That never changed.

6 Q And was that in your statement?

7 A That was in the original statement, yeah.

8 Q Was that in every statement?

9 A Every statement.

10 Q And is Pep here today?

11 A Yes.

12 Q Can you describe what he's wearing?

13 A Blue shirt and khaki pants.

14 MR. PINCELLI: That's all I have.

15 THE COURT: Thank you.

16 Ms. Jeffcoat, you can step down.

17 THE WITNESS: Thank you.

18 THE COURT: Mr. Pogue?

19 MR. POGUE: Your Honor, the State calls Brittney McRae.

20 THE COURT: Ms. McRae, come forward, please, and be
21 sworn.

22 BRITTNY MCRAE,

23 the witness, after having first been duly sworn, was examined
24 and testified as follows:

25 CLERK OF COURT: State your name and spell your last for

1 the record. And spell your first name for me, too, please.

2 THE WITNESS: Brittney, B-r-i-t-t-n-y, McRae, M-c-R-a-e.

3 DIRECT EXAMINATION

4 BY MR. POGUE:

5 Q And you go by Bri; correct?

6 A Correct.

7 Q Bri, you currently have a pending grand larceny charge in
8 Lexington County; correct?

9 A Correct.

10 Q Okay. You have not been given any sort of promises
11 whatsoever in regard to what will happen with that charge in
12 exchange for your testimony today; correct?

13 A Correct.

14 Q Just as a preliminary matter, in 2011, did you have a
15 petty larceny conviction? Do you recall?

16 A Yeah, I do.

17 Q I just have to ask you. In 2012, did you have a giving
18 false information conviction?

19 A I don't know. Maybe.

20 Q It's possible?

21 A It's possible.

22 Q Brittney, do you know the defendant in this case, Tashonby
23 Wilson? Do you know the defendant in this case, Tashonby
24 Wilson?

25 A Yes, I do.

1 Q How do you know him?

2 A He was my dealer, and I thought he was my friend.

3 Q What do you know him by?

4 A Pep.

5 Q Do you see him here today?

6 A He's right there in a blue shirt and khaki pants.

7 Q Sitting at the defense table?

8 A Yes, sir.

9 Q Let's go back to September 26, 2016. Did you have an
10 addiction issue back then at that time?

11 A Yes, I did.

12 Q Do you still struggle with that from time to time?

13 A No, I'm on -- I go to the methadone clinic now.

14 Q Up until recently, have you struggled with that on and
15 off?

16 A Yes.

17 Q That's okay. September 26, 2016, do you recall that day?

18 A Very well.

19 Q Do you recall what you were doing earlier that afternoon?

20 A Yes.

21 Q Did you ever meet up with anyone earlier in that day in
22 the midday or early afternoon?

23 A I met up with Thomas.

24 Q And what did Thomas go by? Did he have a nickname?

25 A Tattoo.

1 Q Okay. Is that what you knew him as?

2 A I knew him as Tattoo.

3 Q Okay. How well did you know him at the time?

4 A I didn't know him very well. Whenever I did run into
5 him, it was at the Palmetto at Pep's room.

6 Q It's okay. All right. Do you recall where it was that
7 you ran into him?

8 A Wal-Mart on Harbison Boulevard.

9 Q Okay. Do you remember whether Ashley was with you or not
10 at that time?

11 A I think -- it was just me and him. I took him back to
12 the room where we picked Ashley up.

13 Q Okay. You said you took him. Did you ride in his car?

14 A I rode in his truck.

15 Q What kind of truck did he have?

16 A A big burgundy something.

17 Q All right. So, to your recollection, y'all met at the --
18 did you intentionally meet or did you happen to run into him?

19 A I ran into him.

20 Q You just bumped into him?

21 A Yeah.

22 Q Okay. And how did you know Tattoo? How did you
23 previously know him when you bumped into him?

24 A Getting high.

25 Q So when you ran into him, you said you went back to the

1 Regency. Is that where you were staying at the time?

2 **A** That's where we were staying at the time.

3 **Q** Okay. Who were you living there with?

4 **A** Just me and Ashley.

5 **Q** And Ashley's your partner?

6 **A** Yes, she is.

7 **Q** How long have y'all been together?

8 **A** Almost five years.

9 **Q** How long at the time? I guess that would have been
10 around two years maybe? It's okay. I'm not good with the
11 math.

12 **A** Over two years.

13 **Q** So when you met up at the Palmetto -- or, excuse me, at
14 the Regency, what did you-all do after that?

15 **A** I went in and told Ashley that I had Tattoo outside and
16 that we had -- you know, that we had a ride. And she wanted
17 to go talk to Pep about the money that he owed her, and Tattoo
18 said he needed to go there anyway because he was owed
19 something.

20 **Q** Okay. So Tattoo said that -- he alleged that Pep owed
21 him something as well?

22 **A** That he would get as well, you know. We were already
23 sick, so we decided to ride with him down there.

24 **Q** Was Ashley angry at Pep at the time for not receiving
25 payment for the debt she felt she was owed?

1 **A** She wasn't angry. She was hurt and humiliated.

2 **Q** Okay. So y'all leave to go to the Palmetto. What do
3 y'all do when you arrive at the Palmetto?

4 **A** We all went in. I sat on a bed. There was -- there was
5 a bunch of people in there. I sat on the bed. Tattoo, I
6 think -- Tattoo went in the bathroom and talked to Pep for a
7 minute, and they came out. And then Ashley talked to Pep and
8 was asking about the money, and he was laughing in her face.

9 He knew we were both sick, because we both told him we
10 were sick, and he laughed about that too. And she was like,
11 "So you're really going to do that?" Like you're really going
12 to do me like that? Because everything we owned was in that
13 room and --

14 **Q** Were y'all evicted from the Regency for the failure for
15 him to pay the debt that y'all thought you were owed?

16 **A** We lost everything we owned.

17 **Q** You kept all your belongings in that room?

18 **A** Every -- we lived there. Everything we owned.

19 **Q** So that was that day that y'all got kicked out at
20 checkout?

21 **A** (No audible response.)

22 **Q** So when you arrived at the Palmetto and Pep laughed, what
23 happens after that?

24 **A** We left. I didn't want to be there anymore.

25 **Q** I'm showing you what's State's Exhibit 148. Is this the

1 room at the Palmetto that you're referring to?

2 **A** Uh-huh, I was sitting on the bed -- on this side near the
3 bathroom on the end of the bed.

4 **MR. POGUE:** Permission to approach, Your Honor.

5 **THE COURT:** Yes, sir, please.

6 **BY MR. POGUE:**

7 **Q** If you want to use the laser pointer to show it.

8 **A** I was sitting right here.

9 **Q** Okay. Did you know anything about Ashley's plan to
10 snatch his drugs, his heroin?

11 **A** I did not. After we -- after I -- I was crying, and I
12 told Ashley, I said, "Quit begging him. You know, don't ask
13 him for anything else." I mean, I was like eff him. You
14 know, if he's -- the situation by itself made me sick. And I
15 was just ready to go. I didn't want to see him anymore. I
16 didn't want to be in there anymore.

17 **Q** Okay. You said there were around 15 -- or, I mean, just
18 roughly guesstimating, 15 people in there --

19 **A** There were a lot of people in there.

20 **Q** Were people coming and going, or were they just in there
21 the whole time?

22 **A** Well, there was a few people that stayed there. I don't
23 know if I'm allowed to say their names or not.

24 **Q** Sure.

25 **A** Jordan Palmer was there. She was actually standing in

1 front of me.

2 Q Who is Jordan Palmer?

3 A It was a really close friend of Pep's.

4 Q Was she an associate of Pep's?

5 A She tricked out of his hotel room.

6 Q Would she also sell for him?

7 A I never seen her sell for him. She would use -- I mean,
8 get her drugs from him.

9 Q So she would get -- all right.

10 A I never bought anything from Jordan Palmer out of that
11 room.

12 Q All right. So when you go to leave, at that point in
13 time, when Ashley tells you that she's ready to leave, are you
14 aware of the fact that she's just taken some of the drugs?

15 A She didn't take anything at that time. I said I was
16 ready to go.

17 Q I got you.

18 A We left. Her and Tattoo -- we went to a store not far
19 from there. Her and Tattoo got out, and I guess that's when
20 Ashley pretty much told him, "Look, I'm -- you know, he's not
21 giving me my money. I'm taking his stuff. You're either in
22 or you're not. Either way, it's going to happen."

23 I didn't know anything about it at that time. I didn't
24 know anything about it, actually, until later when he comes
25 into Tattoo's home.

1 We get back in the truck -- they get back in the truck,
2 we go back to the Palmetto. And we all went in. I didn't
3 speak to anybody. Ashley did talk to Pep again. That's when
4 sirs (ph) were coming, and Pep was going in and out of the
5 hotel room. About after five minutes of being there, Ashley
6 said let's go. I mean, she just looked at me and she said,
7 "Let's go now."

8 **Q** Okay. So y'all stepped out of the room for a minute, and
9 Ashley let you know that she was going to take some drugs from
10 Pep -- and Tattoo?

11 **A** No. We didn't step out of the room. Pep was going in
12 and out of the room.

13 **Q** I'm with you now. Okay.

14 **A** I said, so I'm assuming that -- I mean, now that -- after
15 it was all said and done, Ashley told me that's when she
16 thought, you know, after she seen him laying his dope down,
17 she figured she was going to go ahead and take it, and it was
18 going to be a good time to take it. And she did.

19 **Q** All right. So she takes the drugs.

20 **A** And we leave.

21 **Q** Okay.

22 **A** I didn't know she had the drugs at the time. She just
23 said, "Let's go."

24 **Q** All right. So, in the truck, did you -- first of all,
25 did you have a phone -- a cell phone at the time?

1 **A** We did have a phone.

2 **Q** Did you share a phone with Ashley?

3 **A** We shared the phone.

4 **Q** Okay. So y'all didn't each have your individual phones?

5 **A** Mm-mmm. And it's not that it didn't work. It would only
6 work on speakerphone, but you couldn't, like -- sometimes you
7 could hear, like, on my end and sometimes you couldn't.
8 Sometimes you could hear on the other end, and sometimes you
9 couldn't because it had water damage.

10 **Q** Had you dropped it or anything or was the screen broken?

11 COURT REPORTER: I'm sorry; because it had what?

12 THE WITNESS: Water damage.

13 BY MR. PINCELLI:

14 **Q** Okay. So it had water damage?

15 **A** Yeah.

16 **Q** Was the screen cracked?

17 **A** Yes, it was.

18 **Q** All right. Do you recall what your phone number was at
19 the time? If you saw it, would you recognize it?

20 **A** It was like 200-██████ or something.

21 **Q** All right. You said -- 803, would that be the area code?

22 **A** Yes, sir.

23 **Q** So (803) 200-██████?

24 **A** I believe that's my number -- was my number.

25 **Q** Okay. So when you're in the car, did you ever get any

1 phone calls or did Tattoo ever get any phone calls?

2 **A** Yes, he did.

3 **Q** Okay. I'm showing you State's Exhibit 167. If you don't
4 mind, I'm going to borrow your laser pointer. Thank you.

5 At 7:24 -- this is the defendant's, Tashonby Wilson's,
6 cell phone extraction data. Okay? The data shows that, at
7 7:24, he made an outgoing call to the number that Tattoo
8 previously testified to was his: (803) 542-[REDACTED]. It was a
9 19-second call.

10 Do you recall him calling Tattoo's phone when you were in
11 the car?

12 **A** I do.

13 **Q** Okay. Was that around 7:24 or somewhere there around?

14 **A** Yes, sir. I actually heard the whole conversation. He
15 had Tashonby on speakerphone.

16 **Q** Okay. All right. And what was he saying, the defendant?

17 **A** He was asking -- he told Tattoo -- Tattoo was playing
18 like he didn't know anything. That's kind of when I figured
19 out everything that was actually going on. He was saying,
20 "Where are them white bitches at?" and saying that he wanted
21 his dope back. And he was yelling and screaming in the phone.
22 Tattoo would hang up, like, he lost service. And Tashonby
23 called back I think once or two more times before we got to
24 the apartment.

25 **Q** Okay. All right. So it looks like the cell phone data

1 shows he makes another call at 7:24. That's a 10-second call.

2 **A** Yeah, and he was hanging up on him, Pep.

3 **Q** Does that sound correct, to your recollection?

4 **A** Yes, sir.

5 **Q** Okay. All right. And that was at 7:24.

6 And then again at 7:25:01, he makes a call to the number
7 you that just indicated, (803) 200-[REDACTED]. And that's a call
8 that's one minute and 22 seconds. Do you remember that call?

9 **A** Yes.

10 **Q** What did he say to you?

11 **A** And that was me he was talking to. That's probably why
12 Ashley...

13 Just screaming and yelling in the phone.

14 **Q** Did he say, I mean, anything would happen? I mean, was
15 he threatening you?

16 **A** Oh, yeah.

17 **Q** What threats did he make?

18 **A** I mean, I can say it on the stand?

19 **Q** Sure.

20 **A** I mean, he flat out told me, "Bitch, you're going to die
21 tonight." Those were his exact words.

22 **Q** Do you think he was joking or did he sound like he was
23 serious?

24 **A** Yeah, he was dead serious.

25 **Q** Looks like at 7:28, after he makes his 1-minute-22-second

1 call at 7:25, he makes another 1-minute-38-second call, I
2 guess almost immediately after the first call he makes to you
3 -- to your phone. Were you the one that spoke with him during
4 that conversation as well?

5 **A** Yeah.

6 **Q** Was this a continuation of the same conversation or was
7 this something different?

8 **A** One of those phone calls, I think -- I thought that I
9 hung up, but I didn't. So one them may be where I just
10 thought I hung up and threw my phone in my purse, because I
11 didn't talk to him anymore after that. I was scared that
12 Tattoo and Ashley was -- you know, Tattoo was assuring me that
13 Pep didn't know where he lived, that that was a safe place to
14 go, when, in all reality, Pep knew exactly where Tattoo lived.

15 **Q** Okay. All right. So it looks like he makes two more
16 calls to Tattoo at 7:33, shortly thereafter the one he made at
17 7:28 to you-all. And then he makes another 25-second call,
18 also at 7:33, to your phone. Was that a conversation that you
19 had with him -- now, is he talking to you during all of these
20 phone calls that he makes during this time period or is he
21 talking with both you and Ashley?

22 **A** I was the one answering the phone, but I believe Tattoo
23 talked to him on my phone also, because I remember throwing
24 Tattoo the phone.

25 **Q** Okay. All right. So do y'all eventually arrive at

1 Boardwalk Villas?

2 **A** Yes, sir.

3 **Q** Okay. Do you recall whether y'all made any stops along
4 the way?

5 **A** We did stop at one place. It was a little store, a
6 little convenience store. We stopped there because Tattoo's
7 phone died, and he tried to call Pep or said that he tried to
8 call Pep. And then he got back in the truck and we continued
9 on to his house. We wasn't at the store but for, like, a
10 minute. It was very quick, actually.

11 **Q** Okay. All right. So what happens when you get to
12 Boardwalk Villas?

13 **A** We get there, we weren't there very long. We were all
14 getting, you know, kind -- everybody was getting ready to do
15 -- do their thing.

16 **Q** When you say "do their thing," do you mean get high?

17 **A** We were all going to get high.

18 **Q** Okay.

19 **A** And next thing you know, there's a knock at the door, and
20 Tattoo opened the door. Me and Ashley were sitting on the
21 couch.

22 **Q** Who walked in?

23 **A** Tashonby walked in first.

24 **Q** Did he have a gun?

25 **A** Yes, he did.

1 Q Okay. Then what happened?

2 A He walked straight around the bar -- when you first walk
3 in, there was, like, a bar kinda, and the couch was on the
4 other side of the bar.

5 Me and Ashley were sitting on the couch, and he came
6 around and immediately was in front of us with the gun. And
7 he was -- he was putting the gun in both of our faces. He's
8 screaming he wanted his shit back. And that's when I was -- I
9 was, you know, crying -- I was begging him to stop, you know,
10 not -- "Please don't hurt me. I didn't know what's going on.
11 I didn't take anything from you." And --

12 Q Did you want -- did you have the drugs or did Ashley have
13 the drugs?

14 A Ashley had the drugs.

15 Q Did you want Ashley to give him the drugs back at that
16 point?

17 A Yeah. I said -- I was like -- I mean, I said that. I
18 was like, "Y'all please give him his drugs back." I mean, "If
19 y'all have the dope, just please give it back to him."

20 Pep didn't care. He -- it wouldn't have mattered if he
21 got his drugs back or not. He was making a point.

22 Q Okay. All right. Is this the living room that you were
23 talking about?

24 A Yeah. I was sitting on the far end where that
25 pillow-looking thing is.

1 Q This end?

2 A No, the other end.

3 Q I apologize, this is State's Exhibit 29.

4 You said on this far end here?

5 A I was sitting right there. Ashley was sitting right
6 there next to me on the other side.

7 Q Okay. All right. And did the defendant try to get you
8 to go anywhere when you were inside the room?

9 A Yes. He wanted me to walk out that back door with the
10 gun to -- to the back -- he wanted me to walk out of that back
11 door with the gun to the back of my head.

12 Q This door?

13 A Yes.

14 Q Okay. All right. When he asked y'all to do that, what
15 happened next?

16 A Ashley stood up and she said, "You're not going to keep
17 making my girl beg for her life." Her statement was, "If
18 you're going to shoot somebody, shoot me." And he said pow.
19 And my -- everything stopped.

20 Q You were sitting here when that happened?

21 A Yes. She had jumped up.

22 Q In this area maybe?

23 A She kind of like jumped. Like when she jumped off the
24 sofa, she kind of like went like around the coffee table a
25 little bit.

1 Q Okay. All right.

2 A And he turned towards her and just pow, like. And she
3 dropped.

4 Q She dropped meaning she fell?

5 A As soon as she dropped, though, she just like -- it was
6 like she had springs in her legs. She bounced back up, and
7 she grabbed my hand, and she was like, "Run, baby, run."

8 Q Okay. Let me stop right there real quick.

9 Where were -- who was in the room with you? Let me ask
10 you that.

11 A Tattoo was in the room; his girlfriend, Brandy; and their
12 eight-year-old son, MINOR.

13 Q Okay. Where were Brandy and MINOR sitting?

14 A Brandy and MINOR were sitting in that chair.

15 Q This chair?

16 A Yes.

17 Q Okay. Was MINOR sitting with Brandy in that chair, I
18 guess?

19 A Yes.

20 Q Okay. All right. I guess, do you recall where Tattoo
21 was at the time?

22 A He was everywhere.

23 Q Okay. That's fine.

24 A Tattoo was everywhere.

25 Q All right. So Ashley gets shot, and she grabs your hand,

1 you said. What happens after that?

2 **A** I left out a part. In the mix of all this -- he wasn't
3 alone. Someone was with him.

4 **Q** Okay. Are you sure somebody was with him?

5 **A** I'm positive somebody was with him. I don't know who it
6 was, because I wasn't paying attention to anything happening
7 over there. I was paying attention to Tashonby with a gun in
8 my face.

9 **Q** Okay. All right. Did you know the other person?

10 **A** I did not. I'd never seen this person before.

11 **Q** You never recognized him?

12 **A** Never.

13 **Q** Do you know Job Quarles?

14 **A** Q?

15 **Q** Yes.

16 **A** Yes.

17 **Q** Was it Q?

18 **A** No.

19 **Q** Do you think Q is easily mistakable?

20 **A** No, he's not. Absolutely not.

21 **Q** All right. So when he gets up -- or let me ask you this
22 question: Did you ever see the gun that he had, Tashonby
23 Wilson?

24 **A** Yes, I did.

25 **Q** Okay. Was he pointing it at you the whole time?

1 **A** He was pointing it at my face and in Ashley's face and me
2 and then Ashley. It was like he was contemplating to himself.
3 He would --

4 **Q** Did he ever put anything over the gun?

5 **A** He asked for a sock.

6 **Q** Did he put the sock on the gun?

7 **A** He did put the sock over the gun.

8 COURT REPORTER: He did?

9 THE WITNESS: He did.

10 BY MR. POGUE:

11 **Q** And that was before he shot Ashley?

12 **A** Yes. But this is all happening really, really fast.

13 **Q** I understand.

14 **A** I mean, everything is, like, fast.

15 **Q** I understand. I'm just trying to -- just to the best of
16 your recollection.

17 So after she grabs your hand, I assume, y'all try to
18 leave? What happens after that?

19 **A** We go out the front door, and we went running towards [REDACTED]
20 -- towards the end of the condominiums.

21 **Q** Okay. All right. I'm showing you State's Exhibit 3. Is
22 this the condominium complex you're referring to?

23 **A** Yes. Yes.

24 **Q** All right. I'm going to hand you back the laser pointer.
25 Can you show me the condo you're in when Ashley got shot

1 and where you left running to?

2 **A** We were in this condo. And we went running this way and
3 down this way. And there was a car parked, like, right here
4 towards -- I was trapped off. It was the end of the condos.
5 And there was a car parked. And Ashley --

6 **Q** State's Exhibit 4. Where is the car in reference to this
7 picture here?

8 **A** It's over here somewhere. Like it's -- you can't see it
9 -- like, on the side somewhere over here. But this is where I
10 was trapped off at. That's where he unloaded the gun on me.

11 **Q** All right. State's Exhibit 82. Is that the vehicle
12 you're talking about?

13 **A** That's the vehicle.

14 **Q** Okay. Show me where you were and where Ashley was when
15 he was firing at you.

16 **A** Ashley had ducked in front of it.

17 **Q** On the other side?

18 **A** On the other side. Like around it. Like she went
19 around. So she's at the front of it where he can't see her.

20 And I'm -- I'm -- I'm between right here and right here,
21 because I'm beating on the door, and then I go to turn around
22 to run, and he's steadily shooting, like -- I'd already been
23 shot twice, and then he just keeps shooting. And my leg gave
24 out. I couldn't go anywhere else. It was done.

25 **Q** State's Exhibit 5. Is that your flip-flop in that

1 picture?

2 **A** Yeah.

3 **Q** Is that your blood that's on the ground there?

4 **A** Yeah.

5 **Q** Is that where you were shot?

6 **A** Yes, sir.

7 **Q** Okay. You say Ashley's ducked back behind the car. Was
8 that your testimony?

9 **A** She was ducked back behind the car because she --

10 **Q** It's okay. If you need a moment, you can take a break.

11 **A** Yeah, she was ducked behind the car.

12 But he wasn't done. After -- after -- I think he still
13 thought he had a bullet left, because he went to her, and I
14 acted like I was dead instantly. I closed my eyes, because I
15 figured, if he thought I was dead, he would quit shooting.

16 And he went to her, and I could see him out of the corner
17 of my eye, and that's when he figured out he didn't have any
18 bullets left. And whoever was in the car was screaming for
19 him to come on because that's when the neighbors and stuff
20 started coming out, and, obviously, he didn't want anyone to
21 see his face. So he ran, and he acted like he was going to
22 come back. And then he ran -- he -- he ran --- he ran like he
23 was coming back to us and then turned around and ran back and
24 jumped in the car and they took off.

25 **Q** Okay. You said Ashley was ducked back behind the car?

1 **A** Yeah.

2 **Q** This is State's Exhibit 96. Is that the other side that
3 you were referencing? Is this the area --

4 **A** I never seen that side of the car, but I never made it
5 off the ground.

6 **Q** Okay. State's Exhibit 98. The CSI investigator
7 previously testified that this appears to be blood in this
8 area right here and dripping blood right here. Is that
9 possibly where Ashley was standing?

10 **A** Yes, that's where -- that's -- that's -- yeah.

11 **Q** Okay. And just to make sure I understand what your
12 testimony is, you said the defendant, after he shot you a
13 couple of times, walked over to where Ashley was?

14 **A** Yeah. He shot me five times.

15 **Q** Okay. And so what did he do when he walked over to where
16 Ashley was?

17 **A** Pulled the trigger, but there was nothing left.

18 **Q** So it either misfired or there no more rounds?

19 **A** There was no more bullets. If there would have been --

20 MR. KOGER: Objection.

21 THE COURT: I sustain the objection. It calls for
22 conclusion.

23 BY MR. POGUE:

24 **Q** All right. Bri, after you were shot, do you recall a
25 neighbor coming outside, assisting you?

1 **A** Yes.

2 **Q** Do you recall your leg being shot, specifically your
3 right leg, and him putting a tourniquet on that?

4 **A** Yeah, he put a tourniquet on my right leg.

5 **Q** Were you conscious during this time?

6 **A** Not all the way. I was -- that's about when I started
7 fading out. I remember them putting it on because I was
8 losing a lot of blood.

9 **Q** Do you remember a lady who asked you who it was that shot
10 you?

11 **A** I do remember somebody asking me who shot me.

12 **Q** Do you recall whether it was a male or female?

13 **A** It was a female.

14 **Q** Who did you tell her shot you?

15 **A** Pep.

16 **Q** Did you give Pep's full name?

17 **A** Oh, yes. I said it's Tashonby Wilson.

18 **Q** Okay. After you were shot, were you transported by
19 ambulance, or did you -- how did you get to the hospital? Do
20 you recall?

21 **A** They told me it was by ambulance.

22 **Q** Okay. Now, did you have your phone on you, do you
23 recall, when you ran out of the house, or you don't remember?

24 **A** I don't know.

25 **Q** Okay. All right. Do you ever recall receiving any other

1 phone calls on your phone after you got shot that evening?

2 **A** No.

3 **Q** I'm showing you again what's marked again as State's
4 Exhibit one-sixty--

5 **A** If I did get any phone calls, it wasn't -- I didn't have
6 the phone.

7 **Q** You didn't have your phone. Okay.

8 Do you recall -- excuse me. I'm going to show you what's
9 marked as State's Exhibit 167. This is the phone extraction
10 from the defendant's phone that I previously showed you.

11 Now, this is at 9:11 p.m. right after the 911 call come
12 in at 8:21. Okay? Do you know what this star-67 means --

13 **A** He blocked the number and called my phone.

14 **Q** Okay. Again, at 11:17, again, that is your phone number;
15 right?

16 **A** Correct.

17 **Q** With that star-67 in front of it? Okay.

18 You didn't get either one of those calls?

19 **A** No, I didn't.

20 **Q** You didn't have your phone with you?

21 **A** I didn't have -- I was -- what time did you say that was?

22 **Q** That's at 11:17 p.m., approximately three hours --

23 **A** I was -- I was -- I was not even conscious at that time
24 of night.

25 **Q** All right. Do you recall whether the defendant had a car

1 that he owned or that he drove at the time?

2 **A** He did have a vehicle.

3 **Q** What kind of vehicle did he have?

4 **A** It was a white Volvo station wagon.

5 **Q** So were you ever familiar -- or ever aware of him driving
6 -- or do you know an individual named Doc?

7 **A** I do.

8 **Q** Went by Doc? Okay.

9 Do you know what kind of vehicle Doc had?

10 **A** He had a little small car. It was an older car. I'm not
11 sure of what type it was, but it was loud.

12 **Q** All right, last question.

13 **A** It was, like, a little Honda or a little Toyota or
14 something.

15 **Q** Last question, Bri: Is there any doubt in your mind as
16 to who it was that shot you that evening of September 26?

17 **A** There's not a doubt in my mind.

18 MR. POGUE: No further questions, Your Honor.

19 THE COURT: Thank you.

20 Mr. Koger, cross-examine?

21 CROSS-EXAMINATION

22 BY MR. KOGER:

23 **Q** Yes, Ms. McRae, did you know Mr. Wilson before
24 Ms. Jeffcoat knew Mr. Wilson?

25 **A** We met him at the same time.

1 Q At the same time?

2 A Yes.

3 Q Okay. And how often would you purchase from Mr. Wilson?

4 A Several times a week.

5 Q Okay. Daily?

6 A I wouldn't say every day, but several times a week. He's
7 not the only dealer I had.

8 Q Okay. How many dealers did you have?

9 A A few.

10 Q Okay. And on that day, on September 26, had you used
11 prior to 5 o'clock on that day?

12 A Can you repeat that?

13 Q You already stated that you got in your vehicle with
14 Mr. Seehof around about 5 o'clock or you arrived at --

15 A Yeah, but we were sick. I was sick.

16 Q Okay. And when you say "sick," because you didn't have
17 your drugs?

18 A Yes.

19 Q Okay. All right. And did you use the day before?

20 A Yes.

21 Q Can you give a description of the second person that was
22 in that house, allegedly in Condo No. [REDACTED]?

23 A I just know it was another African-American person. My
24 attention was on Tashonby Wilson with a gun in my face.

25 Q Do you know whether it was medium skin, light skin, or

1 dark skin?

2 **A** He was a black man. That's all I know.

3 **Q** Okay. Do you recall the build, whether slim? Heavy?

4 **A** He was a slim guy.

5 **Q** Okay. About the same height as Mr. Wilson?

6 **A** I think he was a little taller.

7 MR. KOGER: I beg the Court's indulgence.

8 BY MR. KOGER:

9 **Q** Did you also take heroin intravenously too? That was
10 your means of taking heroin? Intravenously?

11 **A** I would do that and snort it.

12 **Q** Okay. What type of effect would snorting heroin or
13 taking intravenously have on you?

14 **A** Just make me feel normal.

15 **Q** Made you feel normal?

16 **A** It would make me feel normal, yes.

17 **Q** Okay. At that point, on the day of September 26, 2016,
18 at that point, how long had you been using heroin?

19 **A** Couple of years.

20 **Q** Two? Three? Four?

21 **A** Three.

22 **Q** Did you introduce Ms. Jeffcoat to heroin?

23 THE COURT: What was that? I'm sorry.

24 MR. KOGER: I asked her did she introduce Ms. Ashley to
25 heroin use.

1 **A** I don't want to answer that question.

2 **Q** Okay. You testified to that someone allegedly put a sock
3 on the gun; correct?

4 **A** Yes.

5 **Q** Okay. All right.

6 MR. KOGER: I beg the Court's indulgence one last time.

7 No further questions of the witness.

8 THE COURT: Thank you.

9 Redirect, Mr. Pogue?

10 MR. POGUE: None, Your Honor.

11 THE COURT: Thank you. Ms. McRae, you may step down.

12 (Witness leaves the stand.)

13 THE COURT: Mr. Pogue? Mr. Pincelli?

14 MR. PINCELLI: Your Honor, the State calls Brandy
15 Kaloplastos.

16 THE COURT: Come forward, Ms. Kaloplastos.

17 BRANDY KALOPLASTOS,

18 the witness, after having first been duly sworn, was examined
19 and testifies as follows:

20 CLERK OF COURT: If you'll state your name and spell your
21 last for the record.

22 THE WITNESS: First name is Brandy, B-r-a-n-d-y. Last
23 name is Kaloplastos -- K--

24 THE COURT: No one's gotten your name right so far. Go
25 ahead and spell it.

1 THE WITNESS: Last name, Kaloplastos. That's K-a-l-o-p
2 as in "Paul"-l-a-s-t-o-s.

3 DIRECT EXAMINATION

4 BY MR. PINCELLI:

5 Q Good morning, Brandy. Do you mind if I just call you
6 Brandy?

7 A Yes.

8 Q Thank you.

9 Brandy, where do you live?

10 A Jensen Beach, Florida.

11 Q Where were you living back in September of 2016?

12 A [REDACTED] Boardwalk Lane, Lexington.

13 Q And who did you live with?

14 A My husband Thomas and my son [REDACTED] MINOR .

15 Q And how old was [REDACTED] MINOR at that time.

16 A He was eight.

17 Q How did you become involved in the incident we're here
18 for today?

19 A Me and my son were watching TV the night Pep came in and
20 shot two girls.

21 Q And that was back in September of 2016?

22 A That's correct.

23 Q And you said Pep came in and shot two girls. Who is Pep?

24 A The defendant.

25 Q Do you see Pep here today?

1 **A** I do.

2 **Q** Can you describe him for me?

3 **A** He's sitting right there next to his attorney, wearing a
4 blue-colored shirt.

5 **Q** How did you know Pep back then?

6 **A** He was my husband's drug dealer.

7 **Q** Did you have occasion to know him or did you just know
8 him through your husband?

9 **A** I knew him through my husband. When I would try to track
10 him down, I would always call his phone and try and locate
11 him.

12 **Q** And you said you had a son, **MINOR**. Did **MINOR** know Pep as
13 well?

14 **A** Yes, he met him, apparently, with Thomas, I heard.

15 **Q** Can you walk me through -- first, I'm going to show you
16 what's been marked as State's Exhibit 8. Brandy, what are we
17 looking at here?

18 **A** That's the front of condo outside.

19 **Q** And that's your condo?

20 **A** Yes, sir.

21 **Q** Tell me what happened on the night of September 26, 2016,
22 in your condo.

23 **A** It was probably around 7:30. We were watching TV,
24 getting ready to turn in. I know Thomas hadn't been there in
25 a couple days.

1 And then there was a knock at the door. Well, let me go
2 back. Thomas came in, frantic, with two girls. He told us
3 that he was doing a tattoo or something. Not even minutes
4 later, I remember a knock on the door.

5 Pep made his way into the door and he was holding a gun.
6 He asked me to take MINOR and leave. He had -- I remember him
7 having a gun and all of us just telling him, "No, don't do it,
8 don't do it." And he had one girl get on her knees and count
9 to ten. And then I just remember blood all over.

10 Q What caused that blood, Brandy?

11 A From the gunshot.

12 Q Who shot the gun?

13 A I remember my son saying, "Please don't hurt me."

14 Q Who shot the gun?

15 A Pep.

16 Q And who did he shoot?

17 A One of the girls that was in the house.

18 Q What happened after the gunshot? What do you remember?

19 A I just remember blood, like, gushing all over. I just
20 remember grabbing MINOR and going.

21 Q And who all was there when the gun went off?

22 A Me, Thomas, my son, and the two women, and Pep.

23 Q Were you-all in the same room?

24 A Yes, sir. We were all in the living room.

25 Q Brandy, I'm going to show you a photograph that's been

1 marked State's Exhibit 29. Is this the living room?

2 **A** That's correct.

3 **Q** And where were you sitting?

4 **A** In that chair by the lamp.

5 **Q** Back in this part?

6 **A** Yes, sir. I believe it was open, though.

7 **Q** And what's where the shooting occurred in this room?

8 **A** Yes, sir, where that sofa is to the left.

9 **Q** What do you recall happening after the shot? Did you
10 stay in that room?

11 **A** I remember -- no. I remember **MINOR** and I running to --
12 just grabbing him and running to the back room. I remember
13 getting in the vehicle and not leaving. I wanted to leave but
14 I couldn't. I remember one of the girls coming up to the
15 door, and then we went back in the house.

16 **Q** You said you went to your vehicle. Who did you go to the
17 vehicle with?

18 **A** I grabbed **MINOR** and ran. I was shocked and scared.

19 **Q** Brandy, I'm going to show you what's been marked as
20 State's Exhibit 7. Can you point out which one's your
21 vehicle?

22 **A** The one of the left. The black Ford Escape.

23 **Q** This one right here?

24 **A** Yes, sir.

25 **Q** And you said you were sitting in there with **MINOR**?

1 **A** I was.

2 **Q** And you said something about someone trying to get in?

3 **A** One of the girls that -- the first girl that was shot, I
4 believe it was, I'm not sure, had came to the passenger side
5 of the door, and then me and **MINOR** got out and went in the
6 house.

7 **Q** Do you remember speaking with law enforcement after all
8 this happened?

9 **A** I do. We were at our neighbor, Terri and Pete's house.

10 **Q** Did you give them statements?

11 **A** I did. I told them I didn't know who the shooter was,
12 and I did.

13 **Q** Why did you lie at first?

14 **A** Because I was scared.

15 **Q** Why were you scared, Brandy?

16 **A** Because I -- I know that there are people out there like
17 Pep that might be able to get to me and my son.

18 **Q** Did your son, **MINOR**, give any statements?

19 **A** He did.

20 MR. PINCELLI: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 BY MR. PINCELLI:

23 **Q** Brandy --

24 MR. PINCELLI: Permission to approach, Your Honor.

25 THE COURT: Yes, sir.

1 BY MR. PINCELLI:

2 Q Brandy, I'm showing you a disc, what's been marked
3 State's Exhibit 168. Do you know what that is?

4 A Yes, sir.

5 Q Talk in the mic, please.

6 A Yes, sir.

7 Q What is this?

8 A That is a call to my cell phone -- excuse me -- my cell
9 phone from Pep.

10 Q And how do you recognize the disc?

11 A Because I listened to it and heard my voice, Thomas's,
12 and his.

13 Q And was that a fair and accurate recording of that call
14 when you listened to it?

15 A Yes, sir.

16 Q And you said you heard your voice, Pep's voice, and who
17 else's voice was on there?

18 A Thomas.

19 Q And was Thomas present with you during the call?

20 A Yes, sir.

21 MR. PINCELLI: Your Honor, at this time, I'd like to move
22 State's Exhibit 168 into evidence.

23 THE COURT: We have dealt with brief objections to these
24 calls and I've ruled on those.

25 Mr. Koger, are there any additional objections that you

1 want to put on the record in regard to this before we go
2 forward?

3 MR. KOGER: No, Your Honor, just the previous objection
4 that you just so stated.

5 THE COURT: I note the renewal of the previous objections
6 and the renewal of my previous rulings in that regard. The
7 matter is in evidence, subject to those objections.

8 (State's Exhibit No. 168 was received into evidence.)

9 MR. PINCELLI: Your Honor, at this time, I'd like to
10 publish State's Exhibit 168 for the jury.

11 THE COURT: You can.

12 (State's Exhibit 168/CD plays.)

13 BY MR. PINCELLI:

14 Q Thank you, Brandy. I don't have any further questions
15 for you.

16 A Thank you.

17 THE COURT: Mr. Koger, you can cross-examine.

18 MR. KOGER: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. KOGER:

21 Q You stated that the reason why you lied on your first
22 statement was because you was fearful of Mr. Wilson; correct?

23 A Correct.

24 MR. KOGER: Your Honor, may I approach?

25 THE COURT: Yes, sir.

1 BY MR. KOGER:

2 Q This is the statement you gave on -- look at this
3 statement.

4 A Correct.

5 Q And that's your signature on page 1?

6 A Yes, sir.

7 Q Can you turn to the next page? And that's your signature
8 on page 2; correct?

9 A Yes, sir.

10 Q All right. If you can, can you read that statement to
11 the Court?

12 A Which statement?

13 MR. POGUE: Your Honor, objection. This calls for
14 hearsay.

15 THE COURT: All right. If there's hearsay contained in
16 the statement, of course. If it's her statement off the --

17 MR. KOGER: It's her statement.

18 THE COURT: All right.

19 MR. KOGER: And she signed it under oath.

20 THE COURT: All right. Insofar as the statement, it's
21 her statement, it doesn't quote somebody else, it's not
22 hearsay, so it's fair game. You can read the statement.

23 A Okay. It says, [as read] "My son and I were home alone
24 around 8:30. Thomas and two girls showed up for tattoos,
25 which I assumed. I mentioned it was a school night. Then it

1 looked as if a black man came into our home, uninvited, and
2 asked the girls to come out. And then I seen two white socks.
3 I was sheltering my son from all of this emotion. Then there
4 was a -- then I heard gunfire. The girls may or may not have
5 been in my house. I was trying to take my son in the room.
6 The girls were outside, down at neighbors. I heard screaming
7 while trying to calm my son. One girl was beating on door. I
8 heard her from outside after gunshots that were loud. My son
9 said he saw two black guys leave in a silver or white vehicle
10 or truck. Again -- again, I mainly heard and didn't see
11 anything except the white sock, grabbed my son, panicking, and
12 they all, include girls, left premises.

13 "Detective Rawl A Brandy question: Where were you when
14 this occurred and who was there? We were at Thomas's dad's
15 house at Boardwalk Lane, and my son, MINOR, and Thomas
16 Seehof came in behind him. Four seconds or four f -- I'm not
17 sure -- white female approach in the door. I have never seen
18 nor did I hear a name. I was too busy getting onto Thomas
19 because it was school night.

20 "Did you know the two white females or have you ever seen
21 them before? No, I've not seen them -- any females or I have
22 seen them.

23 "Where does Thomas keep his tattoo stuff and does he
24 normally do tattoos inside his home at Boardwalk Lane? He has
25 a room set up and a portable tattoo machine.

1 "Do you know the black male that came over tonight? If
2 so, how?" I said, "No."

3 "Describe what you saw, the black male carrying and what
4 he did -- he look like. A skinny black male, 5'6", age 25 to
5 30 year. He was holding one sock in his hand and yelling to
6 the girls 'Get outside right now.'"

7 Q That's the end of the statement? Is that the end of the
8 statement?

9 A Yes, sir.

10 Q Okay. And you testified to earlier that the reason --

11 MR. KOGER: Your Honor, may I approach?

12 THE COURT: Yes, sir.

13 BY MR. KOGER:

14 Q -- the reason why you lied on the statement is that you
15 was fearful that Mr. Wilson would come after you; right?
16 Correct?

17 A Yes.

18 Q Okay. Now, you heard the phone call, and you have no
19 dispute that that was you on the phone call; correct?

20 A That's correct.

21 Q All right. And you received that phone call after you
22 gave the statement; correct?

23 A Yes.

24 Q All right. And, at the beginning of the phone call, you
25 knew who was on the other end of the phone call; correct?

1 **A** At the beginning, I did not. Yes, that's correct, I did.
2 I did know. I knew it was Pep, yes.

3 **Q** Okay. All right. And you carried on a conversation with
4 him; right?

5 **A** Absolutely. I was nervous.

6 **Q** And you carried on a friendly conversation with him?

7 **A** Yes.

8 **Q** And you even talk about the same son that allegedly saw
9 what happened that particular night; correct?

10 **A** That's correct.

11 **Q** Now, why would you carry on a friendly conversation with
12 someone --

13 **A** Because he has a brother --

14 THE COURT: Let him finish the question please, ma'am.

15 BY MR. KOGER:

16 **Q** Why would you carry on a friendly conversation with him
17 when he allegedly did that to your son?

18 **A** Well, when Thomas is hanging around those kind of people,
19 you don't know what's going to happen. Like that night, I
20 didn't know he was going to come in with a gun and shoot two
21 women in front of my son and myself.

22 **Q** Why didn't you immediately hang up the phone?

23 **A** Why did I immediately hang it up?

24 **Q** Right. Why didn't you get him off the phone?

25 **A** I don't know.

1 Q And you actually stated someplace in here that you was
2 not going to identify him; correct?

3 A I don't know.

4 Q Those words you used, "I don't know."

5 A Okay. Yes, sir.

6 Q And not only did you just carry on a conversation for
7 just a couple of seconds, you actually conversated with him;
8 correct?

9 A I did.

10 Q You talked about Memorial Day plans; correct? Correct?

11 A Yes. I guess. No, I didn't talk about Memorial Day
12 plans.

13 Q You talked about your son hunting and fishing.

14 A Yes. Just everyday life.

15 Q Okay.

16 A I was very nervous. I was just trying to hurry up and
17 get over the conversation.

18 Q And then you gave the phone to Thomas; correct?

19 A Yes. I was trying to get out of the phone call, but yes,
20 I did.

21 Q But then you received the phone back to talk to him,
22 though; right?

23 A That's correct.

24 Q And then you spoke with him a couple of minutes past
25 after Thomas gave the phone back; correct?

1 **A** That's correct.

2 **Q** This is the same person, again that you allege put your
3 son under duress and that fear; correct?

4 **A** Yes, sir.

5 **Q** Does that make sense?

6 **A** Yes, at the time, it did to me.

7 **Q** But this call happened significantly later than September
8 26, 2016; correct?

9 **A** Correct.

10 MR. KOGER: Thank you. No further questions.

11 THE COURT: Redirect, Mr. Pincelli?

12 MR. PINCELLI: Your Honor, very briefly.

13 REDIRECT EXAMINATION

14 BY MR. PINCELLI:

15 **Q** Brandy, you started Mr. Koger's questions with your
16 statement. You previously told me that some parts of that
17 statement were not true. You said you did know the man that
18 came in; is that correct?

19 **A** Correct. I also had taken my Tylenol PM that evening, so
20 I was kind of fuzzy to begin with.

21 **Q** But did you know, in fact, the man that came into your
22 condo and shot somebody?

23 **A** Yes, sir.

24 **Q** And who was it?

25 **A** Pep, Tashonby Wilson.

1 Q And why did you not put that in your statement?

2 A Because I was fearful for me and my son.

3 Q And when he called you later -- we listened to that phone
4 call. When he called you, were you afraid to make him angry
5 at that time?

6 A Yes.

7 MR. PINCELLI: No further questions.

8 THE COURT: Thank you.

9 You can step down, Ms. Brandy. Thank you.

10 Mr. Pogue? Mr. Pincelli?

11 MR. POGUE: The State rests.

12 STATE RESTS

13 THE COURT: Thank you. Ladies and gentlemen, the State
14 has now rested its case in chief, and that's the reason I've
15 kept you in here a little longer. Normally, we wouldn't keep
16 you this long without a break, but this is a logical stopping
17 place for us to take a break and also for you to be able to
18 get your lunch hour order in so that we can start making those
19 plans as well.

20 Now, you've heard all evidence and testimony that the
21 State will offer in the presentation in its case in chief.
22 You're still not allowed to discuss this case among
23 yourselves. I've got to take up matters of law at this
24 juncture of every trial of this sort outside of your presence.
25 When I've completed those things, we'll get you back out here

1 to complete the work, and I'll tell you more about what the
2 plans are at that particular time.

3 So please return to your jury room and place your lunch
4 orders, but do not discuss this case among yourselves while
5 you're back there. Okay? Thank you.

6 (The jury exits the courtroom.)

7 THE COURT: Mr. Koger, I'll be glad now to hear motions
8 from the defense.

9 DEFENSE MOTION FOR DIRECTED VERDICT

10 MR. KOGER: Your Honor, may it please the Court? At this
11 time, I move for a directed verdict on all charges against
12 Mr. Wilson in this particular case. Up until this point, the
13 State has not submitted enough evidence that warrants this
14 case to go to the jury for consideration.

15 THE COURT: Thank you. As we know, Rule 19 of the Rules
16 of Criminal Procedure and the cases that are cited under that
17 rule require, first of all, that the Court view the evidence
18 in connection with the trial thus far in the light most
19 favorable to the State in assessing the defendant's motion in
20 this regard. And if there is any direct or circumstantial
21 evidence which reasonably tends to prove the guilt of the
22 accused, then the motion is respectively denied.

23 There is, of course, more than sufficient evidence in the
24 record, if the jury chooses to believe it, that would support
25 a verdict of guilty on these charges, and for that reason, I

1 must respectfully deny the motion for directed verdict under
2 Rule 19 and under the case law cited.

3 Now, Mr. Koger, can you give me some idea about how long
4 you think it might take to present the defense in this case?

5 MR. KOGER: Actually, Your Honor, this would be around a
6 good stopping point. I had instructed my alibi witness -- we
7 moved a little faster than I anticipated, but I instructed her
8 to be here at 12:00.

9 THE COURT: Right.

10 MR. KOGER: And we are actually still trying to determine
11 whether my client's going to take the stand or whether we are
12 going to put up a case.

13 THE COURT: Okay. You have served notice of alibi in
14 connection with the rules?

15 MR. KOGER: That's correct.

16 THE COURT: All right. Then we will -- we will take our
17 morning recess at this point in time as well. And during that
18 time, if you will please discuss with Mr. Wilson whether or
19 not he wishes to testify. When we come back out, I can deal
20 with that matter at that time.

21 MR. POGUE: Your Honor, I don't know if you believe that
22 now would be a good time maybe to come to a consensus as to
23 what would be in the record for impeachment when they make the
24 other -- you know, mulling that decisions as to whether he
25 wants to testify or not, or do you just want to do that later?

1 THE COURT: I'll be glad to, if there's any question
2 about what parts of his record would be impeachable.

3 Mr. Koger, if I need to make that ruling in advance, I'll
4 be glad to do it.

5 MR. POGUE: Your Honor, I can go ahead and put on the
6 record what I believe would be in his record for impeachment.

7 THE COURT: Yes, sir.

8 COURT REPORTER: I'm going to move this closer to you.
9 You don't have to move closer; I just want to move this
10 closer. Thank you.

11 THE COURT: Yes, sir.

12 MR. POGUE: Your Honor, he has a burglary second
13 conviction. If he chooses to testify in this case, I should
14 put on the record that, obviously, the veracity of these
15 individual witnesses, considering it's a he said/she said and
16 there is no video surveillance, it's just all direct evidence
17 from either one witness or another, I think that his
18 credibility is a central issue in this case, Your Honor, under
19 the factors that we have to consider, obviously, or I should
20 say Your Honor has to consider, in making these
21 determinations.

22 But he has burglary second, a 2013 conviction. He
23 actually has two convictions from 2013. They're both
24 burglaries second. And then he also has an obtaining property
25 under false pretenses, Your Honor, which I believe is a crime

1 of dishonesty that, even though it would only be 30 days, it
2 would still come in under the rules of evidence, Your Honor.

3 He has a -- I should just go ahead and say he has one,
4 two, three, four, five burglary seconds, nonviolent, from
5 2013; that obtaining property by false pretenses that I
6 mentioned; a grand larceny \$5,000 or more also from 2013.

7 From 2015, he has a burglary third and a petty larceny.

8 From 2016, he has a crime of dishonesty conviction,
9 unlawful use of license or fraudulent application for a
10 license.

11 In 2009, actually, from September 21st and September
12 20th, respectfully in 2009, which would just put it within ten
13 years, he has five counts of fraud check and -- I'm sorry, I
14 apologize, six counts of fraudulent check, \$500 at least.

15 THE COURT: And the date of that again?

16 MR. POGUE: Five of them are from September 21st, 2009,
17 and one of the fraudulent check convictions is from September
18 20, 2009.

19 THE COURT: Okay.

20 MR. POGUE: Those are all at Orangeburg County.

21 THE COURT: All right. Mr. Koger, what says the defense
22 to the introduction of those offenses?

23 MR. KOGER: Your Honor, may it please the Court?
24 Obviously, the burglary charges carry in excess of one year,
25 so on those, we are liable. And as far as the other crimes

1 that are shown to -- that is said to show dishonesty, I'll
2 leave it to the Court's discretion, Your Honor.

3 THE COURT: All right. I don't know what the fraudulent
4 license thing is. I recognize it might be a crime of
5 dishonesty. I'm wondering if it's not overloading the wagon a
6 little bit too much given the nature of these other offenses,
7 but the rest of them would clearly be appropriate matters for
8 impeachment should he decide to testify in this case.

9 MR. POGUE: Thank you, Your Honor.

10 THE COURT: All right.

11 MR. KOGER: Thank you, Your Honor.

12 THE COURT: Okay. All right.

13 MR. POGUE: When do we start back, Your Honor? I
14 apologize.

15 THE COURT: Yes, sir?

16 MR. POGUE: When did you want to start back? I
17 apologize.

18 THE COURT: Well, I want to start back -- I want us to
19 take a break right here and at least until about 10 minutes
20 after 12, if that's okay. That's 20 minutes, because we've
21 been all out here since we got out here, and so that might be
22 what we need for a break. It also gives us a chance to get a
23 heads-up on this order for lunch and get that in there, which
24 is a real important issue.

25 And then let me know when your alibi witness gets here.

1 If you-all can decide about how long that's going to take.
2 That just kind of helps me decide how to break this up: When
3 to stop for lunch, when to tell them to have lunch here,
4 whether to break for lunch before we argue and charge or
5 whether it can be done during argument and charge. I'm just
6 trying to schedule the rest of the day's work.

7 MR. KOGER: Okay.

8 THE COURT: All right. Thank you. We'll be in recess,
9 in any event, until 10 after 12.

10 MR. KOGER: Thank you, Judge.

11 THE COURT: Thank you.

12 (A brief recess was taken.)

13 THE COURT: Mr. Koger, I understand that your witness is
14 here and also that Mr. Wilson wishes to testify. Is that
15 right?

16 MR. KOGER: That's correct, Your Honor.

17 THE COURT: All right. You've explained to him his
18 rights in that regard and the impeachment that can arise from
19 his testifying? Does he understand that?

20 MR. KOGER: Yes, Your Honor.

21 THE COURT: Do you wish for me to inquire on him further
22 in that regard?

23 MR. KOGER: Yes, Your Honor.

24 THE COURT: Mr. Wilson, if you will stand, please, and
25 raise your right hand.

1 TASHONBY WILSON,
2 the defendant, after having first been duly sworn, was
3 examined and testifies as follows:

4 DEFENDANT'S RIGHTS

5 THE COURT: Mr. Wilson, I understand that you have decided
6 to testify in this case and, certainly, that is your right.
7 Under our law, the Fifth Amendment of our United States
8 Constitution and a similar counterpart of our state
9 constitution says that nobody in a criminal case -- no
10 defendant in a criminal case -- and that would be you in this
11 case -- can be forced or compelled to testify in the case.
12 And that means that you have the right not to testify, but you
13 also, of course, have a right to testify.

14 If you were to exercise your right not to testify and choose
15 not to take the stand, then I would instruct the jury at the
16 conclusion of this trial that they could not take that fact
17 into account in their considerations and in their
18 deliberations and in their decision of whether or not you're
19 guilty of the charges. In other words, they will be told that
20 they can't even talk about the fact that you did not testify
21 when they go back in there to deliberate and decide whether
22 you're guilty or not guilty.

23 On the other hand, if you choose to testify and give up
24 your right not to testify, then you'll take the stand just
25 like all of these other witnesses in this trial have done, and

1 you see how that works. Mr. Koger will ask you some questions
2 first, and then either Mr. Pogue or Mr. Pincelli will ask you
3 some questions after that. You'll be cross-examined on any
4 matter that's relevant to this case. You can be impeached;
5 that is, your prior criminal record can be introduced toward
6 the subject of asking the jury -- for the purpose of asking
7 the jury to decide what weight and believability they're going
8 to assign to your testimony.

9 So do you understand, then, your right to testify and
10 your right not to testify?

11 THE DEFENDANT: Yes.

12 THE COURT: And you've decided to testify?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you've done that with the full knowledge
15 of the rights that have been explained to you by me and
16 Mr. Koger; is that right?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any questions you want to ask me
19 about your rights in that regard?

20 THE DEFENDANT: No.

21 THE COURT: Thank you.

22 All right. Gentlemen, are you ready for the jury?

23 MR. POGUE: Yes, sir, Your Honor.

24 THE COURT: Mr. Koger?

25 MR. KOGER: Yes, Your Honor.

1 THE COURT: Thank you.

2 Bring in the jury.

3 (The jury enters the courtroom.)

4 THE COURT: First of all, real important stuff: Your
5 food has been ordered, and when we next take our break, it
6 should be here and in good timing. I think it will fit in
7 good with our schedule -- our trial schedule as well.

8 As I told you before we began this trial on Wednesday,
9 the defendant has no obligation to take the stand and testify,
10 nor does he have any obligation to present other evidence on
11 his behalf. So we turn now to the stage of the game in which
12 the defendant has the right, if he chooses to, to present
13 evidence and testimony, but he's under no obligation to do
14 that.

15 Mr. Koger?

16 MR. KOGER: May it please it the Court? I call Tashonby
17 Wilson.

18 THE COURT: Mr. Wilson, come forward, please, and be
19 sworn.

20 TASHONBY WILSON,
21 the defendant, after having first been duly sworn, testifies
22 as follows:

23 CLERK OF COURT: State your name and spell your last for
24 the record. Spell your first name for me, too, please.

25 THE WITNESS: Yes, ma'am. Tashonby Wilson.

1 T-a-s-h-o-n-b-y W-i-l-s-o-n.

2 DIRECT EXAMINATION

3 BY MR. KOGER:

4 Q Mr. Wilson, what is your current age?

5 A Thirty-four.

6 Q Can you talk up a little bit?

7 A Thirty-four.

8 Q And where are you originally from?

9 A Mullins (ph), South Carolina.

10 Q Okay. And what's your educational level?

11 A Probably completed 10th grade. Got my GED, of course.

12 Q Okay. And do you have any other specialized training?

13 A HVAC. I do chef. I do a lot of cooking, you know, on
14 little gigs either with a business or I do my own thing. I'm
15 an entrepreneur.

16 Q Okay. And what is your employment past?

17 A My employment past was mainly chef, cooking, a little bit
18 of HVAC. I didn't like how that was going. Just mainly
19 cooking.

20 Q As of September 26th, 2016, what was your business?

21 A My business was with drugs.

22 Q And as of September 26, 2016, how long had you been
23 involved in dealing drugs?

24 A Maybe April.

25 Q April of?

1 **A** That same year.

2 **Q** That same year?

3 **A** That same year.

4 **Q** So, at the time of this incident, it had been about five,
5 six months?

6 **A** Yes, sir.

7 **Q** All right. Of course, you are aware of why you're on
8 trial; correct?

9 **A** Yes, sir.

10 **Q** All right. Can you recall for the jury what you did on
11 the morning of September 26, 2016?

12 **A** The morning of September 26, 2016, I was already prepping
13 myself, because I had received a call from my injury lawyer
14 that I can receive a check, so I went to sleep early.

15 **Q** Okay. You said it's an injury lawyer. Personal injury
16 lawyer?

17 **A** Personal injury lawyer.

18 **Q** And why were you dealing with a personal injury lawyer?

19 **A** I was in an accident May 25th, a serious accident that I
20 couldn't work no more. I was previously working at Pizza Hut
21 on Fort Jackson, on the base for Trey. The general manager's
22 name was Trey. I couldn't work no more, really didn't have a
23 stable transportation to get there. I was back and forth with
24 a chiropractor or trying to get a reliable chiropractor who I
25 can reach because the bus line only goes so far.

1 Q And what type of injury did you suffer from in the May
2 2016 accident?

3 A I was in the fast lane. And talking about collision,
4 maybe about 55 miles per hour. I was lifted out of there. I
5 accumulated high hospital bills. I was in serious pain
6 throughout this whole -- this whole -- even up until now, I
7 still suffer from major problems from behind it.

8 Q And where was your personal injury located?

9 A She's located on King Street, but the law office that she
10 sent me to -- that place she direct me to to pick up my check
11 was in Charleston.

12 Q In Charleston?

13 A Yes.

14 Q Okay. All right. Go ahead. So you say you're making
15 preparations to go to Charleston?

16 A I'm making preparations to go to Charleston. I called my
17 aunt -- my aunt, which is my mother's sister. I told her,
18 well, I may need a ride, I may not. She works as a
19 correctional officer at Alvin S. Glenn at the time, so I knew
20 she would be tired because she worked third shift.

21 So there's another group of people that came to Palmetto
22 Inn. They said, "Well, Pep, if you need us, we'll take you in
23 the morning." I said, Well, just in case I need you, I had
24 that as my Plan A, Plan B. So I laid down with comfort.

25 Q Let me stop you just a second. You mentioned the

1 Palmetto Inn. So you were staying at the Palmetto Inn?

2 **A** Yes. I've been a resident at Palmetto Inn ever since my
3 sister's been deployed in the military. I couldn't -- I had
4 no where else to stay. I was staying on my own because I'm
5 responsible for myself as a man. I had a job at Pizza Hut.
6 The only suitable living I can afford was the Palmetto Inn,
7 yes, sir.

8 **Q** Okay. And was that Room 120?

9 **A** It was not 120 at first.

10 **Q** Okay.

11 **A** They've done a lot of remodeling, and the manager had
12 decided who he was going to keep and who was he going to let
13 go. He got rid of -- he pretty much got rid of the bad crowd
14 of people that were causing him a lot of problems and pretty
15 much let the people who really needed the place -- the living
16 standards to stay there.

17 **Q** At that time, on September 26, 2016, how long had you
18 been living at the Palmetto Inn?

19 **A** February. I think it was around February -- middle of
20 February maybe going into March before my sister was deployed.

21 **Q** Okay. And that was February of 2016?

22 **A** Yes, sir.

23 **Q** Okay. Prior to living at the Palmetto Inn in another
24 room, how long did you live with your sister?

25 **A** I just recently came home from doing time. I probably

1 was with her maybe two, three months tops.

2 Q All right. So getting back to your events on September
3 26, 2016, so what time did you leave Columbia?

4 A I left -- well, the ride was there, of course, 6:00,
5 7:00. So I had to wait until my aunt get off work -- out --
6 to let -- out of respect, to let her know that I had a ride.
7 You know, not just leave and she's looking for me. So I let
8 her know that I'm going to take this course and going with
9 these group of people and that she can go on home and get rest
10 because she probably had to work that night or, you know,
11 probably had to work the next -- so she needed her rest
12 because it's 12-hour shifts or maybe more.

13 Q Who took you to Charleston? You said you had a ride.

14 A These people that I met was -- I met them in -- I met him
15 right there by Tandy's (ph) on the spot the night before or
16 maybe they'd been out there for about three nights with a
17 room, struggling with their situation, how they going to live
18 and how they going to keep up with their living. So they
19 offered me a ride in exchange for some money.

20 Q All right. So what time did you leave Columbia and what
21 time did you arrive in Charleston?

22 A Okay. Of course, I waited on Jordan. For some reason,
23 she had slipped out that night, say she got hungry and was
24 going to Waffle House. I didn't have no knowledge of that at
25 the time because she just left, you know. So I said, Well,

1 she ain't here and everything. So I had to wait till the
2 manager get up to let him know that, if Jordan come around
3 trying to get in the room, let her in.

4 **Q** Now, what is Jordan's full name and who is Jordan?

5 **A** Jordan Palmer. Jordan Palmer is a close friend. I
6 wouldn't necessarily call her my girlfriend-girlfriend, but we
7 was living together, staying together, and she took care of me
8 and I took care of her.

9 **Q** Now, at this point on September 26th, 2016, how long had
10 you known Ms. Palmer?

11 **A** I think she came out there -- well, when I noticed her, I
12 think she was already out there. She was dealing with another
13 person, with the girls. I met all this through the girls.
14 She was dealing with Lacy Johnson. They was out there.

15 **Q** And when you say "the girls," who do you mean?

16 **A** Well, the girls who are out there surviving, doing
17 whatever they got to do to survive. So I was doing what I was
18 doing -- working, you know -- doing what I had to do to
19 survive. And kind of like, you know, it's like a
20 neighborhood, like how you got neighbors and community become
21 friends. That's how we became a tight knit.

22 And she rolled on some hard times, and I said, Well, you
23 don't have to be in the room and be struggling. Maybe if we
24 be together, we can last a little bit longer out here, so that
25 worked, of course.

1 Q So you stated that you had been out there since maybe
2 February or March 2016. When did Jordan move in with you?

3 A I can't be precisely, but before -- I think I took notice
4 of her around April.

5 Q Okay. All right. So what time do you get into
6 Charleston?

7 A Charleston -- she was out there at February. I probably
8 took notice of her around April.

9 I think I left around 8:00, 8:30.

10 Q Okay, wait a minute. Let me stop you. What time was she
11 back in the room?

12 A She never made it back to the room. That's why I told
13 the manager, if you see her, let her in the room, because I
14 had to go because I had a time scheduled to be there. And my
15 attorney -- my personal injury attorney told me the best way
16 to do this is to be there and be the first one, first serve
17 type.

18 Q Let me ask you this: So where's your attorney located?

19 A King Street.

20 Q Okay. And you was picking up some money in Charleston?

21 A Yes.

22 Q Was this some type of funding or something?

23 A Yes.

24 Q Okay. All right. And so what time did you arrive in
25 Charleston?

1 **A** I want to say around 12:00, 12:30, because we stopped to
2 eat. Of course I had to treat the people that was taking they
3 time in consideration to even do this for me. Then they
4 driving the speed limit, 55, all the way there. Then the
5 traffic backed up and also all that stipulated into the
6 situation of the time that I -- of getting there.

7 **Q** So did you treat them on the way to Charleston?

8 **A** I treated on the way to Charleston. We had to gas up.
9 They had to do the breaks, using the restroom or whatever they
10 had -- they stopped to go do. I wasn't in their personal
11 business.

12 So I was kind of on they time and getting -- because I
13 don't know what type of problems these people had or prior
14 records or even if they had a license. I just know we had a
15 car.

16 **Q** So once you got to Charleston, once you went to your
17 destination to pick up, I guess, the funding, how long did you
18 stay in Charleston?

19 **A** We immediately came straight back.

20 **Q** Okay. Did you stop on the way back from Charleston?

21 **A** No, we done all the playing going up there, (inaudible)
22 got back because I had a lot of phone calls with people
23 blowing me up. They were asking me where I'm at, "When are
24 you going to be back in town? When you do, stop by; I need
25 this, I need that." I was kind of like -- Jordan was in the

1 back of my mind because she'd never done this before. She
2 wasn't at home prior to me leaving, and I haven't gotten no
3 phone call from her, because I had to pay my bill. So I was
4 real detached about that -- distracted about that, so my main
5 focus was trying to get back home as soon as possible.

6 Q Now, so what time did you arrive back in Columbia that
7 afternoon?

8 A I was back before 1:30, 2:00.

9 Q Okay. All right. And once you got back between 1:30 and
10 2:00, was Jordan in the room?

11 A Jordan was in the room.

12 Q Okay. All right. From that point at 2:00, you mentioned
13 that you received phone calls. Did you start transacting
14 business once you got back at 1:30, 2:00?

15 A No, I didn't -- actually, I haven't had -- I didn't have
16 nothing on me. Prior to that, I been getting a lot of hits.
17 You know, I don't know if somebody was calling the cops on me
18 or what, but cops were around, start catching charges, start
19 having to pay bonds. Money was low. So that was -- that was
20 pretty much the reason why the check was pretty much rent.
21 That's why I had to get to this check as soon as possible, to
22 get my money back right so I can get to the level I need to be
23 back on.

24 Q Okay. So you arrived at your room at 1:30, 2:00. Do you
25 recall who might have came to your room during that time or

1 after that time?

2 **A** Around that time, no one, because I wasn't doing nothing,
3 so no need to answer the door or be bothered. Jordan was
4 there. I got on here, like, "Where you been?" She told me
5 the story about how she got hungry and went to the Waffle
6 House. And since Q didn't -- since Q didn't provide her with
7 a ride, she walked to the Waffle House. I said, "Why wouldn't
8 you call or nothing like that and get a taxi cab?" It was
9 just that little dialog or conversation.

10 Got into contact with my baby mama. Well, previously,
11 the night before, but didn't call her -- but trying to verify
12 that she still coming through because she had to pick the kids
13 up at the school 1:30, 2:30, right around the way. She pick
14 up our kids. And then she was going to take me to PCS Mobile
15 to pay my bill.

16 **Q** Now, you said this is the mother of your child?

17 **A** Yes.

18 **Q** All right. What time did she pick you up? Did she pick
19 you up from the Palmetto Inn, Room 120?

20 **A** Yes. Yes, sir.

21 **Q** Okay. And what time did she pick you up?

22 **A** Around that time.

23 **Q** Okay. All right. And which phone location did you go?

24 **A** The one right across the bridge to -- Bush River Bridge
25 in that Wal-Mart plaza and paid the bill. We ordered the kids

1 something to eat, some shoes -- I got to get my son some
2 shoes. You know, catch up. I got the money now to give her
3 what she needs type of stuff, provide after the kids.

4 After that, went with her to pick up the kids, and then I
5 watched them eat. And then she brought me back and that was
6 it with her.

7 Q Okay. And how long did it take for that to occur? The
8 phone, eating, shopping.

9 A Well, you know, that take time. You've got to put time
10 in with your family, especially with the life I was living
11 where I don't have time for -- for people that really I need
12 to be giving the time to. So maybe from 2:30 probably until
13 about 4:00, 4:15.

14 Q Okay. All right. And then after you finished doing
15 those tasks, were you dropped off back at Room 120? Did your
16 baby mother drop you back off at Palmetto Inn, Room 120?

17 A Yes, sir.

18 I'd like also to put on the record that I was with
19 Cricket, so that -- you go to a portal to change over to Metro
20 PCS, and that's what I had did that day also. So, just to
21 clarify that I had to go to Cricket then Metro PCS because it
22 was going through the portal.

23 Q So what time did you get back to the room?

24 A Like I said, around 4:15, unless -- around that time.

25 Q And once you got back to the room, was Jordan there?

1 **A** Oh, yes, Jordan was still there. She was pretty much in
2 sleep mode from running all night.

3 **Q** And, at that time, what tasks did you perform once you
4 were back in Room 120 once you got back around there?

5 **A** Well, it was pretty much hectic, because here I got, you
6 know, people calling and needing stuff, and I -- I haven't
7 even got started to have what they need, and I got -- like I
8 say, Doc blowing me. He's going crazy, blowing me up wanting
9 something. Jeff, James, you see the names on there. These
10 girls, pertaining to their situation, running around. You
11 know, everybody wanting something, wanting something. You
12 know this stuff costs. This stuff costs money.

13 **Q** Now, when you say "stuff," you're talking primarily crack
14 cocaine or crack cocaine and heroin?

15 **A** Whatever their addiction requires, their cravings.

16 **Q** Now, in the drug community or the drug culture, what type
17 of supplier you was known mainly for? What type of drugs?

18 **A** Crack. Crack, that's pretty much it. Well, I did know
19 the person who could supply and get it at cheaper prices, you
20 know, because, like with their situation, they would come to
21 me, "Well, Pep, I only got \$80 today, Pep."

22 Well, you can get from Q at such-and-such price.

23 "Please look out for us, Pep. We're real sick. Or both
24 of us need it."

25 You know, a little sympathetic on them. I'll go, "Q, let

1 me get this for such-and-such price," because he gonna give it
2 to me, because a dealer respect another dealer. And it was
3 simple, just like that.

4 Q Now, at that time, how long have you known Q?

5 A I met Q -- I met them -- I met all of them at the same
6 time a little bit after May.

7 Q And what was your relationship with Q at that particular
8 time?

9 A Well, it wasn't no relationship. It was getting a
10 relationship and getting an understanding so it won't be no
11 problem.

12 Q You said that one dealer respect another dealer. What do
13 you mean? In what context?

14 A Well, he know what I sell, not to step on my toes or not
15 to try to reel my customers in, like, "I'll give you more if
16 you mess with me" type situation. And I would do the same.
17 You know, it's enough money for everybody.

18 Q Now, you said that -- did you ever -- you were receiving
19 calls, your phone was blowing up. Did you ever get the drugs
20 to try to meet the demand?

21 A No, not that day. I had the money. I never could ever
22 get my hands on drugs. Q, for some reason, was not picking
23 up. Q really -- Q really, in the back of his mind, don't want
24 me to eat. Just like in the back of his mind, he assume I
25 don't want him to eat. You know, get money. So he already

1 set up -- he already had a lab there, like he said, a shop
2 that was pumping, so he making all the money now.

3 Q So you say a lab or something that was pumping. You're
4 talking about Room 217?

5 A 217.

6 Q Okay. All right. So you're in your room at 4:15, 4:30.
7 What was your next step? What did you do from that time until
8 the next hour, the next two hours?

9 A Okay. I was distracted, you know. People like the
10 victims, knocking on my door, "Pep get this, get that." I'm
11 waiting on a phone call. That's all I could tell them. I'm
12 waiting on a phone call.

13 Doc -- I ain't even responding to Doc. I just let him
14 go.

15 Jeff, "Pep, I need something. Have it such and such
16 time." I'm not responding.

17 They going to keep on doing it. They going to be
18 repetitive with their stuff. I just wasn't responding because
19 I didn't have -- no need to respond if you don't got it, you
20 know. Everybody waiting on somebody, somebody.

21 Q Do you recall -- you mentioned that the alleged victims,
22 Ms. Jeffcoat and Ms. McRae, came looking for you that day;
23 correct?

24 A Yes.

25 Q How about Thomas?

1 **A** No, I don't recall Thomas coming through.

2 **Q** You recall him coming through or you don't recall --

3 **A** He didn't come to me direct- -- he didn't -- he wasn't
4 coming to me directly. I guess Thomas probably -- I only can
5 assume he probably had money at that time and was dealing with
6 217. They didn't have no money, so they trying to --
7 hands-out type situation.

8 **Q** So 217, that's the room of Lacy Johnson?

9 **A** Yes.

10 **Q** Who was the kind of like girlfriend of --

11 **A** Q, Job Quarles. When I didn't know his name was Job
12 Quarles the whole time.

13 **Q** Okay. All right. So what time did Ms. Jeffcoat and
14 Ms. McRae came --

15 **A** Oh, they were real active. They were real active that
16 day. They was real active.

17 **Q** They came to your room more than one time?

18 **A** They knocked on my -- they came to my room maybe three or
19 four times. Back in and out, in and out, fidgeting, not
20 happy, upset, you know, not with me per se, but that they --
21 they couldn't -- they ain't make -- they didn't make the --
22 produce the money or whatever it take to take care of their
23 cravings. I didn't have nothing to give them.

24 **Q** Okay. So they came three or four times. Do you recall
25 the time period in which they came three or four times?

1 **A** I know it was like -- I was there at 4:15 or around that
2 time until -- so, do you want me to continue with...

3 **Q** I mean -- okay. So you said "until."

4 Did you ever leave the room after 4:15?

5 **A** After 4:15? No -- yes, I did left the room after 4:15
6 but under some other circumstances. I waiting on Q. I never
7 got that call. I knew Q was going to pick up on his own time.
8 He's going to make sure his pack get sold first before I
9 probably get anything. That could have been later on that
10 night around 12:00, 1:00.

11 **Q** What are the circumstances did you leave? What time did
12 you leave the room?

13 **A** Okay. Well, after all the -- after all the stuff kind of
14 died down and they wasn't bothering me and I just put the
15 phone to the side, you know, freshen up, trying to lay down
16 and get myself together, I hear, "Errr," you know, and then
17 somebody's -- some argument, confusion. Stepped out the door
18 and everything, and I met Lacy Johnson.

19 **Q** Okay. What time you -- you said you met or --

20 **A** I was directly in contact -- in conflict with Lacy
21 Johnson. She was -- she was rattled, you know, very
22 irritated. She was -- like she was in fear of her life.

23 **Q** Okay. What time did that occur?

24 **A** I wasn't really looking at a time at the time. I'm just
25 really going off the incident -- the momentum of the incident.

1 All I knew was, she lost everything. She didn't have no
2 phone. She didn't have anything, can she use my phone?

3 Q Was it still daylight?

4 A Yes, it was bright and sunny.

5 Q Okay. All right. And did you she come -- and she came
6 inside room 120?

7 A No. I stepped outside Room 120 because I was letting
8 Jordan sleep. And like I said, I heard the incident. I heard
9 the cars, "Err," you know, all the sound, all the commotion,
10 so I stepped out. You know, smoke a little cig or whatever.
11 I was on my way out anyway. I was trying -- and pace myself a
12 little bit.

13 So walked out there. She's coming downstairs, running
14 around the corner. As soon as she see me, she broke down.
15 You know, she just fell down to the ground.

16 I was like, "What's going on?" I'm just -- I'm lost.

17 They took everything. Q gonna -- Q gonna hurt me, you
18 know.

19 Q Okay. All right. And what was your response when you
20 heard?

21 A I didn't know what was going on. She was just asking for
22 the phone, and I overheard the conversations. Her calling,
23 trying to get in --

24 Q You can't testify to what someone else said. But you
25 overheard the conversation?

1 **A** I overheard the conversation, how she been robbed and how
2 these girls took advantage of her.

3 **Q** What happened next?

4 **A** I just played my position. You know, make sure she had
5 some type of security around here so she can feel secure, and
6 I let her use the phone. I was just so tired and drained, I
7 thought, after all this going on, just bring me the phone back
8 whenever you can type stuff, type action. Go handle your
9 business, make sure everything was good. Anybody call for me,
10 you know -- you pretty much know my peoples, I pretty much
11 know your peoples type stuff.

12 **Q** Okay. At that point, how long had you known Lacy
13 Johnson?

14 **A** Like I say, she was around before I was around.

15 **Q** Okay. And you had known her to be an associate of Job
16 Quarles?

17 **A** Yes.

18 **Q** Okay. All right. Now, how long did she keep the phone?

19 **A** She had the phone probably all the way -- I want to say
20 till probably midnight.

21 **Q** And what is the number of the phone that you gave her?

22 **A** (803) 757-██████.

23 **Q** Okay. Now -- so once you gave her the phone, do you
24 recall the time again?

25 **A** I'd probably say after six.

1 Q Okay. After you gave her the phone and after she left,
2 what did you do next?

3 A Well, I just kind of felt -- I wanted the situation with
4 her and everything, just sitting out there trying to -- just
5 thought maybe it was going to be something small, you know, I
6 can get my phone back or this can be handled in a quicker way,
7 but after I seen what was going on, escalating, and it hadn't
8 nothing to do with me, but she needed her phone because she
9 said she lost everything. And I know the people that she's
10 dealing with, how serious it can be. I kind of just felt bad,
11 because like I said, I was real tired. I couldn't get nothing
12 anyway. My day was pretty much over with.

13 I had a big check -- a healthy check, so I didn't really
14 need the money anyway. I didn't really care about -- I didn't
15 have to survive that day. I didn't have to hustle that day.
16 I had money for maybe a week or two weeks' worth of stay money
17 until my settlement come in.

18 Q So did you -- go back a little bit earlier in the day.
19 You went to Charleston, and you received this funding, I
20 guess, against your personal injury proceeds. You received a
21 check?

22 A Yes.

23 Q When did you cash that check?

24 A I cashed that check in the process of getting there.
25 Getting the check, cashing it, and then being back before,

1 like I said, 2:00.

2 **Q** So you just mentioned that the Johnson situation occurred
3 around about 6:00 that day. What did you do next? What did
4 you do next in the next hour or two?

5 **A** I relaxed.

6 **Q** Was Jordan Palmer with you?

7 **A** Yes, we relaxed together.

8 **Q** What type of things were you doing to relax?

9 **A** Smoke weed.

10 **Q** Okay. All right. And how long did you relax?

11 **A** After the weed probably kicked in and -- I really had no
12 calls going because I didn't have my phone. Pass on out.
13 Pass out. I laid on out. I can't recall if I took a shower
14 or not. I know I did got in some more comfortable clothes.
15 She laid beside me. We laid out together.

16 **Q** What type of clothes you say -- you said more comfortable
17 clothes. Are you talking about pajamas? What are you talking
18 about?

19 **A** Boxers. You know, either boxers or nothing, you know,
20 type stuff.

21 **Q** All right. So from that point on, after the incident and
22 after you and Ms. Palmer was kind of relaxing, did anyone else
23 come to your door, knocking for stuff?

24 **A** No, they knew by the time of me not answering them, that
25 Pep must be ain't got nothing. Pep ain't doing nothing. Pep

1 is -- ain't dealing with nobody today.

2 And like I say, I had my own personal stuff going on. I
3 was considered hot because I caught a lot of charges. You
4 know, the streets were talking that I might be snitching or I
5 might be setting people up. So I was dealing with all that,
6 so a lot of dealers didn't want to deal with me because the
7 way I was getting hit lately.

8 **Q** Okay. Did you leave -- from that point on, did you leave
9 Room 120?

10 **A** No. I got a knock -- of course, Rain dropped the phone
11 back off, and she left. But other than that, the next knock I
12 got was Lieutenant Laintz. He came in there and he was very
13 rude and jacking me up, throwing me down type situation.

14 **Q** And around what time did Deputy Laintz or Officer Laintz
15 arrive?

16 **A** At -- my phone's put on the charger because, like I said,
17 Rain had pretty much ran -- her name is Lacy Johnson a.k.a.
18 Rain. Rain pretty much done put it on the -- Rain pretty much
19 done drained the battery to the phone. I sat the phone on the
20 jack to let it charge. So I could never get -- I could never
21 get to the phone -- I could never really look at the time. I
22 know I was asleep and I woke up, not even thinking about a
23 time, just answering that door. And like I said, the deputy
24 at the time kind of, like, barged in on me and invaded all my
25 privacy.

1 THE COURT: The question was, what time, if you recall,
2 did Lieutenant Laintz come by?

3 THE WITNESS: It's probably before 12, but not before 11
4 or nothing like that. Not before Rain stopped by.

5 BY MR. KOGER:

6 Q During your time in there from 6:00 on, were you watching
7 the television while you were resting?

8 A No, I don't normally look at TV, you know. And that TV
9 -- that life don't got nothing to do with us. You know, we
10 wait on the money. That's about it.

11 Q Now, what time did you -- you say that law enforcement
12 came around about -- near midnight?

13 A Yes.

14 Q Okay. All right. And what happened then? Were you
15 immediately taken out of the room?

16 A I was immediately taken out the room. I was immediately
17 taken out the room, and they had -- they immediately had a
18 transport waiting on me. It pulled right up. As soon as they
19 took me out the room, I was out the way. I never able to seen
20 what they confiscated, what they took, what it was about.
21 They never showed me an arrest warrant, a search warrant.
22 They never even really said my name. They just called me by
23 Pep.

24 Q Now, of course you are of the allegations against you and
25 that's why you are in court today. Were you ever at -- over

1 on the Boardwalk Villas during the day of September 26th,
2 2016?

3 **A** No, sir. No, sir.

4 **Q** Were you familiar with Condo [REDACTED] being the location of
5 Thomas Seehof?

6 **A** No, sir.

7 **Q** How many times have you gone over there prior to the
8 allegations that day?

9 **A** You talking about prior to the allegation day? I been in
10 that area -- area, but to that specific spot, no.

11 **Q** Now, I think you already answered this question: How
12 long had you known Mr. Seehof again?

13 **A** Seehof? I met him after May, too. All of them just
14 started piling up when the heroin started coming around.
15 That's when all of this stuff started piling up.

16 **Q** Now, earlier, Mr. Quarles said that he had associates to
17 sell to certain people, and he didn't do a lot of direct
18 sales. Did you have associates or did you have direct
19 associates?

20 **A** Well, I wasn't no big time or nothing like that. I
21 really don't trust nobody. I'd rather just do my stuff hand
22 to hand.

23 **Q** And how many times do you recall selling -- directly
24 selling to Mr. Seehof?

25 **A** I didn't have what Mr. Seehof pretty much wanted. You

1 know, he was a heroin man and --

2 Q Okay, but how often would you deal with him?

3 A I didn't deal with him directly. He -- he had -- he did
4 have a person that worked with him that did purchase crack
5 cocaine.

6 Q And was that person associated with you?

7 A No. That person was associated with him. He knew where
8 to get the drugs at, so he came through the invitation of
9 Thomas Seehof. You can't just pull up on that turf like you
10 want to because there's a lot of bad things can happen to you,
11 like the people that stay in the parking lot, they might hurt
12 you. The people that trying to -- that don't work or don't
13 have no good intentions, they might hurt you. You know, you
14 just can't -- you just have -- you got to have an invitation
15 in there.

16 Q So the person that was selling to Seehof, correct me if
17 I'm wrong because I'm a little confused, was that person
18 associated with Mr. Quarles or with you, or that person was --

19 A No, the person that was on that was coming through
20 Seehof, was a friend of Seehof. Seehof purchased heroin, but
21 this person want crack, so he sent to me.

22 Q Okay. Now, would you say that, at the time of September
23 26, 2016, that you had a pretty good business, as you call it?

24 A Well, business was business. What I had that came up to
25 stop me from, you know, what I don't have to do this no more,

1 I was about to cash in on a pretty good settlement, and me and
2 my personal injury attorney already -- lawyer had
3 already talked about that. You know, Pep, you need to fall
4 back from all this other stuff, and which I was doing it,
5 because I kind of like -- we stopped the chiropractor, because
6 that wasn't pretty much working, and plus I had Doc doing the
7 work on me.

8 So they was taking me to the orthopedist on Millwood, so
9 we had to set up for that appointment because that was more
10 pill therapy. I wanted the pills, you know, because the pain
11 -- the chiropractor wasn't doing no good with the pain, you
12 know, the stuff they was doing.

13 But Doc was pretty good because he was hands-on and
14 versus the people that they were sending me to. They were
15 using little new equipment that they got, telling me a story
16 about how it work better than putting your hands on you. But,
17 you know, Doc was old school. He --

18 Q And Doc is Richard Koch?

19 A Richard Koch.

20 Q Okay. How often would Mr. Koch work on you?

21 A I pretty much -- we probably was running pretty frequent,
22 because I was sore, and he was aggressive with it, because he
23 was getting him out the deal. So I guess his cravings were
24 driving him. So whenever he feel he can get something or need
25 a dollar to get something, "Pep, do you need me. I'm right

1 here, Pep. Pep, you need to make sure you tend to it. If you
2 don't tend to it, Pep, it gonna get worse." You know, so he
3 would kind of like coaching me the whole time, but he had
4 experience.

5 **Q** So how many times per week would you receive a
6 chiropractic treatment?

7 **A** Okay. We went from probably like three times -- probably
8 more like three times a week, because, you know, my money was
9 funny. Like I say, I was getting shook -- shaken down by the
10 cops and everything, chasing around town, catching charges,
11 paying bonds. So my money was kind of like funny, so I
12 couldn't -- I couldn't afford him like he would want me to.
13 So when I could afford him, when the pain made me come up out
14 my pocket and, you know, take care of myself, I would get in
15 contact with him.

16 **Q** Would you mainly pay him through drugs or pay him through
17 money?

18 **A** No, pain through the accident. Oh, you know, I'm talking
19 about my pain through the accident would drive me to go in my
20 pockets and take care of myself.

21 **Q** I'm talking about paying money to deal with Mr. Koch.
22 Did you pay him drugs or money?

23 **A** At first, it was clear, giving him his money and let him
24 go ahead and shop with whoever he want to shop with, because
25 you never want to, you know, take away their freedom of who

1 they deal with, you know, because, basically, they ain't loyal
2 to -- they loyal to the drug. If my drugs ain't what it's
3 supposed to be, they know somebody else that's probably
4 better.

5 Q And I would imagine that he was not listed as a treatment
6 provider on the settlement statement; correct? He was not
7 listed as a treatment provider, Doc; correct? He didn't get
8 paid any money from the accident?

9 A No, no, no, sir.

10 Q Now, you heard about the allegations of you being over in
11 Condo [REDACTED]. First, before you answer that question: How often
12 did you deal -- in the period of time that you knew Ms.
13 Jeffcoat and Ms. McRae, how often did you deal with them?

14 A I didn't deal with them. You know, them girls had a bad
15 name for theyself, and everybody know that, you know. They
16 would do anything to anybody, you know, to get -- to get what
17 they want. Their addiction was driving them, so a lot of
18 people pretty much was giving out warnings. Even the manager
19 at the hotel told them they couldn't be around here, they was
20 on trespass and everything like that. So they were kind of
21 like sneaking around.

22 Q But you did sell drugs to them?

23 A Huh? I did sell -- no, they heroin dealers. I mean,
24 they heroin users. All I would do is substitute. They would
25 come to me with money -- out of sympathy, because the girls --

1 the girls, you know, the girls get together and bring more
2 girls, you know. And Jordan Palmer had a heroin -- a slight
3 heroin addiction, maybe more of a slight heroin addiction. I
4 didn't really care what her addiction was as long as she could
5 take care of herself and wasn't causing me no headache.

6 Rain probably had an addict -- all of these girls just
7 commute with each other and everything, so they knew I could I
8 get it at a cheaper price from -- from Q, Quarles, and that
9 was like their main intent to -- to rub me.

10 Q Now, on that particular evening, did you see Q? Did you
11 talk with him?

12 A No, I hadn't talked to Q that night or around that --
13 that -- that time period.

14 Q Did you get a gun from him or anything?

15 A No, I had not got no gun. I'm not a violent person. All
16 my life, I've been pretty much nonviolent. That is just not
17 my nature, to hurt people, you know, especially for no reason.

18 Q Why would someone say that you were the one that was at
19 ■ Condo on that particular night?

20 A Well, like I said, at the same time -- I don't know other
21 people, what drive other people intentions to do what they do
22 and everything, but if I had to sum it all up, you know, the
23 addiction drives you, you know. And like I say, you ain't
24 loyal to people. If I would have had the heroin, they
25 probably would have threw somebody else under the bus and

1 saved my name, but since I'm a crack dealer and their
2 addiction is heroin and, like I said, it make them sick in
3 their dependency. Of course, largely, it's to save the heroin
4 man. Forget the crack man.

5 **Q** Is heroin more addictive than crack, in your experience?

6 **A** Oh, way more addictive. That's why I never had no
7 interest in it.

8 **Q** Now, as you sat in the courtroom here, you saw a
9 videotape and you heard a audio tape. Tell the jury about the
10 videotape.

11 **A** Okay. Well, before I go to that, later on that night,
12 after I was incarcerated at the jailhouse, I ran into Thomas
13 Seehof. I was like, "Man, what's going on?" We both agreed
14 and confirmed that them girls robbed Lacy Johnson, which is
15 Rain, but he said Q was going to handle it, Q got her.

16 I said, "What you in here for?" I'm real fidgety around
17 him -- real on him, like, "What you here for?"

18 "Oh, you know, man, I don't get down like that. I had a
19 bench warrant. They picked me up on a warrant. That's why
20 I'm here."

21 So I was kind of like, "Yeah, okay." I ain't got no
22 choice but to take his word. I don't know nothing. I don't
23 have no facts, no paperwork, or nothing like that.

24 That next day when we got to bond court, "I got a PR
25 bond," that never happened before," and he was out.

1 **Q** Okay. Now, you had certain visits when you was at the
2 jail at the beginning stages from various people; correct?
3 Who would visit you?

4 **A** My brother mostly. My brother was real concerned. He
5 was working at Zaxby's at the time on Bush River. He would
6 get off from work. I would immediately pick him up, take him
7 to where he stay at on Bluff Road, Copper Beach, Copper Arms,
8 like a U.S. student housing place, get him out that area,
9 because I knew he didn't know nothing about that type of life.

10 So when I got incarcerated, you know, my brother kind of
11 like took it on his own. You know, we looked just alike. He
12 came there. Jordan had called him. I had called him to tell
13 him go get my stuff or what was let of my stuff. And it was
14 like, when he entered that life or when he met them people, he
15 kind of like just stayed. You know, I kind of like lost
16 control of -- of him. I'm locked up. I am a big brother to
17 him, and that kind of, like, hurt, because I knew what he was
18 about to get involved in, and I ain't had no control over it
19 no more, so...

20 **Q** So, agewise, he's actually your middle brother?

21 **A** He's actually my -- all we got is each other. That's
22 all.

23 **Q** It's just the two of you?

24 **A** Well, brother-wise.

25 **Q** Okay. All right. And what's the age difference between

1 you and your brother -- younger brother?

2 **A** Probably two, three years.

3 **Q** So he's in his early 30s?

4 **A** Probably two, three years. I stopped counting time since
5 I been -- you know, I don't deal with birthdays and everything
6 right now.

7 **Q** Now, the State placed up three video calls, and they
8 played the video calls for the jury. Okay?

9 **A** Okay.

10 **Q** You are aware of that; correct?

11 **A** Yes.

12 **Q** And you actually viewed those calls here in the
13 courtroom; correct?

14 **A** Yes.

15 **Q** And there was one clip from October 3, 2016, a video
16 call --

17 **A** Okay. Well, prior --

18 **Q** -- and it was actually with your brother; correct?

19 **A** Yes. Prior to all that, like I say, my brother came up
20 on the scene. I got kind of, like, distracted. Q rolls up on
21 him: "I like you. I like the way you carry yourself. I can
22 use you."

23 I called my brother, we talk on the phone. You know,
24 they don't have them calls recorded, of course. Yeah, Q -- I
25 say, "Oh, no, bro, run. Run away from this. Get away from

1 it. Get away from them people. They ain't your friend."

2 "No, bro, you tripping, man. You hating on me."

3 I said, "Bro, I'm not hating on you. Why you think I'm
4 here?" You know, I'm really alliterating it to him. Why do
5 you think I'm here? You know, he's just to green to
6 everything.

7 Well, I got another phone call. I called him back again
8 because I'm kind of, like, aggressive with the phone calls
9 because I know -- I know that he's on my turf, or my
10 used-to-be turf, and he around sharks.

11 Q done moved in with me. I let Q move into the
12 apartment, along with Rain, Q's dog. He had a rottweiler or a
13 pit bull or whatever it was. All this stuff going on.

14 I'm like, "Bro, what is you doing?" You got -- you know,
15 you working. You got -- you get a little -- he get a slow
16 check every month, so he ain't all that, what he supposed to
17 -- even though you may assume that he's a normal person, I
18 know the better -- the bigger picture of it, because I'm his
19 big brother. So it's kind of like he's just not getting it,
20 he's not getting it. He done let Q move in. And after that,
21 I really lost all control. All control.

22 Him and Q relationship went all the way to Q killing --
23 trying to kill my brother. Attempted murder, kidnapping,
24 armed robbery, it was against my -- my brother pressed them
25 charges on Q.

1 **Q** Back to the video call on October 3rd, 2016, and there
2 was a phrase in there, allegedly, from you, "Well, let's talk
3 back to business. Ashley Jeffcoat."

4 What was being discussed there?

5 **A** Okay. From the intel I was getting, being locked up and
6 everything, Q was going to handle everything. This was going
7 to go away. I received discovery on Q, but it -- they had it
8 Job Quarles. And, you know, you being my attorney, you asked
9 me, "Who is Job Quarles and Frankie Rivers?"

10 I was like, "I have no idea. I don't know who that is."
11 I said, "The only person I can tell you about is a Q. A Q."

12 You said, "Well, we got to find Q's real name before we
13 can even talk about this person named Job" -- well, at the
14 time, I didn't know Job Quarles, but "before we even talk
15 about Q and find out who he is and do some digging; we got to
16 find out who his name is."

17 Well, I didn't know who Job Quarles' name is until my
18 brother pressed charges on him, which was maybe 18 months down
19 the line.

20 **Q** There was another clip that was placed in evidence by the
21 State: "Well, the 1800 is why. Everything on his phone is
22 probably recorded and all kinds of stuff."

23 **A** Okay. That was an indication of what happened to Rain
24 and what was the loss. You know, we couldn't really -- Lacy
25 Johnson. We really couldn't speak and talk like that on the

1 phone because of the fear of maybe my brother's life being in
2 jeopardy or Q getting -- Q getting a buzz of what's going on,
3 what me and my brother trying to accomplish out this, but that
4 was in reference to Rain.

5 She got robbed. My name got threw up under the bus.
6 They was loyal to -- to, I guess, Q or to the drug, and Q was
7 paying them off to stay out of town until all this blow over.
8 So I was under the impression no victim, no case, 18 months or
9 whatever speedy trial would be gone.

10 But during that time frame, Q started catching some big
11 boy charges with my brother, with his own problems, to -- he
12 wasn't around no more. He got indicted by feds for a major
13 heroin distribution organization.

14 Q All right, Mr. Wilson. Third clip, "I'm dealing with
15 Solo. That's the one they want too."

16 A Can -- can you say that again?

17 Q "I'm dealing with Solo. That's the one they want too."

18 A "I'm dealing with Solo. That's the one they want too."

19 I really don't understand what -- what you're trying to say.

20 Q Okay. Could it be a person named Solo or something?

21 A Solo was a cat running around -- older cat, got his name
22 and reputation for putting in work, handling problems,
23 whatever, et cetera.

24 Q And then they placed into evidence a November 7, 2016,
25 video call. And do you recall meeting with your brother on

1 this particular day? You wouldn't dispute that's your brother
2 on this video call; correct?

3 **A** Yes.

4 **Q** And it was portion that they submitted into evidence, "I
5 got the case beat, bro. They ain't gonna gamble nothing on no
6 junkie. You heard anything about them things yet? Shit, man,
7 the reason why I'm here, I know the location of people."

8 **A** Okay. Can you say that again piece by -- sentence by
9 sentence where I can tell you sentence by sentence.

10 **Q** "I got the case beat, bro."

11 **A** Okay. That's just going from what Q was promising, that
12 these people weren't going to show up and they weren't going
13 to be in town and we ain't got to worry about nothing and
14 everything will be back to where it's going to be.

15 Bro couldn't really pick up on everything because bro
16 really didn't know nobody. He don't know how the people look.
17 He don't know how they smell. He don't know their numbers.
18 If they -- if they was -- if they ever did have contact with
19 them, it was because they approached him. So bro was just
20 agreeing to everything, and -- but he was the only the person
21 I had at the time to communicate with because, like I said, my
22 sister deployed in the military. She don't -- she's not part
23 of this type of lifestyle at all. She's not going to
24 represent -- risk her reputation over this nonsense I had
25 going on.

1 Bro was just the only person that was on the ground -- on
2 the land with me, you know, that was still kind of struggling
3 to make it out, you know. But he was pretty much green to
4 everything. You know, and a lot of the conversation was I had
5 to beat it into him and pull him up to date with what's going
6 on and what he's around, and at the same time, keep him safe,
7 because I don't want him looking at people in a different way
8 and him doing nothing crazy, you know, for the sake of his
9 brother.

10 **Q** Next sentence --

11 COURT REPORTER: I'm sorry; for the sake of his?

12 THE WITNESS: Brother.

13 BY MR. KOGER:

14 **Q** The next sentence: "They ain't going to gamble nothing
15 on no junkies."

16 **A** Well, that was just the intel I was getting from Q and
17 everything, and the intel, I was just sitting around thinking,
18 you know, these junkies liable ain't going to show up -- show
19 up to court. They got they own lifestyle. I been hearing
20 that it was over with, they gone on, they ain't gone show up,
21 and I was feeding off that energy.

22 **Q** "You heard anything about them things yet?"

23 **A** That is, you know, stay on top of it. You know, make
24 sure that their word is bond and that -- they ain't gonna show
25 up and it will all just be over with and don't offer them

1 nothing, don't let them bribe you, don't let them reel you in,
2 because at the end of the day, I didn't do nothing, and that
3 -- that was -- that was going to be the story.

4 Q "Shit, man, the reason why I'm here, I know the location
5 of people."

6 A Okay. I knew what was going on.

7 Q Now, there also was a March 21st, 2017, video call with
8 your brother, and this had five lines. "You ain't heard
9 nothing," and I guess the response was, "Nah."

10 A Okay. That's -- like I say, staying in contact with
11 everything that's going on.

12 Q And a number: (803) 237-[REDACTED].

13 A Yes, that's -- that was one of his more up-to-date
14 numbers. That was after the time he had made contact with the
15 victims. Q was out of the situation. Q was locked up on his
16 federal indictment, so we on our own, and I'm telling --

17 MR. POGUE: Objection, Your Honor, into what he's
18 testifying in regards to what Q's --

19 THE COURT: I'm sorry, Mr. Pogue?

20 MR. POGUE: Objection as to what he's testifying to as to
21 what Q's record is or isn't.

22 THE COURT: All right. Thank you. I couldn't follow
23 what he was saying about Q, but if he was talking about some
24 record, that's not allowed.

25 MR. KOGER: I'm not going to go into the records.

1 THE COURT: All right.

2 **A** Well, Q was away at the time, so it's just my brother out
3 there trying to stay on top of things, where he didn't have
4 what it takes to stay on top of things.

5 It was times I would try to help him money-wise because
6 he was going through his little trick (ph) and lost his jobs.
7 His check that he get at the beginning of the month wasn't
8 enough because he done lost his apartment and now he's staying
9 in a hotel. Like, he got to adapt.

10 Another major part of that, I didn't know, maybe he got
11 hooked on drugs or nothing, because he was acting different.
12 He wasn't the same as when I was there.

13 So all that played a part in me just staying on my
14 brother, calling, because it worried me. I knew I was safe at
15 the end of the day being back here, but him being out there on
16 his own, I didn't want it to go down there because, you know,
17 I'd get blamed for everything from my siblings and from my
18 aunts and everything that, "You know your brother going to
19 follow your footsteps. He look up to you," all that.

20 So it was pretty much that type of relationship where I
21 was just staying on him, making sure he get away from this
22 scenario and change his self and get his self back together.
23 I'm going to be all right.

24 **Q** There's another clip, "That's my Facebook log-in."

25 **A** Okay. Any information he want and need, get it -- get it

1 off the Facebook. I had a particular thing with Bri, a
2 request, and I wanted him to get it off, but he needed to know
3 my information to get it off.

4 Q And when did you receive that request?

5 A August, I think.

6 Q August of what year?

7 A '16.

8 Q It was a Facebook request?

9 A It was a Facebook request.

10 Q Now, there also was the audio submitted into evidence by
11 the State in relation to -- I have trouble pronouncing her
12 last name so I'm just going to say Ms. Brandy and Thomas
13 Seehof.

14 A Okay. Prior to that -- I think you had came to me with
15 an offer from the Solicitor, and I was upset with you --

16 Q Do not go into any type of information --

17 A Okay.

18 Q -- that we said, but as far as any relation to this phone
19 call.

20 A Okay. Well, what led up to that phone call was, I
21 decided to get a PI, you know, on my own, you know. I didn't
22 really trust nobody at that point in time. I wanted answers
23 now, not later, because I'm sitting here doing the time,
24 nobody else. Everybody seem to be having fun and forgetting
25 about Pep, and I hadn't done nothing wrong to anybody or hurt

1 anyone never in my lifetime. So I wasn't processing it well,
2 so I kind of was taking matters in my own hand.

3 I got in contact with a PI, who used to be -- work for
4 Affordable Bails Bond. I found out they do PI work, you know,
5 through my brother, association of dealing with them because
6 he was getting in a little bit of trouble and had his own
7 things going on.

8 So I called him one day and he was like, you know, they
9 don't do -- I said, "Well, if I do get a bond, ask her if
10 she's going to roll the red carpet out for me and, you know,
11 bond me back out again."

12 "Well, she don't work for them no more. She's a PI."

13 I said, "Well, you know what bruh need, a PI. Call her
14 and let her know I need a PI. I got some things I'm trying to
15 get handled."

16 So I called them, and, you know, the bondsman and her
17 husband, or boyfriend at the time, "Yeah, Pep, we can help you
18 out. We know them people real good. Matter of fact, they
19 family. All of us stay on Lake Murray, all of us get drunk
20 together," that type of talk.

21 I was like, "Well --

22 **Q** Who communicated that information to you?

23 **A** Who --

24 **Q** Yeah, who gave you that information that they know --

25 **A** The PI investigator at the time was James Fletcher,

1 "Chip", and his lady was named Katie. I know Katie something,
2 but she worked at Affordable Bails Bond, and they called her
3 Dullah -- Katie a.k.a Dullah.

4 So everything was going fine, so I said, "Well, if y'all
5 can help me, you know."

6 "Oh, we can help you, Pep, just give us the money."

7 Okay. "Well, the money ain't no problem, you know. Come
8 sign it off my account."

9 So we came to the conclusion -- I came to the conclusion,
10 well, this was how it's going to be and this is all I need
11 done. And so I said, Well, I'm looking at the evidence and
12 everything. Like I said, me and my lawyer's having problems
13 at the time. I just couldn't digest what the feedback he was
14 giving me because it was like he was against me, you know.
15 I'm going to fight for my life, you know, regardless.

16 So I didn't want my lawyer in on this. I ain't want him
17 to know nothing about it, you know. When I did got in contact
18 with the PI, he said, "Well, I'm going to need your lawyer
19 permission." I -- I lashed out at him, like, "No, I don't
20 trust my lawyer. I put him under investigation," da da da da
21 da. "We don't have to deal with him."

22 "No, we have to deal with him, Mr. Wilson, because only
23 he can give us permission to come."

24 So, to that extent, he got involved to get permission.
25 So other than that, when I did got permission and thought I

1 had control over the situation, I proceeded with it.

2 I received the number through Chip and I -- I was told
3 that everything -- everybody's on the same page, it's all
4 right to call and make this happen, so...

5 Q And who gave you that permission again to call?

6 A Chip.

7 Q And who is Chip again?

8 A James Fletcher.

9 Q And what capacity was Chip or what was his capacity to
10 you at this particular time?

11 A He was a private investigator or worked with a private
12 investigator. I got the information, and I made the call.
13 And I asked him did the people come see y'all yet. Did they
14 show y'all a picture of me and is y'all going to say it was me
15 or not, because y'all are, like, the only one that can help me
16 out in this situation. Y'all know what I did. Y'all know
17 what I didn't do.

18 Q What people were they supposed to talk to again?

19 A James Fletcher and Katie -- or, well, James Fletcher is a
20 PI. So I guess they're supposed to talk to James Fletcher or
21 his -- or the person that was leading the investigation.

22 Q And the comments from his call, were you admitting your
23 guilt?

24 A No, I wasn't admitting my guilt. I was admitting to
25 sympathy of the situation, you know, but not putting myself in

1 it. You know, whatever happened, I'm sorry and I apologize
2 for what happened, but for the sake of, if y'all want to hear
3 that -- I have sympathy for what happened, but I didn't do it.
4 I'm just trying to get out of here and go on with my life.

5 Q So what you're telling the courtroom here today is that
6 you was not the person over in Boardwalk Villas --

7 A No, sir.

8 Q -- on September 26, 2016.

9 A I was not on the person on Boardwalk Villa on September
10 26, 2016.

11 Q And that you were not the person who shot Ms. Ashley
12 Jeffcoat and Ms. Brittney McRae on September 26, 2016?

13 A I had no reasons to shoot Brittney McRae or Ashley, 2016,
14 September 26th.

15 Q Thank you. Answer any questions that the Solicitor may
16 ask of you.

17 A Yes, sir.

18 THE COURT: Mr. Pogue, cross-examine?

19 CROSS-EXAMINATION

20 BY MR. POGUE:

21 Q Just to clarify, you say that you cashed this check that
22 you got for your car wreck, when was it again?

23 A The same day the accident happened -- this incident with
24 the -- what I'm in here for.

25 Q Did you forget about you talking with your brother on the

1 video call after you got arrested about this, about how you're
2 still waiting on that same check?

3 **A** The large lump sum. A large lump sum, I was required to
4 get, and it was coming in at -- it was coming in sooner than
5 expected because of my situation, and I needed me a lawyer
6 because I couldn't use the lawyer that y'all had appointed me.
7 I had to get my own lawyer, because if I got y'all lawyer, I
8 was going to jail for a long time.

9 **Q** You just testified -- you just took that stand and took a
10 oath to tell the truth, the whole --

11 **A** Yes, sir.

12 **Q** -- truth, and nothing but the truth. And you just said
13 that you cashed that check earlier on September 26th, 2016,
14 but you admit talking with you brother on a video call after
15 you got arrested for this about how you are still waiting on
16 that check?

17 **A** Okay. 2016 check was just a partial payment of some loan
18 money until I get -- receive a large -- until they can settle
19 the case and get -- where I can get the large lump sum. So
20 when I was talking to my brother, I was talking to my brother
21 about the large lump sum, not the small check I cashed that
22 night -- the day of that -- that scene.

23 **Q** Let's talk about your telephone. Who did you buy that
24 phone? You said you bought it earlier that day about like
25 2:00; is that right?

1 **A** Yeah, I bought it. Like I say, I was with Cricket. They
2 showed a picture on the, what's its name, of a little black
3 flip phone. That was the phone I was with Cricket because I
4 was on down time. Like I said, I didn't have the money and
5 everything, a lot of stuff was happening. That's the only
6 phone I could afford at the time, which with this, that you
7 could keep the same number. So I was with Cricket.

8 Now, I got this large lump sum money, I'm about to get
9 back the phone that I been having, because the reason how I
10 lost the other phones also, when I got apprehended by the
11 cops, they take the car, I can't go get the car at the impound
12 because it's not really my car. So I lose everything that's
13 in the car. That's how I lost the other nice phone.

14 So I had to settle for that phone because I didn't have
15 no money, and that's all I could -- I had to go to Wal-Mart,
16 buy a phone, take it to Little Cricket. Then they transfer
17 it, and -- you know, y'all know the process.

18 So I had a flip phone. So, that day, I got paid through
19 my -- that check. I went to -- I went to Cricket and said I
20 don't want their service no more because it sucked; I want to
21 go back to Metro PCS.

22 So I went back to Metro PCS and kept my same number and
23 bought me a new phone and updated everything accordingly.

24 **Q** I was just asking you a yes-or-no question.

25 **A** Oh, I just wanted to explain it, sir.

1 **Q** So you just bought that phone at 2:00 that day, and how
2 is that you're saying that Lacy Johnson came into possession
3 of that phone? At what time?

4 **A** Probably any time after six.

5 **Q** Any time after 6:00?

6 **A** Yes, sir.

7 **Q** All right. You can't be any more specific than "any time
8 after six"?

9 **A** Well, sir, at the time, I wasn't looking at the time. I
10 was just going on --

11 **Q** So you'd had that phone for four hours, and you want this
12 jury to believe that you just loaned it out to somebody else
13 because they wanted it?

14 **A** Well, not because they wanted it. Because they needed
15 it.

16 **Q** So Lacy Johnson didn't have a phone of her own?

17 **A** Well, as I was told, they took everything, phone and all.

18 **Q** So you just loaned her your new phone that you just got?

19 **A** I let her use it, yes, sir.

20 **Q** Okay. Is there a reason why you didn't lend her one of
21 your other phones?

22 **A** They didn't work.

23 **Q** So instead of Lacy Johnson being without a phone, you
24 were just being a kind soul and just loaning your phone out to
25 her and you not having a phone?

1 **A** Well, I didn't need a phone, sir. I had money in my
2 pocket. I didn't have to sell drugs that day. I had money in
3 my pocket. Matter of fact, I was told that, with this money
4 I'm about to receive, I need to go take it and better my life,
5 you know. That's all it was.

6 **Q** So you're saying that you didn't deal with Thomas Seehof,
7 directly; right? Tattoo?

8 **A** Indirectly.

9 **Q** So why did you have his name programmed in your phone?

10 **A** Because he would come through. If he can't find Q, he
11 would aggravate me, or if Q's spot ain't jumping, my spot is
12 probably jumping. Like I say, he'll come through with another
13 associate that want the stuff. I never did get the other
14 associate that he used to come through with, never did -- he
15 never did give me -- I never got information through him like
16 that so just went straight to Tattoo. I didn't want to meet
17 nobody else or have nobody else number and everything. Tattoo
18 is the way you get in.

19 **Q** So what you want this jury to believe, right, is that you
20 loaned your phone -- so I'm understanding you, you loaned your
21 phone out at, like, around 6:00, and she brought it back at
22 around midnight, which just happens to be right before you get
23 arrested and your phone happens to be in your room at that
24 time; correct? Is that what you want the jury to believe?

25 **A** Yes, sir. I mean, it's the truth.

1 **Q** So what you're trying to say, if I'm understanding, is
2 you don't know anything about all these calls that are made to
3 Tattoo or to the victims in this case, Bri, Ashley, or to the
4 doctor, who you admitted that you supplied with and that was
5 blowing you up, or Jeff; right?

6 **A** Oh, I never say I didn't have no knowledge of it. I just
7 say the acknowledgment I got through it was through Rain
8 association with the phone, not through my association with
9 the phone.

10 **Q** Well, if you didn't have the phone where people could
11 contact you, you wouldn't know whether they were trying to
12 contact you; right?

13 **A** I know how my phone jump, and I know who was aggravating
14 me, because they're aggravating me all the way up to the point
15 -- all the way up to the point since I rolled back into town.

16 **Q** I'm not following that answer. I'm going to ask you the
17 question again, and if you could answer it a little bit more
18 succinctly, it might help.

19 What I'm asking you is that, if you didn't have your
20 phone, how would you know who was trying to contact you on
21 your phone?

22 **A** I was around Rain when she was handling her situation and
23 everything, but I wasn't, "Hey, give me my phone" if somebody
24 call for me or "tell Doc I'm on my way" or nothing like that.
25 She was doing all that with the phone, you know. She know the

1 same people I know. She deal with the same people I deal
2 with.

3 Q And that's what you want the jury to believe?

4 A Well, like I say, it's the truth. Rain had a
5 relationship with me and not only me but my brother. My
6 brother stayed -- she moved in with my brother, and Q moved in
7 with my brother at Bluff Road at Copper Beach.

8 MR. POGUE: Beg the Court's indulgence.

9 THE COURT: Mr. Koger, can y'all approach over here for a
10 scheduling issue on the side?

11 BENCH CONFERENCE

12 (A bench conference was held off the record and outside
13 of the hearing of the jury and others.)

14 (Open court resumes:)

15 BY MR. POGUE:

16 Q Just so I'm clear, you didn't have your phone on you and
17 you did not leave the Palmetto any time between 6:00 p.m. and
18 midnight or shortly after midnight when you were arrested;
19 right?

20 A Yes, sir.

21 Q You know Jeff Leaphart; right?

22 A I know Jeff Leaphart real good.

23 Q Okay. All right. And you deal to Jeff Leaphart; right?

24 A Yes.

25 Q You don't recall getting a phone call or text messages

1 from Jeff Leaphart that evening?

2 **A** Okay. With Jeff Leaphart, he previously owed me money.
3 How Jeff worked, Jeff would run up his bill and write me a
4 check --

5 **Q** Please stop. I'm asking you a yes-or-no question: Do
6 you recall getting a phone call and/or text messages from Jeff
7 that evening? Yes or no?

8 **A** I mean, I don't understand what you're saying. Did I
9 have knowledge of it?

10 THE COURT: Do you recall getting a phone call or text
11 message from Mr. Leaphart between the hours that he asked you
12 about?

13 THE WITNESS: He was probably doing that on my phone, but
14 I didn't have the phone to see the activity that was going on
15 with my phone.

16 BY MR. POGUE:

17 **Q** Okay. So you didn't know what was going on; right?

18 **A** (No audible answer.)

19 MR. POGUE: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 BY MR. POGUE:

22 **Q** Just very briefly. State's Exhibit 167, Mr. Wilson. At
23 10:14, Jeff (803) 960-██████ -- that's Jeff Leaphart; right?
24 Correct?

25 **A** Yes.

1 Q This number right here, that's Jeff; right?

2 A Mm-hmm.

3 COURT REPORTER: Is that a yes?

4 THE COURT: You need to say yes or no, please.

5 BY MR. POGUE:

6 Q Correct?

7 A Yes.

8 Q All right. He texted you and says, "Give me a call,
9 please. Hey, your check is in my car." This is that evening
10 at 10:14 p.m. that he texted you that. Okay? And then he
11 asks you to drop him off a lighter, it looks like.

12 Right after that, at 10:17, there's a call from your
13 phone to Jeff, 32 seconds. Do you see that? Did you make
14 that call?

15 A No, sir.

16 Q Did you go pick up that check?

17 A No, sir.

18 Q State's Exhibit 163. That was in your hotel room?

19 A Yes, sir.

20 Q Whose check is that?

21 A That's a check from Jeff Leaphart.

22 Q Okay. So you say you didn't pick up a check?

23 A I didn't pick it up at that time. That's just a check
24 that I was already owed to me.

25 Q Do you see the date on that check: 9/25/2016?

1 **A** Yes. That's the day before.

2 **Q** When you were in Charleston; right?

3 **A** No, I went to Charleston the day of, September 26th.

4 That was a check that was already owed to me.

5 **Q** It's just a check that you've been keeping around in your
6 pocket since the day before because you previously testified
7 you were in Charleston; right?

8 **A** Yes.

9 **Q** That's not the check that he's talking about to come
10 get --

11 **A** No, sir.

12 **Q** -- earlier that evening that you have in your hotel room
13 when they arrested you at around 1:00 a.m.?

14 **A** No, sir.

15 **Q** Last couple of questions and then I'll be done. You told
16 your brother in one of the videos when he visited the jail,
17 you told your brother that Jordan worked for you, I think is
18 what you said. Let me make sure. "I need someone who will
19 work for me and she's going to work for me." That's what you
20 told your brother; right?

21 **A** Mm-hmm.

22 COURT REPORTER: Yes?

23 **A** Yes, sir.

24 THE WITNESS: Yes. Sorry about that.

25 BY MR. POGUE:

1 Q That she would do your bidding for you; right?

2 A I mean, what do that mean?

3 Q She would do your bidding. She would do your drug
4 sales --

5 A No, that never -- she never --

6 Q -- or she would sell herself to pay you money.

7 A No, she would never do that for me. She would do that
8 for herself but never for me.

9 Q And then she would get money and buy drugs from you?

10 A Okay. Yes, sir.

11 Q All right. Do you know Brandy K, that we call her, and
12 her son, MINOR? Do you know them?

13 A No, sir, not like -- not like that. I did not know
14 Brandy like that. I just picked up a relationship with Brandy
15 over the duration of my incarceration.

16 Q Well, how did you have her phone number to call her if
17 you didn't know her?

18 A I got the number, like I say, through the PI, or she was
19 dealing with -- communicating with my brother.

20 Q Well, how did she know who you were on that telephone
21 conversation?

22 A They got in contact with us.

23 Q But you called her.

24 A Because I was told to call her. I can call her. I
25 received her number. I was given her number.

1 Q She says that she knows who you are and you obviously
2 know who she is.

3 A I know that's --

4 Q Did she ever call you?

5 A Sir?

6 Q Did she ever call you?

7 A As I understand the call -- as I understand what you're
8 saying, but what I'm trying to say is, she somehow got in
9 contact with me, and I was somehow reached out to her.

10 Q She says, "So how's everything?"

11 You say, Okay. Okay. Okay. That's good.

12 Then she says, "Kids are good."

13 Then you asked, "How about little man?"

14 A How about little man?

15 Q Yeah.

16 A Yeah, like I say, Tattoo used to bring him with him when
17 he come to Palmetto Inn. He had his son sit right --

18 Q So he knows who you are.

19 A Who? The son?

20 Q Yes.

21 A I wouldn't say he know who I am, but I know who he are --
22 I know who he is.

23 Q Well, if you've seen him, he's seen you; right?

24 A Well, he was in the car. I observed him. I don't know
25 if he observed me.

1 MR. POGUE: You know what, Your Honor, no further
2 questions.

3 THE COURT: Thank you.

4 Mr. Koger, any redirect?

5 MR. KOGER: No redirect, Your Honor.

6 THE COURT: Thank you. Mr. Wilson, you can step down.

7 THE WITNESS: Thank you.

8 THE COURT: It's a late lunch, but it's ready, and I'm
9 going to let you get back there and start on it right this
10 minute. We were trying to get as far along as we can.
11 You-all have been good about working all week, and we're
12 trying to get this case over today so that we can -- won't
13 have to be here on Monday, but we can't rush it. These sorts
14 of things take their time, and you have to -- it has to play
15 out according to the rules.

16 And so I've been trying to get as much testimony in
17 before we broke for lunch, because that's going to be a break
18 time which is natural. I didn't want to interrupt this
19 testimony in mid-stream and expect you-all to pick it up after
20 you the lunch. That's a long way of saying now you can go to
21 lunch.

22 Now, up until now, I've been telling you when to come
23 back from lunch, and you've been right on the money, and I
24 thank you for that. But right now when you go back there,
25 we're on your time. Whenever you finish lunch and stretching

1 yourself and whatever you need to do to refresh yourselves,
2 when you're ready to come back out, you knock on the door, let
3 the bailiff know. We'll bring you back at that time to
4 continue the trial of this case.

5 So you -- and go ahead and take your time and eat the
6 meal, but let us know when you're ready. We'll be ready when
7 you are. Okay?

8 Do not discuss this case among yourselves, ladies and
9 gentlemen. You still have not heard everything that's going
10 to be said about it, please. Thank you.

11 (The jury exits the courtroom.)

12 THE COURT: Mr. Koger, you have one more witness or more
13 than one?

14 MR. KOGER: Just one more, Your Honor.

15 THE COURT: All right. Folks, I'm not sure how long it's
16 going to take the jury. I'll assume at least 30 minutes or
17 so. I don't expect y'all to be a prisoner here during that
18 period of time. I don't think you've got an hour or so to eat
19 lunch. They're going to go back there and go through a Jimmy
20 Johns sandwich. If my guess is right, it's going to be about
21 a half hour or so. If you-all can just be around somewhere.
22 If you leave, please leave your cell phone number with the
23 clerk so that we can call you if the jury comes back in the
24 meantime ready to continue.

25 At this juncture, Mr. Pogue, any chance you're going to

1 need any reply testimony or not?

2 MR. POGUE: Your Honor, I'd love to put up reply
3 testimony, but, you know, in the interest of the time on this
4 case -- and I personally believe in the strength of our
5 case -- I think I'm going to forfeit that. I don't think I'm
6 going to put up reply testimony in this case.

7 THE COURT: Okay. Well, if your mind changes, you can.
8 You're not bound to that.

9 MR. POGUE: I understand, Your Honor.

10 THE COURT: This is still your case. All right.

11 CHARGE CONFERENCE

12 MR. KOGER: Judge, because this will probably be the last
13 break before we go into closing, I do have some suggestions or
14 thoughts on jury instructions as far as on this case right
15 here since under the appropriate statutes 16-3-600 --

16 COURT REPORTER: I'm sorry; 16 what?

17 MR. KOGER: -3-600, assault and battery, high and
18 aggravated nature; and assault and battery, first degree, are
19 the lesser included of the attempted murder statute.

20 THE COURT: And they could be under certain
21 circumstances, of course. The question is whether or not it
22 is appropriate in this particular case.

23 What says the State?

24 MR. POGUE: Your Honor, just the nature of the injuries
25 within themselves and the acts that are alleged not to be

1 proven through the evidence that has been presented through
2 both testimony and exhibits, Your Honor, that the injuries
3 themselves certainly don't support a charge for assault and
4 battery, first degree.

5 As to assault and battery of a high and aggravated
6 nature, I suppose that a jury may be able to come to a
7 conclusion that he didn't have intent to kill despite their
8 being testimony that would contradict that.

9 THE COURT: Okay.

10 MR. POGUE: I will leave that up to Your Honor's
11 discretion.

12 THE COURT: Okay.

13 MR. KOGER: Judge, I'll --

14 THE COURT: I'll take that -- Mr. Koger, it could well be
15 that you're entitled to that. I'll consider that.

16 MR. KOGER: I just want to make the comment, Your Honor,
17 that, you know, there was very -- there was not -- we have
18 some testimony from the paramedics, but there was no medical
19 testimony submitted about these injuries. I mean, I guess it
20 is an issue for the jury to look at the pictures and do that,
21 but there's no medical testimony about this being great bodily
22 injury or anything of that nature. And if it was in the
23 statute, you could look on assault and battery, first degree,
24 there's a section in there that takes into account about, you
25 know, great bodily injury. That's in the statute, so...

1 And there's case law that -- *State v. Middleton*, that
2 stated that it wasn't -- that it was error for the circuit
3 court judge not to charge those two other charges, but they
4 deemed them to be harmless after the fact, but it was error to
5 not (indiscernible).

6 THE COURT: All right. There is testimony from at least
7 one of the officers who said that -- and I'll have to look at
8 my notes to get this straight again -- that the injuries were
9 -- appeared to be life-threatening; that one of them was about
10 to bleed out and things of that nature, which, of course,
11 would go to the depth of the injuries.

12 Frankly, my concern is this: If -- if the only question
13 that is raised by the defense is whether or not he actually
14 did the shooting, then whether or not he is entitled to the
15 lesser included, that's something that I'm going to mull over.
16 And, of course, that's what the answer to the question is in
17 this case.

18 But in spite of that, I generally err on the side of
19 caution when I'm dealing with these lesser includeds. I
20 understand how the Court deals with them, and I -- and I --
21 harmless error notwithstanding, Mr. Koger, I would prefer not
22 to commit to any error at all, even a harmless one, if I can
23 help it, so I'll look at that. I'm probably going to give
24 that charge on the lesser included right now. All right.

25 MR. POGUE: Thank you, Judge.

1 THE COURT: Thank you.

2 (A lunch recess was taken.)

3 THE COURT: Thank you, folks. Please be seated.

4 Gentlemen, regarding charges, I have looked back at my
5 notes, and I have re-read the law as it applies on the lesser
6 includeds, and I have determined to charge lessers of assault
7 and battery of a high and aggravated nature and assault and
8 battery of the first degree and even of the second degree out
9 of an abundance of caution. And I do that because of the
10 definitions that attaches itself to each of those charges on
11 the extent of the injury.

12 Now, the testimony of the paramedics, Mr. Carlucci and
13 Mr. Beale -- Mr. Carlucci testified that, when he got there,
14 the two females were on the sidewalk and a bystander was
15 holding a belt on the leg of one. He didn't have a name at
16 that time. He focused on the victim with the abdominal wound,
17 went to the second victim, who had no radial pulse at the
18 time; that was Brittny McRae. No radial pulse indicated a
19 loss of substantial blood, which was life threatening and so
20 forth.

21 Michael Beale testified as to the extent of the injury of
22 Ms. Jeffcoat and said it was life-threatening, and they
23 diagnosed it as life-threatening because of the fact of the
24 internal injury, although she was compensating at the time.

25 Clearly, the testimony indicated serious injuries. We're

1 all familiar with great bodily injury as it's defined
2 throughout this, injury which causes a substantial risk of
3 death or causes serious permanent disfigurement or protracted
4 loss or impairment of a function of a bodily member or organ,
5 which is in the abdomen.

6 First degree lessens that somewhat. Great bodily injury,
7 substantial risk of death, causes serious permanent
8 disfigurement or protracted loss or impairment of a function
9 of a bodily member or organ. And even second degree, moderate
10 bodily injury, means physical injury that involves prolonged
11 loss of consciousness or that causes temporary or moderate
12 disfigurement or temporary loss of a function of a bodily
13 member or organ or an injury that requires medical treatment
14 where the treatment requires the use of regional or general
15 anesthesia or injury that results in a fracture, dislocation,
16 et cetera.

17 So, depending upon what the jury chooses to believe about
18 the degrees of injuries, it could accept any one of those,
19 according to my understanding of the evidence. And so, out of
20 an abundance of caution, because our General Assembly has seen
21 fit to take what, at one time, was very simple; it was either
22 -- my recollection, either it used to be ABHAN or simple
23 assault or assault with intent to kill, but now we've gotten a
24 lot more finite in our definitions.

25 I will note to the State's concern about that, but I feel

1 that, under the facts of this case, that all of those lesser
2 includeds are justified.

3 Before the jury comes in, the -- the other charges that I
4 will give in addition to the standard charge on the burden of
5 proof and reasonable doubt definition from *Victor v. Nebraska*,
6 I will charge the prior record of the defendant as a
7 credibility issue, prior witness -- prior record of a witness
8 as a credibility issue. I will charge expert witness. I will
9 charge, of course, attempted murder and the other lesser
10 includeds I've already mentioned. I will charge possession of
11 a firearm during the commission of a violent crime if they
12 convict either of assault and battery -- excuse me, either of
13 an attempted murder or assault and battery of a high and
14 aggravated nature. I will charge circumstantial evidence.
15 Depending upon the testimony of this last witness, I will
16 charge defense of alibi.

17 Those are the things that have occurred to me. I'll be
18 glad to -- if there are any additional requests to charge or
19 exceptions to those, we can take a few minutes before we
20 actually go to closing arguments and charge them. I'll be
21 glad to give further at that time. All right? Is that okay?
22 I mean, is that process okay? I recognize there might be some
23 objection to those things, but we can deal with them.

24 MR. POGUE: Yes, sir, Your Honor.

25 THE COURT: Okay. All right.

1 Mr. Koger, is the defense ready to continue?

2 MR. KOGER: Yes, Your Honor.

3 THE COURT: Okay. You can bring your witness into the
4 courtroom, if she's out somewhere, to be seated in here.

5 MR. KOGER: All right. I ask that Jordan Palmer.

6 THE COURT: All right. You can bring us the jury.

7 (The jury enters the courtroom.)

8 THE COURT: Ladies and gentlemen, we continue now, as the
9 defense has the opportunity to offer additional evidence and
10 testimony.

11 Mr. Koger?

12 MR. KOGER: May it please the Court? I call Ms. Jordan
13 Palmer to the stand.

14 THE COURT: Ms. Palmer, come forward, please, and be
15 sworn.

16 JORDAN PALMER,
17 the witness, after having first been duly sworn, was examined
18 and testifies to as follows:

19 CLERK OF COURT: Once you're seated, state your full
20 name, spelling your last, please.

21 THE WITNESS: Jordan Palmer, P-a-l-m-e-r.

22 DIRECT EXAMINATION

23 BY MR. KOGER:

24 **Q** Ms. Palmer, where do you currently live?

25 **A** In Summerville.

1 Q Okay. And how long have you lived in Summerville?

2 A For -- since August of last year.

3 Q Okay. And are you originally from South Carolina?

4 A No. I'm originally from California.

5 Q Okay. And what is your current age?

6 A Twenty-seven.

7 Q Okay. Do you know the defendant in this matter right
8 here?

9 A Yes, I do.

10 Q Okay. And how long have you known -- well, what's his
11 name?

12 A His name is Tashonby Wilson.

13 Q Okay. And how long have you known Mr. Wilson?

14 A Since, approximately, February of 2016.

15 Q Okay. So we're talking about a little over three years?

16 A Yes.

17 Q Okay. And what is the nature of your relationship with
18 Mr. Wilson?

19 A Well, originally, he was -- he was somewhat my boyfriend,
20 but as of now, we're just friends.

21 Q Okay. And did you ever reside with him at the Palmetto
22 Inn in Room 120?

23 A Yes, I did.

24 Q And how long did you stay with him at the Palmetto Inn in
25 Room 20 -- Room 120?

1 **A** In that room? Just maybe a week.

2 **Q** Okay. And so you stayed with him prior in another room
3 at the Palmetto Inn?

4 **A** No, but I had a room of my own at the Palmetto before
5 that for a couple of weeks.

6 **Q** Okay. So how long were you at the Palmetto Inn between
7 both rooms?

8 **A** I would say roughly three weeks.

9 **Q** Okay. All right. That was in 2016?

10 **A** Yes.

11 **Q** Okay. Were you with Mr. Wilson on September 26, 2016?

12 **A** Yes.

13 **Q** And can you recall the events of that day?

14 **A** Yes. Actually, that night before, I had my own room at
15 the Palmetto, so when morning came and checkout time came, I
16 left my room. And I didn't have money to renew my room, so I
17 went to go stay at Tashonby Wilson's room, but first, they
18 were a little late coming to checkout, so they got me out of
19 the room probably about 11:30, and then I went to get
20 something to eat before I came back to Tashonby's room.

21 **Q** Let me stop you right there. Did you pay for your room
22 daily or did you pay for your room weekly?

23 **A** Daily.

24 **Q** All right. Continue.

25 **A** I came back to the room probably around 12:30, maybe 1:00

1 at the latest. And, at the time, I wasn't feeling well, so I
2 just laid down in the room, waited for him to get back. And
3 when he got back, not long after that, maybe an hour after
4 that -- 2:00, I'd say -- he came back from Charleston and was
5 waiting on his baby mama to come pick him up. And he left
6 again for about two hours, and he came back at 4:00. And then
7 he was with me for the rest of the evening.

8 Q Okay. And what did y'all do the rest of the evening?

9 A Like I said, I wasn't feeling well so I was in bed.
10 There was some people that were in and out the room, so
11 dealing with the people that came by the room. And at the
12 time of the arrest, we were actually in bed, getting ready to
13 go to sleep when the police came.

14 Q Okay. Now, were you aware of the type of business that
15 Mr. Wilson was engaging in?

16 A Yes.

17 Q Okay. Did you help him in running that business or
18 participating in that business with him?

19 A Not necessarily, but I was a drug user at the time.

20 Q Okay. All right. And what was your drug of choice?

21 A Heroin.

22 Q Where did you get your heroin from? What dealer? What
23 dealer -- [cellphone ringing] I don't think that's me.

24 What dealer would you get your heroin from?

25 A Where did I get my heroin --

1 Q Yeah. What dealer?

2 A Oh, well, it was a person that went by the name of Jay in
3 Columbia.

4 Q Okay. All right. And what was the extent of your habit?

5 A Daily use, several times a day, to the point where, if I
6 didn't have it, I would be dope sick or go through
7 withdrawals.

8 Q Okay. All right. And that's what users refer to as
9 being sick?

10 A Yes.

11 Q Okay. All right. On September 26, 2016, what times were
12 you with Mr. Wilson again?

13 A Well, he was gone in the morning, and when I came back to
14 the room waiting for him to come back, he didn't show up until
15 about 2:00, but he left right after that again and came back
16 around 4:00, so for the rest of the evening, we were together.

17 Q Thank you. Answer any questions the solicitor may have.

18 THE COURT: Mr. Pogue, cross-examine?

19 MR. POGUE: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. POGUE:

22 Q Ms. Palmer, you have a 2014 conviction out of Indiana for
23 felony possession of a controlled substance; isn't that right?

24 A Yes.

25 Q Okay. You have a 2016 conviction out of Lexington PD for

1 shoplifting; correct?

2 **A** Yes.

3 **Q** And also, in 2016, you have a possession of heroin;
4 correct?

5 **A** Yes.

6 **Q** And also, in 2017, you have a giving false information to
7 police?

8 **A** Yes.

9 **Q** How certain are you that the defendant was with you from
10 4:00 until when you said he was arrested on the day of
11 September 26, 2016?

12 **A** Well, I'm very sure I was with him.

13 **Q** You were awake and with him the entire time?

14 **A** Not the entire day, no, but that entire evening until the
15 arrest.

16 **Q** And I suppose you're going to tell me, too, that he
17 loaned his phone out to Lacy Johnson during that time period?

18 **A** Well, she came by the room to use his phone, so I mean, I
19 guess if he would say that's loaning it out, then yeah.

20 **Q** The phone that he had just bought earlier that day?

21 **A** I'm not sure if he bought it that day or another day.

22 **Q** Okay. You don't have a phone or didn't have a phone, I
23 should say, at the time that worked; correct?

24 **A** Correct.

25 **Q** And the defendant, that was the only phone that he had in

1 that hotel room that worked; correct?

2 **A** To my knowledge.

3 **Q** Okay. That had a plan, that was connected, so to speak,
4 so that you could make a phone call?

5 **A** Right.

6 **Q** And I understand that you could maybe hookup to a Wi-Fi
7 and do, like, you know, Text Now or whatever, but in regard to
8 that number, that was the only phone that he had that had cell
9 service?

10 **A** To my knowledge, yes.

11 **Q** And he just let somebody else borrow that?

12 **A** Yes. Well, she was a good friend, so she was trustworthy
13 to use it.

14 **Q** Okay. All right. Do you know who the doctor is?

15 **A** You said "the doctor"?

16 **Q** The doctor. Richard Koch, the doctor who lived behind
17 the Palmetto at the time?

18 **A** I don't know of any doctors in that area.

19 **Q** Do you know a gentleman that went by the nickname of the
20 doctor or Doc?

21 **A** Oh, no. I don't know anybody by that nickname.

22 **Q** Okay. Had you ever known the defendant to drive a
23 gentleman's car that lived behind the Palmetto that was an
24 early '90s Honda with a loud muffler?

25 **A** I'm not sure the make and model of the car, but I do know

1 him to have borrowed a car that was probably in the '90s,
2 white in color. But like I said, I'm not sure the make and
3 model.

4 **Q** All right. This is State's Exhibit 167. It's the
5 defendant's cell phone extraction. You say you were with him
6 from 4:00 until the time he was arrested?

7 **A** Yes.

8 **Q** On 9/26 -- or excuse me, on -- I apologize -- on
9 September 26, 2016, at 5:54, the doctor sends a text message
10 -- I'm sorry, yeah, at 4:54, the doctor sends a text message
11 that says, "I could not hear what you were saying on the
12 phone. I need to know how long before you are back here."

13 Do you know whether he has his car at that point?

14 **A** I'm sorry, but if who has whose car?

15 **Q** Is the defendant in the hotel room with you? Is that
16 your testimony when he says, "I need to know when you are
17 going to be back here"? The doctor. The text message that he
18 sends to the defendant's phone.

19 **A** Back to the hotel room?

20 **Q** Okay. All right.

21 And the doctor continues to try to get the defendant to
22 come bring him a 60, as he calls it, which he later said was
23 drugs. And then says, at 5:40, "It's really important that
24 you be here by 6:00."

25 **THE COURT:** Could you focus that for us a little bit

1 better?

2 MR. POGUE: I apologize, Your Honor. There you go.

3 BY MR. POGUE:

4 Q At 5:40, he says, "It's really important for you to be
5 here by 6."

6 Then again, at 5:53, he says, "I called and moved my
7 patient to 6:30. I can't keep doing this. You said you were
8 coming 30 minutes ago. This is starting to get on my nerves."
9 Okay?

10 Then he makes a call and leaves a voicemail that the jury
11 heard earlier, at 6:06 p.m., two hours after 4:00 when you
12 said that he was with you the entire time, where it says -- he
13 says on the audio voicemail, "You dropped off my vehicle --
14 dropped off my car but you forgot to leave my 60."

15 And then he texts right after that, at 6:08, and he says,
16 "Why didn't you bring my 60 in? Call me."

17 After having seen that, are you still certain that he was
18 with you from 4:00 until the time that he was arrested at 1:00
19 a.m. on the 27th?

20 A Well, when I recall the events of that day, I mean, I
21 didn't necessarily have a watch on me at the time, so I'm just
22 estimating around what time it was when he got back. So after
23 he came back -- when he left with his baby mama the last time,
24 after he came back, he was with me the remainder of the night.
25 But, you know, 4:00 is just my -- my best guess of what the

1 time was, but it's possible that it was not exactly 4:00.

2 Q Now, you just said he was with you the remainder of the
3 night. Was it night when he got there?

4 A After he got back from when he left -- after his baby
5 mama came to pick him up and he left, when he came back from
6 that, he was with me the rest of the night.

7 Q Okay. All right. After he says, "Why didn't you bring
8 my 60 in? Call me," after he drops off his car, what does he
9 text at 6:11, three minutes after that? What does that say?

10 A It look like it says, "Coming now."

11 Q Okay. So I guess he must have left again or at least he
12 intended to, because he says he's coming now.

13 A Well, I'm not sure exactly sure all the places he went
14 while he was out, so I can't really -- I can't really speak on
15 that, where he was at the time and where -- how many places he
16 went.

17 Q I understand.

18 Do you recall -- or let me ask you this: Do you know who
19 Tattoo is? Do you know Thomas Seehof?

20 A Not really. I just -- I've heard the name and I've seen
21 him once or twice, but I don't personally know him.

22 Q Okay. Did he ever come by that evening?

23 A I do believe I saw him that evening. There were several
24 people that came by the room. Some people that I didn't know,
25 some people that I did recognize. And to the best of my

1 knowledge, I believe, that he was one of the people that
2 stopped by.

3 Q How about Ashley Jeffcoat and Brittney McRae, the victims
4 in this case?

5 A I believe I saw them that evening as well.

6 Q Okay. After Pep had gotten back? He was there when they
7 got there, to Room 120?

8 A Yes.

9 Q But he didn't have his phone with him at that time, or
10 you don't know?

11 A I'm not sure what time Lacy came to borrow his phone, but
12 other than that, he had his phone with him.

13 Q All right. Is it possible that he got back to the hotel
14 and spent the rest of the night with you for sure by 10:00 or
15 is that too late within your time frame; that he got back for
16 certain in your mind earlier than that?

17 A He was most definitely back well before 10:00. I'd say,
18 by 10:00, we were already in bed, going to sleep at that
19 point.

20 Q At 10:14, Jeff text him says, "Hey, your check is in my
21 car." Right before that text, "Call me, please."

22 Right after that, there's a call from his phone. I'm
23 assuming that must have been Lacy at that point. Did she have
24 his phone then?

25 A Like I said, I don't remember the exact time that she

1 came to use his phone.

2 Q Do you know whether he went and got that check from Jeff?

3 A I'm not sure if he did. I honestly can't -- I can't say.

4 Q So are you testifying now that you don't know whether he
5 left the apartment during that time frame?

6 A No, I'm saying I don't know that he went to collect a
7 check. I don't know if he had the check on him that you're --

8 Q If you were with him the entire time, how could he have
9 gone to collect the check?

10 A Well, if you're talking about did he leave at 10
11 something, no, he did not. But I don't know if he ever went
12 to get this check you're talking about.

13 Q Okay. Well, this check was in the room when he was
14 arrested roughly two and a half hours after that text message
15 came in. Now, do you remember him leaving the apartment or
16 motel, I should say?

17 A No, I do not remember him leaving at 10:00.

18 MR. POGUE: No further questions, Your Honor.

19 THE COURT: Okay. Mr. Koger, redirect?

20 MR. KOGER: No redirect, Your Honor.

21 THE COURT: Thank you. Ms. Palmer, you can step down.

22 Mr. Koger?

23 MR. KOGER: The defense -- I have no other witnesses.

24 DEFENSE RESTS

25 THE COURT: Thank you.

1 Mr. Pogue, does the State anticipate any reply?

2 MR. POGUE: None, Your Honor.

3 THE COURT: Thank you.

4 Now, ladies and gentlemen, that means you have now heard
5 all of the evidence and testimony that you will hear during
6 the trial of this case. I have to send you back into your
7 jury room very briefly. We have to take just a few moments to
8 get this case ready for the very final phase, which will be
9 the arguments that the lawyers will make to you and the
10 instruction on the charge of the law that I will give to you
11 after that has been done.

12 One of the things we have to do is get the evidence lined
13 up so that they can be presented in an orderly fashion during
14 the arguments and also to get the final pieces in place to
15 present those arguments in a cohesive fashion for you.

16 I remind you one more time: Do not discuss this case
17 among yourselves. You have heard all the evidence, you have
18 heard all the testimony, but you have not yet heard the law,
19 and your verdict must rest not only on the testimony, the
20 evidence itself, but also on the law that I will instruct you.

21 So one more time I tell you: Don't talk about this case
22 among yourselves. You'll have it in your hands shortly, and
23 you can talk about it as long as you want to once you get it
24 in your hands, but please not until then.

25 We'll get you out shortly to conclude the trial of this

1 case. Thank you, ladies and gentlemen.

2 (The jury exits the courtroom.)

3 THE COURT: I'll note the renewal of the defense motions
4 that were made at the conclusion of the State's case and the
5 renewal of my ruling at that time. I'll be glad at this time
6 to hear any additional motions or any additional grounds for
7 the motions that were previously given.

8 Anything from the State, Mr. Pogue?

9 MR. POGUE: Nothing from the State, Your Honor.

10 THE COURT: Thank you.

11 Mr. Koger?

12 MR. KOGER: Nothing from the defense, Your Honor.

13 THE COURT: All right then. The procedure now
14 post-Beatty, as I understand it, is that the State will open
15 in full on law and the facts. Mr. Koger, then, you will
16 respond with the defense's response, and then Mr. Pogue has
17 the right to reply to any matters that you have raised in your
18 argument, does not have the right to introduce any new issues.

19 Is that everybody's understanding of the order of things
20 from this point on, gentlemen?

21 Mr. Pogue?

22 MR. POGUE: Yes, sir, Your Honor.

23 THE COURT: Mr. Koger?

24 MR. KOGER: Yes, Your Honor.

25 THE COURT: All right. Gentlemen, can you give me some

1 anticipated length of time that you might think you'll take in
2 full? I've tried cases with both of you. You know that I
3 don't ring a bell or blow a whistle when it looks like you've
4 gone past your appointed time. I do tell lawyers, however,
5 that if I get the impression, as you continue to argue, that
6 you have completely forgotten how long you're going to take to
7 argue, then I might try to, in some subtle way, to get your
8 attention.

9 Do you got a handle on it Mr. Pogue, within some
10 reasonable limits?

11 MR. POGUE: Your Honor, I can tell you that from -- in
12 comparison to my normal closings, it will not be that long. I
13 wouldn't think any more than 30 minutes or so.

14 THE COURT: All right.

15 Mr. Koger?

16 MR. KOGER: About 20 minutes, Your Honor.

17 THE COURT: All right. Certainly. Those are both more
18 than reasonable lengths of time.

19 Do y'all need five or ten minutes to get everything in
20 order?

21 MR. KOGER: Yes, Your Honor.

22 MR. POGUE: Yes, sir.

23 THE COURT: Okay. Let's try to start back about 20 --
24 well, 25 after the hour, something like that. That's 15
25 minutes. Try to get that done.

1 (A brief recess was taken.)

2 THE COURT: Gentlemen, are both the State and the defense
3 ready for the jury now?

4 Mr. Pogue?

5 MR. POGUE: Yes, sir, Your Honor.

6 THE COURT: Mr. Koger?

7 MR. KOGER: Yes, Your Honor.

8 THE COURT: Thank you. You may bring us the jury.

9 (The jury enters the courtroom at 3:26 p.m.)

10 THE COURT: Ladies and gentlemen, we're now ready to
11 proceed to the final arguments that will be offered in this
12 case. The procedure that we will follow is that Mr. Pogue, on
13 behalf on the State, will present the first of the arguments,
14 the State's argument in full, and after he has completed his
15 argument on behalf of the State, Mr. Koger then will have the
16 right to fully argue on behalf of the defendant, and following
17 that, then Mr. Pogue or Mr. Pincelli have the right to reply
18 to any matters that have been raised by Mr. Koger in his
19 argument.

20 And after that has been done, then I will instruct you on
21 the law in this case, and then -- then you will be able to go
22 back into your jury room and start talking about this case
23 among yourselves.

24 You have indeed been attentive throughout the trial of
25 this case. You've been a good jury. You've been punctual,

1 you have been attentive, and you have been engaged the whole
2 time, and we thank you for that. I'm sure you understand that
3 it's equally important now for you to be equally engaged and
4 attentive through this final phase of the case to the lawyers
5 as they argue to you and to me as I charge you. Thank you.

6 Mr. Pogue?

7 MR. POGUE: Thank you, Your Honor. May it please the
8 Court?

9 THE COURT: Yes, sir.

10 CLOSING ARGUMENT ON BEHALF OF THE STATE

11 MR. POGUE: You know, when the defendant was up there
12 testifying, I think I had gotten to about five pages' worth of
13 notes that I was going to sit up there and just literally,
14 just one by one, just peel apart his story lie by lie by lie.
15 But then I stopped writing literally after five pages, and I
16 was asking myself, What's the point?

17 These folks already know what you're trying to prove to
18 them, which is that you have to determine the credibility of
19 the witnesses that take this stand and take that oath and
20 promise to tell the truth, the whole truth, and nothing but
21 the truth. That's your job as jurors. Like the judge said,
22 you are the judge of the facts, as he says.

23 And the facts in this case are, quite frankly,
24 overwhelming. And that's why we put you on this jury panel is
25 because you are folks that struck me as people who possess

1 good old-fashioned common sense, people who don't easily have
2 the wool pulled over your eyes, so to speak, and that's an
3 attribute that's admirable. I will echo what the judge said
4 as well. I've been watching you out of the corner of my eye
5 for the entire trial, and you were very attentive. And that's
6 not always the case, so I do commend you on that.

7 I can tell you, from our side, we appreciate jurors who
8 take an interest and who are closely listening to the
9 testimony that comes from that witness stand, because what you
10 do and the decisions that you make as jurors are extremely
11 important. Extremely important.

12 The defendant in this case is charged with two counts of
13 attempted murder and possession of a weapon during the
14 commission of a violent crime. Okay?

15 What is attempted murder? And I'll read this to you,
16 because I paid attention to law school, but sometimes I wasn't
17 the best when it comes to statutory law, so I want to make
18 sure that I have it exactly right.

19 Attempted murder, according to the law, is an attempt to
20 kill another person with malice aforethought, with the intent
21 to kill a person. And "malice" is just, you know, another
22 word of saying ill will or hostility towards another.

23 Okay. So what does that all mean? Well, again, as I
24 mentioned, the evidence that we presented in this case, quite
25 frankly, is overwhelming. The defense in this case, as you

1 may remember when we had the CSI investigator on the stand,
2 was kind of making an issue of, you know, fingerprints and
3 DNA. And I'll tell you right now as a solicitor, fingerprints
4 and DNA are valuable tools, they are, for cases of whodunit,
5 like my esteemed co-counsel said during his opening argument.

6 This is not a case of whodunit. Literally everybody that
7 testified from that stand up to the last witness that was in
8 that room knew that individual very well, knew what he looked
9 like, had been around him for a -- plenty of time to better
10 determine who it was, in fact, that was holding a gun and shot
11 them.

12 In fact, let's just go through, you know, what it was in
13 regard to the testimony that you did hear. You heard from the
14 911 -- excuse me, I apologize -- Chief Rodgers, who is the
15 Lexington Communications Center -- she told you that, in the
16 CAD, that they had the name of the defendant, Tashonby Wilson,
17 that was given to them through the 911 call.

18 Then you have Emily Ward who took the stand after, who
19 said that one of the victims who was shot told her Tashonby
20 Wilson. Okay? Then you heard on the 911 call Emily tell the
21 911 caller Tashonby Wilson.

22 Jim Ward, her husband, took the stand after that. He
23 said he couldn't remember the first name, but it started with
24 a T and the last name was Wilson.

25 Then you have Thomas Seehof, who clearly did not want to

1 be here. I don't know that I blame him for not wanting to be
2 here. He initially lied because he didn't want to -- said he
3 didn't know who he was because he didn't want to, you know,
4 get arrested for drug use. Obviously, he ended up getting
5 arrested for some tattoo-related offenses anyway. But, you
6 know, that's understandable that he didn't want to get
7 arrested, and he quite frankly, even though he didn't want to
8 admit it, I'm sure he was afraid as well.

9 You know, this is a gentleman that just shot somebody in
10 front of your eight-year-old son. At that particular point in
11 time, you may feel lucky just to have gotten out of there.

12 Same thing with Brandy.

13 You also have seen the cell phone records and the cell
14 phone extraction. Okay? That evidence, quite frankly, is
15 overwhelming as well, as you just go through the phone
16 extraction and text messages and you see --

17 Beg the Court's indulgence.

18 -- and you see -- let me grab the easel. This is at 7:21
19 right here. 7:24 is when that first call comes in. Look at
20 when the 911 call comes in at 8:21. Call to Tattoo, Thomas
21 Seehof. Call to Tattoo, Thomas Seehof. Call to the victims.
22 Call to the victims. Call to Thomas. Call to Thomas. Call
23 to the victims. Call to Q to get the gun. Call again to Q.
24 Call Doc to get the car. Doc then texts, "I put the key on
25 the seat on the driver's side." Why would he text that if he

1 wasn't borrowing his car again that day?

2 Right after that, we have 103, Q tries to call again.
3 This is at 8:01. Okay? 911 call comes in at 8:21. Q would
4 have had to really hustle to have been in the car and on the
5 way and gotten there in time to shoot her, then escape, and
6 then they have to be able to call 911 roughly 20 minutes
7 later.

8 So you have to determine the credibility when it comes to
9 Q, but I don't believe that Q, based upon the timeline and his
10 testimony, that he was in the car. I certainly believe that
11 he gave him the gun.

12 Now, you look right after this, you have text messages
13 from Q that come in right after this says, "Come to my room
14 for a while and chill out." Well, he testified that Lacy
15 Johnson was his girlfriend. If he was not with Lacy Johnson,
16 maybe that would make sense, but at the same time, you have to
17 consider the outrageousness of the fact that this man just
18 bought this cell phone and would loan his cell phone out to
19 somebody else, a drug dealer would loan his -- the only way he
20 had to make money, would loan his cell phone out to somebody
21 else for hours and hours and hours and hours. Okay? Then
22 they just happened to miraculously give it back to him right
23 before the police come in at midnight and he's arrested and
24 his phone is in his room. If that's believable to you, if
25 that's a reasonable doubt to you, then absolutely go back

1 there and find him not guilty. If you're like me and that
2 insults your intelligence, then I would ask you to render a
3 different verdict.

4 Again, we come 11-- I'm sorry, let's go down here. At
5 9:03, there is a call that's put in to Tattoo. Right after
6 that, at 9:11, there's a star-67 to the victims' number. I
7 wonder why, all of a sudden, he would start blocking his call
8 after that.

9 If Lacy Johnson had the phone, why would she, all of a
10 sudden, start blocking that number?

11 You have to understand and determine what you believe is
12 credible and what you believe is not credible. And you will
13 have all this evidence to review back in the jury room. And
14 so if you need to take the time to go through it yourself,
15 because I understand that we tried to expedite the process a
16 little bit, feel free to take whatever time you need to go
17 through the evidence to be able to render your verdict so that
18 you could all reach a consensus.

19 Now, I promised again that I would not take too much of
20 your time, because I don't want to convince you of something
21 that I believe you are already convinced of. What I also have
22 to prove, I have to prove that this individual had a specific
23 intent to kill. Okay? That he intended to kill these people.
24 That he wasn't just acting recklessly and happened to, you
25 know, injure them in a way that ended up killing them, that he

1 had to intend their death. Okay. So let's talk about that.

2 All right?

3 You have a myriad of ways -- and I wrote them down just
4 so I could take some notes, because I know that I have to
5 prove those sorts of things to you so we take notes during the
6 trial.

7 Now, you heard testimony from the victims that he told
8 them, "You are going to die tonight. Okay?" He intentionally
9 left his phone at the hotel room, see, because, just like
10 everybody else in the modern age, he knows that you can be
11 tracked by your cell phone location. So at least he's smart
12 enough to know not to go take his cell phone with somebody
13 when he's going to kill somebody.

14 So he leaves his cell phone at home. He tells them
15 before that, before he leaves, that "you're going to die
16 tonight."

17 So what happens when he gets there? When he gets there,
18 you heard testimony from that witness stand that he told the
19 girls to get down on their knees, turn around, and count to
20 ten. Now, I don't know about you folks, but that, to me,
21 sounds like he intends to execute them. You can draw whatever
22 conclusions you want from the testimony that you hear from
23 that witness stand. Okay?

24 Now, you also heard testimony from that witness stand
25 that, when he said that, she got -- she being Ashley

1 Jeffcoat -- she gets up and says, "No, we're not going outside
2 with you." Immediately what happens after that? You hear
3 testimony that he says bang, shoots her right through her
4 abdomen. Okay?

5 Pandemonium breaks out. Brandy and her poor
6 eight-year-old son, who's sitting right beside there, that
7 witnesses this whole thing, they jump out and run out the
8 door, naturally, trying to get away. They lock themselves in
9 the car.

10 At that point in time, Ashley and Brittny, again,
11 obviously, trying to get away from the assailant, run out of
12 the apartment down -- unfortunately, they run the wrong way
13 because they ran towards a dead end. Now, they weren't
14 familiar with the complex as they testified, but, again, they
15 were trying to get help or get away.

16 So when Brittny says that she reaches the door of Condo
17 ■ and she's beating on the door, that's when he finally
18 catches up to her and you see, as I showed you in the
19 pictures, which is, obviously, a painstaking and boring
20 process to have to go through all of those crime scene
21 investigation photos, but it's the only way that we're able to
22 paint the scene for you so that you have context, you're able
23 to understand what happened.

24 But you saw the bullets that flew through those poor
25 folks' house. I mean, it made Swiss cheese out of their front