

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Honorable Paul M. Burch, Circuit Court Judge

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S.C. SUPREME COURT

DEVATEE TYMAR CLINTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001272

APPENDIX

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1 Q And feet?

2 A Feet were again saturated in blood.

3 Q I will ask you to make a guess. Do you think that's
4 where footprints came from?

5 A That's what I assumed when I saw that. Probably that
6 youngest one is what it looked like to me.

7 Q Okay. Overall just very bloody?

8 A Yes.

9 Q Not from him?

10 A It didn't appear. To my knowledge none of the children
11 had any injuries.

12 Q Okay. The middle child---

13 A Yes.

14 Q Did you observe that child's clothing?

15 A Yes.

16 Q And condition of that clothing?

17 A Her clothing as well had blood. Not as much the
18 youngest child, she had blood drops and drips on her socks,
19 bottom of her socks I believe had blood as well and blood on her
20 pants.

21 Q Okay.

22 Q The oldest child?

23 A Oldest child, if I recall he had blood on him as well,
24 but I don't think he had nearly as much as the other two.

25 Q Did you ever have any conversation with any of these

1 children?

2 A Yes.

3 Q Which one?

4 A Oldest child.

5 Q Okay. Where did you have this conversation?

6 A In the EMS truck.

7 Q Do you recall about when you had this conversation?

8 How long you have been on the scene?

9 A I had probably been there about maybe 20 minutes, 30
10 minutes. So it was probably shortly before midnight, maybe.

11 Q Do you recall the demeanor of this child?

12 A He seemed -- he didn't really seem too upset to a great
13 extent. Kind of being entertained by EMS folks. They were
14 trying to keep him and his sister and I guess the younger
15 brother occupied to keep there mind off maybe their thoughts or
16 whatever.

17 Q Okay. Did you take a statement from any of these
18 children?

19 A No, I did not take a statement.

20 Q Was anything told to you?

21 MR. BARFIELD: Objection.

22 MR. FRICK: I didn't ask what.

23 THE COURT: I will sustain the objection. You may
24 ask your next question.

25 MR. FRICK: Thank you, Your Honor.

1 Q When did you go to the ambulance. Had you finished up
2 in the house?

3 A This was before -- before we ever enter the house
4 before the search warrants was executed.

5 Q What is blood spatter?

6 A Blood spatter, spatter is just a term used to describe
7 when blood drops land or flung out or whatever and end up in
8 usually kind of random pattern on the floor, or on an item, on a
9 counter top or something.

10 Q Okay. Do you have to be kind of be close to the source
11 of the blood to get spatter. I understand it will travel
12 different depending on what causes the blood to come forth
13 but ---

14 A Right. It depends on what caused the splatter. How
15 much blood is bled at the time.

16 Q Okay. All right. The clothing that you got from the
17 children, did it have -- any of them -- did it have what you
18 determined could have been blood spatter?

19 A Yes.

20 Q Which one?

21 A The youngest girl -- excuse me the middle child, the
22 girl. Hers did have some spatter on the feet, but again it
23 looked like it could have been spatter that had dropped on to
24 her feet.

25 Q Kay. Let's go to what I called the scene. All right.

1 Right there on the couch.

2 A Yes.

3 Q Did you look for or find any blood spatter in that
4 area?

5 A Yes.

6 Q What did you find and where did you find it?

7 A Lots of pooling blood right there on the couch
8 underneath the victim's body and where blood had ran down into
9 the floor. As blood is dripping into the pool of blood it often
10 causes what is referred to as satellite spatter. Basically the
11 liquid is falling into the liquid and if it's heavy enough, deep
12 enough, to where it causes other smaller blood droplets to fall
13 out and kind of scatter around.

14 Q I will stop you there for a second. Satellite spatter
15 that you are talking about there, is that the pool that is in
16 front of the couch?

17 A It would be the ring or the perimeter of smaller
18 spatter that hits the floor as a result of the heavier blood
19 falling into that pool or possibly in this case what I believe
20 was the children's feet, the child's feet maybe going through
21 that.

22 Q Okay. I got you. Okay. Now we did have two pools in
23 this case, correct, or I am calling it two pools. There was
24 something in front of the couch and it look like something
25 behind the couch?

1 A The pooling blood behind the couch looked to me just to
2 be a runoff from the where the blood had left the victim, soaked
3 the couch and ran down onto the floor. Some of it pooled in
4 front of the couch and some of it liked it had pooled and ran
5 behind the couch.

6 Q Okay. Did you look on the couch for any spatter?

7 A There was blood all over the couch.

8 Q Okay. But did you specifically look for spatter?

9 A We didn't have to.

10 Q Okay.

11 A Honestly, it was just so obvious.

12 Q Okay.

13 A We looked. Yeah, we looked. We examined the couch.

14 Q Right.

15 A But there was blood everywhere.

16 Q Okay. I am specifically asking about spatter, not just
17 large amounts of blood.

18 A It is kind of all encompassed within the whole stain
19 pattern I guess you say. Some of it is smaller spatter. Some
20 of it is just larger pools.

21 Q Okay. Upright portion of the couch, back behind where
22 the body is --

23 A Right.

24 Q -- did you look at that part of the couch?

25 A We did. Later after I believe we had moved the body.

1 Q Okay. Did you use anything on that couch?

2 A Yes, we did. We used a product that we talked about
3 earlier called blue star forensic.

4 Q Did you find anything on that upright part?

5 A We found a couple of places that did luminesce as a
6 result of the blue star, but again just looking at how much
7 blood was there on the couch particularly on the seat cushions
8 where her body was found it wouldn't surprise me that it would
9 be anywhere around there.

10 Q Okay. But the stuff that you found, the spots that you
11 found you could term as spatter, correct?

12 A Well, again this is a presumptive type test, the blue
13 star forensic, as well a luminol and some other products like
14 that, there is opportunity that they could give what is called a
15 false/positive. Sometimes they have been known to react with
16 certain cleaning compounds. Things like that.

17 Q All right? Did you swab anything?

18 A No, we didn't. Again one of our biggest concerns there
19 was to just determine that the incident -- let's just use an
20 example. The incident didn't occur in another room and then she
21 moved or was moved there. We wanted to show that everything
22 happened right there, so we were looking for any potential
23 spatter that may have been on there. Again we did get a
24 reaction there but we didn't do any further testing to try and
25 determine whether it was or not blood on the back upright.

1 Q When you got there the couch is close to a wall,
2 correct?

3 A Yes.

4 Q Did you look on that wall immediately behind the body?

5 A Yes.

6 Q Okay. Did you observe any spots or stains on it?

7 A Not that I recall on the wall.

8 Q Okay. Have you got your incident report?

9 A Yes.

10 Q Let's see if we are looking at the same page. This is
11 what I am looking at here. (Indicating)

12 A Okay. On the wall immediately, correct, immediately
13 behind the couch.

14 Q Okay.

15 A Just above the upright where we saw the other -- where
16 we saw those stains.

17 Q But I believe you indicat you find stains as far away
18 as about four feet from the body?

19 A Correct. Above.

20 Q On the wall?

21 A On the wall, correct.

22 Q So, that means we got spatter that is kind of flying
23 around?

24 A No, it didn't appear that way. What it was just a
25 couple of spots that were luminescing.

1 Q How did it get there?

2 A Don't know. Again, we didn't test to see if it was
3 indeed blood, again these products can give a false/positive --

4 Q Okay.

5 A -- on other material. But we did not test those. There
6 were just two or three spots on the back of the couch and up on
7 the wall and we didn't do any further testing on it.

8 Q All right.

9 A Had there been an assaulting -- blood letting assault
10 then I would have expected to see radiating spatter from that
11 point and we didn't.

12 Q No radiating splatter?

13 A Correct.

14 Q So this indicates that it occurs right there on the
15 couch?

16 A That is our belief, yes.

17 Q It was a single gunshot wound?

18 A Yes, from what I recall.

19 Q Okay. And all the blood is concentrated in one area?

20 A Yes.

21 Q If, and I probably don't need to ask this question
22 because you will not answer it the way I want you to. If a
23 person were standing right there when it occurred would you
24 expect that that person would have blood on them?

25 THE COURT: Right where?

1 MR. FRITZ: Right where the incident occurred.

2 Right where the shooting occurred.

3 THE COURT: Right where within the room, the
4 position of the victim's body?

5 MR. FRICK: Right at the body.

6 A Not necessarily. There may not have been any. There
7 wasn't any blood on there to splatter unless the person was
8 already covered with blood. The shot itself if it caused any
9 back spatter coming back out that hole. There was no exit
10 wound. There was nothing to splatter on beyond the body or
11 beside. Which ever direction. See we don't know which
12 direction necessarily that victim may have been turned, facing
13 at the time, but unless some back splatter came back out that
14 entry whole I wouldn't have expected to see anything behind the
15 person because there was know exit wounds and there was no blood
16 presumably on the surface to splatter from the impact of that
17 bullet.

18 Q Okay. But all in all the blood is concentrated in one
19 area, correct?

20 A In a general area several feet diameter, yes.

21 Q The shell casing, item number six, I think it is
22 State's number 41.

23 A I think it was marked as item number nine on the
24 pictures. I think.

25 Q You know what I am talking about. There was only one

1 shell casing?

2 A Yes, sir.

3 Q Didn't find any other bullet shell casing?

4 A No, sir.

5 Q In the house?

6 A No, sir.

7 Q Okay. It was not located in a pool of blood was it?

8 A No, it wasn't.

9 Q Okay. It was on the other side of the couch away from
10 the body, correct?

11 A Correct.

12 Q Didn't see any other liquids or fluids around it, did
13 you?

14 A No, sir.

15 Q Okay. Did you look at it?

16 A Other than to just collect it and put it in a container
17 no, sir, I didn't thoroughly examine it.

18 Q But it you was not covered in blood?

19 A No, sir. It was not.

20 Q All right. Let's get to the car. You see this car
21 twice, right?

22 A Yes, sir.

23 Q First time you see it's on January 23rd I think?

24 A I believe that is correct.

25 Q And is it fair to say when you are looking at on the

1 23rd the main thing that you all concentrated on was
2 fingerprints and DNA?

3 A Fingerprints, DNA or any other physical evidence that
4 might present itself as I am going through it.

5 Q Do you recall what all you collected from that car?

6 A Yes, sir. I collected several cigarette butts from the
7 ashtray in the back seats and photographs and I believe we did
8 some touch DNA, touch DNA swabs, yes.

9 Q Okay. Do you recall where you took those swabs from?

10 A Yes. Give me just a second.

11 A Yes, sir. I swabbed the steering wheel and the gear
12 shifter. I collected touch DNA swabs from those.

13 Q Was there any other swabbing that you did of that
14 vehicle on that day?

15 A No, sir.

16 Q Okay. What did you do with those swabs and those
17 cigarettes?

18 A The swabs were dried and packaged and submitted as
19 evidence and the cigarettes were packaged and submitted as
20 evidence?

21 Q And it was put in evidence?

22 A Yes, sir.

23 Q You also -- you didn't see any blood that day or you
24 all weren't looking for blood. I'm a little confused why you
25 all come back in March and are looking for blood then but you

1 are not looking for it on the 23rd of January?

2 A I just didn't see anything that caught my attention at
3 the time, when I looked at it the first time. There were
4 numerous stains and I didn't swab any of those particular
5 stains. Again, just swabbed the areas where I was trying to
6 focus on possibly identifying the driver of the vehicle.

7 Q All right. Attempted lifts for fingerprints --

8 A Yes.

9 Q -- you did that as well on that day, right?

10 A Correct.

11 Q And the locations that you attempted again were?

12 A That was also the steering wheel, mirrors, gear
13 shifter, the driver door and the driver outside door around the
14 door handle.

15 Q Okay. Did you get any lifts?

16 A No, sir.

17 Q Any other items of evidence taken from that car?

18 A On that particular day, no.

19 Q Okay. Are you aware of a jumpsuit that came out of
20 that vehicle?

21 A I didn't see it on that day. I am aware that one was
22 collected some time, but I was not involved in that.

23 Q Okay. Do you know when it got collected? Do you have
24 any idea?

25 A No, sir, I don't.

1 Q But you didn't take it that day?

2 A No.

3 Q Then of course in March you all get the car again?

4 A Yes.

5 Q How do you all come back in contact with the car?

6 A I don't know the total history of how the sheriff's
7 office acquired the car, but at some point it was submitted as
8 being stored in the impound lot.

9 Q All right. And then you go back out there and then you
10 looked specifically for blood is that right?

11 A Yes.

12 Q And you swab a few spots?

13 A Investigator Steel swabbed a few spots and I took a
14 couple of cuttings from the seats.

15 Q All right. And those were collected and what happened
16 to them?

17 A Submitted as evidence.

18 Q They went on to SLED, correct? Or do you know?

19 A I believe they did. As far as I recall those were all
20 sent to SLED.

21 Q Give me one second I maybe done.

22 A Yes, sir.

23 MR. FRITZ: Thank you, sir. That is all I have.

24 Please answer anything Miss Raney has.

25 THE COURT: Thank you. Thank you Mr. Frick. Miss

1 Raney.

2 MS. RANEY: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MS. RANEY:

5 Q Investigator Taylor, I want to go back to the beginning
6 of what happened that night. You think you arrived on scene
7 around 11, 11:15?

8 Q It was probably some time after 11. I got the call to
9 respond at 10:35 and it probably took me 20 minutes or so to get
10 ready and drive out there was another 20, 30 minutes.

11 Q Okay, and when you arrived on scene can you describe
12 what you saw? Were there other police cars there, EMS, just
13 kind of set the stage of what you saw outside?

14 A There were other officers there. The scene had been
15 secured by the first arriving officers. EMS workers were there.
16 I think there may have been some fire department personnel that
17 responded in emergency responders. Again several deputies and
18 investigators had already begun to arrive.

19 Q I don't expect you to be able to give me an exact
20 number, but can you give me a rough idea of how many officers
21 were on scene when you showed up?

22 A I would say minimum eight or ten. Maybe more. Maybe
23 more.

24 Q And were there any marked parole vehicles meaning one
25 with the blue light bars on top?

1 A Yes. Yes.

2 Q And you said was there was also an ambulance?

3 A Yes, there were EMS ambulance vehicles there.

4 Q Vehicles? More than one EMS?

5 A I don't recall if it was an EMS or an ambulance or it
6 if maybe it was the rescue squad. I don't know.

7 Q Okay, and when you say the scene was secured when you
8 got there, how can you tell from looking the scene is secure?

9 A Deputies are posted on somewhat of perimeter of keeping
10 anybody going in and out.

11 Q So they are set up very visibly around Roseanna Lane?

12 A Yes.

13 Q Do they also put up other kind of tape to keep people
14 out of the crime scene?

15 A That is often the practice. I don't recall if at this
16 time at that particular scene when I got there if crime scene
17 tape had already been set up or not. I think it had, but I
18 can't remember for certain, but that is a typical practice that
19 we do.

20 Q Do you recall if any of the vehicles, whether EMS, fire
21 or police had any lights on?

22 A I don't recall. I think one or more of the responding
23 deputies had blue lights displayed. I don't recall if any of
24 the EMS or fire or any ever of them was displaying lights or
25 not. I don't recall.

1 Q Well, as anyone ever sat in traffic knows police cars
2 tend to attract attention. Did you notice any random bystanders
3 seeming to collect in the neighborhood when you pulled up?

4 A I saw some people. I don't know if it was residents.
5 It was in a residential area and I would assume some of the
6 neighbors were wondering what was going on. I don't know.

7 Q Okay. And so when you arrived there did you notice if
8 DSS personnel was on scene at all?

9 A I don't know. I am not familiar with that.

10 Q And when I say DSS, you understand I am referring to
11 child protective services?

12 A Right. I don't know.

13 Q Were you made aware if any of Miss Jones's adult family
14 members were present on scene when you got there?

15 A I don't know if they were present. I think it was the
16 children's grandparents I believe brought a change of clothing
17 for when I collected their clothes that they had on because of
18 the blood evidence. They brought some clothing. I think I was
19 told it was their grandparents. Now whether it was Miss Jones's
20 mother or father or the father's mother I don't know.

21 Q Okay. I believe you told solicitor Barfield did you
22 first see the children when they were actually inside one of
23 ambulances?

24 A Yes.

25 Q Who else was inside the ambulance with the children if

1 you recall?

2 A I think it was two EMS workers. I don't know who they
3 are. I don't know their names right off hand.

4 Q Okay. Did you see any -- someone that could have been
5 like say a civilian, an adult family member in the ambulance
6 with the children?

7 A I don't recall. I don't recall.

8 Q And when you arrived there did you actually photograph
9 the children in the clothing that you described inside is the
10 ambulance or out?

11 A Inside. I photographed them inside.

12 Q So when you showed up the children all three of them
13 still had blood on their clothes?

14 A Yes, they did.

15 Q And then after you took pictures of this blood on there
16 clothes, correct?

17 A Yes, correct.

18 Q At that point is that when the children then were
19 changed by their grandparents into new clothes?

20 A I think it was one of the grandparents that came and
21 assisted. I think the EMS personnel inside the EMS truck I
22 believe change the clothes and bagged up the soiled clothes for
23 me to take.

24 Q Do you remember about how long you were in the
25 ambulance with the kids?

1 A Probably about ten minutes.

2 Q And do you recall what their general demeanor was when
3 you were in the ambulance?

4 A The younger one, the infant of course didn't say
5 anything or respond to me hardly at all. The middle child, the
6 daughter, she didn't speak to me. She didn't talk to anybody.
7 She seemed pretty withdrawn and the older boy, again, he was
8 somewhat being entertain by the EMS workers so he seemed kind of
9 happy go lucky, if you will.

10 Q Okay. How was he being entertained?

11 A They had begin him and the other two some pairs of
12 gloves to put on, some nitro gloves and I think they had a pack
13 of crackers and cookies to eat and things like that.

14 Q Okay, and I believed you mentioned when speaking with
15 Mr. Frick through the course of your investigation did you learn
16 that it was actually the actions of the four-year old that
17 alerted police to come out to the scene that night?

18 A I was told that it was one of the children that had ran
19 next door, but I don't know that I was told which one it was.

20 Q Which one of the children it was?

21 A Yes.

22 Q Okay. Given the fact that you had a chance to see the
23 children wearing these clothes with blood on them and the
24 majority of the blood that was found was in the couch area of
25 the house, right?

1 A Yes.

2 Q So from seeing where the blood was on the children's
3 clothes and how much of it, is it fair to say in your opinion
4 that they would have been in close proximity to Miss Jones?

5 MR. BARFIELD: Objection. I don't believe he can
6 answer that. Maybe I will let her let her finish the
7 question.

8 MS. RANEY: That was the end.

9 MR. BARFIELD: I think the question has to be
10 directed to at what point in time.

11 Q Well, clearly after she was shot. I assume she wasn't
12 bleeding before it happened.

13 MR. BARFIELD: If the question is, were the
14 children close to their mother after she was shot I
15 withdraw my objection.

16 MS. RANEY: It is after.

17 THE COURT: All right. Restate the question.

18 Q From having the chance to observe the blood on the
19 children's clothes, the amount of blood on the clothes and the
20 placement of where the blood was on the clothes, in your opinion
21 would any of the children been close to Miss Jones after she had
22 been shot?

23 A It appeared to me they would have been, yes.

24 Q And in your interactions with the four-year old did it
25 appear he understood that there was some type of injury to his

1 mother?

2 MR. BARFIELD: Your Honor, I object to that. I
3 don't think there is any way he can answer that
4 question.

5 THE COURT: You can ask him to describe the
6 four-year-old's demeanor. His observations of the
7 four-year-old or the other two children also. I
8 shouldn't limit that. I am not limiting it to just
9 the four-year-old.

10 Q Whenever you were in the ambulance was the
11 four-year-old in a position where he also would have been able
12 to see that there was blood on his siblings's clothes?

13 A Yes.

14 Q Because an ambulance is how big of an area that you
15 were in?

16 A Six by eight feet or so.

17 Q So fairly close?

18 A Yes.

19 Q So, it is your testimony today the entire time you
20 spent with the four-year-old in the ambulance he was
21 happy-go-lucky?

22 A He appeared that way to me, yes.

23 Q The entire time you were in there with him?

24 A Yes.

25 Q Even though you don't know this four-year-old, correct?

- 1 A Correct. I never seen him before.
- 2 Q You never met him before in your life?
- 3 A Right.
- 4 Q You don't know I'm assuming whether the EMS person knew
5 this four-year-old?
- 6 A Don't know.
- 7 Q So this four year old is inside an ambulance with
8 adults that he does not know?
- 9 A I would assume. Again, I don't know if any of them
10 were familiar with him or his family or not.
- 11 Q And this ambulance is surrounded by a big crime scene
12 with about ten police officers at lease on scene, correct?
- 13 A Correct.
- 14 Q Flashing lights?
- 15 A Yes.
- 16 Q EMS personnel around?
- 17 A Yes.
- 18 Q Fire personnel around?
- 19 A Possibly. I think fire was there.
- 20 Q His family, meaning the four-year-old family, isn't
21 present with him in the back of the ambulance?
- 22 A At that time, correct.
- 23 Q But he's happy-go-lucky?
- 24 A Appeared that way to me.
- 25 Q Okay. And you said before you actually began your

1 investigation inside the home that you checked around the
2 outside of the house for evidence?

3 A Immediately around the yard area of the house, correct.

4 Q Could you explain to the jury what type of evidence you
5 would be looking for?

6 A Just whatever happened to present itself that I thought
7 might be evidentiary.

8 Q Okay. Well, is one of the things you may possibly be
9 looking for in accordance with your training and experience the
10 presence of tire tracks or tire marks?

11 A Sure.

12 Q Did you see any tire marks around the area of the
13 trailer of Roseanna Lane where Miss Jones was killed?

14 A It's a gravel drive. There was lots of tracks.
15 Nothing that really stood out to me. Again, I didn't notice
16 anything up in the yard and again that's where I checked right
17 there in the yard immediately around the trailer. I didn't
18 check the road leading to the trailer.

19 Q Right, but the gravel around the trailer is that what
20 you are referring to when you say you saw tire marks?

21 A What I mean by that, again it is gravel driveway.
22 There's lots of cars in and out through there. I checked the
23 area right around the trailer, the yard itself, and I didn't see
24 anything there. I didn't see any tracks or anything up in
25 there.

1 Q Do you recall because I know it has been some time, the
2 gravel area and the grassy around area the trailer, was it wet?
3 Had been raining that night or was it dry?

4 A I don't recall. I don't recall if it had been raining
5 before that or not on that evening. I don't recall.

6 Q Do you recall -- are you saying you don't recall
7 whether or not the ground was wet or dry?

8 A I don't remember.

9 Q Okay. But you don't recall looking around and noticing
10 any footprints around the trailer either?

11 A No.

12 Q And footprints is something you would generally be
13 looking for in your line of work, correct?

14 A Again, if it presents itself, yes.

15 Q Yes. Because footprints can establish how large or
16 what size shoes someone wears, correct?

17 A I would think so.

18 Q And the bottom of shoes can some times have identifying
19 information on the bottom of them in terms of who made the shoe?

20 A Sure.

21 Q And if someone has worn a shoe for some period of time
22 it starts to wear on the bottom, correct?

23 A I would think so.

24 Q So these wear patterns to the shoe could help you if
25 you were able to have a shoe to go with the shoe pattern that

1 was taken at the scene you could match them up to see if the
2 wear matches?

3 A But we didn't find anything like that.

4 Q I know you didn't. I am just talking about things you
5 would be looking for.

6 A Again, every situation is different but yeah, that is
7 something we would typically capitalize on if we saw it.

8 Q Okay. So then at that point after checking the
9 vicinity of the outside of the house that is when your
10 investigation begins inside, correct?

11 A Correct, after Lieutenant Rogers arrived with the
12 search warrant issued by the judge we then executed and moved
13 inside.

14 Q And that would have been around 12:30 at night?

15 A Yes, I think it was 12:38 am.

16 Q And do you recall what time you cleared on out of that
17 residence?

18 A We left at 5:29 is when we walked out.

19 Q In the morning?

20 A In the morning.

21 Q On January 20th?

22 A Yes.

23 Q And once you got inside the house it sounds like you
24 started your investigation first with the door?

25 A Yes.

1 Q And then moved over to the couch area?

2 A Yes, everything that was pretty obvious.

3 Q And as Mr. Frick indicated you wrote a very thorough
4 report about your investigation inside the house, correct?

5 A I think I did.

6 Q And I notice in your report there is a remark in there
7 about blood being seen on the wall above the couch up to about
8 four feet away from Miss Jones's head. Do you recall seeing
9 that, or note go that in your report?

10 A Let's see --

11 Q If not I have a copy.

12 THE COURT: How about directing him to that
13 particular --

14 A I see it. We didn't find blood. We found some
15 luminescing stains on the back of the wall just above the top of
16 the couch.

17 Q Okay. I just want to make sure we are talking about
18 the same thing. Are you referring to the -- it's basically
19 sixth paragraph in the report and then the 5th paragraph, that
20 last sentence. Is that what you are looking at. I just want to
21 make sure we are looking at the same thing.

22 A Where it says the stains were located as close as
23 immediately behind Jones's body?

24 Q Yes.

25 A Again, those were stains that responded to blue star

1 forensic.

2 Q Okay.

3 Q Okay. Could you read just that sentence you started
4 reading. Could you read that full sentence to the jury, please?

5 A Okay, but can I qualify that by reading to you what we
6 saw those stains to be.

7 Q Can you read --

8 THE COURT: Wait. Wait just a minute. Under 611 I
9 control the mode and the presentation of the
10 testimony. Answer Miss Raney's question.

11 THE WITNESS: Yes, sir.

12 THE COURT: Then you can explain the answer. So
13 you can read whatever she wants you to read and then
14 you can explain it.

15 THE WITNESS: Yes, sir. I am sorry.

16 A That last sentence there in the paragraph?

17 Q Yes.

18 A It says the stains were located as close as immediately
19 behind Jones's body and up the wall as far as about four feet
20 away from her head.

21 Q Please go ahead with explanation that goes along with
22 that?

23 A Yes. Once we applied the bluestar solution to that
24 area and we were looking for it to luminesce, the sentence prior
25 to that says after turning the lights off in the residence the

1 investigators were able to see several small stains luminescing
2 on the upright back portion of the couch and several small spots
3 and stains on the wall above it. The stains were located as
4 close as immediately behind Jones's body and up the wall as far
5 as about four feet from her head.

6 One thing, I never said it was blood. It was a stain. It
7 responded to the blue star forensic.

8 Q It was a stain that responded to blue star forensic?

9 A Correct.

10 Q And blood is one type of stain that would respond to
11 the blue star, correct?

12 A Along with other false/positives, correct.

13 Q Okay. Did you see anything else in the immediate area
14 of this blood -- or this stain that we are speaking of on the
15 wall that would suggest it was something other than blood?

16 A I didn't see anything that would suggest it was
17 something other than blood, no.

18 Q Okay. And then when you are still in the area of
19 collecting evidence around the couch I believe a cell phone is
20 located and taken into evidence?

21 A I believe so, yes.

22 Q Are you aware or did you or another officer on scene in
23 your presence actually look through the cell phone?

24 A Not that I recall.

25 Q So you personally did not look through the call log

1 like missed --

2 A No.

3 Q Received calls?

4 A No.

5 Q Any text messages she may have received?

6 A No, I didn't do that.

7 Q Okay. But as far as you know no other officer on scene
8 did that either?

9 A I don't know. I don't know of any that did or didn't.

10 Q But that cell phone was placed into evidence with the
11 sheriff's office?

12 A I believe it was, correct.

13 Q Okay. And then at that point in your investigation is
14 that when you moved down the hall to the master bedroom?

15 A I am not sure. We would have went to the bedroom and
16 once we finished up there we would have went back to the main
17 area and just checked again. So somewhere between there, yes.

18 Q And that's whenever you dusted the bedroom for
19 fingerprints, correct?

20 A Yes.

21 Q And then after you finished up with the bedroom is that
22 when you actually left the scene that day?

23 A Well, after we finished up there inside the residence,
24 again at 5:29 we cleared and left the scene.

25 Q And then you said it you wasn't until January 23rd, I

1 believe, that you did any more forensic evidence collection in
2 this case, is that right?

3 A Yes, ma'am.

4 Q And that would have been on Mr. Blackmon's car?

5 A Correct.

6 Q And when you first looked at Mr. Blackmon's car on
7 January 23rd, there was no blue star testing done, right?

8 A Correct.

9 Q But I believe you told Mr. Frick you noticed numerous
10 stains inside of the vehicle on that date?

11 A Yeah, they would be stains from any just -- you know,
12 things inside the car. Yeah.

13 MS. RANEY: I would have these marked as
14 defendant's one through six for ID.

15 (Defendant's Exhibit 1-6, cigarette butts, marked
16 for identification as of this date.)

17 Q I am handing you what has been marked Defendant's 1-6
18 for ID only. Do those look familiar to you?

19 A Yes, ma'am.

20 Q And would those be the envelopes rather that contain
21 the cigarette butts you collected from the car back on January
22 23rd?

23 A Yes, ma'am.

24 Q Of 2012?

25 A Yes, it is.

1 Q But you were not the one that actually collected the
2 jumpsuit you said?

3 A Correct.

4 Q Were you the one that collected the Tyson's work ID
5 from that vehicle that day?

6 A No, ma'am, I didn't.

7 Q That wasn't you?

8 A No, ma'am.

9 Q And one last question. You mentioned there was a
10 buccal swab taken of my client, Mr. Al Green?

11 A Yes.

12 Q And the buccal -- could you explain what the buccal
13 swab is?

14 A Buccal swab -- again, buccal refers to cheek and the
15 purpose for that is to collect skin cells and from any training
16 that we had the good source of that skin cells is on the inside
17 of the cheek in that moist area. So cotton swabs, sterile
18 cotton swabs are used with a little bit of pressure to collect
19 those cells and then they are air dried and packaged.

20 Q And it is your job just to collect these buccal swabs,
21 correct?

22 A Correct.

23 Q You don't perform any type of DNA testing on the buccal
24 swabs, correct?

25 A No, we don't.

1 Q What is the purpose in even obtaining a buccal swab
2 from an individual?

3 A It is used referred to as a standard to rule someone
4 either in or out. Something to compare to a source to a
5 suspect, suspect sample, to see if that person matches up with
6 the sample that was taken.

7 Q So after a buccal swab is taken from Mr. Green that
8 would have been placed in evidence, correct?

9 A Yes, correct.

10 Q Along with all the other samples that we have talked
11 about here today that were placed in evidence, correct?

12 A Yes, ma'am, correct.

13 Q And although you don't personally perform DNA testing,
14 correct?

15 A Right.

16 Q It is possibly to get DNA off of that buccal swab that
17 Mr. Green gave, correct?

18 A Yes.

19 Q And then it is possibly to compare the DNA obtained
20 from Mr. Green's buccal swab to the touch DNA swabs obtained
21 from other parts of the crime scene?

22 A Yes.

23 Q To see if those two things match?

24 A Correct.

25 Q And than would be done by SLED?

1 A Yes.

2 MS. RANEY: Thank you. I don't have any further
3 questions.

4 THE COURT: Solicitor, redirect?

5 MR. BARFIELD: Just one second.

6 THE COURT: Yes, sir.

7 REDIRECT EXAMINATION

8 MR. BARFIELD:

9 Q Investigator Taylor, let me ask you just a couple
10 general things. We got piles of stuff here. Did everything
11 that the sheriff's office took possession of in its
12 investigation of this case get sent to SLED for analysis?

13 A No.

14 Q Is there some stuff that didn't?

15 A Yes.

16 A For example the cigarette butts that Miss Raney marked
17 Defendant's exhibit one through five for you identification, did
18 they go to SLED.

19 A No, sir.

20 Q The swabs off the steering wheel and the shifter from
21 the Cadillac from January 23rd, did they go to SLED?

22 A To my knowledge they did not.

23 Q Is there some way that you can explain why everything
24 doesn't go to SLED?

25 A We are typically limited on the amount of items we can

1 send on investigation. We are limited by SLED on what they say
2 we can send typically on the outset.

3 MR. BARFIELD: That is all. Thank you.

4 THE COURT: Recross Mr. Frick?

5 MR. FRICK: Just one quick question.

6 RECROSS EXAMINATION

7 BY MR. FRICK:

8 Q I think you said the reason why you all took the
9 things, the swab from the steering wheel is to see if you can
10 determine who the driver was?

11 A That would have been my thinking at the time for the
12 possibility of doing that.

13 MR. FRICK: That is all the questions I have.

14 THE COURT: Miss Raney.

15 MS. RANEY: Yes, briefly Your Honor.

16 RECROSS EXAMINATION

17 BY MS. RANEY:

18 Q Do you know how many items the Lancaster County
19 Sheriff's Department actually sent to SLED for testing in this
20 case?

21 A Right off hand I don't know how many.

22 Q And did you ever make any inquiry to anyone at SLED to
23 ask them to test any of the cigarette butts?

24 A I didn't, no.

25 Q Are you aware of any officers with the Lancaster County

1 Sheriff's Department making an inquiry of SLED asking them to
2 test the cigarette butts?

3 A I don't know.

4 Q What about the touch DNA swabs Mr. Frick just asked you
5 about. You said those weren't sent to SLED, right

6 A It is my understanding they were not sent to SLED.

7 Q Did you ever personally ask someone at SLED to test
8 those touch DNA swabs from the car?

9 A No.

10 Q Are you aware of anyone at the Lancaster County
11 Sheriff's Department that asked SLED to test this touch DNA
12 swab?

13 A I don't know. I am not the person that arranges that.
14 I don't know.

15 MS. RANEY: Thank you. No further questions.

16 THE COURT: Thank you, very much detective.

17 THE WITNESS: Thank you.

18 THE COURT: You may step down.

19 (Witness excused.)

20 MR. BARFIELD: Detective Thompson.

21 THE COURT: All right, Detective Thompson if you
22 come around and be sworn.

23 FREDERICK THOMPSON, called as a witness, having
24 been duly sworn by The Clerk, was examined and
25 testified as follows:

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q Tell us your name, please?

4 A Frederick Thomspen.

5 Q Mr. Thomspen while I am looking I will ask you a couple
6 of questions. Are you employed by the sheriff's office right
7 now?

8 A No, sir.

9 Q Have you been employed by the Lancaster county
10 sheriff's office?

11 A Yes, sir, I was.

12 Q When was that from when to when?

13 A December of 1999 until January the 5th of 2013.

14 Q Were you in investigator for the Lancaster County
15 Sheriff's Office when Jenika Jones was shot and killed?

16 A Yes, sir, I was.

17 Q Did you participate in various ways in the
18 investigation of this case?

19 A Yes, sir, I did.

20 Q Do you know Pomp Blackmon?

21 A Yes, sir I do.

22 Q Did you talk to Pomp Blackmon concerning this case at
23 one point or another?

24 A I did.

25 Q Specifically concerning this case when did you first

1 have dealings with Pomp Blackmon?

2 A On January the 23rd, 2012.

3 Q And I am not asking you to quote anybody, but generally
4 speaking what lead you to Pomp Blackmon?

5 A I had a conversation with someone by phone.

6 Q That is fine. As a result of that conversation where
7 did you go?

8 A To his residence.

9 Q Did you find you him there?

10 A I did.

11 Q Was his car there?

12 A It was.

13 Q I am not even going to put -- well, let me put one
14 picture up to make sure we are talking about the same car. It
15 is not one I wanted to find but I will put up State's exhibit
16 17. Do you recognize what is shown in that picture?

17 A I do.

18 Q And what is in that picture?

19 A That is the vehicle that Pomp Blackmon owned.

20 Q And where was that picture taken?

21 A At his residence.

22 Q When was take picture taken?

23 A On January the 23rd, 2012.

24 Q Did you go there first yourself before other law
25 enforcement people got there?

1 A I did.

2 Q Okay. Did you have -- don't quote him, but did you
3 converse with Pomp Blackmon about his car?

4 A I did.

5 Q Did you look at his car?

6 A I did.

7 Q Had you gone out the night of January 19th of 2012 to
8 Roseanna Lane when this case occurred?

9 A I did not.

10 Q Okay. Had you been to Roseanna Lane at any time from
11 the incident date -- between the incident occurrence and you
12 being at Pomp Blackmon on January 23rd?

13 A I had not.

14 Q Okay. Did you have occasion to take a gander at Pomp
15 Blackmon's car when you were out there on the 23rd?

16 A Yes, I did.

17 Q Did you notice anything unusual about the car, about
18 the exterior of the car?

19 Q When I saw it that day you I didn't notice anything out
20 of the ordinary?

21 Q Did you -- again, don't quote Pomp Blackmon, but did
22 you and he talk about the condition of the car?

23 A Yes, we did.

24 Q I will put a picture up. Do you recognize what is
25 shown in that picture?

1 A Yes, I do.

2 Q What is that picture of?

3 A That the right side of his vehicle, the little green
4 piece here is a part of the fender mold. It actually holds the
5 trim in to the car.

6 Q All right. Don't quote conversation, but did you and
7 Pomp Blackmon talk about what is shown in this picture or maybe
8 what ain't shown in that picture.

9 A Yes.

10 Q As a result of seeing the car and talking to Pomp
11 Blackmon did you at some point leave his house that afternoon?

12 A Yes, I did.

13 Q Where did you go?

14 A Out to you Roseanna Lane.

15 Q Why did you go to Roseanna Lane?

16 A To see if I could locate the part that is missing off
17 of his vehicle.

18 Q And I will hand you an envelope which is -- take a look
19 at that envelope and what is it and then I will ask you some
20 questions about it.

21 A Okay.

22 Q Do you recognize what is in that envelope?

23 A Yes, I do.

24 Q And what is in that envelope? Generally describe it.
25 You can pull it out.

1 THE COURT: Let me ask you, is that 36?

2 Q Mr. Thomspon, marked for identification purposes
3 earlier this week, State's exhibit number 36. Do you recognize
4 what is in the bag marked State's 36 ID?

5 A Yes, I do.

6 Q And when did you first have your hands on that piece
7 that is in your hand?

8 A On January 23, 2012.

9 Q Okay. Now, where did you first put your hands,
10 generally speaking, where did you first your put your hands on
11 that item that is in your hands now?

12 A In the area of Roseanna Lane.

13 Q When you got to your hands on it what did you do I with
14 it?

15 A Initially we photographed it.

16 Q Where it was found?

17 A Yes, sir.

18 Q Then what did you do with it?

19 A We collected the item and put it in this bag.

20 Q And did you take it somewhere?

21 A Yes. We actually went back out to Pomp Blackmon's
22 vehicle to verify that it is the piece that is missing off of
23 it.

24 Q And I will step back because you are starting to talke
25 quite.

1 A I am sorry.

2 Q That's fine. How did you verify that piece came off of
3 Pomp Blackmon's car?

4 A I actually placed it up to the side of the vehicle just
5 to make sure that this piece would fit inside of the little
6 green hole hold as well as the length, I guess the length and
7 width of this matched up to the other molding that was already
8 on the vehicle.

9 Q Did you look at the other side where a similar piece of
10 molding would have been?

11 A Yes, I did.

12 Q Let me show you another picture?

13 Q I show you State's exhibit 22. Can you tell me what
14 that is picture of?

15 A That is the other side, the matching side of this
16 piece.

17 Q Okay. I will show you State's exhibit number 23. Can
18 you tell me what that is?

19 A That's this piece on Roseanna Lane.

20 Q Where you first saw it?

21 A Yes.

22 Q Nobody had moved it, messed with it?

23 A We had not.

24 Q And generally speaking -- I will get you to look on the
25 picture in a minute -- but generally speaking where was it? Was

1 it on the roof? Was it in a ditch? Was it in a driveway? On
2 somebody's porch? Generally speaking, where was it?

3 A I guess, if you are leaving Roseanna Lane going out to
4 Highway 200 it was on the right side of the road in the ditch
5 area.

6 Q I will show you some more pictures. Did you take these
7 pictures?

8 A I think that I did, yes.

9 Q I will show you State's 23. Let me get the glare off
10 of. What is that a picture of?

11 A That's where we actually located this piece.

12 Q Now, can you see the piece in the picture?

13 A I can not.

14 Q All right. What is it in the picture that you can see?

15 A Actually use this bag as marker, I believe.

16 Q All right. I will hand you the picture itself. I will
17 hand you two pictures and then I will put them back up on the
18 thing in a minute. I will show you State's 24. What is that a
19 picture of?

20 You just take a minute to orient yourself and I will put it
21 back on the reader. Tell me what that is a picture of.

22 A This is at picture of the location again where we found
23 this piece and the bag because there were so many leaves in the
24 area you really couldn't see it. We actually used that bag just
25 to give us an indication, basically a point to where the piece

1 is located.

2 Q And you are saying it's the bag that you actually got
3 in front of you there?

4 A I am pretty certain that it is.

5 Q In that picture can you actually see the piece of
6 molding or chrome or whatever it is?

7 A No.

8 Q That's fine?

9 Q I will show and than picture is taken from the vantage
10 -- was this piece found near somebody else's house?

11 A Yes.

12 Q And was that picture taken from the vantage point of
13 looking towards that person's house from the road?

14 A Yes.

15 Q I will show you State's exhibit number 25. What is
16 that a picture of?

17 A We are actually in the driveway standing in front of
18 that mobile home photographing the road back out towards the
19 road where this piece is locate.

20 Q Same picture, different angle?

21 A Yes.

22 Q What all is shown? Can you tell us is in that picture?

23 A We actually have one of the yellow markers out with
24 number 1 actually right above this piece.

25 Q Now, is there any extraneous objects shown in that

1 picture?

2 A There appears to be a can of some sort.

3 Q Does it got anything to do with this case as far as you
4 know?

5 A As far as I know it does not.

6 Q And I will put these pictures back up and let's talk
7 about them real quick.

8 State's number 24, you just had in your hand. Tell us
9 again briefly what that is a picture of?

10 A There is a glare. I can't. Okay. That picture is
11 where the bag -- I am actually using the bag as marker because
12 --

13 Q Circle it.

14 A The bag is here. This bag is used as marker. You can
15 not see the chrome piece because of the leaves.

16 Q All right. And is the beer can in that picture also
17 within the circle that you just put on?

18 A Yes, sir it is.

19 Q State's number 25. Can you tell us what that picture
20 of?

21 A That is from the opposite view. We are actually
22 standing in the driveway of the mobile home. We are actually --
23 the marker, the yellow marker here with the number one is right
24 above where we were able to locate the chrome piece.

25 Q The bag is not in the picture now?

1 A The bag is not there and the same beer can is there
2 that has nothing to do as far as we knew with the case.

3 Q I will circle something. Can you tell us what that is?
4 Do you know what that is?

5 A Yes, that is is the speed bump.

6 Q Are there speed bumps on that road?

7 A Yes, sir there is.

8 Q Just that one or bunches of them or just that one?

9 A About three I think.

10 Q And on this picture with you your finger trace the path
11 with a arrow or make a arrow showing which way Highway 200 is?

12 (Witness complies.)

13 MR. BARFIELD: Permission for the witness to step
14 down?

15 THE COURT: Yes, sir, you may step down.

16 Q Do you recognize what is shown in State's exhibit
17 number 54?

18 A Yes, sir, I do.

19 Q What is State's exhibit number 54?

20 A This is aerial photo of the area of Great Falls
21 Highway, Roseanna Lane and Colton Way.

22 Q Are you oriented on it to be able to know where the
23 scene was in this case and where 200 is and all that kind of
24 good stuff?

25 A Yes.

1 Q And where was the -- using its pointer show us the
2 house where this event occurred at?

3 A Here.

4 Q And where along which road did you find the piece of
5 molind on?

6 A On Roseanna Lane.

7 Q And where on Roseanna Lane did you find the piece of
8 molding?

9 A Right between this mobile home and this mobile home
10 there is a speed bump about in this area and the piece -- the
11 little chrome trim was within a few feet of that.

12 Q Okay. And just stick the pointer on it again and hold
13 it still for a second?

14 A If I can.

15 Q So in that general area?

16 A Yes, sir.

17 Q You may take your seat. Thanks. Did you come in
18 possession of anything else on January 23rd when you were
19 talking with Pomp Blackmon and messing around with his car?

20 A Yes, sir, I did.

21 Q What?

22 A A blue jumpsuit.

23 Q Okay.

24 A And a work ID.

25 Q I will show you what has been marked for identification

1 State's exhibit number 37. Well, let me back up. Time out.

2 MR. BARFIELD: Your Honor, at this time I offer
3 State's exhibit number 36 as exhibit?

4 THE COURT: Any objection?

5 MR. FRICK: No objection.

6 MS. RANEY: No, Your Honor.

7 THE COURT: State's 36 is in evidence.

8 (State's Exhibit 36, car molding, received in
9 evidence as of this date.)

10 Q Now, Mr. Thompson, I am showing you State's exhibit
11 number 37 for identification purposes. Do you want gloves?

12 A Please.

13 Q I will set this box up there. What has been marked for
14 for identification as State's exhibit 37. You stand up and do
15 whatever you want. I will let you examine it and let I ask you
16 questions about it.

17 Do you recognize what that is?

18 A Yes, I do.

19 Q And you can stuff it back in the bag. Just stuff it
20 down in the box. Don't worry about it and hand it back to me.

21 What is the contents of State's exhibit 37 for
22 identification?

23 A That is a blue one-piece jumpsuit type clothing.

24 Q And where did you first see that and get your hands on
25 it?

1 A At the residence of Pomp Blackmon.

2 Q And don't tell me what Pomp Blackmon said, but describe
3 the transfer of that blue jumpsuit from him to you. Where did
4 you see and where did it go from where you saw it to where you
5 got it?

6 A From his residence. I think his address is 202 Hughes
7 Street. I got it from there, voluntarily turned over and placed
8 into evidence.

9 Q And do you remember where it actually came from to go
10 from him to you? Do you know where it was?

11 A From the trunk of his vehicle.

12 Q Okay.

13 MR. BARFIELD: Your Honor, at this time I offer
14 States 37 as an exhibit?

15 MR. FRICK: No objection.

16 MS. RANEY: No objection.

17 THE COURT: State's 37 is in evidence.

18 (State's Exhibit 37, jumpsuit, received in evidence
19 as of this date.)

20 Q Thank you, sir.

21 MR. BARFIELD: Your Honor, I reserve the right to
22 recall Mr. Thomspoh. I just need to get this done for
23 the flow of the case. Reserve the right to recall him
24 about other matters later.

25 THE COURT: All right. Mr. Frick.

1 MR. FRICK: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. FRICK:

4 Q You had conversations with Mr. Blackmon a few times,
5 did you not?

6 A Yes, sir, I did.

7 Q Okay. First time was I guess on the 23rd of January
8 when you were over there looking at the car?

9 A That's correct.

10 Q And he retrieved the jumpsuit. Did he give you ID too?

11 A Yes, sir.

12 Q So you took that in custody?

13 A Yes, I did.

14 Q Did you do any processing on the car?

15 A I did not. I was there with Mr. Taylor, Investigator
16 Taylor.

17 Q You didn't go to the scene at Roseanna that night of
18 the 19th?

19 A I did not.

20 Q Other than picking up this piece here in State's number
21 36, did you process anything else on the scene?

22 A On the scene?

23 Q Yes, sir.

24 A No, sir, I never went to the scene.

25 Q You just literally stuck this on the side of car and it

1 stuck?

2 A No, I didn't push it you all the way in. Kind of put
3 it up the side. It matched the other side.

4 Q It matched?

5 A Yes.

6 Q But there is no unique identifying feature on this
7 thing, right? No serial number on it?

8 A No. No, serial number.

9 Q All right. So, this is a piece of chrome off of a
10 white Cadillac, right?

11 A Yes.

12 Q And it fit on a white Cadillac?

13 A Yes.

14 Q Folks are looking at Mr. Blackmon's car on January
15 23rd. He gives consent for it to be looked at, correct?

16 A That's correct.

17 Q Was there any chief case agent on this case or was
18 everybody just working on it?

19 A My understanding Investigator Crump was called out. He
20 was the lead, but often times with with situations like this we
21 all jump in to help out. That is what we typically do on most
22 cases.

23 Q All right. I know you are not then the chief
24 investigator on this case but you certainly were involved with
25 it. Mr. Blackmon's car was not taken as a piece of evidence

1 itself, correct?

2 A That's correct.

3 Q It was left in his custody and control?

4 A Yes.

5 Q Later did you get some information about where this car
6 was located?

7 A I did not.

8 Q Okay. Let me ask you, did you prepare an incident
9 report?

10 A Yes. Several supplements.

11 Q I will show you a brief one. Do you recognize that?

12 A I read it just in preparation.

13 Q Is it part of your report?

14 A No, it is not.

15 Q Its not. Okay. Your right, it's not. Thank you.

16 I think I picked up the wrong one. That is what happened.

17 Is that one of your reports or is that somebody else's? (Handed)

18 A That is my report, yes, sir.

19 Q All right. There we go. In this report it looks like
20 you gained some information about a potential person that the
21 car was loaned to; is that correct?

22 A Yes.

23 MR. BARFIELD: Could I ask what they are looking
24 at.

25 MR. FRICK: I am sorry. (Shown to Mr. Barfield)

1 Q You were given a name, correct?

2 A Yes.

3 Q As someone that the car might have been loaned to. Do
4 you know what that name was? Do you know who that name was?

5 A Yes.

6 Q Who was that?

7 A Antoine Barnett.

8 Q Do you know when you got that information?

9 Q A date? I just don't see it on the report.

10 A I didn't put it in the report. My assumption is it was
11 after the initial conversation.

12 Q That was going to be my question. Okay.

13 MR. FRICK: I believe that is all I got for you
14 right now.

15 THE COURT: Miss Raney.

16 CROSS EXAMINATION

17 BY MS. RANEY:

18 Q Investigator Thompson, when you were at Pomp Blackmon's
19 house on January the 23rd of 2012, did you learn that a key was
20 missing to that vehicle?

21 A I do believe that I was told that.

22 Q Do you know if the missing key to the Cadillac was ever
23 recovered by you or another officer?

24 A I know I did not. I don't know about another officer.

25 Q Did you personally take any steps to try and locate who

1 may have possession of the missing key?

2 A We worked in conjunction with this case, but I never
3 went and asked someone do you have the key for this vehicle.

4 Q So you personally never did any search to try and
5 locate the key?

6 A He filed a report with city police department about his
7 vehicle being missing.

8 Q Right. Are you aware of any other officers with the
9 Lancaster County Sheriff's Office making an attempt to find out
10 who had this missing key?

11 A I don't know.

12 Q Okay.

13 MS. RANEY: If the Court will just bare with me
14 while I find the photo.

15 Q This is State's number 25. Can you see that on your
16 screen up there?

17 A Yes, I can.

18 Q That yellow marker we're looking at, is that showing
19 where the piece of trim from a vehicle was found?

20 A Yes, ma'am, that is correct.

21 Q Could you give me an idea of the how far away from the
22 road this piece of trim was when you found it?

23 A Maybe two feet.

24 Q Maybe two feet. Because that area it looks like it's
25 paved, that long strip in front of the tree there?

1 A Yes.

2 Q Is that the road there?

3 A Yes, sir.

4 Q And that's a paved road?

5 A Yes, ma'am.

6 Q That is a not a road that is just made out of gravel?

7 A No, ma'am.

8 Q Not loose gravel?"

9 A No. It is pretty bad shape but it is not loose gravel.

10 Q And when you arrived out there on Roseanna Lane to look
11 for this piece of trim missing from the car, you didn't know
12 whether you were going to find a piece of trim or not?

13 A We did not, no.

14 Q You weren't given any clue as to where specifically to
15 look along Roseanna Lane?

16 A No, ma'am I was not.

17 Q So do you remember how long you spent out there on
18 Roseanna Lane before you were able to find this piece of trim?

19 A My best guess maybe thirty minutes, but that's just my
20 best guess. I really don't no.

21 Q About a half hour or so?

22 A Yes.

23 Q And during that time you were out on Roseanna Lane
24 looking to see if you could find this piece of trim were you
25 walking up and down Roseanna Lane?

1 A Yes, we were.

2 Q Okay. How many other officers were with you?

3 A Two other.

4 Q Two other, and do you recall who they were?

5 A Lieutenant Howell and Investigator Joe Catalano.

6 Q Did you say Catalano?

7 A Yes, Catalano.

8 Q And are you aware whether or not on January 19th the
9 night that Miss Jones was killed whether or not any officers
10 from the Lancaster County Sheriff's Office actually searched
11 that same area where you found the trim piece later on?

12 A I can't answer that. I don't know. I didn't read
13 anything in the report.

14 Q Did you read all the reports that were prepared by the
15 police in preparation for your trial testimony?

16 A Not every one. Just what I would be testifying too is
17 what I spent the bulk of my time reading.

18 Q Okay, but did you read reports that you were not
19 actually the author of?

20 A Not all of them.

21 Q But some of them?

22 A Some of them I did.

23 Q Don't say out loud what this says.

24 A Okay.

25 Q I just want you to go ahead and take a look at that and

1 tell me if it is familiar to you or not?

2 A This is not.

3 Q Okay.

4 A Sorry, I did for the read that one.

5 Q Okay.

6 MS. RANEY: Thank you. I have no further
7 questions?

8 THE COURT: Redirect solicitor.

9 MR. BARFIELD: None.

10 THE COURT: All right. Thank you. Thank you, Mr.
11 Thompspon you may step down.

12 (Witness excused.)

13 THE COURT: All right. You all ready for lunch
14 break, is that a yes.

15 MR. BARFIELD: Yes, they are I am sure.

16 THE COURT: They are.

17 MR. BARFIELD: You need to ask them. I am sure
18 they are.

19 THE COURT: Mr. Foreman, ladies and gentlemen of
20 the jury panel, perhaps now would be a good time to
21 take our luncheon recess. Please remember during this
22 lunch do not discuss the case with anyone that
23 includes your fellow jurors or anyone else. Do not do
24 any research, independent or by way of the internet or
25 any other manner. Keep an open mind. Do not begin

1 your deliberations until you heard all the evidence,
2 testimony, closing arguments by the attorneys and
3 instruction on the law by the Court. It is my
4 understanding that the clerk has reported that your
5 lunch is here so we will take let's say about an hour.
6 Let's say 2:15. Until 2:15.

7 All right. Thank you, very much you may not go to
8 the back.

9 (WHEREUON, the jury leaves the courtroom).

10 THE COURT: All right. Anything further from the
11 State before we take our recess?

12 MR. BARFIELD: Nothing from the State.

13 THE COURT: Defense?

14 MR. FRICK: Nothing from the defense.

15 THE COURT: Ms. Raney?

16 MS. RANEY: Nothing from me, Your Honor.

17 THE COURT: All right. We will be in recess until
18 2:15.

19 (WHEREUPON, court was in recess.)

20 THE COURT: Anything we need to take up before we
21 bring the jury in?

22 MR. BARFIELD: Nothing from the State.

23 THE COURT: From Clinton, Mr. Frick?

24 MR. FRICK: No, Your Honor.

25 THE COURT: Mr. Green, Miss Raney?

1 MS. RANEY: No, Your Honor.

2 (Jury enters the courtroom.)

3 THE COURT: Welcome back ladies and gentleman of
4 the jury panel. I hope you all had a pleasant lunch.
5 We will continue with the trial of the case by the
6 presentation of the evidence by the State in their
7 case in chief. Please continue to give the parties
8 your complete and undivided attention as you have done
9 throughout the trial of this case.

10 Solicitor you may call your next witness.

11 MR. BARFIELD: The State calls Ann Hornton.

12 THE COURT: All right. If you come around for us
13 please and be sworn.

14 ANN HORTON, called as a witness, having been duly
15 sworn by the clerk, was examined and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. BARFIELD:

19 Q Tell us your name please, ma'am.

20 A Ann Horton.

21 Q Miss Horton, by whom are you employed?

22 A Lancaster County Sheriff's Office.

23 Q How long have you been employed by the sheriff's
24 office?

25 A About four and a half years.

1 Q And what is your job at the sheriff's office?

2 A I am the evidence custodian.

3 Q And as evidence -- what does evidence custodian mean?

4 What does that mean for you in your day to day you duties at
5 sheriff's office generally speaking?

6 A That means any piece of evidence that is brought in and
7 is put in our lockers or some times delivered straight to me, I
8 take that evidence I give it a specific item number so that
9 piece of evidence can be tracked and a chain of custody can be
10 formed where ever that piece of evidence goes and then I have
11 keys to the room.

12 Q Okay. Is the evidence room in the Lancaster Sheriff's
13 Office the former facility and the current facility is it a
14 secured room?

15 A Yes, it is.

16 Q Thank you. What is your requirement concerning the
17 integrity of a piece of evidence that somebody either puts in a
18 drop box or hand delivers to you to be logged into the evidence
19 at the sheriff's office?

20 A Any one that brings me a piece of evidence must fill
21 out an evidence submission form and that will include a case
22 number, the time they collected it, the time they dropped it in
23 my drop box or handed it to me and then it must be sealed
24 properly. Some items we collect in paper. Some are okay to be
25 collected in plastic depending on what it is and it must be

1 sealed by the officer so that when I collect it that seal is
2 intact.

3 Q And we you get your hands on something if it is not
4 sealed what do you do?

5 A The officer will get an e-mail from me to come pick up
6 this piece of evidence because it is not evidence, and we have
7 to start a process from there.

8 Q You don't take it ain't sealed up?

9 A I do not. I do not.

10 Q Are you responsible for transporting evidence from the
11 sheriff's office to other locations as the need might arise?

12 A Yes, I am.

13 Q And most principally where will you carry evidence from
14 the sheriff's office to?

15 A I take evidence to the South Carolina Law Enforcement
16 Division which is SLED and I check it in there and then they
17 send it in that chain of custody on to be analyzed.

18 Q Okay. When you go to SLED to log in something what do
19 you do?

20 A I take it to one particular person. There is four
21 ladies that work there and they check each individual piece of
22 evidence in create a chain of custody from me to them and then
23 they document where it is going next.

24 Q Do they actually check the piece of evidence that you
25 are handing to them for its integrity when goes from you to

1 them?

2 A Yes, sir. They do not accept any evidence from me that
3 it is not sealed in advance.

4 Q Does SLED forever keep stuff that you take down there
5 to them?

6 A They do not. Once they finish the analysis process
7 then it will be stored ready for me to pick up and when I go on
8 my next trip down they check that evidence out by they scan
9 their own tag that they have on that they had that piece of
10 evidence and then they change it over in the computer to me and
11 I bring it home and then restore it in our room.

12 Q Okay. Now I will hand you item which has been marked I
13 think for identification State's exhibit number 38. Can you
14 identify what is in that plastic bag?

15 A These are buccal swabs that were taken from Devatee
16 Clinton.

17 Q Okay. Are those -- have you seen them before I handed
18 them to you today?

19 A I have. They were brought to me in swab boxes that
20 were in this envelope. I then gave them a number and documented
21 on here what they are. I took them to SLED. SLED gave them a
22 number, a lab number, that is on every item that is in this
23 particular case. Anything that is analyzed under this case
24 number has that identical item and then they give it an
25 individual item number so that when it is returned I know what

1 that is.

2 Q Okay. And did you at some point receive State's
3 exhibit number 38 for identification from -- I can't remember
4 who you said you got it from. Did you receive this from some
5 investigator in this case?

6 A I did and it is documented when I put it in the
7 computer and give it that you individualized number who gave it
8 to so I can always refer back.

9 Q And was this item properly sealed when you received it?

10 A Yes, it was.

11 Q Did you at some point do something with it or transport
12 it to some other location from your evidence room at the
13 sheriff's office?

14 A Yes, sir. I gave it an individual number. I have a
15 box called a SLED lab box that it goes in there and that is the
16 box that I transport to Columbia with my evidence.

17 Q And did you take this particular item, State's number
18 38 for identification to SLED yourself?

19 A Yes, sir, I did. My initials are on the top and the
20 date that I took.

21 Q And that is AH for Ann Horton?

22 A Yes, Ann Horton.

23 Q Generally speaking Miss Horton, let me ask you this
24 first. You have been here pretty much all afternoon yesterday
25 and all day today so far?

1 A Yes.

2 Q And I think you have been here when all of these other
3 item have been introduced into evidence in this case is that
4 correct?

5 A That is correct.

6 Q As to all of this is items generally, were they
7 received by you as evidence custodian for the Lancaster County
8 Sheriff's Office from various officers working this case?

9 A Yes, every piece of evidence that has been submitted
10 came through me.

11 Q And as to all of these items that have been introduced
12 in this case so far was there any problem with the integrity of
13 the packaging or sealing of these items when they were received
14 by you?

15 A No, sir.

16 Q And as to all of these items that ended up going to the
17 State Law Enforcement Division Lab who transported them?

18 A I did.

19 Q And as to all these items which were returned to the
20 sheriff's office from the State Law Enforcement Division Lab who
21 brought them back to the sheriff's office?

22 A I did.

23 MR. BARFIELD: Thank you, ma'am. Answer anything
24 Mr. Frick or Miss Raney has.

25 THE COURT: Thank you, solicitor. Mr. Frick.

1 MR. FRICK: No questions, Your Honor.

2 THE COURT: Miss Raney.

3 MS. RANEY: Just briefly Your Honor.

4 CROSS EXAMINATION

5 BY MS. RANEY:

6 Q Miss Horton, as the evidence technician it is not your
7 job to decide which items of evidence gets sent to SLED for
8 testing, is it?

9 A No, ma'am.

10 Q Would that be the individual officer or investigator on
11 the case that makes the decision on what to send to SLED for
12 testing?

13 A That's correct.

14 Q Okay. I am just going to randomly pick up this is
15 State's exhibit number 51. You mentioned that after SLED does
16 testing on an item it is returned back by you picking it up,
17 returned back to sheriff's office, correct.

18 A That's correct.

19 Q So after SLED has done an analysis on a piece of
20 evidence one way to tell that is its in a clear plastic bag that
21 says SLED on it, correct?

22 A That's correct.

23 Q Just like item number 51 that you have there in front
24 of you?

25 A That's correct.

1 MS. RANEY: Okay. Thank you. I don't have any
2 further questions.

3 THE COURT: Anything on redirect, solicitor?

4 MR. BARFIELD: No, sir.

5 THE COURT: Thank you. Thank you very much, Miss
6 Horton, you may step down.

7 (Witness excused.)

8 THE COURT: All right, you may call your next
9 witness.

10 MR. BARFIELD: The State calls Stephanie Stanley.

11 THE COURT: All right, if you would come around to
12 be sworn for us please.

13 STEPHANIE STANLEY, called as a witness, having
14 been duly sworn by the clerk, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. BARFIELD:

18 Q State your name please ma'am.

19 A My name is Stephanie Stanley.

20 Q Miss Stanley by whom are you employed?

21 A I am employed b the South Carolina Law Enforcement
22 which is more commonly referred to as SLED.

23 Q What is your job at SLED?

24 A I am a forensic scientist assigned to the DNA case work
25 department and I am also the acting team leader of our evidence

1 processing serology sections within our DNA case work
2 department.

3 Q How long have you been employed at SLED?

4 A A little over nine years.

5 Q Do you, yourself, do DNA analysis on various cases?

6 A Yes, sir, I do.

7 Q And you said your also the -- tell us what you said
8 your role is with the evidence processing department team?

9 A Team leader over the evidence processing and serology
10 section. So I monitor day-to-day functions of those sections.

11 Q And do you sign reports from the evidence processing
12 department of SLED?

13 A Yes, sir, I have.

14 Q Now, did you -- let me jump way ahead. Did you do any
15 DNA analysis on this case?

16 A No, sir, I did not.

17 Q I am going to ask you are you an expert in DNA
18 analysis?

19 A Yes, I have been qualified in the courts of South
20 Carolina before.

21 Q Okay. And I am not going to ask you those questions in
22 this case because you didn't do DNA, but I do want to talk to
23 you about some evidence processing that you participated in.
24 Before I do that I am going to do this. When I say a verified
25 SLED chain of custody, do you know what I am talking about?

1 A Yes, sir.

2 Q What is a verified SLED chain of custody?

3 A A verified SLED chain of custody is a custody means
4 that is has going out to the individuals that are actually
5 listed as part of the chain. They are asked to confirm or
6 verify their portion of the chain. That it looks correct.
7 There is nothing wrong with that chain of custody. Everything
8 is written on the chain of custody. That shows the actual and
9 true flow of evidence throughout the laboratory.

10 Q And is that what the chain of custody does, it shows
11 everybody who handled the piece of evidence that comes in to the
12 SLED lab.

13 A The chain of custody will show everybody who has
14 handled a piece of evidence. It will monitor dates and times of
15 those transfers. If I had given a piece of evidence to somebody
16 else. It also monitors secure locations where we can leave
17 evidence within a specific department.

18 Q Can you explain just briefly to the jury the login
19 process at SLED and whether its manual or automated
20 computerized?

21 A We have a computer system, a laboratory information
22 management system where evidence items are brought by local
23 agencies. They are submitted to SLED for analysis. At the
24 login or intake portion the analysis request is documented in
25 the computer system. Evidence can be transferred to different

1 departments within SLED and we need to know what analysis
2 requests is on each item of evidence. Each item of evidence is
3 given a unique identifier, an item number, and those item
4 numbers are associated with a case number that begins with L and
5 it is usually the year, like one four dash and it will have four
6 or five different numbers, just depending on the case sequence
7 of when that case came in throughout the lab.

8 The ladies in evidence control accept everything on a said
9 to contain basis, so they believe if a box comes in it is said
10 to contain a pair of jeans. They are not going to take out the
11 jeans in the evidence login section. They are just going to log
12 it into the computer as a set of jeans and it is transferred to
13 the appropriate person. We do that to preserve evidence. We
14 don't want to open evidence in public areas of the laboratory.
15 But everything is tracked from that point. So any transfers
16 that are made of those items are then tracked on that chain of
17 custody and the chain of custody will end when the evidence is
18 returned to the actual submitting agency and we capture that
19 with a signature pad.

20 Q I am going to hand you -- well, let me back up.

21 You said if the Lancaster Count Sheriff's Office starts
22 bringing you evidence concerning a particular event in Lancaster
23 does it get a lab number from SLED?

24 A Yes, it does.

25 Q And is that L-14 number you are talking about?

1 A Yes, it is.

2 Q And does that lab number get maintained for every piece
3 of evidence that comes in for that particular incident?

4 A Yes, any additional evidence that is submitted on that
5 same incident will be associated with that same lab number.

6 Q Are there from time to time sub item numbers -- well,
7 lets go back.

8 Each thing that comes in to SLED gets an item number, a SLED
9 item number like one, two, three, four, five, correct

10 A Yes, sir.

11 Q Are there sometimes sub item numbers that get developed
12 from evidence once it gets to SLED and broken out in some
13 fashion?

14 A Yes, for example in the DNA department we may give an
15 item number a sub item number. For example if we take a portion
16 of a t-shirt we will sub item that into a let's say one point
17 one, or one point two, based on how many cuttings or swabs we
18 actually take from an item. So for swabbing a hard item, it may
19 if this counter (indicating) is item one, the swab could be one
20 point one to reflect that it came from this counter; item one,
21 and all of that is tracked in the chain of custody. So all sub
22 items are present and accounted for.

23 Q Now you mentioned swabs. Does SLED sometimes create
24 sub items by swabbing a piece of evidence?

25 A Yes, we can.

1 Q And you mentioned cutting. What do you mean by
2 cuttings and give us a for example?

3 A A larger item of evidence, let's say a t-shirt may be
4 submitted for say blood analysis. Well, the t-shirt may be your
5 item one. Any cutting I take from that where I think I may see
6 blood could be one point one. The entire t-shirt isn't
7 submitted further on in to the DNA department. What we are
8 receiving are actual cuttings of the actual piece of cloth. So
9 larger items of evidence are transferred to our evidence
10 processing section and they are responsible for taking those
11 large items and making them smaller and identifying those
12 stains.

13 Q I will hand you a document that purports to be 33 pages
14 long and ask if you can identify that?

15 A Yes, I can.

16 Q And generally speaking what is that document?

17 A This document is a chain of custody that has been
18 verified for this lab number L-12-1205.

19 Q Okay. Is that the verified chain of custody document
20 for this case?

21 A Yes, sir, it is.

22 Q And is this case a case that you worked on yourself?

23 A No, sir, it is not.

24 Q Is it a case that SLED, the SLED lab worked on is what
25 I am asking?

1 A Yes, sir, it is.

2 Q And does it identify, the document itself, does it
3 identify any suspects or defendants or victims the chain of
4 custody document?

5 A No, sir, it is just for tracking the evidence.

6 Q Okay.

7 MR. BARFIELD: Now, Your Honor, at this time I
8 offer the chain of custody as the next State's
9 exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection.

12 THE COURT: All right.

13 THE COURT: State's 55 is in evidence without
14 objection.

15 (State's Exhibit 55, chain of custody, received in
16 evidence as of this date.)

17 Q Miss Stanley, I am going to hand you the chain of
18 custody back. I got it open up to page nine. Did this case
19 involve an item which SLED gave item number six to?

20 A Yes, item six was one sealed box containing clothing
21 described as one piece jumpsuit, blue in color.

22 Q And did that end up in the evidence processing
23 department?

24 A Yes, it did.

25 Q And did SLED also receive an item that was as signed

1 item number 12?

2 A Yes, sir, it did.

3 Q And what was that item described as?

4 A Item 12 was described as one heat sealed pouch
5 containing automobile parts described as stained seat belt from
6 the passenger seat.

7 Q And did the evidence processing department process
8 those two items of evidence, first of all the blue jumpsuit?

9 A Yes, sir.

10 Q And what was involved from the processing of the
11 jumpsuit?

12 A The request for analysis on the jumpsuit I believe was
13 ownership and blood.

14 Q Okay. And was it processed to determine if there was
15 anything of evidentiary value on it?

16 A Yes, it was.

17 Q And was it processed by swabbing or by cuttings or by
18 just chemical testing or how was it processed?

19 A There were swabs taken. There was also cuttings taken
20 and a chemical test was performed.

21 Q Okay. How many cuttings were taken from the jumpsuit?

22 A There were 14 cuttings taken from the jumpsuit.

23 Q Okay. And I will hand you a couple of envelopes which
24 have not been opened yet and can you tell me -- I will open the
25 envelopes.

1 I will hand you both of these envelopes and just ask if you
2 can tell me what the contents of those envelopes are?

3 A The contents of the first one, L-12-1205 container C,
4 this contains the cuttings; our items 6.1, 6.2, 6.3. Those were
5 cuttings from the jumpsuit, 6.4 was a swab and 6.5 was possible
6 hair that was collected.

7 Q Okay. So this is 6.1 through 6.5?

8 A Yes, sir.

9 Q Okay. Let me -- before you move on let me check a
10 couple of things real quick.

11 MR. BARFIELD: Your Honor, at this time I offer
12 SLED items number 6.1 to 6.5 as a State exhibit.

13 MR. FRICK: No objection.

14 MS. RANEY: No objection.

15 THE COURT: All right, they have not previously
16 been marked?

17 MR. BARFIELD: They have not.

18 THE COURT: State's exhibit 56 in evidence without
19 objection.

20 (States Exhibit 56, cutting from jumpsuit, received
21 in evidence as of this date.)

22 Q All right, what else have you got there?

23 A This heat sealed pouch is L-12-1205, is container D,
24 and it contains cuttings from the jumpsuit, 6.6, 6.7, 6.8, 6.9,
25 6.10, 6.11, 6.12, 6.13 and 6.14. All were cuttings.

1 MR. BARFIELD: Your Honor at this time I offer 6.6
2 through 14 as the next State's exhibit.

3 MR. FRICK: No objection.

4 MS. RANEY: No objection.

5 THE COURT: All right, States 57 is in evidence,
6 cuttings.

7 (States Exhibit 57, cuttings, received in evidence
8 as of this date.)

9 Q Miss Stanley, as to what is now State's exhibit 56 and
10 57, the cuttings and one swab I think, and one potential hair
11 from the jumpsuit, was any analysis done of this in the evidence
12 processing department.

13 A The cuttings were checked for presumptive test for
14 blood.

15 Q And do you know whether any of the cuttings tested
16 positively presumptively for blood?

17 A Yes, all of the cuttings presumptively tested positive
18 for blood. We reported as blood was indicated.

19 Q Okay. Now, I am talking to you as a DNA analyst now.
20 Does blood mean human blood necessarily?

21 A This type of test just gives an indication that blood
22 maybe present and that further testing could be performed. That
23 further testing could be to help identify whether it is blood or
24 that further test could be DNA analysis. So this is a test that
25 is sensitive to the detect whether it is blood, but it is not

1 specific to tell us that it is absolutely blood.

2 Q But could it be blood but not human blood?

3 A It also could be blood but not human blood. This test
4 isn't going to tell us species.

5 Q I will hand you one more envelope which I don't think I
6 need to open up at this point, but can you tell me what is in
7 that pouch by SLED item and description?

8 A Yes, this is L-12-1205 item 12, which is is described
9 as heat sealed pouch containing automobile part described as
10 stain seat belt from front passenger seat.

11 Q And one more item, one more bag, which again I am not
12 going to open unless you need me to, but can you tell me what is
13 in that bag?

14 A L-12-1205 container F, these are going to be the
15 cuttings that were taken from the actual seat belt.

16 Q Which is --

17 A Items 12.1 and it should be 12.2.

18 Q And let me go back. The item I handed you a minute ago
19 that you described as seat belt, for the record is State's
20 exhibit number 49, which I think is in evidence.

21 Are these cuttings from the seat belt referring to the seat
22 belt that I just showed you that you identified, which I
23 identified as State's exhibit 49?

24 A Yes, these are cuttings that were taken from the actual
25 item 12, so 12.1 and 12.2 are contained in there.

1 Q Okay. Do you know if any presumptive testing was done
2 in the evidence processing department concerning the cuttings
3 from the seat belt?

4 A Yes, it was.

5 Q And what presumptive testing was done?

6 A A presumptive test for blood and blood was indicated on
7 both of those cuttings.

8 MR. BARFIELD: Your Honor, at this time I offer
9 the cuttings from the seat belt as the next State's
10 exhibit.

11 MR. FRICK: No objection, Your Honor.

12 MS. RANEY: No objection.

13 THE COURT: State's 58 in evidence without
14 objection.

15 (State's Exhibit 58, seat belt, received in
16 evidence for as of this date.)

17 Q Let me go back and ask you another question about SLED
18 item number six, which is State's exhibit number 37 in evidence,
19 the blue coveralls. Once the processing of those coveralls was
20 done, the cuttings and swabs and the potential hair collected,
21 were the coverall themselves passed on up the chain for any
22 testing themselves?

23 A The coveralls themselves, item six were not.

24 Q Okay. As to the State's exhibit 56 -- well, let me
25 back up.

1 State's exhibit 49, the seat belt which was SLED item number
2 12 and State's exhibits 56, 57 and 58 the result of the
3 processing of the items we have been talking about, where did
4 they go from evidence processing within the SLED lab? Generally
5 speaking, what department of SLED do these items get moved on up
6 to?

7 A The cuttings would have been transferred eventually to
8 DNA analyst. In this case it was Maryann Boehm. I believe she
9 picked up some of the items directly and others she picked up
10 from our evidence login department.

11 MR. BARFIELD: Thank you, ma'am. That is all the
12 questions I have at this point.

13 THE COURT: Thank you, solicitor. Mr. Frick.

14 MR. FRICK: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MR. FRICK:

17 Q The jumpsuit, I think SLED number six, is that correct?

18 A Yes, the jumpsuit was described as SLED number six.

19 Q It came to SLED as one item?

20 A Yes, it would have been in a sealed box.

21 Q And it is broken down into 6.1 through 6.14, right?

22 A The cuttings were taken from that jumpsuit, yes, sir.

23 Q That is what I am getting at. You all weren't given
24 the cuttings?

25 A No, sir.

1 Q The cuttings were done at SLED?

2 A Yes, sir.

3 Q Now, I know generally you all don't say oh, hey, I need
4 this piece of evidence or this piece of evidence. SLED takes
5 what is sent, correct?

6 A Yes, sir.

7 Q Okay. But in this case you all look at the jumpsuit
8 and is it you that makes the determination these are things that
9 we need to cut or whom?

10 A No, sir, it was not me.

11 Q Is it someone at SLED though that did that?

12 A Sometimes like the DNA analyst may need standards from
13 different individuals, but it is not me for this case..

14 Q Okay. Let me clarify. You got a whole jumpsuit,
15 right?

16 A Yes, sir.

17 Q That's what it came in number six, right?

18 A Yes, sir.

19 Q Okay. Its not premarked, hey look here, look here,
20 look here, right? Someone analyzes at SLED and determines we
21 need to cut here, we need to cut here?

22 A The jumpsuit was analyzed at SLED. I have not seen the
23 jumpsuit. Some times items come in with areas marked from the
24 agencies, so I can't tell you if that happened in this case in
25 particularly, but evidence is screened in its entirety at SLED

1 so the evidence processing section is responsible for finding
2 biological stains and testing those and sending those on.

3 Q Did the jumpsuit come to you?

4 A No, sir.

5 Q Okay. All right. But when it got to SLED, and maybe I
6 am not asking the right person and I apologize if I not. When
7 it gets to SLED it becomes 14 items instead of one item,
8 correct?

9 A It becomes 14 cuttings from that item, yes, sir.

10 Q But that is 14 individual pieces, correct?

11 A Yes, sir.

12 Q The -- and I know you didn't see every piece of
13 evidence that came in on this case, did you?

14 A I haven't seen any of the evidence that came in on this
15 case.

16 Q But as far as you know this 33-page item includes
17 everything that was submitted to SLED from Lancaster County,
18 correct?

19 A A verified chain will contain all of the items that
20 were submitted to SLED and where they traveled with while they
21 were at SLED.

22 MR. FRICK: Okay. Thank you, ma'am. That's all
23 the questions I have.

24 THE COURT: Miss Raney.

25 MS. RANEY: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MS. RANEY:

3 Q So Miss Stanley, is it a decision made by SLED
4 personnel or the Lancaster County Sheriff's Office which items
5 are sent to SLED for testing and processing?

6 A Which items are sent is not a decision of SLED.

7 Q Okay. That would be a decision made by the local law
8 enforcement agency?

9 A It's not made by SLED.

10 Q Not made by SLED. Okay. All right. I am handing you
11 State's 56, 57, 58 and 49 that you discussed with Mr. Barfield
12 just a little bit ago. Are those the items, items number 49,
13 56, 57, 58 and 59, those are the items that presumptive testing
14 was done on? I want to make sure I understand you.

15 A Presumptive tests were performed on items six, item 7
16 and items 12. The cuttings were taken from those parent items
17 and these are the cuttings from those items.

18 Q Okay. So item six is the number SLED assigned to it
19 but the exhibit numbers, item six, is in those bags that I
20 handed you up there?

21 A Yes, ma'am.

22 Q And when you say presumptive testing, just making sure
23 I understand, the results of those presumptive tests were these
24 items may contain blood?

25 A Blood was indicated on those items.

1 Q Okay. But there is further testing that can be done
2 beyond that to actually confirm whether in fact it is blood?

3 A If a sample is large enough there is testing that can
4 be performed to help confirm that. We are never going to be
5 able to say that it's human blood but we can say that it is
6 blood.

7 Q Do you know if any further testing was done on each of
8 those items?

9 A That would be a question for the DNA analyst.

10 Q But you did not perform any further testing on those
11 items, correct?

12 A No, ma'am.

13 Q Okay. If I could steal those back so have you some
14 room here. And then I am handing you what is State's exhibit
15 number 55. I am assuming you have seen a lot verified chains
16 over your nine years at SLED?

17 A Yes, ma'am.

18 Q Is there a way to tell from looking over the verified
19 chain that I handed you what items were actually received by
20 SLED in this case?

21 A Every item that was listed in here was received by SLED
22 unless it is sub item that was created at SLED.

23 Q Okay. So is it fair to say in looking through them
24 basically as you combed through the 33 pages the items received
25 by SLED are denoted in these grey bars?

1 A Yes, they are.

2 Q So, if I am reading this correctly, item number 1 that
3 was received by SLED was one sealed envelope containing a
4 cartridge case described as a 380 casing?

5 A Yes, that is what it is described as here.

6 Q Okay. And then if you follow along with me to page
7 two, that indicates that SLED received one heat sealed pouch
8 containing swabs described as two touch swabs from the underside
9 of a storm door handle, correct?

10 A Yes, ma'am.

11 Q And then on page three it indicates SLED received a
12 sealed pouch with swabs containing two touch swabs from the door
13 knob on the main door exterior, correct?

14 A Yes, ma'am.

15 Q And item four received by SLED would be a fired bullet
16 recovered from the victim's head, correct?

17 A Yes, ma'am.

18 Q SLED also received a fifth item which would be a GSR
19 kit described as GSR from Rashad Johnson?

20 A Yes, ma'am.

21 Q And what does GSR stand for?

22 A I am a DNA analyst. GSR is not in my area of
23 expertise.

24 Q Okay. So that is not related to DNA?

25 A No, ma'am.

1 Q So that means you would also not be familiar from any
2 of the breakdown items under number five with respect to the GSR
3 kit, right, 5.1 not familiar?

4 A No, ma'am, those would have been the trace department.

5 Q 5.2 not familiar right?

6 A No, ma'am.

7 Q And so on with 5.3 and 5.4, correct, not familiar?

8 A Yes, ma'am.

9 Q Can you also tell from the verified chain you have in
10 front of you that SLED received item number six which would be
11 the jumpsuit that Mr. Frick spoke with you about?

12 A Yes, ma'am.

13 Q And then that was broken down into I believe about 14
14 different subsections, correct?

15 A Yes, it was.

16 Q Trying to move ahead here. So we could skip on to page
17 number 19 of 33. So item number seven would have been received
18 by SLED, was an item described as a Tyson name tag; is that
19 correct?

20 A Yes, ma'am, it was described as a Tyson name tag.

21 Q And then the eight item received from SLED would be
22 buccal swabs from Pomp Blackmon?

23 A Yes, ma'am.

24 Q SLED received a ninth item of a sealed pouch containing
25 blood standard described as vial of blood collected at the

1 autopsy?

2 A Yes, ma'am.

3 Q And then that blood sample collected at the autopsy is
4 then further broke down, correct?

5 A Correct.

6 Q As 9.1. You also received at SLED a tenth item which
7 is blood toxicology from victim Jenika Jones, right?

8 A Yes, ma'am.

9 Q SLED also received item 11, buccal swabs from Wayne
10 Blakeney.

11 A Yes, ma'am.

12 Q Item 12, automobile parts described as a stained seat
13 belt?

14 A Yes, ma'am.

15 Q And then that item is then further broke down by SLED
16 correct, item 12?

17 A Yes.

18 Q Into 12.1 and 12.2. You also received at SLED item
19 number 13. A pouch containing cuttings described as stained
20 fabric from front passenger seat?

21 A Correct.

22 Q Also received item 14, pouch containing cuttings
23 described as stained fabric from front driver's seat?

24 A Yes, ma'am.

25 Q Item 15, item containing swabs of red brown stains from

1 rear seat?

2 A Yes, ma'am.

3 Q And then that is further broken down into 15.1, 15.2,
4 15.3?

5 A Yes.

6 Q And we are in the home stretch here. SLED also
7 received a 16th item which would be buccal swabs from a Mr.
8 Delrico McDow?

9 A Correct.

10 Q Item number 17, buccal from my client, Al Martinez
11 Green?

12 A Correct.

13 Q And lastly the 18th and final item that is SLED
14 received according to this chain would be buccal swabs of Mr.
15 Clinton?

16 A Yes, ma'am.

17 Q So according to this verified chain that we just went
18 over SLED never received for testing six cigarette butts,
19 correct?

20 A No, not according to this chain.

21 Q And also according to chain SLED never received any DNA
22 swabs from a steering wheel or gear shift of a steering wheel,
23 correct?

24 A I don't believe that is one of the items you mentioned.

25 MS. RANEY; thank you. I don't have any further

1 questions.

2 THE COURT: No, Your Honor, but I don't and ask
3 that she be excused.

4 THE COURT: All right. Any objection to this
5 witness being excused.

6 MR. FRICK: No, Your Honor.

7 THE COURT: Miss Raney.

8 MS. RANEY: No, Your Honor.

9 THE COURT: Thank you for being with us this
10 afternoon. You may step down and you maybe excused.

11 (Witness excused.)

12 MR. BARFIELD: Call Maryann Boehm.

13 THE COURT: All right, if you would come around
14 and be sworn.

15 MARYANN BOEHM, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name please ma'am.

21 A My name is Maryann Boehm.

22 Q Miss Boehm by whom are you employed?

23 A South Carolina Law Enforcement commonly known as SLED.

24 Q How long have you been employed at SLED?

25 A Approximately eight years.

1 Q What department of SLED do you work in?

2 A DNA case work department.

3 Q Have you been in the DNA case work department the
4 entire eight years you have been at SLED?

5 A Yes, sir.

6 Q Are you expert in DNA analysis?

7 A Yes, sir, I have been qualified approximately forty
8 times in South Carolina courts.

9 Q How did you become qualified to analyze DNA? Have you
10 got an undergraduate degree?

11 A Yes, sir. I have bachelor of science degree in
12 integrated science and technology from James Madison University.
13 That's in Harrison, Virginia.

14 Q Undergraduate degree at this point?

15 A Yes, sir.

16 Q Where is that from? What is it and where it is from?

17 A That was my undergraduate degree.

18 Q Is there a graduate degree in anything?

19 A No, sir.

20 Q How did you learn how to analyze substances for DNA?

21 A Upon employment with SLED I was trained by court
22 qualified analyst for approximately a year in specific
23 procedures and instruments used in our laboratory.

24 Q Did you have to do practical things at SLED as part of
25 your training in addition to course work or study?

1 A Yes, sir. We take -- we had to do training and we had
2 to a competency tests and also written and oral exams.

3 Q How long have you been deemed certified or qualified by
4 SLED as a DNA analyst of the eight years you have been there?

5 A Approximately seven years.

6 Q And have you been -- you answered this a minute ago,
7 but have you been called upon to testify as an expert witness in
8 DNA analysis in the Courts of this state before?

9 A Yes, sir, I have.

10 Q And I think you said forty times?

11 A Approximately forty times.

12 Q Have you ever been refused as an expert in DNA analysis
13 when offered as an expert in the courts of this state?

14 A No, sir.

15 MR. BARFIELD: Your Honor, at this time I offer
16 Miss Boehm as an expert in DNA analysis.

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right. Again ladies and gentleman
20 you heard me say this before. Normally a witness can
21 not testify to opinion testimony. Normally when a
22 witness testify they must testify as to either what
23 they saw or heard or sensed by smell or something of
24 that nature. However, there is exception when someone
25 is qualified and because of education, training,

1 experience or otherwise they are permitted to give
2 their opinion in certain areas if the Court qualifies
3 them that way. This witness, Agent Maryann Boehm will
4 be qualified in the area of forensic DNA analysis to
5 give opinion testimony in that area. That does not
6 mean you must accept the opinion, but you give it the
7 wight and value that you the jury deem appropriate.
8 Thank you, solicitor, you may continue.

9 DIRECT EXAMINATION

10 CONT'D:

11 Q Miss Boehm, tell us in ways that I can understand what
12 DNA is?

13 A Sure. DNA stands for deoxyribonucleic acid. T is a
14 chemical found in all of our cells except for our red blood
15 sells. We get our physical features from DNA, such as hair
16 color and eye color. It is also important for passing along
17 traits from generation to generation. We get half of our DNA
18 from our mother and half from our father. With the exception of
19 identical twins no two individuals have the same DNA.

20 In forensic science we are interested in the portions of DNA
21 that differ between individuals. We test 15 of these locations
22 and the combination of these tests results make up a DNA
23 profile.

24 Q And the locations are what within the body
25 biologically?

1 A On the DNA strand.

2 Q And a the strand is contained within what biologically
3 in the body?

4 A In the cells of our body.

5 Q What is a DNA profile?

6 A DNA file is the tests results of the 15 different
7 locations that vary between individuals that we are interested
8 in. The combination of those results make up a DNA profile.

9 Q How does SLED -- how do you at SLED test a substance or
10 an item to determine if there is a DNA profile on it that can be
11 developed? Is it microscopic? Is it computer? Is it visual?
12 How do you test something?

13 A Well, first depending on the request if it's a blood
14 request we will do some biological screening to see if
15 biological fluids of interest is there. If it's a touch or
16 ownership request where there is no biological fluid involved we
17 will form just a DNA extraction. What that involves is taking a
18 portion of the sample, opening up those cells to release that
19 DNA and then testing the 15 locations that we are interested in,
20 through a series of chemicals and instruments and then the
21 results of that make up a DNA profile.

22 Q And does the profile actual appear as a series of
23 numbers and symbols on a computer generated document?

24 A On a computer it looks like peaks with numbers
25 corresponding go to each peaks. We put those peaks in a table.

1 Q Okay. Now you hit on this a minute ago, you talked
2 about blood or fluids. What other ways can DNA be left
3 somewhere?

4 A It can be left by biological fluids such as semen,
5 blood, saliva. It can also be left by touching an object or
6 wearing an object leaving skin cells behind. It can also be
7 found on hair. So leaving hair with a root we can find DNA on
8 that. If the hair does not have a root we will not be able to
9 get DNA from it.

10 Q What do you call the DNA that might be left from skin
11 cells? What do we generally call that?

12 A Touch DNA.

13 Q Did you do some work on this case which is identified
14 as SLED lab number L-12-1205? Did you do work on this case?

15 A Yes, sir, I did.

16 Q A little bit of work? A lot of work?

17 A I think it was a lot of work.

18 Q Did some of your work involve testing items that were
19 submitted from unknown sources?

20 A Yes, sir.

21 Q Did some of your work in this case involve testing some
22 items that were submitted from known sources?

23 A Yes, sir.

24 Q Now, what was the buccal swabs?

25 A Buccal swabs are one of the sources known. When we do

1 DNA analysis we are comparing evidence which is unknown sources
2 of DNA to known sources of DNA which is a from an individual.
3 Either we can have blood standard, a buccal swab, which is a
4 swab from inside of our mouth; oral swabs, or we can have hair.

5 In this case I analyzed buccal swabs as well as blood
6 standard.

7 Q Okay. Are you given some information with the case to
8 indicate perhaps who a subject is or a suspect might otherwise
9 be called and who a victim is?

10 A Yes. They are listed on our evidence submission paper
11 work.

12 Q Okay. And as to this case is there a victim associated
13 with this case by name in your file and in your paper work?

14 A Yes, sir, there is.

15 Q And the victim's name is what?

16 A Jenika Jones.

17 Q I will hand you an item which has been introduced into
18 evidence as State's exhibit number 35. Can you identify what
19 that is and if we need to open it I will be happy to?

20 A This is our lab number item 9 and 9.1, which was the
21 blood standard from Jenika Jones as well as the sub item, item
22 9.1, which is a dry standard from Jenika Jones.

23 Q And do you know the source of that blood standard from
24 Jenika Jones from your paper work, or from the evidence
25 packaging, do you know other than Jenika Jones, do you know how

1 it was obtained from Jenika Jones?

2 A No, sir.

3 MR. BARFIELD: Your Honor, at this time -- well,
4 it is already in evidence. Excuse me.

5 Q Did you work with State's exhibit number 35, which you
6 identified at SLED item number nine, to develop a DNA profile
7 for Jenika Jones?

8 A Yes, I did.

9 Q Were you able to do that?

10 A Yes, sir. I will also hand you an envelope which
11 contains some things. Can you identify what that is, from SLED
12 item number and description.

13 A This is lab number L-12-1205, item 18, which is buccal
14 swabs from Devatee Tymar Clinton.

15 Q Is that an item that you worked on?

16 A Yes, sir.

17 Q Okay. Were you able to develop a DNA profile from that
18 item?

19 A Yes, sir.

20 MR. BARFIELD: Your Honor, at this time I would
21 offer State's exhibit 38 for identification as State's
22 number 38.

23 MR. FRICK: No objection.

24 MS. RANEY: No objection, Your Honor.

25 THE COURT: States exhibit 38 in evidence without

1 objection.

2 (State's Exhibit 38, buccal swabs, received in
3 evidence as of this date.)

4 Q I think you said you this, and some times I don't
5 listen. Did you say this was in the form of buccal swabs that
6 were submitted?

7 A Yes, sir they were buccal swabs.

8 Q Did you receive in this case buccal swabs from other
9 known people?

10 A I did.

11 Q I am handing you State's exhibit number 50, ask you if
12 you can identify what is in that envelope.

13 A This is our lab item number eight it is buccal swabbs
14 from Pomp Blackmon.

15 Q Is that item that you worked on?

16 A Yes, sir.

17 Q Were you able to develop a DNA profile for Pomp
18 Blackmon?

19 A Yes, I did.

20 Q Okay. I will swap with you and I will give you item --
21 State's exhibit number 52. Two can you tell us what that is?

22 A This is our lab item 16 and it is buccal swabs from
23 Delrico Meadow.

24 Q McDow, M-c-D-o-w maybe.

25 A Yes, I a sorry.

1 Q That's fine. Is that an item that you received?

2 A Yes, sir.

3 Q Did you work on that item and were you able to develop
4 a DNA profile on that item?

5 A I did.

6 Q And finally I will hand you State's exhibit number 53.
7 Can you identify what that is?

8 A This is our lab number 17, which is buccal swabs from
9 Al Green.

10 Q Is that an item you worked on?

11 A Yes, sir.

12 Q Were you able to determine a DNA profile from those
13 buccal swabs?

14 A Yes, I did.

15 A I will show you State's exhibit number 41 and ask if
16 you can identify what that is?

17 A This is our lab item number 1, which is a 380 casing.

18 Q Did you receive that item and do some work on it?

19 A Yes, I did.

20 Q Did you determine whether there was any evidence that
21 could lead to DNA profile on that item?

22 A Yes, I swabbed this casing and developed a DNA profile
23 from that item.

24 Q Can you tell us -- well, let me back up just a minute.
25 Some of your reports which we will talk about in a little bit

1 say no blood indicated but you still got some DNA?

2 A That's correct.

3 Q Does DNA always have to come from that blood?

4 A No, sir.

5 Q Okay. Can you tell us whether the DNA developed from
6 this item was from blood or from some other source?

7 A No, I did not test it for blood.

8 Q Did you reach any conclusion based on the profiles you
9 developed from the victim's blood standard and the buccal swabs
10 from the other four folks that we talked about a minute ago,
11 whose DNA was on the cartridge casing?

12 A I did.

13 Q And what did you conclude about that?

14 A The DNA profile that we collected from item one matches
15 the DNA profile of Jenika Jones.

16 Q Okay.

17 A The probability of randomly selecting an unrelated
18 individual having a DNA profile matching this item is
19 approximately one and 8.9 quadrillion.

20 Q Quadrillion?

21 A Yes, sir.

22 Q Is that pretty positive results as far DNA testing and
23 the probability goes?

24 A I believe so.

25 Q Okay. You actually -- I will jump ahead. You actually

1 did three different reports in this case is that correct?

2 A Yes, sir, I did.

3 Q Did items -- were all of the items that the SLED DNA
4 department was asked to examine submitted by the sheriff's
5 office at the same time or were there additional submissions?

6 A There were additional submissions.

7 Q Do this for me. If you will just tell us the first
8 submission and the first items you worked with. Just generally
9 describe what it was that you were working with with the first
10 submission, not any results or anything, but what did we send
11 down there first?

12 A Sure. I received a 380 casing, swabs from the
13 underside of a storm door handle; the exterior, swabs from a
14 doorknob on main door; the exterior, 12 cuttings from a
15 jumpsuit, a swab from a jumpsuit and debris from a jumpsuit,
16 buccal swabs from Pomp Blackmon, a blood standard from Jenika
17 Jones. The dry standard from Jenika Jones that was created in
18 house.

19 Q Now, what came in next that you worked with in the DNA
20 lab? Additional items I guess is what I am asking for.

21 A Additional items were then submitted, they were buccal
22 swabs from Wayne Anthony Blakeney, Jr, I received cuttings from
23 a portion of the seat belt, cutting from a stained fabric from
24 the passenger -- front passenger seat, a cutting from stained
25 fabric from front driver's seat, swabs of red brown stains from

1 rear seat which I then sub itemized into swab of red brown
2 stains from rear seat; seat section, swabs from red brown stains
3 from rear seat; the back rest, swabs from brown stain from rear
4 seat; the back rest and a received buccal swabs Delrico McDow.

5 Q And did you yet again receive additional items to do
6 some DNA testing on?

7 A I did. I later received two standard buccal swabs from
8 Al Martinez Green and buccal swabs from Devatee Tymar Clinton.

9 Q I am going to start at the back and maybe move to the
10 front and see if we can make this work.

11 I am going to go show you what has been introduced into
12 evidence as two envelopes one formerly sealed pouch identified
13 as State's exhibits 42 and 43. I will take them out. We had
14 them out earlier. Can you tell me what that is?

15 A Yes. These are lab item two and three. Item two is
16 swabs from underside of storm door handle, the exterior, and
17 item three was swabs from the doorknob on main door, the
18 exterior.

19 Q Now, did you develop DBA profiles or maybe partial
20 profiles from those two items?

21 A I did.

22 Q And those are SLED items number what?

23 A Two and three.

24 Q This is probably way to simple to ask the question, but
25 did you get a match on anything with the DNA profiles SLED items

1 two and three, State's exhibit numbers 42 and 43, the swabs from
2 the storm door and the doorknob?

3 A No, sir, I did not.

4 Q Was anybody eliminated from your testing of those
5 items?

6 A Yes, sir.

7 Q Just give us the -- read out the names of the people
8 that were excluded as possible contributors? Is that the
9 terminology that you use, excluded as a possible contributor to
10 the DNA profile?

11 A Yes, sir.

12 Q And what does that mean in layman's terms?

13 A That their DNA profile was not found in the evidence.

14 Q Who was excluded?

15 A From item two, Al Martinez Green and Devatee Clinton,
16 can be excluded as contributors to this mixture and item three,
17 Pomp Blackmon, Wayne Blakeney Jr, Delrico McDow, and Al Martinez
18 Green can be excluded.

19 Q All right, and look back at item two, was Pomp Blackmon
20 also among those that was excluded from your testing?

21 A Yes, I am sorry, Pomp Blackmon and Wayne Blakeney Jr..

22 Q Okay. Did it shed any light on whether Jenika Jones or
23 anybody else's DNA could or could not be on those two samples
24 items -- SLED items two and three?

25 A For item two Jenika Jones and Delrico McDow could not

1 be excluded from that item and for item three no conclusive
2 statement could be made regarding inclusion or exclusion of
3 Jenika Jones or Devatee Clinton as contributor to the mixture.

4 Q Okay. Let's talk about the cuttings from the coveralls
5 or blue jumpsuit I think it was described. Of those cuttings
6 just describe -- well, let me back up.

7 I think you said there were 12 cuttings and one swab and one
8 potential hair from the blue jumpsuit; is that correct?

9 A That's correct.

10 Q Tell us about the hair first of all?

11 A Like I said earlier the only portion of hair that we
12 can get DNA from is the root. So when I received this debris
13 which we are looking for hair. We are looking for hair with a
14 root and in this case I did not find a hair with a root suitable
15 for testing.

16 Q How about the swab?

17 A The swab I performed DNA analysis because we were
18 looking for touch or ownership DNA.

19 Q Did you develop anything from the swab itself?

20 A I did.

21 Q We will come back to that in a minute. And then
22 otherwise there are 12 cuttings from the blue jumpsuit, correct?

23 A Yes, sir.

24 Q Did you do any from the cuttings did you do any
25 additional testing to determine what, if any, the substance

1 might be on the coverall on the cuttings?

2 A Yes, I did. On the first four cuttings that were made
3 I first performed DNA analysis and then I went back and did more
4 specific blood testing to see if it was human or not and I also
5 did those same testing for the remaining items, 6.6 through 6.14
6 and no human blood was identified on those items.

7 Q Are you telling us it wasn't blood or just wasn't human
8 blood or you can't say one way or the other?

9 A I can say it wasn't human blood.

10 Q Okay. All right. Now, of the I guess of the 12
11 cuttings and the one swab from the blue coveralls, how many did
12 you actually test to develop DNA profile to compare to the known
13 DNA profile?

14 A I tested four of those items.

15 Q And is there a some reason four in instead of all 13 of
16 those things?

17 A Yes, sir. Typically when we get items from evidence
18 processing they are already screened for blood. We perform DNA
19 analysis on it. We don't do further testing on blood. However,
20 when I did the first three cuttings the results that I received
21 weren't characteristic of coming from or originating from blood,
22 so I went back and did more specific testing for blood to see if
23 it was from a human or not.

24 Q Okay. And so you tested four of the cuttings -- well,
25 actually three cuttings and one swab from the coveralls, is that

1 correct?

2 A Yes.

3 Q And lets talk about them and use your SLED item numbers
4 if you will, 6.1. What was 6.1 a one a cutting or swab?

5 A A cutting.

6 Q And did you reach any conclusions about whose DNA might
7 or might not be in 6.1?

8 A I did.

9 Q And just tell us what your findings were?

10 A The DNA profile developed from item 6.1 is a mixture of
11 at least three individuals. Jenika Jones, Pomp Blackmon, Wayne
12 Blakeney Jr., Delrico McDow, Al Martinez Green, Devatee Clinton
13 can be excluded as possible contributors to this mixture.

14 Q Okay, so we don't know whose that was, is that an
15 adequate way to describe that?

16 A Yes.

17 Q What was 6.2, a cutting or swab?

18 A It was a cutting.

19 Q And were you able to determine anything about the DNA
20 in that cutting?

21 A The DNA profile developed from item 6.2 is from an
22 unidentified male individual.

23 Q And when it says "unidentified male individual" are you
24 able to say that it is not one of the people that you have the
25 known standards for?

1 A That is correct.

2 Q Is that what you mean by that?

3 A Yes, sir.

4 Q Six three was also a cutting?

5 A Yes, sir.

6 Q Did you reach any conclusions about 6.3?

7 A The DNA profile developed from 6.3 is mixture of at
8 least two individuals. Devantee Tymar Clinton could not be
9 excluded as a possible contributor to this mixture. The
10 probability of randomly selecting an unrelated individual who
11 could have contributed to this mixture is approximately one in
12 580.

13 Q Let me stop you there. Let's go ahead and talk about
14 that. What does that mean for us?

15 A Any time we issue a report having a match or it can not
16 be excluded we give a statistic to show how rare that match can
17 not be excluded result is. In this case I would expect if I
18 tested 580 people I would expect one person who their profile
19 could be found in that mixture.

20 Q And that ratio that you gave applies to Devantee
21 Clinton in this case?

22 A That's correct.

23 Q All right, what else did you conclude about the sample
24 from 6.3?

25 A No conclusive statement can be made regarding the

1 inclusion or exclusion of Jenika Jones as possible contributor
2 to this mixture. Pomp Blackmon, Wayne Blakeney Jr, Delrico
3 McDow, and Al Martinez Green can be excluded as possible
4 contributors to this mixture.

5 Q And was 6.4 the swab?

6 A That is correct. That was the ownership swab.

7 Q And also from the blue coveralls?

8 A Yes, I did not do any blood testing on the item because
9 the request was for ownership or skin cells.

10 Q And did you reach any conclusions about the DNA on item
11 6.4?

12 A I did. The DNA profile developed from item 6.4 was a
13 mixture of at least four individuals; Devantee Tymar Clinton can
14 not be excluded as a possible contributor to this mixture. The
15 probability of randomly selecting an unrelated individual who
16 could have contributed to this mixture is approximately one in
17 12.

18 Q 12?

19 A Yes, sir.

20 Q Okay, and would the answer be the same if I asked you
21 what the significance of the ratio was, one in 12 people could
22 have contributed, is that the bottom line?

23 A That is correct.

24 Q No conclusive statement can be made regarding the
25 inclusion or exclusion of Jenika Jones, Delrico McDow, or Al

1 Martinez Green as possible contributors to this mixture. Pomp
2 Blackmon and Wayne Blakeney Jr. can be excluded as possible
3 contributors to this mixture.

4 Q Now, is that all of the testing that was done, the DNA
5 testing that was done concerning the blue coveralls a sub items
6 taken from the blue coveralls?

7 A Yes, sir.

8 Q All right. I will hand you back State's exhibit number
9 58 and ask you generally to tell me what that is again?

10 A This is our lab items 12.1 and 12.2. These are the
11 cuttings that Miss Butler made from the portion of the seat belt
12 and then sent to me for analysis.

13 Q Now, were you able to do anything with either one of
14 those two items?

15 A Yes, sir, I did.

16 Q One or both?

17 A I performed more specific blood testing on one of the
18 items. The other item the stain was too small so I went
19 straight to DNA analysis on that cutting. That was item 12.2.

20 Q And on the -- did you determine there was blood on
21 either one of those two items?

22 A No, the only blood I tested was on item 12.1 and no
23 human blood was identified.

24 Q Now were you able to develop a DNA profile from 12.2,
25 one of the cuttings from the seat belt?

1 A Yes, sir, I did.

2 Q And did it match any of known profiles from the known
3 contributors -- from the known submitters?

4 A No, sir.

5 MR. BARFIELD: Beg the Court's indulgence one
6 moment.

7 THE COURT: Yes, sir.

8 Q Is it possibly to handle something and not leave DNA on
9 it?

10 A Yes, it is possible.

11 Q Explain the process by which DNA might get left on
12 items. Education us a little bit about how DNA might be
13 deposited on things or factors that would cause it not to get
14 deposited under certain environmental circumstances?

15 A Okay. You could leave DNA behind by leaving a
16 biological fluid behind such as semen, saliva or blood. You
17 could also leave hair with a root behind on an item and then you
18 can also leave DNA behind by touching an object. However some
19 times when you touch an item you may not leave behind DNA. It
20 really depends on how long you touch it. How often you touch
21 it. If your sweating. How many cells you shed off on a
22 day-to-day basis. Also if you are wearing some kind of material
23 in between you and the object like if I had a gloves on while
24 touching this counter I wouldn't leave my DNA behind.

25 Q Is there anything you tested that we haven't gone over?

1 I apologize for asking that question, but is there any testing
2 that you did that we have not yet gone over?

3 A Yes, sir.

4 Q Tell me what that is?

5 A Items 13, 14 and 15. Item 13 was a cutting from the
6 stained fabric from the front passenger seat.

7 Q Okay.

8 Q Item 14 was cutting from the stained fabric from the
9 front driver's seat. Item 15 was swabs from brown stains from
10 rear seat and I broke those down into items 15.1, which was
11 swabs from a red brown stains from rear seat, the seat section.
12 15.2 was swabs from the red brown stains from rear seat, the
13 back rest. Item 15.3 was swabs from red brown stains from rear
14 seat back rest.

15 Q Let me see if I can lay my hands on those items. Give
16 me just a second.

17 MR. BARFIELD: Give me just a minute, Your Honor,
18 I apologize. Miss Horton can you come up here and
19 help me with this. My apologies.

20 Q Can you identify the contents of this formerly
21 heat-sealed envelope which I am going to tell you are State's
22 exhibits 48, 46, and 47?

23 A Yes, these are our lab items 13, 14, 15.1, 15.2 and
24 15.3.

25 Q And generally they are described as what in the SLED

1 chain of custody?

2 A Item 13 was a cutting from the stained fabric from
3 front passenger's seat. Item 14 was a cutting from a stained
4 fabric from front driver's seat and item 15 was a swabs from
5 reds brown stains from rear seat.

6 Q Did you determine what if any substance was on those
7 three items?

8 A I tested those for blood and no human blood was
9 identified.

10 Q Did you do any DNA testing on those items to determine
11 if you could develop any profiles?

12 A No, sir.

13 Q Okay. Anything else you tested that I haven't covered
14 with you?

15 A That is all.

16 MR. BARFIELD: That is all the questions I have.

17 Please answer anything Mr. Frick or Miss Raney has.

18 THE COURT: Thank you, solicitor. Mr. Frick.

19 MR. FRICK: Thank you, Your Honor.

20 MR. BARFIELD: Excuse me.

21 CONT'D DIRECT

22 BY MR. BARFIELD:

23 Q Did you prepare reports concerning your analysis in
24 this case?

25 A I did.

1 Q I am going to hand you three documents and ask if you
2 can identify those documents?

3 A These are the three reports I had issued on this case?

4 Q Are those identical copies of your original reports?

5 A Yes, sir, they are.

6 Q And what are the three dates of the reports that you
7 produced in these cases?

8 A They are --

9 Q In this case?

10 A The first one was February the 15, 2012, then July 19,
11 2012, and then January 10, 2014.

12 MR. BARFIELD: Thank you, ma'am. Your Honor, at
13 this time I offer the three reports as State's
14 exhibits.

15 THE COURT: Mr. Frick?

16 MR. FRICK: I don't have any objection.

17 THE COURT: Miss Raney?

18 MS. RANEY: I don't believe I do, but I can just
19 look at them real quick, Your Honor.

20 No objection, Your Honor.

21 THE COURT: All right, State's 60 in evidence
22 without objection.

23 All right. All coming in as one exhibit?

24 MR. BARFIELD: That is fine with me.

25 THE COURT: In as one exhibit, State's sixty is in

1 evidence without objection.

2 (States Exhibit 60, reports, received in evidence
3 as of this date.)

4 THE COURT: All right Mr. Frick.

5 MR. FRICK: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q The profile that you developed, item number 1, you said
9 it wasn't blood, correct?

10 A I did not test it for blood.

11 Q Okay. Can you tell where the DNA may have come from,
12 or is there any particular type of DNA? Is there anything you
13 can tell us about it accept there was some DNA on it?

14 A No, sir.

15 Q But the profile you developed was from Jenika Jones?

16 A Yes, sir.

17 Q And only Jenika Jones?

18 A Yes, sir.

19 Q There is no mixture at all on that one?

20 A No, sir.

21 Q And that is the one that I would say you got the
22 highest probability on? I may have phrased that incorrectly.

23 A That is correct.

24 Q I am going ask you about item 6.6 through 14. It says
25 no human blood. You found something on there?

1 A Right. Miss Butler processed the the jumpsuit and did
2 a presumptive test for blood and there is indication on those
3 items, those cuttings, that there was presence of blood.
4 However, I did further testing, more specific testing for blood,
5 for human blood. And the results were negative meaning there
6 was no human blood identified.

7 Q Not human blood, but it could have been some other type
8 of species's blood?

9 A That is possible.

10 Q Chicken?

11 A That's possible.

12 Q Dog, whatever?

13 A We don't do other testing.

14 Q I understand. Okay. Have you got your reports in
15 front of you?

16 A I have copies of them.

17 Q Okay. Take a look at your report from February 15th,
18 2012 and January 10th, 2014. I am looking at where you are
19 talking about items 6.3. Have you you got them there?

20 A Uh-huh.

21 Q What I am seeing is in February you said 6.3 has a
22 mixture of three individuals and in January of this year 6.3 is
23 a mixture of two individuals. What caused that change?

24 A I believe on the report dated January 10, 2014 that is
25 a typo. Looking at the results it is a mixture of at least

1 three individuals.

2 Q So on January it should be three people?

3 A Yes, sir.

4 Q Okay. Okay.

5 A At least three individuals.

6 Q At least three. So that is a typo?

7 A Yes, sir.

8 Q I don't see anything else but do you see any other
9 typos on here?

10 A No, sir, I do not.

11 Q Okay. All I am going to look at from now is the one
12 from January of this year.

13 A Okay.

14 Q Because it has got everything on there, right? Is that
15 the one the final report essentially that has got all the
16 standards that you have been given?

17 A It has all of the comparisons. It doesn't have all of
18 the serology testing I did on previously reports, but results,
19 yes.

20 Q Okay. All right. I am curious, it looks like on 6.1
21 you excluded everybody that you had a standard for. Am I
22 reading that correctly?

23 A That is correct.

24 Q On 6.2 you got it as an unidentified male?

25 A That is correct.

1 Q What is the difference between those two lines? Would
2 that not be an unidentified person in 6.1

3 A Item 6.1 is a mixture of at least three individuals
4 versus item 6.2 is a single source profile from one individual
5 and that individual is unidentified.

6 A Okay.

7 Q It did not match any of the standards submitted?

8 Q So 6.1 is a mixture but the mixture doesn't match to
9 any of standards that you have?

10 A Right. They all could be excluded from that mixture.

11 Q 6.2 is just somebody whose DNA you didn't have to
12 compare with?

13 A That's correct.

14 Q Same thing on 12.2?

15 A Yes, 12.2 also is a single source profile only from one
16 person and that is another, a second unidentified male
17 individual.

18 Q And just so I am clear on your numbers, 6.3 -- well,
19 you put a number on there when you can include or exclude
20 somebody, is that right, or probability rather?

21 A If you mean statistic?

22 Q Yes, ma'am.

23 A Yes. We state a statistic whenever we say match or can
24 not exclude someone from a mixture.

25 Q Okay. And cannot include or -- well, that wouldn't be

1 correct. Can not exclude, does that mean it is that person's
2 profile or does it mean it looks like that person's profile? It
3 has characteristics of that person's profile?

4 A It has characteristics. That person's profile could
5 be found in that mixture.

6 Q Okay. That is in fact why you put the statistic on
7 there, right?

8 A That is correct. To give weight of that inclusion or
9 non-exclusion.

10 Q Because there is only like -- I am trying to remember
11 this from AP biology, there is only like 20 something things
12 that match up, right? Alials (phonetics) or what I am trying to
13 get to?

14 A I don't think I understand your question.

15 Q DNA -- DNA, there are proteins that match up to make
16 the chain, right?

17 A That is correct, I believe. I believe I am following
18 you.

19 Q There are a finite number of proteins that can mix up,
20 right? Isn't there just a certain number of them?

21 A I believe what you are talking about is the basis of a
22 general structure of DNA, and yes, there are four different
23 basis of DNA.

24 Q Okay. All right. But we only have a certain number in
25 our profile, is that correct?

1 A Right. What we are testing is the sequence of DNA.
2 How many repeats of a specific region of DNA that we are
3 interested in looking at. This is what varies from individuals.
4 The amount of repeats.

5 Q Okay. And what you are saying in 6.3 is you got some
6 DNA that has the profile characteristics that may include Mr.
7 Clinton, but you could also look at 580 other people and
8 probably, likely, maybe find someone else with that same
9 profile?

10 A I would expect that that person's profile, the one out
11 the 580 people that I would test would be able to be included or
12 not excluded from that mixture.

13 Q So, I guess what I am trying to get at 580 people you
14 would expect to see that same profile again?

15 A I would expect to see a profile that can be included in
16 that mixture not the same profile as Mr. Clinton. If that makes
17 sense.

18 Q Okay. So that profile could be included within this
19 mixture?

20 A That's correct.

21 Q Okay. All right. Now that as opposed to one in 800.9
22 or 8.9 quadrillion is a lot lower, right? There is higher
23 probability you will find somebody else with that same ---

24 A With the one in 580?

25 Q Uh-huh.

1 A Yes, sir.

2 Q And then of course one in 12 that could be any number
3 of people in this room?

4 A That's correct.

5 Q And just so I can finish my stupid questions with you
6 and I apologize and I appreciate your patience with me. When
7 you say excluded that means it's just not there? They can not
8 be a contributor to that, right?

9 A That is correct.

10 MR. FRICK: Thank you, Miss Boehm. That is all I
11 have.

12 THE COURT: Thank you, Mr. Frick. Miss Raney.

13 CROSS EXAMINATION

14 BY MS. RANEY:

15 Q I will be quick on my science questions. You earned
16 your money today.

17 Whenever you say no conclusive statement can be made
18 regarding including or excluding someone, what does that mean?

19 A There is not an enough information to either include
20 them or exclude them from that mixture. The results happen in
21 mixtures where there are mixtures of multiple people. Lot's of
22 times there are low level mixtures, where it looks like that
23 person could be there, but I definitively say that they there or
24 they are not because of the low level results that I am getting
25 from the profile.

1 Q So would be it fair to say in layman's terms I don't
2 have enough information to tell you whether it is a match or not
3 is that really what you are saying you can't exclude or include
4 someone?

5 A Right. There is not information there for me to
6 definitively yes they are there, no they are not there.

7 Q Okay, perfect. And out of all these DNA analysis you
8 performed in this case my client, Mr. Al Green, is not a match
9 to any of those items that were submitted, correct?

10 A That is correct. He is excluded.

11 MS. RANEY: Thank you.

12 THE COURT: Redirect solicitor?

13 MR. BARFIELD: No, sir.

14 THE COURT: Thank you. Thank you, very much for
15 being with us this afternoon. You may step down.

16 MR. BARFIELD: Ask that she be excused.

17 THE COURT: Any objections.

18 MS. RANEY: No objection.

19 MR. FRICK: No objection.

20 THE COURT: You maybe excused.

21 (Witness excused.)

22 THE COURT: All right. Perhaps now would be a
23 good time to take our afternoon recess. Ladies and
24 gentleman do not discuss the case during this brief
25 recess. We will take about 15 minutes. Thank you.

1 Thank you very much.

2 (Jury leaves the courtroom.)

3 THE COURT: All right. We will be in recess 15
4 minutes.)

5 (WHEREUPON, court was in recess.)

6 THE BAILIFF: All rise.

7 THE COURT: Mr. Barfield, ready to proceed?

8 MR. BARFIELD: Let me tell you what the plan is.

9 I obviously am not going to finish today. I got
10 two witnesses which aren't going to be particularly
11 long witnesses, lay witnesses, and frankly that might
12 be a stopping point for the day. I don't know if that
13 is objectionable to anybody.

14 THE COURT: All right. Well, we will press on
15 then and you want to stop after your next two
16 witnesses?

17 MR. BARFIELD: I think the after the next two
18 witnesses that will be a logical stopping point for
19 me.

20 THE COURT: Do you have any objection, Mr. Frick?

21 MR. FRICK: I do not.

22 THE COURT: All right. Anything Mr. Frick before
23 we bring the jury in.

24 MR. FRICK: No, sir.

25 THE COURT: Miss Raney.

1 MS. RANEY: No, Your Honor.

2 (WHEREUPON, the jury enters the courtroom.)

3 THE COURT: All right, the jury is back in the
4 courtroom. Solicitor you may call your next witness.

5 MR. BARFIELD: The State calls Y'eisha Tinsley.

6 THE COURT: All right, Miss Tinsley if you would
7 come around and be sworn.

8 Y'EISHA TINSLEY, called as a witness, having
9 been duly sworn by The Clerk, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your name please, ma'am, and spell your first
14 name for court reporter?

15 A Y'eisha Tinsley, Y-e-i-s-h-a.

16 Q Miss Tinsley, do you live here in Lancaster?

17 A Yes.

18 Q I don't need an address, but have you been in Lancaster
19 pretty much all your life?

20 A Yes.

21 Q Do you know Al Martinez Green?

22 A Yes.

23 Q Do you see Mr. Green in the courtroom?

24 A Yes.

25 Q And you got to talk loud please, ma'am.

1 A Yes.

2 Q Where is Mr. Green sitting and what is he swearing?

3 Raise your hand Mr. Green.

4 A He had a black shirt on.

5 Q Is that the Mr. Green who raised his hand?

6 A Yes.

7 Q Keep your voice up. How long have you known Al Green?

8 A All my life basically.

9 Q Do you and Al Green currently have any relationship?

10 A No, he is just my daughter's daddy. My daughter's
11 father.

12 Q Back in January of 2012, did you and Mr. Green have a
13 relationship?

14 A Yes.

15 Q What was that relationship then?

16 A He was my boyfriend.

17 Q And back in January of 2012 had you had the daughter
18 that you have with him now?

19 A No.

20 Q Were you expecting the daughter that you had with him?

21 A Correct.

22 Q You were pregnant then?

23 A Uh-huh.

24 Q And you go to say yes or no.

25 A Yes.

1 Q That is fine. Did you know Devatee Clinton?
2 A Yes.
3 Q Do you know him by a name other than Devatee?
4 A Tate.
5 Q Tate. Do you see Tate Clinton in the courtroom today?
6 A Yes.
7 Q Where is he sitting and what is he wearing?
8 A He have on a green colored shirt, I think.
9 Q With two pieces of paper in his hand?
10 A Yes.
11 Q Raise your hand Mr. Clinton. Is that who you are
12 talking about?
13 A Yes.
14 Q How long have you known Tate Clinton?
15 A For a long time.
16 Q Do you know -- well, have you got a brother?
17 A Uh-huh.
18 Q You got to say yes or no.
19 A Yes.
20 Q How many brothers have you got?
21 A One.
22 Q What is his name?
23 A Madrey Tinsley.
24 Q Back in specifically on Wednesday, January 18th, of
25 2012 where did you live?

- 1 A In Carolina Court. I don't exactly remember the number
2 but it was Carolina Court.
- 3 Q Are you living there now?
- 4 A No.
- 5 Q Who lived there with you then?
- 6 A Al.
- 7 Q Al Green?
- 8 A Yeah, yes.
- 9 Q Did you know a Dominique Davis?
- 10 A Yes.
- 11 Q Where was she living then?
- 12 A Across the hall from me.
- 13 Q In the same building?
- 14 A Yes.
- 15 Q Do you know Jamal Twitty?
- 16 A Yes.
- 17 Q Do you know where he was living then?
- 18 A Right beside Dominique?
- 19 Q In the same complex?
- 20 A Same complex.
- 21 Q Okay. Were you at your house some time during the day,
22 probably morning on Wednesday, January 18th of 2012?
- 23 A Yes.
- 24 Q Was Al there?
- 25 A Yes.

1 Q Was Tate Clinton there at some point?

2 A Yes.

3 Q Was Dominique Davis there at some point?

4 A Yes.

5 Q Was Jamal Twitty there at some point?

6 A Yes.

7 Q Do you know what time of day it was when those various
8 folks were at your apartment?

9 A I would say like 12.

10 Q Day time?

11 A It was day time.

12 Q Did you know Jenika Jones?

13 A Yes.

14 Q How long had you known her before her death?

15 A Not long. Maybe like seven or eight months.

16 Q Okay. Do you know where she lived at the time of her
17 death?

18 A Yes.

19 Q Okay. Did you become aware of her death?

20 A Yes.

21 Q Now, I don't want you to tell me what anybody said, but
22 first of all, when did you find out that something had happened
23 to Jenika Jones? When meaning, what day and about what time of
24 day?

25 A That same night around I think 11 something.

1 Q Okay. And again I am not asking you to tell me what
2 anybody said, but how did you find out? Did you find out
3 through social media, through somebody knocking on your door,
4 through a phone call? How did you find out?

5 A A friend.

6 Q Okay. Where were you the night that Jenika was killed?

7 A We had been at the Parkview apartments at Erica's
8 house.

9 Q We meaning you and who?

10 A Me and Toya.

11 Q Toya being who?

12 A Latoya Green.

13 Q And her relationship if you know to Al Green?

14 A His sister.

15 Q Okay. Was Al Green with you all Parview?

16 A No.

17 Q When did you next see Al Green?

18 A The next day.

19 Q Okay. Did you and he have any conversation about where
20 he had been the night before?

21 A Yes.

22 Q What did he tell you?

23 A He was at his momma's house all day and night and then
24 later on he got dropped off at the Hole in the Wall.

25 Q Stop right there. What is the Hole in the Wall?

1 A I think a club.

2 Q Okay. Did you know where the Hole in the Wall club
3 was?

4 A I don't know the name of that road, but it's past -- I
5 think it's -- you know where the market store is?

6 Q You can't ask me question. You can, but I can't answer
7 them.

8 A It is down the street from the market. I don't know
9 exactly.

10 Q Is it in town?

11 A Yes.

12 Q And did Al Green tell you who he was with at the Hole
13 in the Wall club that night?

14 A He said him and Tate met up there.

15 MR. BARFIELD: Thank you, ma'am, please answer
16 any questions Mr. Frick or Miss Raney has.

17 THE COURT: Thank you, solicitor. Mr. Frick.

18 MR. FRICK: No questions for this witness, Your
19 Honor.

20 THE COURT: Miss Raney.

21 MS. RANEY: I don't have any questions for this
22 witness.

23 THE COURT: Thank you. Thank you very much Miss
24 Tinsley. You may step down.

25 MR. BARFIELD: May she be excused, Your Honor?

1 THE COURT: Any objections?

2 MR. FRICK: No.

3 MS. RANEY: No.

4 THE COURT: She may be excused. Solicitor, you
5 may call your next witness.

6 (Witness excused.)

7 MR. BARFIELD: I call Vivian Stradford.

8 VIVIAN STRADFORD, called as a witness, having been
9 duly sworn by the clerk, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your full name please, ma'am.

14 A Vivian Stradford.

15 Q And Miss Stradford, I don't want an address, but do you
16 live in Lancaster?

17 A I do.

18 Q How long have you been a resident of Lancaster?

19 A Thirty years.

20 Q Were you living in Lancaster on Thursday, January 19th
21 of 2012?

22 A Yes, sir.

23 Q What part of town did you live in? Again I am not
24 asking for a address or anything?

25 A On Park Road.

1 Q I you will ask you about some people. Whether you know
2 some people. Did know Jenika Jones?

3 A Yes, sir.

4 Q How long had you known Jenika Jones?

5 A About three or four years.

6 Q Did you know where Jenika Jones lived in January of
7 2012?

8 A Yes, sir.

9 Q Had you ever been to her house before?

10 A No, sir.

11 Q When you say know her, were you all friends or
12 acquaintances or go to church together?

13 A We was in a social club.

14 Q All right. Did you know -- I don't think I ask you
15 this before. Did you know anybody named Al Green back in
16 January of 2012?

17 A Yes, sir.

18 Q Okay. How long had you known Al? Not anything else
19 about him. How long?

20 A Well, I just know of him. I don't know him like that.

21 Q Do you know see the person that you know as Al Green in
22 the courtroom today?

23 A Uh-huh.

24 Q Where is he sitting and what is he wearing?

25 A He is wearing a black cotton shirt, long sleeved.

1 Q Closest to the wall on the row of tables across the
2 front?

3 A Yes, sir.

4 Q Okay. Did know a fellow named Devatee Clinton back in
5 January of 2012?

6 A Yes, sir.

7 Q All right. Did you know him by that name or nickname?

8 A By Tate.

9 Q Did you see Tate Clinton in the courtroom today?

10 A Yes, sir.

11 Q And what is he wearing? Where is he sitting and what
12 he is wearing?

13 A He is sitting right there beside Mr. Frick and he is on
14 a green collared shirt.

15 Q Okay. Did you at some point become aware that
16 something had happened to Jenika Jones?

17 A Yes, sir.

18 Q And again I am not asking you to tell me what anybody
19 said. How did you -- first of all, when did you find out
20 something had happened to Jenika Jones?

21 A That night around say about 10:30, 10:40. I got a
22 phone call.

23 Q That's fine. Now, did you -- were you at your house
24 when you got a phone call?

25 A Yes, sir. I was at home. Yes, sir.

1 Q Did you leave your house at any time that night after
2 you got that phone call?

3 A Yes, sir.

4 Q And where did you go and for what purpose?

5 A I went to my cousin's and aunt's house to figure out
6 what was going on with Jenika.

7 Q And did you go somewhere else other than your cousin
8 and aunt's house?

9 A Yes, sir.

10 Q Where?

11 A Store, after I left the house.

12 Q What store?

13 A Crenco on Main street.

14 Q What is Crenco, a convenience store?

15 A It's a convenience store.

16 Q Do you know -- when I say the Hole in the Wall club, do
17 you know what I am talking about?

18 A Yes, sir.

19 Q I am not asking if you ever been a patron there, but do
20 you know where it was or is?

21 A Yes, sir.

22 Q Where is the Hole in the Wall club?

23 A The Hole in the Wall is across the street from -- I
24 don't know the name. The trucking company up from the old water
25 mill place, the old county mill place

- 1 Q Linberger?
- 2 A That's it, right across the street from Linberger.
- 3 Q What street is the Hole in the Wall club on?
- 4 A It might be Market Street.
- 5 Q Where is the Hole in the Wall club in relation -- what
- 6 street is Crenco on?
- 7 A Crenco is on Main street.
- 8 Q North Main Street or South Main Street?
- 9 A The middle. North main.
- 10 Q The middle? Well, let me ask you this. You know where
- 11 you the courthouse is?
- 12 A Yes, sir.
- 13 Q I can't do it, but you point that way or that way,
- 14 which way Crenco is?
- 15 A Up the street. (Indicating)
- 16 Q Okay? Or down the street, but that way?
- 17 A Yeah, that way.
- 18 Q That's fine. How far -- I am not asking you in miles
- 19 -- the Hole in the Wall and Crenco anywhere close to each other?
- 20 A It's about the same distance as the courthouse is to
- 21 the Crenco.
- 22 Q Okay. Did you see Tate Clinton any time the night of
- 23 January 19th of 2012?
- 24 A Yes, sir, I did.
- 25 Q Where did you see Tate Clinton?

1 A At Crenco.

2 Q How did you get to Crenco?

3 A I drove.

4 Q Do you know how Tate Clinton got to Crenco?

5 A Well, when I seen him he was walking.

6 Q All right, and from where was where was he walking when
7 you saw him?

8 A The Hole in the Wall direction from that way coming to
9 Crenco.

10 Q Did you and he talk?

11 A Yes, we did.

12 Q What did he say to you?

13 A What's up cousin, have you got a cigarette?

14 Q Hold up, just tell us the conversation.

15 A Okay. What's up cousin, you got a cigarette

16 A Why does he call you cousin?

17 A Oh, gosh, that's a long story.

18 Q Are you all cousins?

19 A No.

20 Q Okay. That's fine. Then skip that.

21 A Okay. He asked for a cigarette and I was like I don't
22 have any. I going now to the store to get me some. Somebody
23 just killed my home girl.

24 Q Stop right there. Where was this conversation taking
25 place?

1 A In front of the door at Crenco.

2 Q And were you out of your car?

3 A I was out of my car.

4 Q Okay. All right. The next thing you just said,
5 somebody killed my home girl. Who are you talking about?

6 A Jenika.

7 Q Continue the conversation.

8 A And then I go in the store and I get the cigarettes and
9 I gave him two and one fell on the floor and I said, I am not
10 going to pick it up because I got a headache so if you want it
11 you can have it and he just did.

12 Q So he got two cigarettes from you.

13 A Appreciate it, and he just walked out the door and when
14 I got in the car I looked and it is like he disappeared in the
15 air. He was gone.

16 Q Did you see him any more that night?

17 A No.

18 Q What was Tate Clinton wearing when you saw him at
19 Crenco that Thursday night?

20 A He had on a blue monkeysuit. Blue jumpsuit. I call it
21 a monkey suit, but that blue jumpsuit.

22 Q I am showing you State's exhibit number 37. Do you
23 recognize that?

24 A Uh-huh.

25 THE COURT: Is that a yes.

1 THE WITNESS: Yes, sir. I am sorry. I do
2 recognize it.

3 Q What is that?

4 A That's the monkey suit.

5 Q The one Tate Clinton was wearing?

6 A Yes, sir.

7 MR. BARFIELD; thank you, ma'am. Please answer
8 anything Mr. Frick or Miss Raney has.

9 THE COURT: Mr. Frick.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q Miss Stradford, you said you have known Tate for a
13 while?

14 A Yes, sir.

15 Q What was his normal clothing attire? What did he wear
16 normally?

17 A Clothes.

18 Q Okay. Any particular type clothes?

19 A I don't be around him all the time, but when I see
20 majority of time he either have that blue monkey suit or he have
21 on camouflage monkey suit.

22 Q He usually wore some kind of jumpsuit, right?

23 A Yes, sir, he did.

24 Q All right and you saw him that night after all this
25 stuff took place?

1 A Yes, sir, I did.

2 Q Okay. You said you got a phone call about 10:30?

3 A After ten. I am not going to put no specific time on
4 it because I don't want to whatever you all trying to do. I
5 don't want to put any specific time, but it was after ten.

6 Q Well, you testified to Mr. Barfield it was 10:30?

7 A Yes, 10:30 "ish". After ten.

8 Q So, after that you went over to your aunt's house?

9 A I did.

10 Q Do you recall about how long you stayed there?

11 A We probably -- I stayed at my aunt's house probably 10,
12 15 minutes and then I went to my cousin's house and we probably
13 stayed there about the same amount of time.

14 Q Okay. So you were over at the Crenco midnight?

15 A I was.

16 Q Okay. And you were there just a few minutes to run in
17 and grab a pack of cigarettes and ran into Tate?

18 A I did.

19 Q And you saw him walking from the direction of the Hole
20 in the Wall?

21 A I did.

22 Q Okay. And you all's conversation was just basically
23 about cigarettes?

24 A Yeah, cause he wasn't interested in what I was talking
25 about.

1 Q Okay.

2 A Yeah, he wasn't interested.

3 MR. FRICK: Thank you ma'am.

4 THE WITNESS: Your very welcome.

5 MS. RANEY: No questions, Your Honor.

6 THE COURT: Redirect solicitor?

7 MR. BARFIELD: None.

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

9 MR. BARFIELD: Give me just one schedule.

10 THE COURT: Any objection to this young lady be
11 excused

12 MR. FRICK: No objection.

13 MS. RANEY: None, Your Honor.

14 THE COURT: Thank you for being with us.

15 THE WITNESS: Thank you, my pleasure.

16 (Witness excused.)

17 MR. BARFIELD: Your Honor, I think that the
18 stopping point for me if that acceptable to the Court.

19 THE COURT: All right. Yes, sir.

20 All right, Mr. Foreman, ladies and gentleman of
21 the jury, perhaps now would be a good time to take our
22 evening recess. You can probably repeat these
23 instructions back to me by now.

24 Please remember do not discuss this case with
25 anyone, fellow jurors, family friends or anyone else.

1 Do not read, watch, listen to any news accounts about
2 the case should there be any. Do not use your
3 computer, cellular phone or other electronic device
4 with communication capabilities or any other method to
5 obtain or disclose information about the case which is
6 prohibited. Information prohibited includes but is
7 not limited to the following; information about a
8 party, or witness, an attorney or court officer, news
9 accounts of the case, should there be any, information
10 collected through juror research of any topic raised
11 or testimony offered by any witness, or information
12 collected through juror research on any other topic of
13 juror might think might be helpful in deciding the
14 case.

15 Don't do any independent investigation. Don't do
16 any investigation on the internet. Remember to keep
17 an open mind and do not begin your deliberations until
18 you are directed to do so by the Court.

19 With that being said you are excused for the
20 evening. I hope you all have a pleasant evening and
21 please be back promptly.

22 MR. BARFIELD: Could we approach before you finish
23 the promptly part.

24 THE COURT: Yes, sir.

25 (WHEREUPON, there was an off the record

1 discussion.)

2 THE COURT: All right. I have some motions I need
3 to take up so I ask you to be back promptly again in
4 the morning at ten o'clock, in the morning. We will
5 be here at nine o'clock, correct.

6 MR. BARFIELD: Yes, sir.

7 THE COURT: If you all please be back promptly at
8 ten o'clock in the morning. Thank you again for your
9 hard work, focus, perseverance. I hope you all have a
10 pleasant evening. See you tomorrow morning.

11 (WHEREUPON, the jury leaves the courtroom.)

12 THE COURT: All right, solicitor, as understand
13 you have how many more witnesses?

14 MR. BARFIELD: I've got a firearms examiner,
15 co-defendant, two or three witnesses concerning
16 statements and probably an investigator just to tie up
17 some loose ends, so I feel pretty comfortable sayin I
18 will rest by lunchtime tomorrow.

19 THE COURT: All right. Mr. Frick, Miss Raney do
20 you want me to advise your clients this evening of
21 their right to testify or not to testify. I realize
22 the State has not yet rested, but that will give them
23 the opportunity to think about it over the evening
24 hours.

25 MR. FRICK: That will be fine as long as you give

1 us the opportunity to discuss it which sounds like
2 that is what you are going to do.

3 THE COURT: All right. All right. Step around
4 here please Mr. Clinton, Mr. Green. Place then under
5 oath.

6 DEVATEE TYMAR CLINTON AND AL MARTINEZ GREEN having
7 been duly sworn by The Clerk, was examined and
8 testified as follows:

9 THE COURT: All right. Tell me your name, please.

10 DEFENDANT CLINTON: Devatee Clinton.

11 THE COURT: How old are you Mr. Clinton?

12 DEFENDANT CLINTON: Twenty-six.

13 THE COURT: And how much education do you have?

14 DEFENDANT CLINTON: 10th grade.

15 THE COURT: And tell me your name, sir.

16 DEFENDANT Green: Al Green.

17 THE COURT: And how old are you Mr. Green.

18 DEFENDANT GREEN: Twenty-one.

19 THE COURT: And how much education do you have?

20 DEFENDANT GREEN: Ninth grade.

21 THE COURT: You heard the solicitor say that he is
22 probably going to rest his case some time tomorrow, if
23 not by lunch time probably some time tomorrow. Of
24 course at that point in time I will have certain
25 motions to take up with your attorneys and depending

1 on my rulings the case may go forward. You would then
2 have an opportunity through your attorneys, each of
3 you, to call witnesses on your behalf.

4 Do you understand that Mr. Green -- excuse me, Mr.
5 Clinton?

6 DEFENDANT CLINTON: Yes, sir.

7 THE COURT: Do you understand that Mr. Green?

8 DEFENDANT GREEN: Yes, sir.

9 THE COURT: And further in that regard not only
10 could your attorneys call witnesses on your behalf you
11 could testify if you wanted to testify. You have the
12 right to testify. Do you understand that Mr. Clinton.

13 DEFENDANT CLINTON: Yes, sir.

14 THE COURT: Do you understand that Mr. Green?

15 DEFENDANT GREEN: Yes, sir.

16 THE COURT: No one can force you, Mr. Clinton, or
17 you, Mr. Green, to testify. Each of you has the
18 absolute right to remain silent. And if you choose
19 not to testify and this case goes to the jury I would
20 advise the jury that they can not hold your silence
21 against you in any way. I would tell them that they
22 are not to discuss that in the jury room.

23 Do you understand Mr. Clinton.

24 DEFENDANT CLINTON: Yes, sir.

25 THE COURT: Do you understand Mr. Green?

1 DEFENDANT GREEN: Yes, sir.

2 THE COURT: If neither side offers any evidence,
3 in other words if neither you, Mr. Clinton, or you,
4 Mr. Green, offer no evidence on your own behalf in
5 your case in chief then your attorneys will get to
6 make the last arguments to the jury, otherwise if you
7 offer evidence the prosecutor, the solicitor, gets to
8 make the last argument to the jury. Do you
9 understand?

10 DEFENDANT CLINTON: Yes, sir.

11 DEFENDANT GREEN: Yes, sir.

12 THE COURT: Does Mr. Clinton have a prior record
13 that would subject him to impeachment under rule 609,
14 solicitor?

15 MR. BARFIELD: Yes, sir.

16 THE COURT: And what is that record?

17 MR. BARFIELD: Bare with my Your Honor.

18 THE COURT: Do you know it Mr. Frick?

19 MR. FRICK: I don't know it entirely, but I know
20 he is currently incarcerated in the South Carolina
21 Department of Corrections. I would anticipate that
22 would be what the State would intend to use.

23 All I am aware of is what he is currently
24 incarcerated on, but I do know obviously it carries
25 more than a year and it is within the last ten years

1 so ---

2 MR. BARFIELD: Well, he's got '05 assault and
3 battery of high and aggravated nature.

4 THE COURT: All right.

5 MR. BARFIELD: And I probably need to run his rap
6 sheet again tonight. I will do that. I believe his
7 current conviction is a burglary 2nd degree, non-
8 violent.

9 THE COURT: And that is in regard to Mr.
10 Roseborough?

11 MR. BARFIELD: Yes.

12 MR. FRICK: That's correct.

13 MR. BARFIELD: I will get his rap sheet run
14 tonight. I am sure those two things I told you exist
15 on his record, but I will get it run again.

16 THE COURT: All right. Well, I am advising you
17 now, Mr. Clinton, and if there is anything further
18 tomorrow I will advise you because we will have
19 another opportunity to talk about it.

20 If were you to take the witness stand the solicitor
21 could ask you if you have a conviction for assault and
22 battery of a high and aggravated nature in 2005. He
23 could also ask you if you have a conviction for
24 burglary, second, non-violent. I'm not sure if that's
25 is 2000 -- I guess that is 2013, or something like

1 that. And I would tell the jury that they could use
2 that against you, if they use it at all against you
3 only as it went to your credibility, your
4 believability. Do you understand?

5 MR. CLINTON: Yes, sir.

6 THE COURT: And does Mr. Green have a criminal
7 history that would subject him to impeachment under
8 609, solicitor?

9 MR. BARFIELD: Your Honor, I am sorry.

10 THE COURT: Does Mr. Green have a criminal
11 history?

12 MR. BARFIELD: He has -- I read the rule the other
13 day and I think this would be useable against him. He
14 apparently has a juvenile -- was adjudicated for
15 assault on a correctional facility employee and I
16 think the rule says if it is a juvenile adjudication
17 it could be used to impeach if it were for an adult
18 conviction. That is all I have on him and again we
19 are going to run a rap sheet on him again tonight.

20 THE COURT: Do you agree or disagree with that
21 Miss Raney?

22 MS. RANEY: I believe that is the only thing on
23 there, yes, Your Honor.

24 THE COURT: And what year was that?

25 MR. BARFIELD: 2011.

1 THE COURT: All right.

2 So Mr. Green, the solicitor could ask you if you
3 had a conviction for assault on a correctional officer
4 -- is that the phrase?

5 MR. BARFIELD: Yes, sir. If I recall correctly I
6 think it was in a DJJ facility.

7 THE COURT: I again would tell the jury that they
8 could only use that as it went to the issue of your
9 credibility or your believability. Do you understand.

10 MR. GREEN: Yes, sir.

11 THE COURT: Run criminal history sheets on both
12 Mr. Clinton and Mr. Green tonight, solicitor --

13 MR. BARFIELD: Yes.

14 THE COURT: -- to make sure that is accurate as to
15 Mr. Clinton and Mr. Green.

16 The decision about whether you testify or not Mr.
17 Clinton, Mr. Green, is your decision to make and yours
18 alone. I expect that each of you have conferred with
19 your individual attorneys and also with others whose
20 opinions you value on important decisions, but the
21 decision about whether you testify or not Mr. Clinton
22 and whether you testify or not Mr. Green is your
23 decision, Mr. Clinton as to you? And it is your
24 decision, Mr. Green, as to you. Do you understand.

25 MR. GREEN: Yes, sir.

1 THE COURT: Do you understand Mr. Clinton.

2 MR. CLINTON: Yes, sir.

3 THE COURT: Mr. Clinton, has anyone exercised any
4 undo influence over you to get you to choose to
5 testify or not to testify.

6 MR. CLINTON: No, sir.

7 THE COURT: Mr. Green has anyone used or exercised
8 any undo influence over you to get you to choose to
9 testify or not to testify.

10 MR. GREEN: No, sir.

11 THE COURT: Mr. Green, today are you under the
12 influence of any drugs or alcohol or medication or
13 anything that negatively affects your thinking
14 ability?

15 MR. GREEN: No, sir.

16 THE COURT: Mr. Clinton, today are you under the
17 influence of any drugs, alcohol, medication or
18 anything that affects your thinking ability?

19 DEFENDANT CLINTON: No, sir.

20 THE COURT: Mr. Clinton, do you suffer from any
21 physical or mental problems that affect your thinking
22 today?

23 DEFENDANT CLINTON: No, sir.

24 THE COURT: Mr. Green do you suffer from any
25 physical or mental problems that affect your thinking

1 today?

2 MR. GREEN: No, sir.

3 THE COURT: Mr. Clinton, do you have any questions
4 you would like to ask me about your right to testify
5 or not testify.

6 DEFENDANT CLINTON: No, sir.

7 THE COURT: Mr. Green, do you have any quest you
8 would like to ask me about your right to testify or
9 not to testify.

10 DEFENDANT GREEN: No, sir.

11 THE COURT: All right. I will certainly give them
12 over the evening hours and you all would have the
13 opportunity to certainly speak with them again and if
14 it gets to that point I will certainly question them
15 further.

16 Thank you. Thank you Mr. Clinton, Mr. Frick.
17 Thank you Mr. Green, Miss Raney.

18 MS. RANEY: That you, Your Honor.

19 MR. FRICK: Thank you.

20 THE COURT: All right. Any other matters we need
21 to take up this afternoon, solicitor?

22 MR. BARFIELD: No, sir.

23 THE COURT: Mr. Frick?

24 MR. FRICK: No, sir.

25 THE COURT: Miss Raney?

F. Thompson - Direct by Mr. Barfield - In camera 645

1 MS. RANEY: No, sir, Your Honor.

2 THE COURT: All right. Thank you. Thank you
3 very much. Court will be in recess until nine in the
4 morning.

5 (WHEREUPON, court was in recess)

6

7

8

9

10 (Continuation of the trial March 13, 2014)

11 THE BAILIFF: All rise.

12 THE COURT: All right. Thank you, very much. Be
13 seated.

14 Jackson versus Denno motion, is that the first
15 matter we will take up.

16 MS. RANEY: Yes, Your Honor.

17 THE COURT: All right, solicitor you may call your
18 first witness.

19 MR. BARFIELD: Call Fred Thomspon.

20 THE COURT: Mr. Thomspon, come around and be
21 sworn.

22 FREDERICK THOMPSON, called as a witness, having
23 been duly sworn by The Clerk, was examined and
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MR. BARFIELD:

2 Q Tell us your name, please?

3 A Frederick Thomspon.

4 Q Well, You testified yesterday, we don't need to go
5 through all this again.

6 Were you an investigator for the Lancaster Sheriff's Office
7 back in January 2012?

8 A Yes, sir, I was.

9 Q As part of your role in this investigation did you have
10 occasion to talk with Devatee Clinton on January 27th of 2012?

11 A Yes, sir, I did.

12 Q For the purposes of this hearing factually was Devatee
13 Clinton in custody on January 27th of 2012?

14 A Yes, sir, he was.

15 Q What was he in custody for on that date?

16 A We just served an arrest warrant on him for an armed
17 robbery.

18 Q Is that the matter involving Nard Roseborough?

19 A Yes, sir.

20 Q Okay. Had he been charged with anything in the murder
21 of Jenika Jones on January 27th of 2012?

22 A He had not. THE COURT: Okay and where was Mr. Clinton
23 when you saw him on the 27th of of January?

24 A At the Lancaster County Detention Center.

25 Q And how did you come to be in his presence on that day?

1 A I had actually gone back to serve the arrest warrant on
2 him and Mr. Barfield I actually spoke wrong. We actually served
3 a CDV warrant on him. It wasn't armed robbery.

4 Q Did the CDV have anything to do with the Jenika Jones
5 case?

6 A It did not.

7 Q So you served a warrant on him in the detention center?

8 A Yes.

9 Q Did he -- did you and he have conversation about the
10 Jenika Jones case the day you served the warrant on him at the
11 detention center for CDV?

12 A Just briefly.

13 Q And how did that conversation come up?

14 A He initiated the conversation with me, asking me if I
15 could explain to him the nature of, I guess the charges, I guess
16 concerning another case with Roseborough.

17 Q Okay.

18 Q And I think the CDV and some other things that were
19 going on and I told him at that time that I couldn't speak with
20 him about any of his pending charges or anything that we was
21 working on because he told other investigators that he wanted
22 his attorney?

23 Q Had he been talked to about the Jenika Jones case prior
24 to January 27th of 2012 by other investigators, do you know?

25 A By other investigators, but I don't know who.

1 Q But you know that he had been talked to about the
2 Jenika Jones's case?

3 A Yes.

4 Q Did he appear to understand that you all were looking
5 at him on the Jenika Jones's case?

6 A Yes, he was well aware of that.

7 Q Okay. So he wanted to talk to you and you said what to
8 him?

9 A I told him that I couldn't because I was told -- I had
10 already been advised that he wanted to have his attorney
11 present.

12 Q And do you know if he actually had an attorney
13 concerning the Jenika Jones's matter on January 27th of 2012?

14 A He did not.

15 Q Okay. What was his response when you said you couldn't
16 talk to him because he had told people he wanted to talk to a
17 lawyer?

18 A Before leaving I told him that I would make contact
19 with the person that he thought would be his attorney.

20 Q Which was whom?

21 A Mr. Frick.

22 Q Okay.

23 A And I told him that, you know, he would need to speak
24 with Mr. Frick about where he was on that particular evening and
25 that's when he told me that he had gone --

1 Q All right. Hold on just a minute. At that point in
2 the conversation were you asking him any questions?

3 A I did not. I told him to provide that information to
4 Mr. Frick.

5 Q And when you told him to provide the information to Mr.
6 Frick what was Mr. Clinton's next response to you?

7 A That's when he began to tell me that he had gone to the
8 Hole in the Wall night club the night before.

9 Q All right. We will get into what he said in a minute.
10 At that time was he in custody?

11 A Yes, he was.

12 Q Did you read him his Miranda warnings?

13 A I did not.

14 Q Was he under arrest for the murder of Jenika Jones?

15 A No, sir, he was not.

16 Q Did you question him about any of the questions that he
17 was under arrest for?

18 A No, I did not.

19 Q Where in the detention center was this conversation
20 going on?

21 A He was in the cell at that time.

22 Q By himself or was it a multi-inmate cell, do you
23 remember?

24 I guess my question is were you and he having a private
25 conversation as much as that possibly or were there other people

1 standing around?

2 A He was in the cell by himself at that time I believe.

3 Q And were you in the cell with him?

4 A I think I was talking through the door. If my memory
5 is correct there is a small flap at the bottom of the door and I
6 believe that we were having this conversation through the door.

7 Q When you say the bottom of the door, you weren't on the
8 floor?

9 A No, I was just kind of down on one knee, but the flap
10 is less than halfway.

11 Q I got you.

12 A It was below waist level, so I had to kneel down to
13 speak with him.

14 Q All right. Now, did you before having this
15 conversation with Devatee Clinton that day did you know who he
16 was?

17 A I just knew him, but I didn't ---

18 Q Had you ever been in his presence before, I guess is
19 the question?

20 A Yes.

21 Q Had you ever had conversations with him before?

22 A Yes.

23 Q Okay. Now, let's get to some specifics. Did you know
24 about old he was?

25 A I knew early twenties.

1 Q Okay. Did you have any idea what his educational
2 background was?

3 A No, sir.

4 Q Did you know anything about -- well, let me just ask
5 you this. Did you have any difficulty understanding the words
6 he was using to converse with you?

7 A I did not.

8 Q Did he appear to have any difficulty understanding the
9 words and phrases you were using to converse with him?

10 A No, sir.

11 Q Was there anything unusually about the communication
12 process?

13 A No.

14 Q How long did this conversation between the two of you
15 all last?

16 A Approximately five minutes.

17 Q Did you at any time put your hands on him?

18 A No, sir.

19 Q Could you have put your hands on him from where were
20 you and from where he was?

21 A Yes, sir.

22 Q How?

23 A I could have reached through the flap or I could have
24 asked an officer to open the door.

25 Q Was there a closed door, a locked closed door between

1 you all?

2 A Yes.

3 A Did you have your side arm on in jail.

4 A No, sir.

5 Q Do any officers carry side arms in the jail?

6 A No, sir.

7 Q He was restrained because he was in a cell. Do you
8 know if he was restrained ankles or wrists?

9 A He was not. That is not the normal practice.

10 Q Was any other officer present with you when that
11 occurred?

12 A At that time, no.

13 Q At any time while you all were talking did he ask you
14 for any creature comforts like go to the bathroom, have
15 something to drink, have something to eat; anything like that?

16 A No, sir.

17 Q At any time during the conversation did he say I don't
18 want to talk to you?

19 A No, sir.

20 Q At any time during the conversation did he say I want a
21 lawyer before I talk to you?

22 A No, sir.

23 Q Did you promise anything to get him to tell you
24 anything about the Jenika Jones's case?

25 A Did not..

1 Q Did you make any threats towards him to get him to tell
2 you anything about the Jenika Jones's case?

3 A No, sir, I did not.

4 Q Did you try to coerce him in any way?

5 A No, sir, I did not.

6 Q Was it your intention to question him about the Jenika
7 Jones's case at all?

8 A No, sir.

9 Q And what did he tell you during that conversation
10 relevant to the Jenika Jones's -- well, let me just ask you
11 specific question or two.

12 Did he discuss with you his activities the night of January
13 19th of 2012, the night testimony shows Jenika Jones was killed?

14 A Yes, sir, he did.

15 Q Did he tell you anything about ever being at the Hole
16 in the Wall club?

17 A Yes, sir, he did.

18 Q What did he tell you about being in the whole?

19 A He told me that he did go to the Hole in the Wall night
20 club and that he was taken there by his cousin.

21 Q And did he give the name of his cousin?

22 A Yes, sir, Tony Cunningham.

23 Q Excuse me, did Tate Clinton tell you anything about
24 what he was wearing the night of Jenika Jones's murder?

25 A I am reading through.

1 Q I think it is down towards the end of your
2 supplemental.

3 A Okay. Okay. Yes, he said he was wearing a camouflage
4 jumpsuit that night.

5 MR. BARFIELD: Your Honor, Investigator Thompson
6 actually is involved in an all three brief statements
7 given by Mr. Clinton, so I am through with my
8 questions on the first one. I can go on to the second
9 one or they can cross on the first one.

10 THE COURT: Keep going.

11 MR. BARFIELD: Okay.

12 Q Were you also in the presence of Devatee Clinton on
13 January -- excuse me, February 23rd of 2012?

14 A Yes, sir I was.

15 Q Where were you in his presence on that day?

16 A At the sheriff's office.

17 Q What was Mr. Clinton in custody?

18 A Yes, sir, he was.

19 Q Had he been charged by that time with the burglary of
20 the Nard Roseborough case; burglary and robbery?

21 A Yes, sir, he had.

22 Q Had he been charged by that time with any offense
23 related to the killing of Jenika Jones?

24 A No, sir, I was not. He had not.

25 Q All right. Did anybody participate in this interview

1 from a law enforcement stand point other than you?

2 A Yes.

3 Q Who?

4 A Captain Craig Bailey.

5 Q Now you say you saw Tate Clinton in the Lancaster
6 County Sheriff's Office?

7 A Yes, sir.

8 Q How did the interview with Tate Clinton arise on
9 January -- on February 23rd of 2012?

10 A After the initial conversation that I had with him I
11 reached out to Mr. Frick. Made him aware that Mr. Clinton
12 wanted to speak with us in his presence. Mr. Frick provided us
13 with a time and date that he could met so we set up that
14 interview.

15 Q So whose idea was it for you all to talk to Tate
16 Clinton on February 23rd of 12?

17 A It was Mr. Children's idea.

18 Q Okay. Did Mr. Frick appear and participate, observe at
19 least the interview?

20 A Yes, he did.

21 Q Where did the interview cure?

22 A In Captain Bailey's office.

23 Q And who was present?

24 A Captain Bailey, myself as well as Mr. Frick and Mr.
25 Clinton.

1 Q Was Mr. Clinton in custody?

2 A Yes, sir, he was.

3 Q Was he in custody for the murder of Jenika Jones?

4 A No, sir, he was not.

5 Q Was he in jail clothing?

6 A Yes, sir, he was.

7 Q And was this office that the interview was done in?

8 A Yes, sir.

9 Q Did it have any bars or anything on the doors?

10 A No, sir, just the door that separated -- that close the
11 office off.

12 Q Was Clinton restrained in any fashion during the actual
13 interview do you recall?

14 A I don't recall, but kind of the normal practice is that
15 at least leg irons are on, belly chains are on, bit it is
16 possible that his hands were probably free.

17 Q Was Mr. Frick present for the entire interview?

18 A Yes, sir, he was.

19 Q Do you recall if Mr. Frick participated in the
20 interview? Did he have any impute, verbal impute? Of course we
21 didn't take a statement from Mr. Frick, but did he and Clinton
22 talk during the interview?

23 A My assumption is that they spoke before this interview
24 with us, but he did, you know, if my memory is correct I do
25 believe they had periodic conversations.

1 Q That's fine.

2 A But I can't remember all of the details.

3 Q Now, on 2-23 of '12 was Mr. Clinton given his Miranda
4 warnings?

5 A Yes, sir, he was.

6 Q I will show you a piece of paper and this is a copy of
7 the Miranda warning from 2-23 of '12. It is not the original.
8 Can you identify what that is?

9 A Yes, sir. This is the Miranda form that Mr. Clinton
10 signed in the presence of Captain Bailey, myself, as well as Mr.
11 Frick.

12 A How many signatures appear on that form.

13 A Four.

14 Q And is that a standard Miranda warning and waiver form?

15 A Yes, sir, it is.

16 Q Did that get read to Mr. Clinton?

17 A Yes, sir, it did.

18 Q And in its entirety?

19 A Yes, sir.

20 Q By whom?

21 A Myself, I actually read it to him.

22 Q All right. Did Mr. Clinton do something as to each of
23 the warnings to acknowledge that he had received it and
24 understood it,

25 A Yes, sir. He actually put his initials beside each of

1 the warnings.

2 Q And at the bottom did he indicate that he wanted to
3 waive his rights under the constitution and talk to you all
4 about this case, Jenika Jones's case?

5 A No, sir. He did not waive his rights because he wanted
6 his attorney to be present.

7 Q Well, did he exercise the right to have an attorney
8 present but agree to talk to you I guess is what I am asking?

9 A Yes.

10 Q And did he sign the bottom of the waiver form?

11 A Yes, sir, he did.

12 Q Let me jump ahead just a minute. You are going to tell
13 us about talking to Tate Clinton three different times. Did he
14 ever give a written statement?

15 A No, sir, he did not.

16 Q Why is there no written statement from Tate Clinton
17 about these matters? Whose decision was that, I guess is my
18 question?

19 A It was his decision.

20 Q Okay. All right. As to each of this is rights did you
21 ask Mr. Clinton if understood each of them?

22 A Yes, I did.

23 Q Did you determine -- well, let me back up. Did you
24 determine how old he was or did you know how old he was from
25 investigation in the file?

1 A Yes, we knew in accordance to the incident report.

2 Q Did you determine how much education he had?

3 A Yes, sir, I did.

4 Q And how much education did he have?

5 A He indicated that the last grade he actually completed
6 was the 9th.

7 Q Did you ask him as to each one of his rights whether he
8 understood each of them?

9 A Yes, I did.

10 Q Did he indicate that he did or did not as to each of
11 them?

12 A He indicated that he did understand each of them.

13 Q Did he ask you any questions about any of his rights?

14 A No, sir, he did not.

15 Q Did he say or do anything to make you think that he did
16 not understand any of his rights?

17 A No, sir, he did not.

18 Q Again, did you have any difficulty communicating with
19 him; understanding him or him understanding you as far as you
20 could tell?

21 A No difficulties at all.

22 Q And did Mr. Frick also witness the waiver of the
23 Miranda warnings?

24 A Yes, he did.

25 Q Waiver of his constitutional rights?

1 A Yes, sir, he did.

2 MR. BARFIELD: Your Honor, I am not going to --
3 unless the court wants me to, I will ask that this be
4 marked as a Court's exhibit and dispense with the
5 reading of all the rights.

6 THE COURT: All right. Yes, sir.

7 MR. BARFIELD: I am satisfied they are all
8 contained on the form.

9 I would offer the Miranda warning of 2-23-12 as a
10 court exhibit.)

11 (Court's Exhibit 5, Miranda warning, marked for
12 identification as of this date.)

13 Q Other than the right to have his lawyer present while
14 he was being talked to, did Mr. Clinton waive all his other
15 rights, the right to remain silent and agree to talk to you all?

16 A Yes, he did.

17 Q And did he give an oral statement?

18 A Yes, he did.

19 Q And did you memorialize that statement in a supplement?

20 A Yes, sir, I did.

21 Q About how long did that interview last?

22 A Well over an hour.

23 Q Okay. How were you and Craig Bailey dressed?

24 A According to department policy we have to wear shirt
25 and tie. Court appearance we have to wear a jacket, but that

1 particular day just regular shirt and tie and slacks.

2 Q Have a badge on?

3 A Yes.

4 Q Did you have guns on?

5 A Yes, we did.

6 Q Any other officers ever in and out during this
7 interview?

8 A No, sir.

9 Q Did Mr. Clinton have access to the telephone if he had
10 said I wanted to call somebody before I talk to you? If he had
11 asked to make a phone call was that a possible?

12 A It's possible that could have happened.

13 Q Was there every any time during that interview that Mr.
14 Frick was not in Mr. Clinton's presence?

15 A No, sir.

16 Q Did Mr. Clinton ask for anything during the interview
17 to make him comfortable?

18 A No, sir, not that I remember.

19 Q Did he appear to be in any physical distress or have I
20 any physical injuries or maladies?

21 A No, sir.

22 Q Did you promise him anything?

23 A No, we did not.

24 Q Did you all threaten him to get him to talk?

25 A No, sir, we did not.

1 Q Coerce him in any way to get him to talk?

2 A No, sir.

3 Q And did he talk?

4 A Yes, he did.

5 Q Did he make some statements to you about matters
6 relevant to the Jenika Jones's matter?

7 A Yes, sir, he did.

8 Q I am not going to go through it all now -- well, I will
9 go through it right now.

10 Did he tell you whether or not he had been in the Hole in
11 the Wall the night of Jenika Jones's murder?

12 A Yes, he did.

13 Q And did he tell who he went there with?

14 A Yes, sir he did.

15 Q And who did he say he went there with?

16 A Tony Cunningham.

17 Q Did you tell you what he was wearing that night?

18 A Yes, sir, he indicated earlier that was wearing a
19 camouflage jumpsuit.

20 Q Did you all have any conversation during that interview
21 about the blue jumpsuit or the blue monkey suit as it has been
22 variously called?

23 A Yes, sir, we did have that conversation.

24 Q Who brought up the blue monkey suit?

25 A He did. Mr. Clinton did.

1 Q And in what context did Mr. Clinton talk about the blue
2 monkey suit?

3 A He began talking about how he would loaned it out to
4 other people to wear.

5 Q Did he acknowledge to you that he had ownership or
6 possession at some time of a blue jumpsuit?

7 A Yes. He indicated he actually owns it and he typically
8 moved it from place to place and he would loan it out to others.

9 Q Did he give you the names of anybody that he loaned it
10 out to?

11 A Yes, he did.

12 Q And who did he say?

13 A Excuse me, he loaned it to Reggie Stover.

14 Q Did he tell you who Reggie Stover was or where he
15 lived?

16 A Yes, Reggie Stover actually lives with him.

17 Q And did Clinton tell you where Clinton lived?

18 A Yes, he said he lives at 1969 Roseanna Lane.

19 Q Okay. Did Clinton indicate whether or not he had ever
20 worn the blue jumpsuit?

21 A He stated that he never wore it.

22 Q Did Clinton say anything to you about knowing the
23 victim or where she lived? Was there any conversation about the
24 victim or where she lived?

25 A We did ask and he told us a few times that he had know

1 idea that she lived next door to him.

2 Q Was there any conversation with Clinton about whether
3 he knew Pomp Blackmon?

4 A Yes, we asked.

5 Q What was his initial response?

6 A His initial response was that he did not know Mr.
7 Blackmon.

8 Q Did that response change at some point during the
9 interview?

10 A Yes, sir, it did.

11 Q How did it change?

12 A Later in the interview he reported that he did know Mr.
13 Blackmon. That he did know the vehicle that he owned.

14 Q Did he indicate whether he knew where Mr. Blackmon
15 lived?

16 A Somewhere in the New Town area.

17 Q And are you familiar with Lancaster County?

18 A Yes, sir, I am.

19 Q Is 202 Hughes Street in the New Town area?

20 A Yes, sir, it is.

21 Q Was there any conversation about whether Clinton was
22 familiar with the white Cadillac with the rag top?

23 A Yes, sir, we did have that conversation.

24 Q Initially what was his response?

25 A Initially he indicated he was not familiar with the

1 vehicle.

2 Q Did that response change?

3 A Yes, sir, it did.

4 Q How did it change?

5 A Later in the interview he indicated that he had seen
6 the vehicle on a few occasions.

7 Q Did you ask him whether he had ever driven it or ridden
8 in it?

9 A Yes, sir, I did.

10 Q What was his response?

11 A His response was he never driven the vehicle nor had he
12 been a passenger in the vehicle.

13 Q Was there any discussion about DNA perhaps being on the
14 jumpsuit or on the Cadillac?

15 A Yes, sir, there was a conversation.

16 Q Did he give any responses to your queries about whether
17 his DNA might be on the jumpsuit or Cadillac?

18 Q He indicated again he touched the jumpsuit on several
19 occasions moving it from place to place and loaning it out. So,
20 he said his DNA should be on that and also when asked about the
21 vehicle he indicated that he lean on the vehicle?

22 Q When and where?

23 A At the Hole in the Wall.

24 Q When?

25 A On the night of Miss Jones's murder.

1 Q All right. Did you have occasion to see Mr. Clinton on
2 3-9 of 12?

3 A Yes, sir, I did.

4 Q On 3-9 of 12 was he charged with murder in the death of
5 Jenika Jones?

6 A Yes, sir, he was.

7 Q And where did you see Mr. Clinton on 3-9 of 12?

8 A At the Lancaster County Detention Center.

9 Q And how did you come to see him at the detention
10 tension center there?

11 A I actually served the arrest warrant on him at that
12 time.

13 Q Did you attempt to interrogate him or question him or
14 interview him about the Jenika Jones's murder when you served
15 the warrant on him?

16 A I did not.

17 Q Was there some conversation between the two you all
18 about the Jenika Jones's case?

19 A Yes, sir, there was.

20 Q How did that conversation arise?

21 A Mr. Clinton again initiated the conversation.

22 Q How?

23 A As I read the arrest warrant to him he began to ask me
24 about the probable cause for the arrest warrant.

25 Q And you are talking about the murder warrant?

1 A Yes, sir.

2 Q And he started asking you and what did you say?

3 A I reminded him that we knew that he had an attorney.

4 That we could continue this conversation in the presence of his
5 attorney.

6 Q Just carry on with the conversation between the two of
7 you all.

8 A He told me that he didn't want to wait for an attorney
9 to be present. That he wanted to have this conversation right
10 now.

11 I was not alone at that time. I had Investigator Catalano
12 with me as well as a narcotic investigator Jaillette. They were
13 both present to hear that conversation.

14 Q Okay. After Clinton said that what was your next
15 action? What did you do after he said I want to talk to you?

16 A The three of us actually, you know, asked our detention
17 center staff to place belly chains, leg irons on Mr. Clinton.
18 We escorted him up to Captain Bailey's office and Captain Bailey
19 and myself, we actually read him his Miranda warning and began
20 our third interview.

21 Q And was that in the same office that you all had
22 interviewed him on 2-23?

23 A Yes, sir.

24 Q So, who was present during that interview?

25 A Just captain Bailey and myself.

1 Q Was Mr. Frick present?

2 A No, sir, he was not.

3 Q Did you read him his Miranda rights off the standard
4 Miranda warning and waiver form?

5 A Yes, sir we did.

6 Q I will show you document this again is a copy of 3-9-12
7 waiver form, can you tell me what that is?

8 A Yes, sir. This is the Miranda form, a copy of the
9 Miranda form that Captain Bailey and I read to Mr. Clinton on
10 March the 9th, 2012.

11 Q Did you read the form in it's entirety?

12 A Yes, sir.

13 Q All the rights that are listed on it?

14 A Yes, sir.

15 Q An as to each one did you ask Mr. Clinton if he
16 understood those rights?

17 A Yes, sir, I did.

18 Q Did he indicate in some fashion that he did verbally or
19 in writing?

20 A In writing he did.

21 Q By doing what?

22 A He placed his initials beside each of his Miranda
23 rights.

24 Q At the bottom did you ask him if he wanted to waive his
25 rights to an attorney and to remain silent and talk to you all?

1 A Yes, sir, I did.

2 Q Did he knowingly and intelligently and voluntarily in
3 your opinion waive those rights?

4 A Yes, sir, he did.

5 Q Did he sign the form?

6 A Yes, sir, he did.

7 Q Okay. Had anything changed other than a few days about
8 his age?

9 A No, sir. Nothing else changed.

10 Q Or his education as far as you know?

11 A Nothing changed.

12 Q Was there any difference in his demeanor on 3-9 of 12
13 from 2-23 of 12?

14 A Yes, sir.

15 Q Let me ask a point blank question. Again, on 3-9 of 12
16 did you have any difficult understanding the word or phrases he
17 was using?

18 A Oh, no, sir.

19 Q Did he have any difficulty -- appear to have any
20 difficulty understanding you?

21 A No, sir.

22 Q Did he appear to be in any kind of distress?

23 A No, sir.

24 Q Did he have any injuries or appear to be sick?

25 A No, sir.

1 Q Did he ask you any questions about the process, the
2 rights or the process of you having a conversation with him
3 again?

4 A No, sir. We actual underlined one portion just to make
5 sure he understood it.

6 Q And what portion was that?

7 A If you can not afford to hire a lawyer one will be
8 appointed to represent you before any questioning if you wish.
9 We made sure he understood that before we started.

10 Q Okay. And did he talk to you at some point?

11 A Yes, sir, he did.

12 Q How long was that interview?

13 A That interview was probably less than an hour. It
14 wasn't quite as long as the first interview.

15 Q Other than you and Captain Bailey was anybody else
16 present?

17 A No, sir.

18 Q Were you all dressed essentially the same way you had
19 been on 2-23?

20 A Yes, sir.

21 Q Anybody come in and out, any law enforcement come in
22 and out during the interview?

23 A No, sir.

24 Q Anybody ever -- did he make any requests during that
25 interview like I want to make a call?

1 A No, sir.

2 Q I want to stop talking?

3 A Yes, eventually he did say he did want to stop talking.

4 Q We will get to that in a minute. Did he ask to call

5 Mr. Frick or anybody else? .

6 A No, sir.

7 Q Did he ask for anything to make comfortable something

8 to eat, drink, smoke, bathroom break?

9 A No, sir, he didn't ask.

10 Q Anybody promise him anything to get him to talk to you?

11 A No, sir.

12 Q Anybody make any threat to get him to talk to you?

13 A No, sir.

14 Q Do anything to coerce him at all?

15 A No, sir.

16 Q He heated elements of the conversation?

17 A No, sir, not that I remember.

18 Q Now at some point did he say he wanted to quit talking?

19 A Yes, sir.

20 Q And at what point -- I am not going to get you to go

21 into all the details of the conversation, but at what point did

22 -- what was the topic being discussed when he said I am through

23 talking?

24 A When we began to talk about DNA.

25 Q And what about DNA specific?

1 A I think when we began to ask him about if his DNA would
2 be found inside of Mrs. Jones's residence and being inside of
3 the vehicle.

4 Q Was there ever any conversation on 3-9 about trying to
5 collect buccal swabs from him?

6 A Yes, sir, we did ask.

7 Q At some point during that point of the conversation is
8 that when he said I don't want to talk any more?

9 A Yes, sir.

10 Q Did he in that conversation say anything about Wayne
11 Blakeney?

12 A Yes, sir, he did.

13 Q And in relation did he -- were his comments about Wayne
14 Blakeney -- what date and place were his comments in relation to
15 Wayne Blakeney connected with? What did he say about Mr.
16 Blakeney?

17 A He saw Mr. Blakeney at the Hole in the Wall on the
18 night of Mrs. Jones's murder driving a white color Cadillac.

19 Q All right.

20 MR. BARFIELD: Your Honor, I will offer the
21 Miranda warning from 3-9, a copy of it, as another
22 court's exhibit.

23 THE COURT: All right.

24 (Court's Exhibit 6, Miranda warning, marked for
25 identification as of this date.)

1 MR. BARFIELD: That is all the questions I have
2 of Mr. Thompson.

3 THE COURT: Thank you, solicitor. Mr. Frick?

4 MR. FRICK: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. FRICK:

7 Q Mr. Thomspon, who can serve an arrest warrant?

8 A Any officer.

9 Q Any officer?

10 A Yes, sir.

11 Q So anybody with the sheriff's department could serve
12 any one of these warrants they got served on Mr. Clinton?

13 A Yes.

14 Q All right. And refresh my memory, if you remember.
15 You may not remember either. The first warrant that you served
16 on Mr. Clinton what was that charge?

17 A I think it was a CDV, if my memory is correct.

18 Q Okay. It had nothing to do with this case?

19 A No, sir.

20 Q Okay. At the time it is served, I think the 27th of
21 January somewhere around there, had Mr. Clinton been developed
22 as person of interest?

23 A Yes, sir.

24 Q He had in the Jenika Jones's case?

25 A Yes, sir.

1 Q Why did you serve an unrelated CDV warrant on him
2 /-FRPL?

3 A It is not uncommon. I really can't remember who
4 brought him in that day or whenever he came in. It is possible
5 that maybe one of the other investigators served it. Often
6 times we have been instructed not to call patrol division in off
7 of the road to served an arrest warrant when we have the same
8 ability as they do.

9 Q Okay. All right. Had nothing to do with the fact that
10 you are an investigator on the Jenika Jones's case and you were
11 going to go serve a warrant on a person of interest?

12 A Anyone one from investigations would have probably
13 served that warrant if an investigator would have brought him
14 in.

15 Q Okay. And clearly he was in custody?

16 A Yes, sir.

17 Q He was not at all free to go anywhere?

18 A No, sir.

19 Q He was in fact in a cell by himself, wasn't he?

20 A Yes, sir.

21 Q And your conversation takes place through that little
22 flap that is down -- you got to kneel down a little bit so you
23 can actually talk through it, right?

24 A Yes, sir.

25 Q All right. On that day you all had a conversation

1 about him having an attorney on other cases, right?

2 A Yes, sir.

3 Q He hasn't been appointed to the public defender's
4 office on this new charge obviously because it is just being
5 served on him. But he discussed he did have an attorney?

6 A On the 27th?

7 Q Yes.

8 A He just made mention that he had you as his attorney in
9 the past, so his assumption was that you would be representing
10 him on any future charges.

11 Q Okay. Okay. When he says that what do you do?

12 A That's when reached out to you, your office, to see if
13 you will come out to speak with him.

14 Q Okay, but you all continued to speak on that particular
15 occasion. Why didn't you just -- I mean, you had already served
16 the warrant, right?

17 A Yes.

18 Q You executed the purpose that you went over to the jail
19 to do, right?

20 A Yes.

21 Q You could have closed the flap and walked off. Why
22 didn't you do that?

23 A He still was talking. I didn't treat him any different
24 then I would treat anyone else.

25 Q Okay. He didn't specifically say I have a lawyer. I

1 don't want to talk to you, but he indicated he expected that he
2 would have an attorney?

3 A Yes, he did indicate that he thought that he would.

4 Q In fact in the incident report it says you told Mr.
5 Clinton to speak with me about where he was the night of the
6 murder, is that correct?

7 A It is. When he said what do you guys want to talk
8 about I said you need to speak to Mr. Frick about where you were
9 that particular night.

10 Q All right. You didn't terminate the conversation and
11 say that's it. I know you are going to talk to a lawyer and
12 walk off. He speaks and you stand there and listen?

13 A That's true.

14 Q And he didn't -- he volunteered what he did at the Hole
15 in the Wall and who was there and what he was wearing?

16 A Yes, sir.

17 Q You asked --

18 A I didn't ask any questions at all about where he was.

19 Q He just started talking and went through all this
20 without you making any statement or making any questions?

21 A I told him that he needed to speak with you about where
22 he was and what he was doing.

23 Q All right. At one point in here it says Thomspson
24 informed Clinton that information had been gathered by other
25 investigators -- something about vehicle?

1 A Which line are you at?

2 Q I am looking at -- kind of down here at the bottom. Do
3 you see where I am talking about right there. You all did have
4 a little bit of back and forth, right?

5 A Yes, sir.

6 Q All right. So he was talking. You would -- it was kin
7 kind of a conversation, right?

8 A Yes.

9 Q Okay. I am not saying it was questioning. I
10 understand, but you were making statements to him essentially
11 trying to get more information, weren't you?

12 A Well, if he asked a question I would answer it. If it
13 didn't compromise the investigation I would answer any question
14 he may have.

15 Q Okay. But you did make statements to elicit responses.
16 And according to your testimony providing an answer to his
17 question, right?

18 A Yes, sir.

19 Q So look down that line right there (indicating) about
20 the third or forth from the bottom. Thompson told Clinton that
21 he, meaning you, have been told by Clinton was wearing a
22 camouflage jumpsuit.

23 That was in a response to a question that Mr. Clinton had
24 asked you or do you recall?

25 A I can't recall, but more than likely in response to a

1 question. You know, if I would have gone there with intentions
2 of getting information I probably would have taken a recorder or
3 something. I didn't go there looking to have a conversation
4 with him.

5 Q I understand.

6 A So I just can't remember exactly what he said that
7 would cause me to tell him what I had been told and what other
8 investigators had been told.

9 Q Okay. All right. You had no further conversation with
10 him until we all met over at the sheriff's department?

11 A That is the next time I had a conversation with him
12 when you were present.

13 Q Did you receive word from him? I know folks write
14 letters all the time and send them to you. Not specifically to
15 you, but to the investigators. I don't know, they may write you
16 all the time. They write me.

17 Had you received any correspondence or word from the jail
18 that Mr. Clinton wanted to talk to you.

19 A Mr. Frick, I thought that I spoke with you about
20 setting up the interview.

21 Q No, that is not what I am getting at. We will get to
22 that in a second. I am talking about between the date that you
23 served that one warrant on Mr. Clinton and the date that we all
24 met in the sheriff's department did Mr. Clinton inquire any more
25 of you?

1 A No, sir.

2 Q Okay. All right. And we did have a conversation,
3 didn't we?

4 A Yes.

5 Q And set up a date for us all to met over there?

6 A Yes.

7 Q And that's what became the interview on the 23rd,
8 February 23rd, right?

9 A Yes.

10 Q And the part I am just going to ask you on Miranda form
11 on that one. I don't know which court exhibit it is. Court's
12 exhibit number five.

13 There's couple of X's on the first one. It is going through
14 the waiver of rights. First, who wrote those X's?

15 A I did.

16 Q Okay. What was the purpose of writing those X's?

17 A The waiver of rights basically indicates that he does
18 not want an attorney to be present, so because you were present
19 that didn't apply to him.

20 Q All right. And the second X that is down here through
21 the witness line. What is that? Do you recall?

22 A I don't recall. I know that typically I will sign on
23 one witness line and Captain Bailey will sign on one witness
24 line and if there were any other witnesses they would sign below
25 us. You and Captain Bailey signed on same line and I just

1 signed underneath Captain Bailey.

2 Q All right. And this took place is it a break room, a
3 snack room?

4 A Yes, break room area.

5 Q Mr. Clinton had come directly over from the jail,
6 correct?

7 A Yes.

8 Q And he was dressed in an orange jumpsuit of some kind
9 with restraints?

10 A Belly chains, leg irons, yes.

11 Q And his hands may have been restrained, do you recall?

12 A In order for him to have signed the waiver, it would
13 have been kind of difficult for him to do it with the belly
14 chains on, but that's been two years ago so I can't ---

15 Q But there were some restraints on him?

16 A Yes, to be transported over definitely.

17 Q Oh, I remember what I wanted to ask you. Now, there is
18 not a -- this isn't one of the situations where we got a video
19 recorded statement, right?

20 A No.

21 Q Not that I am aware.

22 A No. There is not.

23 Q It wasn't a typed up statement. We all didn't sit over
24 at your office and it was contemporaneously typed up and he
25 signed it, correct?

1 A Correct.

2 Q So what we got is a summation of his oral statement
3 during that day, right?

4 A That's correct.

5 Q All right. I you want to ask you one thing and maybe
6 it is nitpicking, but at this point we are talking about loaning
7 out the jumpsuit, I believe, and there was some question about
8 loaning it out to Wayne and to Stover. It said Mr. Clinton
9 didn't answer but he became irate and started talking. When you
10 say irate, do you recall what his demeanor was?

11 A I think that is when he became frustrated because he
12 knew that what he was telling us it just didn't make any sense.
13 So I am thinking he became frustrated and agitated because he
14 knew we weren't believing what he was telling us.

15 Q Okay, but I guess when I think irate, I'm thinking
16 banging his hands, yelling?

17 A No.

18 Q Well, did he raise his voice?

19 A Not that I recall. I don't remember him ever screaming
20 or yelling.

21 Q So that's just -- and I understand it is more semantics
22 then anything else. But it was more frustration then being
23 angry you would say?

24 A I think he was still pretty angry. When I guess I
25 indicated he was irate, it wasn't to the point where he was in a

1 fit of range, but he was a little more than angry. It was
2 higher degree of just being angry, but it wasn't to the point of
3 rage.

4 Q Okay. All right. It just depends on what your
5 definition irate is?

6 A Yes, sir.

7 Q All the way down at the bottom. This is where we are
8 talking about DNA stuff?

9 A Yes, sir.

10 Q You all had questioned him about some DNA and I advised
11 him of three methods of which DNA can be obtained?

12 A Yes.

13 Q Is it correct that Mr. Clinton told you which option he
14 choose at that point in time?

15 A Yes, sir.

16 Q And what options did he choose?

17 A He indicated that he would rather have it taken by
18 Court Order.

19 Q And that was one of the three options that was
20 explained to him?

21 A Yes.

22 Q Now, he made it fairly clear didn't he, that that's how
23 he wanted his DNA taken, right?

24 A Yes.

25 Q Yet you all did ask him again about his DNA, didn't

1 you?

2 A Yes.

3 Q The question was in fact, well, if you weren't there
4 why would you not want your DNA taken, correct? I think you
5 summarized it. I summarized your summary. What was the
6 question?

7 A When we were with you?

8 Q Yes, sir?

9 A Investigators asked Clinton to tell him why he would
10 not submit to a DNA test if he was not involved in the murder of
11 Jones and had not been in his house or Blackmon's car, and I
12 should have wrote her house or Blackmon's car.

13 Q That is fine. I am not worried about that. My issue
14 is he had said with his attorney present I want you all to go
15 get have a Schermer hearing and get a Court Order?

16 A Yes.

17 Q And then you all continued to ask him about the DNA?

18 A Not at that time. That was another conversation.

19 Q Are you you sure?

20 A That's when we ended the interview.

21 Q Right. But after he said I want you to get a Court
22 Order you all then inquired as to why he wouldn't want to give
23 his DNA, right?

24 A Yes, I am with you now. Yes.

25 Q Okay. All I am saying you all continued to ask him a

1 question after he had said go get a Court Order?

2 A That is not the only time. We asked him several times
3 about Mr. Blackmon and finally we got around to getting the
4 truth of the matter concerning that. We asked him several times
5 about the jumpsuit and he denied it, and denied it and then he
6 finally got around to telling us the truth about that. That's
7 not the only question we asked him one time.

8 Q I understand, but his intent was pretty clear on that
9 one, wasn't it?

10 A Well, if we didn't ask about the jumpsuit or the car or
11 where he was he would have been content with not being truthful
12 about that also.

13 Q But after that that's when he wanted the interview
14 concluded, correct?

15 A Yes.

16 Q And it was concluded?

17 A Yes.

18 Q Lets see. One more statement.

19 A Yes, one more.

20 Q Okay, March 9th, a warrant for the murder case had been
21 procured, correct?

22 A Yes.

23 Q And you were the one who went offer to go serve the
24 warrant?

25 A Yes.

1 Q Again just from a perception standpoint, why is it you
2 that goes over to serve a warrant on a case that you are
3 involved with? Why?

4 A That's not uncommon. That is not completely uncommon.

5 Q Okay. Well, I mean you already had a couple
6 conversations with Mr. Clinton. You know he is likely to start
7 talking. You know he has got an attorney. You know at one
8 point he has exercised his right to have an attorney. Meaning
9 he was present in the interview. Yet you, an agent in the case,
10 go over to serve the warrant.

11 A Yes.

12 Q Okay. You didn't feel it would be better to have a
13 some other deputy --

14 THE COURT: Feelings aren't relevant. Feelings
15 aren't facts. Ask your next question.

16 Q When you served the warrant did he say anything about
17 wanting to have his attorney present?

18 A No, sir. Well, he began talking again and I told him
19 that he has an attorney.

20 Q Okay. He continued to talk?

21 A Yes, and he continued to talk.

22 Q Okay. All right. And again you did not close the flap
23 -- I'm guessing this was still a conversation through the flap.
24 I don't know where you had the conversation. Where did you have
25 the conversation?

1 A We were in his cell. I don't think -- I don't believe
2 and again please forgive me if I am incorrect on this. I
3 believe the door was actually opened and I actually came inside
4 to read the arrest warrant to him and to give him his copy. I
5 am pretty certain that wasn't done through the flap.

6 Q Just so I have it straight in my head. I know no one
7 else knows what I am talking about. Is this that first hallway
8 as you are going down the jail or is he further down?

9 A No, sir, the first row of cells if you are going down
10 the hallway I don't know which cell he was in, but one of the
11 cells to the right.

12 The normal practice for me is to have a CO, correction
13 officer, open the door. I would actually go in and read the
14 arrest warrant to whomever, sign it and give him a copy.

15 Q All right, so it is a solid door. There is a little
16 window and then a flap, but on March 9th you have a face to face
17 door open talk with -- well, I say talk. You did have a talk
18 with him?

19 A Yes.

20 Q Served the warrant. He indicates he wanted to speak,
21 right?

22 A Yes.

23 Q You advised him that he did have an attorney yet a
24 conversation continued, correct?

25 A Yes.

1 Q We then again get back to DNA stuff. Does he tell you
2 he wants to consent or not consent at this time?

3 A That's when he tells us again that he did not want to
4 consent.

5 Q Okay. And clearly again he is in custody. He is at
6 the detention center?

7 A Yes.

8 Q All right. With this conversation?

9 A Yes.

10 Q All right. Were any other deputies with you other than
11 jail staff on that one particular interview?

12 A Yes, Investigator Catalano and narcotic's investigator
13 Gillette.

14 Q All right. So all three of you went over to serve this
15 warrant?

16 A I don't know if they were in the jail already or not.
17 I really can't remember.

18 Q Okay.

19 A But I do not that Investigator Catalano actually got
20 the arrest warrant. He could have served it.

21 Q What I am trying to get at, were all three of you all
22 standing at the door when the warrant is served on Mr. Clinton?

23 A I don't believe so, but -- I don't know.

24 MR. FRICK: Thank you, sir. That is all the
25 questions I have.

1 THE COURT: Miss Raney?

2 MS. RANEY: Your Honor, I don't have any questions
3 but, may I be excused for one quick minute, please?

4 THE COURT: Yes, ma'am.

5 MS RANEY: Thank you.

6 THE COURT: All right. Redirect?

7 MR. BARFIELD: No redirect.

8 THE COURT: All right. Thank you. Thank you
9 very much.

10 MR. BARFIELD: Your Honor, I am going to try and
11 streamline this a little bit if I can. As to the 2-23
12 of 12 statement Captain Bailey with the sheriff's
13 office participated in that, as he did on the 3-9 of
14 12 statement. I talked to Captain Bailey. I do not
15 believe Captain Bailey's testimony would be
16 inconsistent or different from Fred Thomspon's and I
17 think it would be duplicatus. I do not propose to
18 call him. I reserve the right to if there is some
19 deficiency with the Court as to what has been
20 presented so far. Absent calling Captain Bailey that
21 is all I have to present concerning the three
22 discussions Tate Clinton had with law enforcement.

23 THE COURT: So you are not going to call Captain
24 Bailey?

25 MR. BARFIELD: No, sir.

1 THE COURT: All right. Thank you. Thank you
2 very much.

3 Mr. Frick, does the defendant Clinton intend to
4 offer any evidence or testimony?

5 MR. FRICK: No, sir.

6 MR. BARFIELD: Let me make one qualification. I
7 don't intend to call Captain Bailey in Jackson v
8 Denno. Very possibly will in the presence of the
9 jury.

10 THE COURT: And I take it your position Miss Raney
11 is the same. You not going to present any evidence or
12 testimony?

13 MS. RANEY: No, I am not, Your Honor.

14 THE COURT: All right. This is your motion then
15 Mr. Frick?

16 MR. FRICK: Thank you. Your Honor.

17 Your Honor, in regards to the statement on 1-27
18 obviously we got an investigator, investigator on the
19 case, where my client has become a person of interest
20 on a murder case who he was serving unrelated warrant.
21 His testimony is any number of officers could have
22 served that warrant. I think that causes pause as to
23 what the motivation behind him going over there. I
24 think the intent was to see if information could be
25 elicited from Mr. Clinton and of course that is what

1 occurred on this case.

2 Your Honor, the defendant, Mr. Clinton, did
3 indicate that he had an attorney on previous case and
4 indicted he believed he would have that same attorney,
5 me, on whatever case might be coming up. This was a
6 conversation that occurred through the door at the
7 jail through the flap. Mr. Thompson could have simply
8 said I don't want to talk to you any more and walked
9 away. So I think -- and obviously he is in custody.
10 He is behind that door. So I think under those
11 circumstances clearly he is in custodial
12 interrogation. I believe it does qualify as an
13 interrogation. Doesn't necessary mean that you have
14 to be asked questions. If you say or do anything to
15 elicit a response and I quite frankly suggest that his
16 presence in serving this unrelated warrant was to
17 elicit a response on the Jenika Jones's case. So I
18 would ask for that statement to be suppressed.

19 I can go through all three if you want me to just
20 to expedite it.

21 THE COURT: Yes, sir.

22 MR. FRICK: On February 23rd, obviously that is a
23 different situation because I was present at that
24 interview, so he certainly did exercise his right to
25 have an attorney. Law enforcement was present. The

1 only issue that I got on that case is once he
2 indicated that he had made a decision on the DNA I
3 believe it was quite clear that he was done talking to
4 him about that and they continued to elicit a
5 response. So I ask you to take that into
6 consideration when considering the February 23rd
7 statement.

8 On the March -- and he was in custody at that time.
9 He was still at the detention center and came over I
10 think he was shackled, belly chained and whatever
11 other items they had him restrained with -- but he was
12 in restraints. And of course on on the March 9th,
13 again, we got Investigator Thompson who is an
14 investigator and I understand almost every
15 investigator in the sheriff's department was involved
16 in some way in this case. He is the one that goes
17 over and serves this. I believe again his presence is
18 there to see if a response can be elicited from Mr.
19 Clinton. I think that falls within the issues that
20 are covered by my motion. He is dealing with someone
21 that he has dealt with before who has exercised his
22 right to an attorney. I certainly understand the
23 present case law requires that you must continue to
24 exercise that right, but out of abundance of caution I
25 would think that an officer who had dealt with a

1 person before who had given statements who exercised
2 that right to an attorney would not want to put
3 themselves in a situation of potentially eliciting a
4 statement and that statement being question by his
5 presence there. I think that is what we got here. He
6 did -- he did have a minimal conversation. There were
7 other law enforcement present in the area, so I think
8 anything in that March 9th statement should be
9 suppressed and excluded from the trial of this case.

10 THE COURT: All right, solicitor.

11 MR. BARFIELD: Your Honor, the 2-27 statement I
12 would suggest to you was not initiated by law
13 enforcement. I think the mere presence of an officer
14 in the presence of a defendant doesn't necessarily
15 mean that they are there -- that their presence
16 elicits information. Mr. -- Investigator Thompspon
17 told Mr. Clinton talk to your lawyer and Mr. Clinton
18 said I want to tell you and there was a brief
19 conversation about his presence at the Hole in the
20 Wall club and about what he was wearing. It was
21 initiated by Mr. Clinton. Mr. Clinton was in custody.
22 There is no question about it. He was in custody for
23 a matter unrelated to the death of Jenika Jones. He
24 was not questioned about the unrelated matters and
25 frankly he wasn't questioned about the Jenika Jones's

1 case until after he told Fred Thompson, I don't want
2 to tell my lawyer I will tell you where I was and
3 other matters. I don't think that -- I think it is a
4 good statement.

5 The same thing essentially applies for the 3-9 of
6 12 statement. Again I don't think Investigator
7 Thompson could have been any clearer with Mr. Clinton
8 and Thomspon told Clinton that his attorney would have
9 to be present before Thompson could discuss the case
10 with him. Clinton then said in the presence of
11 Thompson and Catalano and Jaillette, I want to talk to
12 you about it now, and they took him to the office.
13 They went through the Miranda warning process from
14 start to finish. Clearly informed him that he had the
15 right to have a lawyer and did not talk and he waived
16 all those rights and told him just a couple of bits of
17 information that I am interested in. Again it was
18 initiated by him. Not something initiated by law
19 enforcement. Somebody has got to arrest him and
20 serving the warrants on him is part of the arrest
21 process and I don't think there is anything defective
22 about Fred Thompson being the one serving the
23 warrants.

24 As to the -- I misspoke a minute ago. I was
25 talking about the -- I first talked about the 1-27 of

1 12 statement. I got the dates wrong. As to the 2-23
2 of 12 statement, that Your Honor I think couldn't be
3 clearer. That was an interview that was arranged at
4 the request of the defendant and his lawyer, or at the
5 mutual request and consent of Fred Thompson, Clinton
6 and Mr. Frick. It was done in the presence of Mr.
7 Frick. Again Miranda was given. Miranda was waived
8 except the right to have a lawyer present and it ended
9 up in a conversation which produced some information
10 that I intend to use in the trial of this case. There
11 is nothing during that process to suggest that Mr.
12 Clinton at any point said I don't want to -- during
13 the point that it lasted anyway, Mr. Clinton said I
14 want to stop and they continued. Said he wanted to do
15 anything other than tell him what he could tell him
16 about this case. And I think that statement also is
17 admissible.

18 The first, 1-27, the third one 3-9 I argue were
19 initiated by Mr. Clinton. The 2-23 was by consent.
20 As to the latter two proper Miranda warnings were
21 given and waived.

22 Thank you.

23 THE COURT: All right. Thank you. Thank you
24 solicitor.

25 May see I see Court's exhibit five and six. That

1 was the only two introduced during this hearing?

2 MR. BARFIELD: Yes. There was no Miranda warnings
3 on the 1-27.

4 THE COURT: As to the 1-27-12 statement the facts
5 appear to be that Detective Thompson goes to the
6 Lancaster County Detention Center to serve or execute
7 an arrest warrant on Mr. Clinton for criminal domestic
8 violence. The Court takes judicial notice that an
9 arrest warrant is a Court Order that must be served by
10 law enforcement on a defendant and a defendant
11 provided a copy of it. Any officer with jurisdiction
12 may serve that warrant except the affiant is my
13 understanding of it.

14 The officer testified in the initial conversation
15 the defendant asked to explain the nature of the
16 charges and the officer said he couldn't speak about
17 the pending cases. He said in the past he, the
18 defendant, had been represented by Mr. Frick and
19 thought he would be represented by Mr. Frick on this
20 night. As understand the officer then said well, you
21 know, you need to contact Mr. Frick and tell him where
22 you were that night of the murder. There was some
23 conversation. He continued to talk. He, Clinton,
24 continued to talk. This was through a locked cell
25 door. No threats. No coercion. No promises. Able

1 to converse. As I understand it the officer says he
2 speaks, he the defendant, the officer listens and the
3 defendant asks some questions that the officer
4 responses to. As I understand it he says his activity
5 of 1-19-12 was, he was at the Hole in the Wall club
6 taken there by Tony Cunningham and he wears a
7 camouflage jumpsuit. Although he may have been in
8 custody -- not may have -- although he clearly was in
9 custody there was no custodial interrogation. There
10 is no question. The presence of the officer in and of
11 itself I am not aware of a case that indicates that
12 would affect the admissibility of a statement that
13 appears to be spontaneous, voluntary, the defendant
14 initiated. I take into account all those factors even
15 when there is questioning; his age, his education,
16 mental ability, his background, place and length of
17 the detention. There is no nature of questioning.
18 There's need for Miranda warnings when there is no
19 custodial interrogation. So the statements of 1-29-12
20 that were not the result of questioning by the officer
21 are admissible.

22 In looking at 2-23-12, in looking at the totality
23 of the circumstances, the standard under State versus
24 Parker, State versus Washington and looking at Court's
25 -- Court's 5, it appears that this meeting was set up

1 by consent of all the parties. Arranged by all the
2 parties, Detective Thompson, Mr. Clinton, Mr. Frick.
3 He was advised of his Miranda rights. He had an
4 attorney present at that time. It appears that
5 Captain Bailey, Mr. Frick and Mr. Thompson signed the
6 waiver of rights form. So given that it appears under
7 the totality of the circumstances that we are dealing
8 with a person who had a 9th grade education, he was
9 not under the influence of alcohol or drugs, he could
10 read and write, had been advised of all his rights and
11 he was actually exercising his right to have an
12 attorney present I think that is admissible. The fact
13 that he may have been challenged on questions does not
14 make it inadmissible. Many times custodial
15 interrogation they are challenged. They can't be
16 challenged physically or under influence or promised or
17 anything of that nature, but they can be challenged.
18 And I think the fact that he is challenged several
19 times before he admits about Pomp Blackmon or the DNA
20 and such as that, that does not make it involuntary.
21 That is not an indication that he wants to stop
22 questioning. That is admissible.

23 On the exercise of the 3-9-12 charge with murder,
24 Detective Thomson executes a search warrant which an
25 officer is required to do. He does not go for the

1 purpose of custodial interrogation. His intent is to
2 read the search warrant. The defendant then initiates
3 asking about probable cause. The officer indicates he
4 knew he had an attorney, Mr. Frick. He had met with
5 Mr. Frick less than three weeks earlier. Said you
6 need to talk to your attorney and the indication is
7 Mr. Clinton said he didn't want to wait. He had been
8 advised of his rights under Court's exhibit number
9 six. Further it says if you can not afford to hire an
10 attorney one will be appointed to represent you before
11 questioning. That part, appointed to represent you
12 before any questioning if you wished, is underlined.
13 He initialed beside each of those rights. Under the
14 totality of the circumstances, the standard of Parker,
15 the standard of Washington, by the preponderance of
16 the evidence I find that the statements, at least the
17 second and third statements comply with the Miranda
18 and are voluntarily. The defendant initiated or
19 agreed too and the defendant consented to. And the
20 first statement is a spontaneous statement by the
21 defendant, it would not require Miranda warnings.

22 So, the statements; the first statement 1-27-12 is
23 admissible, second statement of 2-23-12 is admissible,
24 the third statement of 3-9-12 is admissible.

25 MR. FRICK: Your Honor, just one issue and I

1 understand the ruling on that. This is a separate
2 matter.

3 THE COURT: About how do you handle the charges
4 that he is under arrest for CDV?

5 MR. FRICK: Well, that as well. I don't that that
6 should be mentioned. I think they can say they had a
7 paper to serve on him or they had an appropriate
8 reason to be there.

9 MR. BARFIELD: I will not get into all that.

10 THE COURT: I didn't mean second guess you.

11 MR. FRICK: That's fine. That is one of the points
12 I meant to make, but my initial point was --

13 THE COURT: Like I heard a lawyer tell a judge one
14 time, Mr. Frick, Judge says you got any more motions
15 to make. He says, Judge, I can't think any more, but
16 if there anymore you think you will grant I will leave
17 it up to you.

18 MR. FRICK: That is excellent motion in and of
19 itself, Your Honor.

20 Your Honor, in regards to the 2-23 statement, the
21 second statement I will call it.

22 THE COURT: The one you were present at?

23 MR. FRICK: The one I was present at. When we are
24 talking about taking his DNA and I explained to him
25 three methods which it can be obtained he chooses to

1 have a Schmerber Hearing. My question is I don't want
2 them to go -- I don't want the solicitor to get to the
3 next statement that says, well, if your DNA is not
4 there why don't you just give us a sample. I think
5 that is a comment on him exercising his 5th Amendment
6 Right and I don't think that's appropriate for them to
7 get in to and he may not intend to but I just want to
8 clarify that for the record.

9 MR. BARFIELD: I don't intend to ask Fred Thompson
10 about challenging him to give a DNA sample. I do
11 intend to go into was there a discussion about DNA.
12 Did he make any comments about whether he thought his
13 DNA might be out there or not by leaning on the car
14 and handling the jumpsuit. I will leave it at that.

15 THE COURT: I think that would be prudent. That
16 may be skirting if not actually stepping over the line
17 of allowing him to exercise his constitution right,
18 although that's non-testimonial evidence obviously,
19 but he has a right to a Schmerber hearing. He does
20 not have to consent. So I would agree. I would
21 exclude that testimony. All right.

22 MR. FRICK: Thank you, Your Honor.

23 MR. BARFIELD: And Your Honor, I don't know how
24 you want to handle it. Mr. Green made one statement.
25 I'll probably just call one witness about him. If you

1 are concerned about the jury sitting there we can take
2 Miss Raney's motion up later. It doesn't matter to
3 me.

4 I got a firearm's expert and a co-defendant and I
5 am assuming at some point there will be a breaks in
6 this thing. The co-defendant will take a while and I
7 will get into these fellows, about the statement.

8 THE COURT: All right. Why don't we take about a
9 ten-minute recess and then bring the jury in and press
10 on. We will take that up after the break. We will
11 take up Mr. Greens.

12 All right, thank you very much. Court will be in
13 recess ten minutes.

14 (WHEREUPON, there was a recess._

15 THE BAILIFF: All rise.

16 THE COURT: Thank you very much. Be seated.

17 MR. BARFIELD: We do have one matter we need to
18 put on the record and this just came to my attention.
19 It's a juror issue. I don't think there is going to
20 be any problem. I want to put everything on the
21 record about it.

22 I believe Your Honor, what is the name again --

23 MR. FRICK: Shurley.

24 THE COURT: Jury number 126, Taylor Shurley?

25 MR. BARFIELD: Yes, sir, I think that is correct.

1 She is on the jury. She works in the law firm of
2 Trimnal and Myers. That law firm use to be a part of
3 of Blackwell, Trimnal, Myers which later became
4 Blackwell, Myers Trimnal and Reeves. I believe, Paul
5 Reaves represents co-defendant Wayne Blakeney in this
6 case. Mr. Reeves pointed out to me this morning that
7 that young lady was employed by the firm he had an
8 association with for some period of time with his
9 representation of Mr. Blakeney. Mr. Reeves tells me
10 that he maintains a Columbia office and lives in
11 Columbia and that's where he does most of his work,
12 but Mr. Reeves told me he maintained this file in
13 Columbia and to his knowledge Miss Shurley had no
14 participation in this case. Didn't have any dealings
15 with the file and I disclosed that to Mr. Frick and
16 Miss Raney. We are all available for whatever
17 questions you want to ask.

18 I don't think they have any problem with this juror
19 continuing to serve. We do have two alternates if
20 there is a problem.

21 THE COURT: Mr. Frick?

22 MR. FRICK: Your Honor, I don't know that she ever
23 worked specifically for Mr. Reeves. I don't know that
24 she has any knowledge of this case in conversing with
25 Mr. Reeves about it. I think he states that that file

1 was maintained in his Columbia office. She certainly
2 was voir dire about all the witnesses. Mr. Blakeney's
3 name was on that witness list. She made no indication
4 she had any knowledge whatsoever, so I do not foresee
5 any problems with continuing on. In fact I am not
6 even I guess it depends on how the questions goes,
7 but I doubt that it will even come up that Mr.
8 Blakeney is even represented by Mr. Reeves at least in
9 front of the jury.

10 THE COURT: All right. Miss Raney?

11 MS. RANEY: I would just echo everything Mr. Frick
12 has said and that's how we feel as well.

13 THE COURT: I will be glad to ask her some
14 questions. The problem is I may educate her if I do.
15 If you want me to voir dire and ask her some questions
16 Mr. Frick or Miss Raney I certainly will, but then I
17 am really giving her information that she probably
18 we're saying we don't think she has anyway. Mr.
19 Blakeney's name was announced during the jury
20 selection process. She did stand up of course and
21 said she had some legal training, studying to be a
22 paralegal and was assistant paralegal now.

23 You don't want me to ask any additional voir dire.

24 MR. FRICK: I am not asking for any additional
25 voir dire, no, sir.

1 MS. RANEY: Neither am I.

2 THE COURT: And neither are you Mr. Solicitor?

3 MR. BARFIELD: No, sir.

4 THE COURT: All right. That is fine. Thank you
5 very much. Thank you, also Mr. Reeves.

6 THE COURT: All right anything else before we
7 bring in our jury?

8 MR. BARFIELD: Nothing from the State.

9 (WHEREUPON, the jury enters the courtroom.)

10 THE COURT: Mr. Foreman, and ladies and gentlemen
11 of the jury, welcome back. As always I apologize for
12 the delay. I know I have no credibility with you all.
13 I tell people some times you will find two qualities
14 of many of the circuit judges in South Carolina. Many
15 of them have no personality, number 1, and number two
16 none of them can tell time. None of them. And that's
17 kind of what happens, but you never know how long
18 these pretrial matters are going to take. Attorneys
19 were here well before nine o'clock and we were out
20 here until about 10:25 and took a quick break. We
21 will try and press on. Appreciate your patience with
22 the Court and your focus and attention on the trial.

23 We are continuing the trial of the case by the
24 presentation and the evidence and the testimony by the
25 State in its case in chief. Solicitor, you may you

1 call your next witness.

2 MR. BARFIELD: Call Suzann Cromer.

3 THE COURT: If you come around please Miss Cromer
4 and be sworn.

5 SUZANN CROMER, called as a witness, having been
6 duly sworn by The Clerk, was examined and testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q Tell us your name please, ma'am.

11 A My name is Suzann Cromer.

12 Q Miss Cromer, by whom are you employed?

13 A I am employed by the South Carolina Law Enforcement
14 Division commonly referred to as SLED.

15 Q What do you do for SLED?

16 A I am a Firearms and Toolmark Examiner in the forensic
17 services laboratory.

18 Q How long have you been employed by SLED?

19 A I have been employed a little over 15 years.

20 Q How long have you been employed in the Firearms and
21 Toolmark Examination Department?

22 A I have been in the Firearms and Toolmark Division. I
23 have been in my current position over 14 years.

24 Q Okay. Generally speaking what do you all do, and I am
25 going to talk about firearms, not toolmarks today. We will go

1 ahead and get that off the table.

2 Generally what do you all do in the firearms examination
3 department?

4 A What we call firearms identification. We look at
5 ammunition components, bullets, cartridges cases, unfired
6 cartridges, shotgun shells, wadding to determine whether they
7 were fired by or loaded into and extracted out of a specific
8 firearm.

9 Q How did you learn to be a firearms examiner?

10 A I have a bachelors degree from Clemson University. I
11 did some graduate work at the University of South Carolina and
12 then I was hired on at SLED. I have completed SLED'S inhouse
13 training program which is a three to five year intense study
14 program. More of an apprenticeship, if you will, where we study
15 under court qualified firearm's examiners. We take written
16 tests, oral tests, practical exercises. We work cases for other
17 examiners and then upon completion of the course of study we are
18 given a comprehensive final exam that is graded by our training
19 officer and then our lieutenant.

20 I've also taken classed with the association of firearms
21 and toolmark examiners which is an international organization
22 for our profession. It meets once a year for a week-long
23 seminar. I have been privileged enough to attend several of
24 those seminars. I also taken extra classes at those seminars
25 including high point firearm familiarization, barrel making,

1 ethics. I have taken classes with the South Carolina Chapter of
2 the International Association of Identification. Most pertinent
3 being a three day shooting scene reconstruction workshop.

4 I have taken classes with the Bureau of Alcohol Tobacco and
5 Firearms on serial number restoration and the integrated
6 ballistics identification system which is digital data base for
7 bullet and cartridges cases. I have also attended several
8 conferences with the ATF to represent North and South Carolina.

9 Q Have you been called upon to testify in the courts of
10 this State and offered up as expert witness in firearms
11 identification before?

12 A Yes, sir, I have.

13 Q About how many times?

14 A Over 70 times.

15 MR. BARFIELD: Your Honor at this time I offer
16 Miss Cromer as an expert in firearms identification.

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right and again ladies and
20 gentlemen you heard me say several times, normally a
21 witness can not testify to opinion testimony.
22 Normally when a witness testifies they must testify as
23 to either what they saw, heard, sense by smell or
24 something of that nature. However, if an individual
25 by training or experience, education is a specialist

1 in some particular art, science or craft, they may
2 testify in that area if the Court qualifies them that
3 way. This witness, Agent Cromer with SLED will be
4 qualified as an expert in forensic firearm examination
5 and identification to give opinion testimony in that
6 area. That does not mean that you must accept the
7 opinions but it is you, the jury, to give the opinions
8 the weight you deem appropriate.

9 Solicitor.

10 Q Miss Cromer, I will ask you some general questions, did
11 you do work for SLED in a case with SLED lab number L12-01205?

12 A Yes, sir, I did.

13 Q And is that lab number associated with victim by the
14 name of Jenika Jones?

15 A Yes, sir, it is.

16 Q Did you receive items from the Lancaster County
17 Sheriff's office to examine and attempt to identify?

18 A Yes, sir, I did.

19 Q Generally speaking how many -- how many items did you
20 get?

21 A I received two.

22 Q And general speaking what were those two items?

23 A I received a fired 380 auto caliber cartridge and one
24 fired bullet.

25 Q Did you ever receive a firearm in this case?

1 A No, sir, I did not.

2 Q With that said, is there anything for you to compare
3 the items that you received to determine if can you say a gun
4 fired either of the two items you have?

5 A No. I can not compare it to a firearm.

6 Q Let's assume briefly for a minute that you had a
7 firearm. If you had a fired cartridge case and fired bullet and
8 firearm tell these people what you would do down at SLED to
9 figure out if you can say that gun fired either one of those two
10 things?

11 A Well, first off I look at the individual pieces of
12 evidence and see whether on not they have markings on it that I
13 can use for identification. Then I would look at the firearm
14 itself. A bullet is marked by the rifling that is inside the
15 gun barrel. That rifling is put there by the manufacturer to
16 put the bullet in a rotary motion. Similar to a quarterback
17 throwing a football. He wants it to go into a tight spiral.
18 That is what premise of the rifling is in the firearm. It puts
19 that bullet into a spiral so it will spin more accurately to the
20 target.

21 Different manufacturers do different types of rifling.
22 There is two types of rifling. There is conventional, polygonal
23 ones rounded, one is more boxy square edges and then in that
24 rifling there is different numbers of lands and grooves; raised
25 and depressed areas that make up the rifling. I look at the

1 firearm. See what type of rifling it has and then I look at my
2 bullet and see what type of rifling it has and if they have a
3 same rifling it's possible that I will test fire my firearm and
4 microscopically compare those tests fires to my evidence.

5 Q When you test fire the firearm do you actually compare
6 the gun yourself to the stuff that you got from the local agency
7 or do you compare the stuff you got from the local agency to
8 something that you fire through the gun?

9 A Well, first off I look it gun and see whether or not I
10 need to fire it. See if it has the same type of rifling. If it
11 doesn't then I know I don't have to. If I does I will test fire
12 that firearm into a bullet recovery tank. It is a two story
13 steel tank that contains water because the water will slow the
14 bullet down without adding to or taking from the markings that
15 are left by the rifling. And then I will compare those test
16 fires that I knowingly fired from that firearm on my microscope
17 and that gives me a feel as to how that gun marks. What I am
18 looking at is called striations in those rifling impressions.
19 And bunch of scratches is what it looks microscopically, and I
20 am trying to match up those scratches.

21 Q Are you talking about scratches on the fired bullet?

22 A Yes, sir.

23 Q Go ahead.

24 A I look at those striations on that fired bullet, see
25 what I am looking for and then I will compare my evidence bullet

1 to my test fired bullet.

2 Q Are you also -- are you able to tell anything about a
3 firearm that fired a particular fired cartridge case?

4 A Yes.

5 Q How does that happen?

6 A Cartridge case is marked in five different areas from a
7 firearm, semi-automatic firearm usually. You have the
8 breechface which marks the cartridge case head area and the head
9 area is the part of the cartridge case that has the head stamp,
10 it has the primer and that cartridge case during firing it is
11 pushed back into that breechface of the firearm so any
12 imperfections that are on the breechface during the
13 manufacturing process can be imprinted on the head of that
14 cartridge case.

15 Also you have the firing pin itself. It can have defects
16 in it that can be marked in the primer of the cartridge case.
17 There is an extractor and an injector. The extractor is like a
18 little claw that clamps over the edge of the cartridge that
19 holds that cartridge in place during firing, and then the
20 injector. When after firing usually you have on semi-automatic
21 firearm you have a slide and the slide will move forward and
22 back. You pull the trigger the slide will come back because of
23 the gas pressure build up it is pushing that slide in, that
24 cartridge backwards. So it will hit an ejector that makes it
25 turn and fly out of the ejection port. So that can also mark

1 it.

2 Then lastly is the chamber itself. The part of the barrel
3 that holds that cartridge during the firing process. If there
4 is any defects in it they can be imprinted on the body of the
5 cartridge case.

6 Q All right. Now, I will hand you a couple of items.
7 First of all State's exhibit number 41, and you got to look in
8 the envelope to be able to see it. Tell us if you can identify
9 what that is?

10 A State's exhibit 41 is my item one and it is the 380
11 fired cartridge case that I received in this case and it is
12 still in a sealed container with my initials and seal date.

13 Q Okay. Do you actually mark the cartridge case?

14 A Yes, sir, I do and that's is what I was looking for. I
15 scribe on it with electric pencil my lab number, my item number
16 and my initials.

17 Q Now, did you receive that in the lab at SLED?

18 A Yes, sir, I did.

19 Q What did you do with it?

20 A I pull it out. I documented it. Each cartridge case
21 gets one sheet of information. I documented what it was made
22 of, the head stamp, what the primer is made of, what type of
23 firing pin impression it has. What type of breechface marks and
24 then I do a microscopic examine to see if it has the markings
25 that I need for identification.

1 Q Now, again, did you not have a firearm in this case is
2 that correct?

3 A That's correct.

4 Q Did you see any markings on that cartridge case that
5 might have been helpful if we had had a firearm?

6 A Yes, sir. I did and I said this cartridge case was
7 able to be identified if I had a suspect firearm.

8 Q What caliber cartridge case is that?

9 A This is a 380 auto caliber cartridge case.

10 Q And I don't know that you put it in your report, but
11 the head stamp -- does the head stamp indicate a manufacturer?

12 A Yes, its CBC or Magtech ammunition.

13 Q Now, I will show you State's Exhibit Number 34 and ask
14 you if you can identify it?

15 A Again, I am looking for where I actually marked the
16 bullet.

17 A This is what I received as my item four. It is a fired
18 bullet and again it is still sealed with my initials and seal
19 date.

20 Q Does your file indicate the source of that fired
21 bullet?

22 A It was labeled taken from victim's head at autopsy.

23 Q Okay. Did you do any examination of that fired bullet?

24 A Yes, sir, I did a microscopic examination.

25 Q Did it have markings that would have made it suitable

1 for an identification if you had a firearm?

2 A Yes, sir, it did.

3 Q Did you make any determinations about the caliber of
4 that bullet or any other things about that bullet?

5 A Yes, sir. I determined that this was consistent with a
6 380 auto caliber bullet and it had what we called nine left
7 rifling. Meaning nine lanes and grooves and it was going to go
8 spin to the left coming out of the bullet, out of the barrel of
9 the gun. At this time there is only one known manufacturer that
10 uses nine left rifling and that is High Point firearms.

11 Q Is there any -- were you able to reach any conclusions
12 between the fired cartridge case, State's exhibit number 41 and
13 the fired bullets State's Exhibit Number 34. Are you able to
14 tell us anything about those two items together?

15 A The only thing I can tell you is that they are both 380
16 auto caliber. At this time there is no way to determine if a
17 particular bullet came from a particular fired cartridge case.

18 Q Science doesn't let us do that at this point, is that
19 what you are saying?

20 A No, sir. That's correct.

21 Q 380 caliber, generally speaking handguns -- how many
22 different types of handguns are there from the mechanical aspect
23 of how they work? Did that question make any sense to you at
24 all? What's a revolver?

25 A Revolver is a specific type of hand gun.

1 Q And how does a revolver work generally speaking?

2 A A revolver is different from a semi-automatic. A
3 revolver is kind of what you would see in a cowboy movie; a John
4 Wayne movie, a Clint Eastwood movie, where you have what is
5 called a cylinder. It's is a round block that holds different
6 chambers in it to hold different cartridges and you either cock
7 the hammer if it's a single action and then pull the trigger or
8 if it's double action you pull the trigger, the hammer will cock
9 and it will fire and that cylinder will rotate. And you can
10 only fire as many chambers you have loaded.

11 Q Generally speaking in a revolver what happens to the
12 fired cartridge case after the cartridge is fired?

13 A It stays in that cylinder until it is opened and dumped
14 out.

15 Q Explain generally the workings of a semi-automatic?
16 You kind of covered that a minute ago, but tell us about a
17 semi-automatic pistol.

18 A A semi-automatic pistol is usually loaded by magazine
19 and it is loaded into the magazine well and from that magazine
20 well usually you have to chamber a cartridge into it. So you
21 pull the slide back and let it fly forward. Doing that action
22 it will push the top cartridge from the magazine into the
23 chamber of the firearm and it is ready to be fired. Semi
24 automatic means one pull of the trigger, one fired the gun. So
25 by pulling the trigger of that firearm and firing that device it

1 is going to fire the bullet down the barrel, push the cartridge
2 case back into the breechface of the gun which is going to push
3 the slide backwards which is going to use that extractor and
4 ejector like I talked about earlier. It's going to hit the
5 ejector, it is going to kick the cartridge case out and as the
6 slide is coming back forward because it is under spring tension
7 it is going to push another cartridge into the chamber.

8 Q All right. Now 380 ammunition generally is associated
9 with which of those two types of firearms?

10 A Semi-automatic.

11 Q The 380 part of 380 refers to what dimension of the
12 bullet?

13 A The diameter of the bullet.

14 Q Tell us about -- compare nine millimeter to 380 for the
15 jury in relation to the diameter of the bullet?

16 A The diameter of the bullet is actually the same for 380
17 auto a nine millimeter luger caliber bullet. It is just the
18 cartridge case length, the length of the bullet itself and the
19 weight of the bullet.

20 Q So, which is longer and heavier, nine or 380?

21 A Nine millimeter luger.

22 Q Can 380 ammunition be fired through a nine millimeter
23 firearm?

24 A Yes, it can.

25 Q Did you prepare a report that shows your findings in

1 this case?

2 A Yes, I did.

3 Q I will hand you a two-page document and ask if you can
4 identify what that is?

5 A This is the report that I prepared in this case.

6 Q Does that appear to be a correct copy of your report?

7 Q Yes, sir, it does.

8 MR. BARFIELD: Your Honor, at this time I would
9 offer Miss Cromer's report as a State's exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection.

12 THE COURT: All right. State's 59 is in evidence
13 without objection.

14 (State's Exhibit 59, report, received in
15 evidence as of this date.)

16 MR. BARFIELD: Thank you, ma'am. Answer anything
17 Mr. Frick and Miss Raney has.

18 THE COURT: All right, Mr. Frick.

19 MR. FRICK: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MR. FRICK:

22 Q Miss Cromer, you said that you can't tell whether that
23 bullet came out of that cartridge casing?

24 A That's correct.

25 Q But they are both 380's?

1 A That's correct.

2 Q Can you put another size bullet in a 380 cartridge
3 casing?

4 A As long as it is the same diameter.

5 Q Okay. All right. But I mean you can't put a 45 or 44
6 in a 380?

7 A No, sir, you can't, the diameter is too large.

8 Q You were able to look at the bullet and determine that
9 it had to have been fired by a High Point, correct?

10 A That's correct. Most likely it was fired by High Point
11 because that is the only known manufacturer to use that type of
12 rifling.

13 Q In fact it sounded like you had some extra training
14 specifically in High Point firearms; is that correct?

15 A That's correct.

16 Q There is actually a specific class on High Point?

17 A It was actually taught by the owner of High Point
18 firearms.

19 Q Okay. Good. And of course every firearm has its own
20 manufacturing process so they have their own lands and grooves
21 and all that good stuff, right.

22 A Well, some use the same type of lands and grooves. You
23 can have any number of them.

24 We have what is called a GRC program. General rifling
25 characteristic program that is administered by FBI that we can

1 plug in the dimensions of those lands and grooves, the number of
2 them, the twist, the left or the right, and it will tell us what
3 type of firearms use that rifling.

4 Q Okay. Thank you. And by what you saw even though this
5 bullet is deformed. Significantly deformed I would say, would
6 you agree?

7 A Yes, it is deformed.

8 Q You with were able to look at striations and see that
9 it would have come out of a High Point?

10 A Yes, that is the correct.

11 Q Okay. Can you tell whether -- do the different
12 calibers of High Point have different striations?

13 A The nine millimeter lugar and the 380 auto all have --
14 well, not all of them but most of them use nine left.

15 Q All right. So same -- you were looking for same
16 markings then, is that correct? It would have the same markings
17 is what you are saying then?

18 A They have the same type of rifling.

19 Q That's what you are looking for. That's what leaves
20 the striations, right?

21 A That's correct.

22 Q Now you are not able to be as definitive on the shell
23 casing itself, correct?

24 A What do you mean by definitive?

25 Q Well, you said the bullet had to be fired by a High

1 Point. You do not make that statement about the shell casing
2 itself?

3 A No, I do not.

4 Q Why not?

5 A Well, because there are many firearms that have
6 parallel breechface markings so without the firearm I can not
7 tell you definitively that it was fired by that.

8 Q How about as far as the hammer. Is there anything
9 specific about hammers and firearms that would leave any
10 particular markings?

11 A Hammers are usually used in revolvers. In the
12 semi-automatic it would have been a firing pin and they also
13 have hemispherical or circular firing pin, meaning the tip is
14 rounded.

15 Q Okay. So no, it wouldn't have left any different
16 markings?

17 A No. It is common for cartridge cases to have parallel
18 breechface and hemispherical firing pins.

19 Q Okay. Other than looking at it for any other, any
20 identifying features as far the tool marking and any striations
21 that may be on it, did you do any additional testing on that
22 shell casing?

23 A On the cartridge I placed it into an integrated
24 ballistics identification system.

25 Q That is the next question I had. Tell me what that is?

1 A We call it as IBIS. It is an ATF owned digital
2 database for bullets and cartridge cases. We can put them in
3 from scenes all over the State and what it will do is it gives
4 it an algorithm and it will look at any other crimes that have
5 occurred in the State where that caliber cartridge case with
6 that type of of breechface markings and of fire pin impression
7 and it will give me a correlation score and I look at the
8 correlations to see if there is potential match to any other
9 crimes that are open.

10 Q And matches in this case?

11 A No, sir, there was not.

12 Q In fact the bullet is put in IBIS as well?

13 A No, sir.

14 Q Okay. It wasn't?

15 A It was too damaged to be entered into IBIS. It did
16 not matter the criteria.

17 Q The report says you put in IBIS?

18 A No, it says that item did not met the SLED criteria for
19 entry.

20 Q Let me make sure I'm reading the right thing here.

21 A Item one was entered. This item did not meet.

22 Q Very good, thank you. I was reading the wrong line. I
23 am sorry. Make sure that's all I got, but I think it is.

24 Just briefly something the solicitor talked about. He
25 asked you whether a 380 -- I will call it a bullet I know that

1 is not correct term -- 380 bullet can be fired by a nine
2 millimeter gun and your answer is, that is correct.

3 A That's correct, it could be.

4 Q It could be?

5 A It could be.

6 Q Does that increase the chances of a misfire or any
7 issues with the firearm?

8 A Because it is same diameter as long as it is seated in
9 the chamber it can be fired. There might be problems with the
10 ejection and the extraction of the fired cartridge case.

11 Q Okay. So my question is, could that -- does that
12 increase the chances of misfire; yes or no?

13 A Yes, it could.

14 MR. FRICK: Thank you, ma'am. That's all the
15 questions I have.

16 THE COURT: Miss Raney.

17 MS. RANEY: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. RANEY:

20 Q Miss Cromer, you indicated you have been doing forensic
21 work with firearms for about 15 years now?

22 A I have been in this position for 14 years.

23 Q And that during the course of your duties that some
24 times you have to actually discharge or fire firearms, correct?

25 A That's correct.

1 Q Have you fired both revolvers and semi-automatic
2 weapons in the course of your forensic analysis?

3 A Yes, ma'am, I have.

4 Q I am not asking for exact number here, but could you
5 give me a ball park idea over the course of your career how many
6 firearms you have fired while doing your forensic analysis?

7 A I never really thought about that. Probably about two
8 a week in 14 years, sometimes more.

9 Q So a lot?

10 A Yes.

11 Q A lot would be fair to say?

12 A Yes.

13 Q You are very familiar with or comfortable with handling
14 a firearm?

15 A That is correct.

16 Q Have fired a firearm many times in the past?

17 A That's correct.

18 Q And are very familiar with what happens when a firearm
19 is fired?

20 A That's correct.

21 Q Okay. Is one of the things that can happen when a
22 firearm is fired is that gunshot residue is left behind?

23 A That can happen, but I am not a gunshot residue expert.

24 Q Okay. Have you ever noticed in firing a firearm
25 throughout the course of your testing any gunshot residue left

1 behind on your hand?

2 A Not visibly I have not.

3 Q Would that be something you would need to look at under
4 a microscope?

5 A Again, I am not a gunshot residue expert. I would not
6 know.

7 MR. RANEY: Thank you.

8 THE COURT: Redirect solicitor?

9 MR. BARFIELD: None.

10 THE COURT: Thank you. Thank you very much. You
11 may step down. Any objection to this officer being
12 excused?

13 MR. FRICK: No, sir.

14 MS. RANEY: No, Your Honor.

15 THE COURT: You may be excused.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 MR. BARFIELD: States call Wayne Blakeney.

19 THE COURT: Come around to my left and be sworn
20 please.

21 WAYNE BLAKENEY, called as a witness, having been
22 duly sworn by the clerk, was examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD:

1 Q Tell us your full name please sir.

2 A My name is not Wayne Anthony Blakeney Jr.

3 Q Mr. Blakeney how old are you?

4 A I am 22 years old sir.

5 Q Where do you live?

6 A I live in Lancaster area.

7 Q With whom do you live?

8 A I live with my father Wayne Blakeney Sr.

9 Q How long have you lived in Lancaster?

10 A Pretty much all my life.

11 Q I will jump straight to something and we will come back
12 and talk more about it in a little bit.

13 Are you charged with a crime relating to the death of
14 Jenika Jones?

15 A Yes, sir, I am.

16 Q What are you charged with?

17 A I am charged with murder, sir.

18 Q What do you face being charged with murder?

19 A Thirty years to life, sir.

20 Q All right. Are you currently incarcerated?

21 A No, sir.

22 Q Do you recall when you got arrested in this case?

23 A Yes, sir. I was arrested on March the 8, 2012.

24 Q Were you in jail for some period of time after your
25 arrest?

1 A Yes, sir, I was.

2 Q How is it that you are out of jail right now?

3 A I am out of jail. I was released on house arrest. I
4 was suspected to be able to go to church, work, attend school
5 and meet with my lawyer.

6 Q Did the State consent for you to be out on bond? Did
7 we agree to set a bond for you?

8 A Yes, sir.

9 Q In connection with your charge, the charge of murder
10 have you been promised anything by the State, by me, my anybody
11 in my office, by the sheriff's office, anybody connected with
12 the investigation and prosecution of this case? Have you been
13 promised anything in exchange for you being on the witness stand
14 today to tell us about this matter?

15 A No, sir, I haven't.

16 Q Has anybody told you will get a lesser charge?

17 A No, sir.

18 Q Has anybody told to you you will get a lesser sentence?

19 A No, sir.

20 Q Has anyone promised you anything in exchange for your
21 testimony in this case?

22 A No, sir. I was promised nothing.

23 Q Were you involved in the events surrounding the death
24 of Jenika Jones?

25 A Yes, sir.

1 Q Now, what you do you do for a living? What are you
2 doing right now? What are you doing with your life right now?
3 Do you work, go to school or both or what?

4 A Yes, sir, I work for Special Occasion Rentals. I am
5 sophomore at the University of South Carolina, Lancaster. I am
6 hoping one day to be a guidance counselor. Next semester I
7 expect to finish with an associates degree. My main focus is
8 English. I want to counsel in the school system.

9 Q And you live with your dad?

10 A Yes, sir.

11 Q Do you have other people living in your home?

12 A Yes, my dad, my stepmom and my stepbrother.

13 Q Is your stepbrother older or younger?

14 A He is younger than me.

15 Q Now, I am going to ask you about some people. Do you
16 know a person named Devatee Clinton?

17 A Yes, sir.

18 Q Do you know him by that name or nickname or both?

19 A I know him by both. He goes by Tate.

20 Q Tate. Do you see the person you know as Tate Clinton
21 in the courtroom today?

22 A Yes, I do sir.

23 Q Tell us where he is sitting and what he is wearing.

24 A He is sitting right there (indicating. He has on blue.

25 Q Raise your hand Mr. Clinton. Is that who you are

1 referring to the fellow with his hand raised.

2 A Yes, sir.

3 Q Do you know a fellow named Al Martinez Green?

4 A Yes, sir I do.

5 Q Do you see him in the courtroom here today?

6 A Yes, sir, I do.

7 Q Describe where he sitting and what he is wearing?

8 A He is sitting right there and he has on what seems to
9 be a plaid shirt.

10 Q Fellow closest to the wall along the table?

11 A Yes, sir.

12 Q Mr. Green raise your hand. Is that who you are
13 referring to?

14 A Yes, sir.

15 Q How do you know Tate Clinton?

16 A He's a relative of mine.

17 Q How is he is relative of yours?

18 A On my mother's side. He is kin to my mother's side.

19 Q Do you know exactly how you are kin to him on his
20 mother's side?

21 A No, but I am pretty sure we are close kin. I think my
22 mom said.

23 Q Short of being kin, how close are or were you and Tate
24 Clinton?

25 A We were friends.

1 Q How often would you see Tate Clinton?

2 A I would see him probably every other weekend. I'd go
3 to my mom's house and I would be in the Newtown area and I see
4 him.

5 Q Did you all hang together?

6 A Yes, some times.

7 Q You said the Newtown area. What is the Newtown area?
8 Newtown town area of where?

9 A Lancaster.

10 Q Where is it?

11 A It's where if you go down number nine come all the way
12 into town there is some apartments on the right and then you
13 approach it's a store called Quickstop and right behind that
14 store I think the street name is Gregory Street and that whole
15 area is Newtown.

16 Q And is it neighborhood where people live?

17 A Yes, sir.

18 Q Okay. Let me go ahead and ask you about some other
19 locations before we get to far into this. When I say the Hole
20 do you know what I am talking about? The Hole?

21 A Yes, sir.

22 Q What is the Hole?

23 A It's a hangout spot in the Newtown area.

24 Q And when you say a hangout spot is it a store, a gas
25 station, a clump of trees with a barrel and chairs sitting

1 around? What is the hole?

2 A A Hole is the place where, you know, people hang out,
3 and chill.

4 Q Is it outside?

5 A Yes, sir.

6 Q It is like a street corner sort of?

7 A It's an area in the neighborhood.

8 Q If I say the Hole in the Wall club, do you know what I
9 am talking about?

10 A Yes, sir.

11 Q Do the Hole and the Hole in the Wall club have anything
12 to do with each other?

13 A No, they are two different places.

14 Q What is and where -- first of all do you know if the
15 Hole in the Wall club is open now? Do you know if it is or not?

16 A No, sir I am not sure.

17 Q What and where is the Hole in the Wall club or was it?

18 A Basically it is a club where, you know, people go and
19 hang out, they party, they drink, et cetera.

20 Q Music?

21 A Yes, sir.

22 Q Pool tables?

23 A Yes, sir.

24 Q And generally -- well, do you know the address for the
25 Hole in the Wall club?

1 A No, sir.

2 Q Can you tell the jury where it is in relation to some
3 other landmarks here around Lancaster? What is it near?

4 A I would say it is near the south side area. Like the
5 back of south side.

6 Q On the south part of town? Do you know where Crenco is
7 on Main Street?

8 A Yes, it is on the road next to it. It's on that road.

9 Q And farther down south then Crenco a little bit?

10 A Yes, sir.

11 Q I will point back ask you this and we will get into
12 detail later. Were you with Devatee Clinton or Tate Clinton and
13 other people on Thursday night, January 19th, of 2012.

14 A Yes, I was.

15 Q All right. During -- at that time, not specifically
16 that night, but in that timeframe did you know whether Tate
17 Clinton had not a driver's license or not?

18 A I don't think he did.

19 Q Did he have a car?

20 A No, sir.

21 Q Had you and Tate Clinton ever traveled together in
22 automobiles?

23 A Well, I took him places a few times.

24 Q In what automobile have you taken him places in or
25 automobiles have you taken him places in?

1 A Its been different cars, you know. Different cars.

2 Q Who supplied cars when you took him places in the past
3 is my question? Did you supply cars when you took him places in
4 the past?

5 A No, sir.

6 Q Where did the cars come from do you know?

7 A No, sir.

8 Q Now, how do you no Al Green?

9 A I know him through Devantee Clinton.

10 Q How much time did you spend -- well, what do you know
11 about Al Green and/or Tate Clinton's relationship? What do you
12 know about the two them?

13 A I have understanding that there --

14 Q Hold on. Forget that. Let me he ask you another
15 question.

16 How much time did you spend with with Al Green before
17 January 19th of 2012?

18 A Not much time. Me and him we weren't that close.

19 Q When did you -- you told a minute ago, but give us the
20 date again. When did you get arrested and charged with murder
21 for the death of Jenika Jones?

22 A March the 8th, 2012.

23 Q Did you talk to police after you got arrested?

24 A Yes, sir.

25 Q Do you know was it that day or some day after that?

1 A What do you mean?

2 Q Let me ask the question a different way. Did you ever
3 talk to the police about this case after you got arrested?

4 A Yes, I talked to them.

5 Q Did you give a statement?

6 A Yes, sir.

7 Q When did you give a statement to the police?

8 A I gave the statement when I was arrested.

9 Q I will ask you about another person, Delrico McDow. Do
10 you know somebody that you now know to be Delrico McDow?

11 A Yes, sir.

12 Q When you got arrested did you know somebody -- leading
13 up to the time you got arrested did you know somebody -- let me
14 back up.

15 At the time you got arrested did you know the name Delrico
16 McDow?

17 A No, sir, I didn't. I knew him by another name. I
18 didn't know his real name.

19 Q Okay. Did you know a person by another name that you
20 now know to be Delrico McDow?

21 A Yes, sir.

22 Q How do you know that person, McDow?

23 A I know him through Devantee as well.

24 Q How much time did you spend with the person you now
25 know to be McDow before you got arrested for this murder?

1 A I use to see him when I was in the area, but as far as
2 actually being close, we never were close.

3 Q Where were you on the night of Thursday, January 19th,
4 of 2012? After dark, where were you that night?

5 A I was with with Devatee Clinton, Mr. McDow and Mr.
6 Green.

7 Q And where were you with all four of you all together?

8 A Well, we was --

9 Q Where were you first is what I am asking?

10 A We was in the Newtown area.

11 Q Where in the Newtown area, somebody's house, in the
12 hole, where?

13 A Well, we were in the hole at first and then we went to
14 a guy's house.

15 Q All right. We will talk about that in a minute.

16 A Okay, I am sorry.

17 Q How were the four of your traveling initially that
18 night?

19 A In a white Cadillac.

20 Q No. Okay. Was there ever a time that night when you
21 didn't have the white Cadillac, that's my question?

22 A Yes, yes, we were on foot.

23 Q On foot. I will show you a picture, or two or three.
24 I will show State's exhibit number 16. Do you see that screen
25 beside you there. Look at the monitor right there by your

1 shoulder. Is that working?

2 A No, it is off.

3 Q All right, it will working in a minute. Do you
4 recognize what is shown in that picture?

5 A Yes, sir I do.

6 Q Don't tell me anything about it yet, but what is in
7 that picture?

8 A It's a white Cadillac.

9 Q Show you another exhibit, State's Exhibit Number 17.
10 Do you recognize what is shown in that picture?

11 A Yes, sir, it is the same car.

12 Q And one more picture, State's number 18. Can you tell
13 us what is shown in that picture?

14 A The same vehicle, sir.

15 Q Have you seen this car before?

16 A Yes, sir.

17 Q Have you been in this car before?

18 A Yes, sir.

19 Q Have you driven this car before?

20 A Yes, sir.

21 Q When did you see this car, get in this car and drive
22 this car?

23 A The same night that you mentioned.

24 Q Okay. How did you come to be in possession of the car?

25 This car is shown in States 16, 17 and 18, these pictures, how

1 did you get your hands on that car?

2 A Well, basically they borrowed the car and I drove it.

3 Q All right. Stop. When you say they, you can say they,
4 but you got to give names after a while.

5 A I'm sorry.

6 Q Where did the car come from first of all?

7 A A light skinned guy. I can't recall his real name, but
8 I remember he was light skinned.

9 Q That is fine. Light skinned black man or light skinned
10 white man?

11 A Light skinned black man.

12 Q And where on the ground in town or wherever was this
13 man?

14 A I don't remember the street name but in Newtown.

15 Q At a house, in a parking lot at a club? Where was this
16 man?

17 A At a house.

18 Q Let me ask you this. I will show you -- I will put up
19 number 18 again. What you identified a minute ago as the white
20 Cadillac we are talking about. Do you recognize any stuff in
21 the picture other than the Cadillac?

22 A No, sir.

23 Q Where was the Cadillac when you first saw it that
24 night, that's my question?

25 A It was right there sir.

- 1 Q Speak loud use the microphone.
- 2 A It was right there, sir.
- 3 Q Just like it is shown in this picture you got?
- 4 A Yes, sir.
- 5 Q Was it at a house?
- 6 A Yes, sir, it was at house.
- 7 Q Was it at the house that was shown in the background of
- 8 that picture?
- 9 A Yes, sir, it was.
- 10 Q Who went to that house? Names.
- 11 A Myself, Devantee Clinton, Al Green and Mr. McDow.
- 12 Q Did you go to the door and talk to the man?
- 13 A No, sir.
- 14 Q Did anybody go to the door and talk to the man?
- 15 A The man, he was outside.
- 16 Q Did somebody go up to the man and talk to the man?
- 17 A Yes, sir.
- 18 Q Who went up to the man and talked to man?
- 19 A Devatee.
- 20 Q What happened after Devatee talked to the man?
- 21 A I drove the car.
- 22 Q Okay. Did anybody else in your presence that night
- 23 drive the car?
- 24 A No, sir.
- 25 Q When you drove the car where did you drive it? Where

1 did you first get behind the wheel at? Where were you when you
2 got behind the wheel?

3 A At the light-skinned black man's house.

4 Q Who else got in car at that time if anybody?

5 A Devatee Clinton, Al Green and Mr. McDow.

6 Q Where did you all go after you drove off in the car?

7 A We went to the Hole in the Wall.

8 Q The club, not the hole, but the Hole in the Wall club?

9 A The Hole in the Wall club.

10 Q Was it day light or dark when that happened?

11 A It was dark, sir.

12 Q Let me go ahead and ask you this, did you drink
13 anything that night?

14 A Yes, I had a few drinks.

15 Q Where did you have drinks?

16 A At the Hole in the Wall.

17 Q And when you say drinks, what are you talking about,
18 mixed drinks in a tumbler glass or beers?

19 A As in beers.

20 Q Do you know whether Tate Clinton drank that night?

21 A I don't think he drank that night.

22 Q Do you know whether Al Green drank that night?

23 A No, sir.

24 Q Do you know whether Delrico McDow drank that night?

25 A No, sir.

1 Q You don't know or they didn't?

2 A I don't know if they did. I wasn't watching them as we
3 were inside in the place.

4 Q That's fine. Did you ever leave the Hole in the Wall
5 club?

6 A Yes, sir.

7 Q Why did you leave the Hole in the Wall club?

8 A Because Devatee wanted me to -- asked me did I want --
9 he said he need me to take him to get some money.

10 Q Stop. Who said that?

11 A Devatee Clinton.

12 Q And he said exactly what to you?

13 A He needed me to take him to get some money.

14 Q Did he say anything else?

15 A He needed me to drive him to get some money.

16 Q That's fine. Did he say anything else about the money?
17 Namely, who had it or where it was or anything like that?

18 A No, sir.

19 Q Did he say why somebody -- did he say why there was
20 money out there for him?

21 A No, sir.

22 Q Did you take him to get money?

23 A Yes, sir.

24 Q What did you take him to get money in?

25 A The white Cadillac, sir.

1 Q Did anybody else go with you all to get money?

2 A Yes, sir.

3 Q Who?

4 A Mr. McDow and Mr. Green.

5 Q How where -- first of all, where did you go to get
6 money?

7 A We went to Roseanna Lane. A place off 200.

8 Q Were you familiar with Roseanna Lane?

9 A No, sir I wasn't.

10 Q Okay. Did you know where Tate lived back then?

11 A No, sir.

12 Q Did you know where any of his people lived back then?

13 A Yes, sir, I later found out his grandmother lived in
14 that area.

15 Q What area?

16 A Roseanna Lane.

17 Q Was is at Roseanna Lane?

18 A It's a trailer park.

19 Q How did you know to go to Roseanna Lane?

20 A He showed me where to go.

21 Q You got to say names. You are talking about three
22 different people.

23 A I'm sorry, Devatee. Devatee Clinton showed me where to
24 go.

25 Q Within the trailer park at Roseanna Lane how did you

1 know where to go?

2 A He showed me.

3 Q He who?

4 A Devatee.

5 Q Up to this point your going out to Rposeanna Lane, up
6 to this point, that night among the four of you; you, Clinton
7 Green and McDow, were there any guns that you had seen up to the
8 point that you are headed out to Roseanna Lane?

9 A Yes, sir.

10 Q When and where did you see it? First of all, who had a
11 gun that you saw?

12 A Devatee Clinton.

13 Q And where was he when you saw him with a gun that
14 night?

15 A He was in the car. He was on the passenger side.

16 Q And at what point during what you described so far did
17 you see him with a gun? You all in the car several times before
18 this is all over with.

19 What part of being in the car did you first see him with a
20 gun?

21 A I'd seen him with the gun on the way to Roseanna Lane.

22 Q Okay, and where on him did you see a gun?

23 A It was like near his side area.

24 Q What did you -- were you able to see the gun enough to
25 describe it at all for this jury?

1 A I can remember it being a grey and black gun. I am not
2 sure it could it could have been a 380 or nine millimeter.

3 Q Big gun or little gun?

4 A It was a little gun.

5 Q All right. When you got to Roseanna Lane where did you
6 go? Well, how did you know where to go in the trailer park on
7 Roseanna Lane?

8 A Devatee showed me.

9 Q And did he tell you -- and did you stop the car?

10 A Yes, sir.

11 Q Was it daylight or dark?

12 A I was dark, sir.

13 Q What did you do after you stopped the car?

14 A I remained in the car and they got out.

15 Q Did you move to any other position in the car yourself?

16 A No, sir, I didn't.

17 Q And you say they got out who got out?

18 A Devatee, Al and Mr. McDow.

19 Q What did do they do when they got out?

20 A They disappeared.

21 Q What do you mean they disappeared?

22 A As in -- as in they went off to my left. They went
23 behind a trailer.

24 Q Were they together or separate when they went off to
25 your left?

1 A They were together.

2 Q Did you see them again in the trailer park at Roseanna
3 Lane that night?

4 A Yes, sir.

5 Q How long later was it before you saw them again?

6 A It was approximately I would say ten minutes.

7 Q Now, you said you saw the gun in Tate Clinton's pants
8 or somewhere?

9 A Yes, sir.

10 Q Did you -- was the gun to your knowledge was the gun in
11 the car after Tate Clinton got out of the car?

12 A No, sir.

13 Q After ten minutes you saw them again. Where did you
14 see these three guys; Clinton, Green and McDow when you saw them
15 again where were they?

16 A They were coming from the area which they had went.

17 Q And how were they coming?

18 A They were in -- they in a bit of hurry.

19 Q Where did they come to?

20 A They came to the car.

21 Q When they got to the car what did they do?

22 A They got in.

23 Q Did Tate say anything? Tate Clinton say anything when
24 he got in the car?

25 A Yes, sir.

1 Q What did Tate say?

2 A I can remember him telling me to just chill. Just
3 chill and the other guys they were like go. Telling me to go.

4 Q Telling you go how?

5 A As in as in go. Leave. Get out of this area.

6 Q Did you go?

7 A Yes, sir, I did.

8 Q Who drove out of where you had parked the car? Who
9 drove from leaving Roseanna Lane?

10 A Me sir. I did.

11 Q How did you drive?

12 A I drove -- I drove out pretty quick sir.

13 Q Where did you drive to? Where were you headed when you
14 left the trailer park on Roseanna Lane? Where were you going?

15 A Drove back to the Hole in the Wall.

16 Q Was there any talk by Clinton and Green that you can
17 recall from Roseanna Lane back to the Hole in the Wall? Were
18 they talking?

19 A The radio was on. I can remember -- I can remember
20 Devatee telling me to just chill and they may have been talking.

21 Q Can you -- do you recall any words that they were
22 exchanging with each other?

23 A No, I can't tell you what they said sir.

24 Q That's fine. Let me back up a minute. Was anything in
25 this for you, for driving Tate to go get some money? Was there

1 anything suppose to be in it for you?

2 A Yes, sir.

3 Q What were you suppose to get out of providing this
4 transportation?

5 A I was suppose to get some money, sir.

6 Q All right. Let me ask you this. When Tate Clinton
7 said to you -- asked you to take him to go get you some money
8 what did you think he meant?

9 A Um -- I really wasn't -- I really wasn't concerned. I
10 was just, he told me to take him get some money. He agreed he
11 would pay me. I was not concerned about, you know, about really
12 what he meant?

13 Q Did you know -- did you suspect he was taking you on a
14 robbery?

15 A No, him knowing who I am as person, I wouldn't -- I
16 didn't expect that.

17 Q On the way back to the Hole in the Wall club, who is in
18 the car?

19 A Myself, Devatee Clinton, Al and Mr. McDow.

20 Q Did you all get back to the Hole in the Wall club?

21 A Yes, sir.

22 Q What did you do when you got to the Hole in the Wall
23 club?

24 A Just we were there for 30, 35, 40 minutes and just hung
25 out.

1 Q Stop. I you will interrupt you there for a minute. I
2 probably shouldn't but, when you got there did you stay in the
3 car? Did you get out the car?

4 A Got out of the car.

5 Q You or everybody?

6 A Everybody.

7 Q Stay outside of the club or go inside the club?

8 A Both.

9 Q Okay. Did you stay at the Hole in the Wall the whole
10 night?

11 A Not all night. We were there for a little bit.

12 Q Did you go from the Hole in the Wall to anywhere else
13 after getting back there from being at Roseanna Lane?

14 A Yes, sir. Drove back to the Newtown area.

15 Q All right. Drove what?

16 A Drove the white Cadillac back to the Newtown area.

17 Q Who drove?

18 A I did.

19 Q Were you by yourself?

20 A No, sir.

21 Q Who was in the car that you know?

22 A I was accompanied by Al, Mr. Clinton and Mr. McDow and
23 there were maybe one or two more guys that I don't remember.

24 Q You don't remember. What do you mean you don't
25 remember?

- 1 A As I didn't know them.
- 2 Q You didn't know them?
- 3 A Yes, sir.
- 4 Q All right. Where did you go in the Newtown area after
- 5 you left the Hole in the Wall club after having been on Roseanna
- 6 Lane?
- 7 A I can't recall the street that I was on, but I was in
- 8 the Newtown area near the Hole.
- 9 Q Why did you drive to the Newtown area? That is
- 10 probably the best question.
- 11 A To let the guys out that were with me.
- 12 Q Did you let people out in Newtown?
- 13 A Yes, sir.
- 14 Q Who did you let out of the Cadillac in Newtown?
- 15 A I left out Al Green. I let out Mr. McDow and the other
- 16 guys. The the guys that I didn't know.
- 17 Q That's fine. After those guys were out of the car in
- 18 Newtown where were you?
- 19 A I was in the car.
- 20 Q And who was driving?
- 21 A I was driving.
- 22 Q Where was Tate Clinton?
- 23 A He was on the passenger's side.
- 24 Q And in what car?
- 25 A In the Cadillac.

1 Q What did you all do after you let these other four
2 people out, three or four people out, or four or five people out
3 in Newtown, what did you all do?

4 A I took him home.

5 Q Now, up to that point had you other than Tate Clinton
6 saying I think you said chill, he said chill, is that what you
7 said?

8 A Yes.

9 Q Other than you to chill, between the time you left
10 Roseanna Lane and were at the Hole in the Wall and then back in
11 to Newtown and you and Tate are back in the car, had he told you
12 anything about what happened on Roseanna Lane up to that point?
13 Up to that point?

14 A Up to that point?

15 Q Yes.

16 A No, he hadn't told me yet. He hadn't told me anything.

17 Q Now, how late was it? About what time was it when you
18 and Tate are in the car by yourselves and you said you were
19 taking -- where did you say you were going to take Tate?

20 A Home.

21 Q And about was time was it by the time you are going to
22 take Tate home?

23 A It was late. It was pretty late. It was well in the
24 a.m.

25 Q Okay. Was there any conversation between you and Tate

1 when it was just the two of you all in the car between Newtown
2 -- well, let me ask you this first. Is there any conversation
3 between you and Tate in the car between Newtown and you taking
4 him home?

5 A Yes, sir.

6 Q Tell the jury about it? Was anybody else in the car?

7 A No, sir, it was just me and Devatee Clinton.

8 Q Tell the jury about the conversation.

9 A As we were talking --

10 Q Use the microphone?

11 A As we were talking he shared some things with me. He
12 asked me if I could keep a secret. I told him yes I could and
13 he said to me that I killed that "B".

14 Q Say it, he said what?

15 A He said that he killed that "B".

16 Q Use the words that he used?

17 A I killed that bitch. Those were his words.

18 Q Did you up to that point have any idea what he was
19 talking about?

20 A I kind of I got a bad feeling. Bad feeling running
21 through my mind but it wasn't -- I didn't believe him at first.

22 Q Did you know who I was talking about?

23 A No, sir. No, sir, I didn't.

24 Q Let me ask you this. Did you know a person by the name
25 of Jenika Jones?

1 A No, sir.

2 Q He said that to you and you said what to him?

3 A I was just -- I sat there fore a minute. Kind of
4 shocked a little bit. Didn't really believe him. I just -- I
5 just sat there. I was quite for a minute.

6 Q Then what?

7 A I took him home.

8 Q When you got to his house where you were going to let
9 him out --

10 A Yes, sir.

11 Q -- well, let me ask you this. When you got to his
12 house -- let me back up.

13 Between Newtown and taking him home, did you know where the
14 gun was?

15 A Yes. Yes, sir, I did.

16 Q Where was it?

17 A Yes, sir, I did. He told me he left it in the glove
18 compartment and he told my to hold it for him.

19 Q When did he tell you that left it in the glove
20 compartment?

21 A As he was getting out of the car.

22 Q Did he get out of the car?

23 A Yes, sir.

24 Q When he got out of the car what did you do?

25 A I left.

1 Q Where did you go?

2 A I left out of where I dropped him off at which was the
3 same place, Roseanna Lane. I got to the light and it was it
4 wasn't much fuel left in the vehicle so I parked at Piggly
5 Wiggly and I got out and I walked home.

6 Q What did you do when you you got out of the car? Was
7 there anything wrong with the car?

8 A Yeah, I think I noticed the tire was flat. Something
9 like that.

10 Q Did you do anything to secure the car?

11 A What do you mean?

12 Q Well, did you have a key to be driving this car?

13 A Yes, sir.

14 Q And do you what happened to the key?

15 A I left it in the car.

16 Q You don't know where it went?

17 A I don't know where it went.

18 Q Did you leave the car unlocked?

19 A I think I did sir.

20 Q And you went where after you left the car, which Piggly
21 Wiggly are you talking about? Give us a reference point, some
22 roads or some landmarks?

23 A The Piggly Wiggly now that I believe is shut down.
24 Went out of business. Off of south 200.

25 Q And where did you go after you left the car at Piggly

1 Wiggly?

2 A I went home. I went home. I walked home sir.

3 Q Tell me about the gun? Where was the gun?

4 A I took the gun sir.

5 Q From where?

6 A From out of the glove compartment. I took it. I sold
7 it to a relative, which was probably one of the dumbest things
8 ever I could have did. I should have just turned it in and done
9 the right thing, but I was scared man. I never -- I never seen
10 anything like this happen to me.

11 Q Other than being arrested for this murder case have you
12 ever been arrested before?

13 A No, sir, I never been locked up. Never.

14 Q How did you get the gun from the glove box to your
15 house you walking home. Where was the gun when you walked home?

16 A I took it out in and put it in my coat pocket sir.

17 Q And how long were you in possession of that gun from
18 that morning until you got rid of it?

19 A Approximately a few weeks sir.

20 Q You said you sold it?

21 A Yes, sir.

22 Q Who did you sell it to?

23 A I sold it to my cousin Marcus Barnes.

24 Q When you got arrested I think you said March 8, 2012?

25 A Yes, sir.

1 Q A couple months later. About six weeks later, right?

2 A Yeah.

3 Q Did you tell the police what you just told the jury
4 about the gun?

5 A Yes, sir.

6 Q Did you tell them about Marcus Barnes?

7 A Yes, sir.

8 Q Did you do anything yourself to try and get the gun
9 back?

10 A (No answer)

11 Q Because you are in jail. Long did you stay in jail?

12 A I think four or five months maybe.

13 Q Did you do anything yourself from in jail or after you
14 got out of jail to try and find that gun?

15 A Yes, sir, I did.

16 Q What?

17 A I went -- my sisters stayed right across from him and
18 his mom and I went to her.

19 Q Don't tell me what people said. Just tell me what
20 effort you made. You can't tell me what people said.

21 A Okay. I am sorry sir.

22 Q That's fine.

23 A But I tried my best to get in contact with him. He was
24 scared. He didn't want any involvement with this. He didn't
25 want to corroborate because he didn't want to come near this.

1 Q Did you tell the police everything you knew about where
2 they could find Marcus Barnes?

3 A Yes, sir.

4 Q When you talked to the police on March 8th of 2012 I
5 think you said you gave a written statement, is that right?

6 A Yes, sir. It was verbal. Question asked.

7 Q Well, did they type it up and let you read it and sign
8 it?

9 A Yes, sir.

10 Q How many people did you tell them on March 8th? How
11 many people did you tell them were involved in this thing?

12 A I initially told them two.

13 Q And who were the two other than you?

14 A Devatee Clinton and Al Green.

15 Q Why didn't you tell them about Mike McDow when you gave
16 a written statement on March 8th of 2012?

17 A I couldn't remember his name and it was just -- I mean
18 the whole thing man, kind of shook me up man. I was scared. I
19 didn't want to be a part of it.

20 Q Scared of what -- well, don't answer that. Didn't want
21 to be a part of it. What do you mean by that? You're already a
22 part of it weren't you?

23 A Yeah, I was a part of it, but I mean I just wanted
24 nothing to do with it at all.

25 Q How come -- how come you didn't -- this thing happened

1 on January 19th, of 2012. Did you go see the police or report
2 this to anybody between January 19th 2012 and March 8th of 2012?

3 A No, sir I didn't.

4 Q Why not?

5 A I just -- I mean, I didn't want to be a rat. I didn't
6 want to put my family in danger. I mean I was scared. I was
7 frustrated. I was angry. I panicked. I panicked.

8 Q You said earlier that when Tate said that he killed the
9 bitch you didn't believe him?

10 A Correct sir.

11 Q When did you begin to believe that something had
12 happened?

13 A It was the next day or few days later when I found out
14 that this girl was dead.

15 Q How did the police -- do you know how the police ended
16 up coming to talk to you about this? How did you get found out,
17 do you know?

18 A How did I get found out? Um --

19 Q How did the police get the name Wayne Blakeney and come
20 looking for you? If you don't that's fine, I am just asking if
21 you know.

22 A At the time I didn't know.

23 Q Do you now?

24 A Yeah, I know now.

25 Q How did you get found out? I don't need names but

1 generally how did you get found out?

2 A I told someone about it because I couldn't keep it to
3 myself.

4 Q And do you know what that person did, the person that
5 you told about, what did he do or she do?

6 A He -- he went and told the authorities.

7 MR. BARFIELD: All right. Give me just a minute
8 Your Honor.

9 THE COURT: Sure.

10 Q Lets go back and talk about Mike McDow for a minute.
11 You didn't tell the police about McDow. Did you at some point
12 tell the police about McDow?

13 A Yes, sir, I did.

14 Q I am not looking for a date, but when did you tell the
15 police about McDow? After giving a written statement on March
16 the 8th, when did you tell the police about McDow, and let me
17 break it down into question A and question B, were you still in
18 jail or had you been bonded out when you told the police about
19 McDow?

20 A I was still in jail sir.

21 Q When you told the police about McDow did you know the
22 name McDow? Did you know the name?

23 A No, sir, I didn't. I couldn't remember his name.

24 Q So what did you tell the police about this other person
25 that you now say is McDow?

1 A Well, basically I remembered the nickname. A nickname
2 came to my mind and he pulled him up. Detective Crump put him
3 up on the screen and it was him.

4 Q Just a single picture on a computer screen?

5 A Yes, sir.

6 MR. BARFIELD: I am sorry, give me just one
7 second.

8 Q Tate Clinton ever address with why he shot the girl?

9 A No, sir.

10 MR. BARFIELD: Thank you. Answer anything Mr.
11 Frick and Miss Raney has.

12 THE COURT: Mr. Frick.

13 MR. FRICK: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Mr. Blakeney, you said you are currently enrolled in
17 USC Lancaster?

18 A Yes, sir.

19 Q Okay. And you are planning to become a guidance
20 counselor?

21 A Yes, sir.

22 Q So you certainly don't plan on spending next 30 years
23 in the Department of Corrections?

24 A Correct, sir.

25 Q So the solicitor hasn't made you any promisees, but you

1 expect to get a lesser charge out of this, don't you?

2 A I expect to be treated fair sir.

3 Q To be treated fair. Okay. In fact, do you know what
4 consent bond is? Do you know how that works?

5 A As far as what I can do and what I can't do?

6 Q No, sir. How you got your bond, did you have to come
7 in front of a Circuit Court judge or did you have any bond
8 hearing at all?

9 A I didn't have to -- I met with a judge in jail.

10 Q Okay, but you didn't come in to this courtroom, did
11 you?

12 A No, sir.

13 Q Okay. That was an agreement, wasn't it?

14 A An agreement?

15 Q Yes, sir, your bond?

16 A I don't know anything about an agreement, but I didn't
17 come in to a courtroom.

18 Q Okay. I am going to skip all the way towards the end
19 and then we will go back through some other things. Okay.
20 That's where I am starting at right now. Okay.

21 At the end of the night, after all these events have
22 occurred you have gone through Newtown. You are taking Mr.
23 Clinton home. You call him Tate or you call him Devatee?

24 A Tate. He goes by Tate.

25 Q Okay. All right. You are taking Tate home.

1 A The same Roseanna Lane.

2 Q I think that is where his grandma lives?

3 A Yes, sir.

4 Q Roseanna Lane. Do you see any police when you get to
5 the Roseanna Lane the second time?

6 A No, sir, I didn't.

7 Q You didn't. You do recall the statement that you gave
8 the law enforcement right, back on the 8th?

9 A Yes, sir.

10 Q Solicitor went over the fact that you said it was two
11 people. Today you are saying it is three people?

12 A Yes, sir.

13 Q Okay. Are there other things that are inaccurate in
14 that statement?

15 A Nothing other than me not being fully truthful
16 throughout the beginning.

17 Q Okay. All right. So at which point are you being
18 truthful, in that statement or today's statement?

19 A I am been truthful now sir.

20 Q Now?

21 A And in that statement, sir, towards the end.

22 Q Towards the end of the statement. At some point law
23 enforcement said they weren't buying your story, didn't they?

24 A I mean, I was scared and nervous man. I wasn't being
25 fully truthful honestly.

1 Q I will show you briefly. Three pieces of paper there.

2 Do you recognize that?

3 A Yes, sir, I recognize it.

4 Q What is that?

5 A This is my statement sir.

6 Q That is the one from March 8th?

7 A Uh-huh.

8 Q Now, when the solicitor was asking you about after you
9 dropped folks off in Newtown after everything happened after the
10 club, dropping folks off at Newtown, you were going towards
11 Tate's house when he tells you this stuff, right?

12 A Yes, sir.

13 Q You said you were driving the car?

14 A Yes, sir.

15 Q Okay. Do you recall what you told them on the 8th of
16 March? Look at --

17 THE COURT: Let him answer that question.

18 MR. FRICK: I am sorry. Yes, sir.

19 THE COURT: Do you recall what you told them on the
20 8th of March about what?

21 MR. FRICK: Who was the driving the car.

22 A Yes, sir.

23 Q Okay. What did you tell them?

24 A I told them -- at the beginning of the statement I
25 wasn't being fully truthful.

1 MR. FRICK: Okay. Answer the question I am asking
2 right now.

3 THE COURT: Don't interrupt him. Go right ahead
4 answer the question.

5 A I told him that Devatee had drove the car some.

6 Q Okay. Why? Why do you lie about that?

7 A Because as I stated earlier sir I was scared, I didn't
8 want to be in there. I didn't want to rat, tell them about it.
9 I just I wanted nothing to do with this at all man.

10 Q I understand. The man is in your car, says he want to
11 go somewhere, right?

12 A Correct, sir.

13 Q At the very beginning of the night, after you all leave
14 Hole the Wall for the first time he says take me go get some
15 money, right?

16 A Correct, sir.

17 Q Okay. You said that you see him with a gun at that
18 point, right?

19 A Yes, sir.

20 Q You did, right?

21 A I did.

22 Q Okay. He didn't say take me to ATM over there at
23 Airport Plaza did he?

24 A No, sir, he didn't.

25 Q Okay. You all went past there didn't you?

1 A Yes, sir.

2 Q He said turn into this trailer park, right?

3 A Yes, sir.

4 Q Man with a gun says turn into a trailer park and you
5 didn't ask any questions?

6 A I mean, knowing who he is, he normally carry a gun man.
7 You know, he had problems with the people in the streets. He
8 always carried a gun. I known him to carry a gun.

9 Q Okay. So you don't have any problem taking him over
10 there? All the stuff you are saying you know about him, you
11 don't have any problem taking him over there?

12 A It didn't -- it didn't hit me that something of this
13 nature would occur sir.

14 Q Okay. He gets out of the car with the gun?

15 A Yes, sir.

16 Q At that point you don't expect any trouble?

17 A No, sir.

18 Q So you sit there and wait while a man with a gun in a
19 trailer park goes off you don't no where?

20 A Correct, sir.

21 Q You sat there and waited?

22 A Yes, sir.

23 Q Not an issue in your mind?

24 A Like I said, I took him places before man and
25 nothing -- nothing near this severe took place. Nothing no

1 where.

2 Q All right. They come back. Tate tells you to chill?

3 A Yes, sir.

4 Q Why does he need to tell you to chill?

5 A I don't know sir.

6 Q Were you acting differently when he came back?

7 A No, sir, I was -- there were question marks. I had
8 some things on my mind, but -- you know, no, sir.

9 Q Okay. At no point did you ask any questions? I mean
10 they come running back is what you say, right?

11 A Yes.

12 Q Or come back quickly. You didn't say running, but they
13 were coming back quickly, right?

14 A Uh-huh.

15 Q He still got the gun, right.

16 A Uh-huh.

17 Q You don't at any point decide to go, Tate what did you
18 do?

19 A I mean, just as I said I never -- I didn't think he
20 would put me in a situation like this man. You know, I mean I
21 never -- I never fathom anything like this happening man.

22 Q Okay. Here's the issue. You say time and time again I
23 didn't want to be in this situation. Yet you are going to
24 testify that the man gets out with a gun goes to a place comes
25 back still has a gun. Tells you to chill and another person in

1 the car says go, go, go, and you don't have one single question
2 in your head?

3 A Some things ran through my mind, yeah. I am a human
4 being man, but something like this, no, man. No.

5 Q And you were so concerned about it you drove back to
6 the club, right?

7 A Yes, sir, I drove back to the club.

8 Q Hung out with him?

9 A Yes, sir.

10 Q Did you talk to anybody at the club about what you
11 thought happened?

12 A No, sir.

13 Q In fact you all left together then didn't you?

14 A Yes, sir.

15 Q Took him back home right?

16 A Yes, sir.

17 Q Take him to the very same spot that you suspect
18 something has happened at, didn't you?

19 A Yes, sir.

20 Q Still nothing. You don't -- you don't suspect
21 anything? You don't say anything? You don't ask anybody
22 anything?

23 A Like I said sir, of course I had thoughts sir. But as
24 I stated before something -- something of this nature, no, I
25 never -- I never seen anything like this. Never thought about

1 anything like this taking place man.

2 Q I understand. I understand. Okay. The time that you
3 are all in the club -- well, let me start with something else.
4 Do you ever see any money? Are you paid the money that you were
5 owed for this trip?

6 A No, just some beers were bought and that was it.

7 Q Okay. Did you see anybody come back with any money?

8 A No, sir.

9 Q Did you see anybody come back with anything whatsoever?

10 A No, sir.

11 Q After everybody is dropped off in Newtown -- well, let
12 me ask you this. You got the car from over in Newtown, right?

13 A Yes, sir.

14 Q Okay. You are saying you got issues in your head now.
15 You are kind of rolling this around thinking about it, right?

16 A Yes, sir.

17 Q You don't think it is a good idea to take the car back
18 to the guy you borrowed it from?

19 A Sir, there was no way I could get the car back. As I
20 stated earlier when Mr. Barfield was questioning me the car was
21 low on fuel and I parked it at the Piggly Wiggly.

22 Q No, sir, you said that was after you dropped Mr.
23 Clinton off at Roseanna it was out of fuel. I am asking when
24 you were in Newtown dropping the other folks off before you went
25 back to Roseanna. You clearly had enough gas to go back over to

1 Roseanna. Why didn't you take the car back over to the house it
2 came from?

3 A Because I had to take Mr. Clinton home.

4 Q You think he just did something bad why are you worried
5 about taking him home?

6 A Sir, at that time I didn't know what had happened sir.
7 I didn't know what happened, until a day or few days later sir.
8 That's when I knew what happened.

9 Q You didn't think anything had happened when he said I
10 killed that bitch?

11 A I just didn't -- I didn't believe him man. I mean -- I
12 mean bluffing and stuff like that. I mean I didn't believe him,
13 cause knowing who I am as a person and telling me, and sharing
14 something like that, by him nothing who I am it is just doesn't
15 make sense for it to be true.

16 Q How long have you all known him?

17 A He's my relative. I've known him pretty much all my
18 life.

19 Q And had is how he jokes -- he jokes about killing
20 people?

21 A I mean, I didn't believe him man. That's the truth.

22 Q I believe you said today and on March 8th that you were
23 shocked when he said that. If you didn't believe him why are
24 you shocked?

25 A Because if somebody told you that they killed somebody

1 what would go through your mind at that time. Wouldn't you have
2 some thoughts about it for a second.

3 Q It's the very same question I am asking you.

4 A Yes, I had thoughts but by him nothing who I am I
5 didn't believe him.

6 Q Okay. How did the gun end up in your possession?
7 Initially does he leave it in the car, what does he tell you
8 anything about it how do you end up with it?

9 A He left it in the glove compartment and told me to hold
10 it for him.

11 Q Okay. You didn't think about it then you weren't
12 worried about it?

13 A No, I wasn't.

14 Q So you drop him off. Do you all -- is there any more
15 conversation after he says I killed that bitch. Is there any
16 more conversation?

17 A No.

18 Q Is this just before you get into the trailer park you
19 all going down 200 or do you have any idea where you are?

20 A I want to say we are riding.

21 Q Understand that. Can you tell me where?

22 A We were getting close to Roseanna Lane.

23 Q Were you on 200?

24 A Yes.

25 Q Okay. All right. And you have no verbal response,

1 when he says this to you?

2 A No, sir.

3 Q Okay. Running out of gas most convenient place to park
4 it is as Piggly Wiggly just up the road a little bit?

5 A Yes, sir, I was at the light.

6 Q Got any idea about what time it is at that point?

7 A It was --

8 Q Guesstimate, your best guess.

9 A It was real late, a.m.. It was in the morning, five,
10 six, it was late. It was very late.

11 Q Okay. And when you all had initially gone over to the
12 trailer park it was about what time?

13 A It was late as well.

14 Q But was it a.m. or p.m.?

15 A It was p.m.

16 Q You had a couple of hours kicking this around in your
17 head, right? He just told you I killed that bitch. Says hold
18 on to this gun. You park the car at the Piggly Wiggly parking
19 lot and take the gun?

20 A Yes, sir.

21 Q You suspect that something bad has happened, right?

22 A Nothing like this sir.

23 Q You suspect something bad has happened and this gun is
24 involved, right?

25 A No, sir. Nothing like this sir. I didn't. As I told

1 you before I didn't believe him when he told me sir and because
2 if I would have believed him then do you think I would have took
3 the gun.

4 Q That's what I am asking you why did you take the gun?

5 A Because, I -- I mean I didn't -- I mean, I just thought
6 about selling it and you know, getting some money for it because
7 I didn't have a job at the time.

8 Q A man just told you he killed somebody, it could be
9 with that gun and your first thought is selling it for some
10 money?

11 A Yes, sir.

12 Q And you kept it for a couple of weeks, right?

13 A Yes, sir.

14 Q And you sold it to a relative is that what you told us?
15 You sold it to relative?

16 A Yes, sir, I did.

17 Q A gun that you had reason to believe had some issues
18 and you pass it on to a relative?

19 A Yes, sir, just stupid man. I was.

20 Q All right. Now, going back briefly about Mr. McDow.
21 You tell law enforcement -- you got arrested on March 8th,
22 correct?

23 A Correct.

24 Q They locked you up, served a warrant and you are
25 sitting in the jail on March 8th, you give this statement on

1 March 8th, correct?

2 A Correct.

3 Q Okay. So as soon as you had opportunity you told law
4 enforcement your side of the story?

5 A Yes, sir, I spoke with them.

6 Q Okay. And at that time on that day you tell them two
7 other people were in the car?

8 A Yes, sir.

9 Q Not three and I don't know that dude's name. Two.

10 A Yes, sir.

11 Q And what you tell the solicitor the reason why you
12 didn't tell name is because you couldn't remember Mr. McDow's
13 name?

14 A I couldn't.

15 Q That's the reason why you said it was two instead of
16 three?

17 A And I mean I was -- I was scared too, sir. Just
18 playing it back in my mind I was scared. I didn't want any
19 involvement in this period, man.

20 Q All right. You carried this gun around for two weeks.
21 What kind of gun was it?

22 A It was an either a 380 or nine millimeter.

23 Q Which is it? You had it for two weeks?

24 THE COURT: He's answered the question.

25 Q Do you recall what you told law enforcement on March

1 8th what you thought it was?

2 A Yes, sir.

3 Q What did you tell them?

4 A I told them that it was -- I said a nine millimeter.

5 Q Okay. And now you are not sure?

6 A It could have been either.

7 MR. FRICK: Thank you, Mr. Blakeney. I believe
8 that is all the questions I have.

9 THE WITNESS: Your welcome sir.

10 THE COURT: Miss Raney.

11 CROSS EXAMINATION

12 BY MS. RANEY:

13 Q Mr. Blakeney, I have here in my hand what has been
14 marked as State's Exhibit Number 54. I will bring it up to you
15 first. This is an aerial photo of Roseanna Lane neighborhood.
16 Does that look familiar to you?

17 A Yes.

18 Q It does. Okay.

19 MS. RANEY: Could I ask him to step down off the
20 witness stand to point out a few things to the jury
21 Your Honor?

22 THE COURT: Keep your voice up. You may step
23 down.

24 THE WITNESS: Okay.

25 THE COURT: Change places Miss Raney so your voice

1 travels back to the court reporter.

2 MS. RANEY: Do you want me over here, Your Honor?

3 THE COURT: Yes, ma'am.

4 Q Mr. Blakeney, do you recognize this as 200, this route
5 here?

6 A Yes, sir -- I mean yes, ma'am.

7 Q You might want to keep your voice up.

8 MR. BARFIELD: Your Honor, may I move to that end?

9 THE COURT: Yes, sir.

10 Q Do you recognize this road here as 200?

11 A Yes, ma'am, I do.

12 Q Perfect. And then this area, this trailer here do you
13 recognize whose trailer that would be?

14 A No, ma'am, I don't.

15 Q Do you remember where you parked the white Cadillac
16 that night?

17 A From this view I can't. I can't really tell. I have a
18 downward view. I can only see the top of the trailers.

19 Q Well, do you remember -- did you stop the white
20 Cadillac in the roadway or in the grass? If you can't tell from
21 here that is fine I will go ahead and sit back down?

22 A I pulled into a driveway.

23 Q You pulled into a driveway, and the driveway belonging
24 to a trailer on Roseanna Lane?

25 A Yes, ma'am.

1 Q Yes?

2 A Yes, ma'am.

3 Q But you not able to tell from looking at State's 54
4 which driveway that would have been?

5 A No, ma'am. It's just a bad view. Bad angle.

6 Q Okay. You can go ahead and take a seat back down. Is
7 it fair to you say when you pulled into that driveway on
8 Roseanna Lane that it was dark out?

9 A Yes, ma'am.

10 Q Are there any, or do you recall there being any street
11 lights in the area where you parked the white Cadillac that
12 night?

13 A I think I remember one street light.

14 Q There may have been one street light?

15 A Yes, ma'am.

16 Q Did you leave the lights on, like the headlights on in
17 the car when you left it parked there at Roseanna Lane that
18 night?

19 A I can't remember, ma'am.

20 Q If you don't remember I just want you to tell me the
21 truth. Okay.

22 A I can't remember, ma'am.

23 Q And you said after the three gentlemen got out of the
24 car they disappeared?

25 A Yes, ma'am.

1 Q Did you see which way they went?

2 A They went to the left side of me.

3 Q To the left side where the white Cadillac was parked?

4 A Correct ma'am.

5 Q Did you see Miss Jones front door from where you were
6 situated?

7 A No, ma'am.

8 Q You could not?

9 A No, ma'am.

10 Q What would have been blocking your view to be able to
11 see Miss Jones's front door, another trailer?

12 A As I said they were behind the trailer so I wasn't -- I
13 wasn't sure which trailer they went in to ma'am.

14 Q Okay. So basically they get out of the car, correct,
15 they run behind a trailer and then that's when you loose site of
16 all three of them?

17 A Yes, ma'am.

18 Q Okay. And then you don't see them again until about
19 ten minutes later when all three of them get back in the white
20 Cadillac?

21 A Yes, ma'am.

22 Q So for that ten minutes that they are outside of the
23 car you can't see who went inside of Miss Jones's trailer can
24 you?

25 A Correct ma'am.

1 Q And you said that whenever Mr. Clinton said to you, I
2 shot that woman, using different words that you were surprised,
3 right?

4 A I was. I was speechless at first, I was.

5 Q So is it fair to assume then that you never heard a
6 gunshot when you were parked there at Roseanna Lane earlier that
7 night?

8 A I never heard a gunshot ma'am.

9 Q Did you ever hear any type of loud or unusual noises
10 when you had the car parked?

11 A No, ma'am, I didn't.

12 Q And you mentioned that you confided in a friend about
13 what had occurred that night on Roseanna Lane?

14 A Yes, ma'am.

15 Q Do you recall telling that friend that you actually
16 buried the gun?

17 A Yes, ma'am I did.

18 Q Did you ever bury the gun?

19 A No, ma'am.

20 Q How much time did you have on the evening of the 19th
21 in to the early morning hours of January 20th to actually see
22 Mr. McDow? How much time did you spend with him?

23 A Can you repeat the question ma'am?

24 Q How much time from January 19, 2012 to January 20,
25 2012, did you spend with Mr. McDow?

1 A Not much time.

2 Q Not much time. Did you notice whether or not he was
3 wearing a GPS ankle bracelet?

4 A Yes, I seen him with an ankle bracelets on in the
5 Newtown area.

6 Q Do you remember seeing him with that ankle bracelet on
7 that night?

8 A No, ma'am.

9 Q So are you saying you didn't see the bracelet or that
10 you don't recall whether you saw him with bracelet?

11 A I didn't see him wearing a bracelet ma'am.

12 Q That night?

13 A Yes, ma'am.

14 Q Thank you.

15 MS. RANEY: I don't have any further questions.

16 THE COURT: Redirect solicitor?

17 MR. BARFIELD: No, sir.

18 THE COURT: Thank you. Thank you very much Mr.
19 Blakeney. You may step down.

20 THE WITNESS: Yes, sir.

21 THE COURT: Who is your next witness?

22 MR. BARFIELD: Your Honor, this might be an
23 opportune time to conclude the the non-jury matter
24 that we almost finished this morning and we can just
25 roll right through the rest of it after lunch if that

1 is okay.

2 THE COURT: That will be fine.

3 All right, Mr. Foreman, ladies and gentleman of
4 jury perhaps now will be a good time for the jury to
5 take a luncheon recess. Do not discuss the case
6 during this recess. Remember to keep an open mind.
7 Do not do any independent investigation or any
8 investigation on the internet.

9 Please be back promptly at -- how long is our
10 motion going to take.

11 MR. BARFIELD: I probably will just have one
12 witness on this and just use concerning one brief
13 matter, so it won't be like earlier.

14 THE COURT: Let's say two o'clock. If you be back
15 promptly at two o'clock. Thank you all. I hope you
16 have a pleasant lunch.

17 (Jury leaves the courtroom.)

18 THE COURT: All right, solicitor.

19 MR. BARFIELD: Your Honor, I will call Lieutenant
20 Michael Green from SLED.

21 THE COURT: All right, if you come around and be
22 sworn.

23 MICHAEL GREEN, called as a witness, having been
24 duly sworn by the Court, was examined and testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q Tell us your name, please?

4 A Michael C. Green.

5 Q And you are the a lieutenant with the South Carolina
6 Law Enforcement Division?

7 A Captain with the South Carolina Law Enforcement
8 Division.

9 Q I denoted you, I'm sorry. Of all people I should
10 know.

11 Were you working for SLED in January 2011/12?

12 A Yes, sir I was.

13 Q Were you a field agent assigned to I think the midlands
14 region is what it is called?

15 A Yes.

16 Q Do you live here in Lancaster?

17 A Yes, sir.

18 Q Did you back then and did you on this particular case
19 did you frequently get called out to assist local agencies with
20 investigation?

21 A Yes, sir.

22 Q Did you on January 25th of 2012 have occasion to meet a
23 person by the name of Al Martinez Green?

24 A Yes, sir.

25 Q Where did you meet Mr. Green?

- 1 A At the Lancaster County Sheriff's Office.
- 2 Q Was anybody else with you when you met with Mr. Green?
- 3 A Captain Craig Bailey.
- 4 Q Of the Lancaster County Sheriff's Office?
- 5 A Yes, sir.
- 6 Q And was Mr. Green in custody of law enforcement when
- 7 you met?
- 8 A Yes, sir he was.
- 9 Q Had he been charged with an offense unrelated to the
- 10 homicide investigation of Jenika Jones?
- 11 A Yes, sir.
- 12 Q I probably asked you this. Where was he when you saw
- 13 him?
- 14 A We were in Captain Bailey's office at the sheriffs
- 15 office.
- 16 Q Mr. Green been booked in and processed and dressed out,
- 17 do you remember?
- 18 A I think at this point he had very recently been
- 19 arrested and was not in jumpsuit or anything. In street
- 20 clothes.
- 21 Q Okay. Was he restrained in any way that you recall?
- 22 A Not that I recall.
- 23 Q What was your purpose in being in Mr. Green's presence?
- 24 A We wanted to talk to him about the murder of Jenika
- 25 Jones.

1 Q Was there any intention to question him about the
2 matter he had been arrested on?

3 A No, sir.

4 Q To your knowledge was he questioned about the matter
5 that he had been arrested on?

6 A I don't know. He may have. I don't know.

7 Q I am going to kind of jump ahead. Did you all get a
8 written statement from Al Green when you talked to him on
9 January 25th of 2012?

10 A Yes, sir, we did.

11 Q And did that written statement have anything to do with
12 anything other than the death of Jenika Jones?

13 A It did not.

14 Q Okay. I will show you a document and ask you if you
15 can identify and for the other lawyers, Miranda waiver
16 1-25-2012. Can you tell me what that is?

17 A Yes, sir. This is a waiver of rights by the Lancaster
18 County Sheriff's Office.

19 Q Who actually did most of the writing on that form?

20 A Well, I filled out the form and Al Green initialed
21 beside each line and also signed his name at the bottom.

22 Q What is that form generally speaking?

23 A It is Miranda warning.

24 Q Does it contain a list of all the Miranda warnings
25 itemized from top to bottom?

1 A Yes, sir.

2 Q Does it also contain a paragraph at the bottom which I
3 would call a waiver of those Miranda rights, those
4 constitutional rights?

5 A Yes, sir.

6 Q Did you read that entire form for Mr. Green?

7 A Yes, sir, I did.

8 Q Did you ask him one by one concerning each of those
9 rights whether he understood them?

10 A Yes, sir.

11 Q Did he indicate verbally or otherwise or both that he
12 did understand them?

13 A Both verbally and I asked him to put his initials by
14 each line and also sign at the bottom if understood.

15 Q And did he waive those rights and give you a statement?

16 A Yes, sir, he did.

17 Q And did he sign at the bottom of the statement?

18 A Yes, sir.

19 Q Let me ask you a few questions about the circumstances.

20 Did you determine how old Mr. Green was?

21 A Yes, sir, I am sure I did. He was 19.

22 Q Did you determine what education he had?

23 A Yes, sir, he had a ninth grade education.

24 Q Did he ask you any questions about the rights that you
25 had read to him?

1 A No, sir, I don't recall him asking any questions.

2 Q Did you have any difficulty communicating with him
3 understanding words and phrases he was using to you?

4 A No, sir.

5 Q Did he appear to have any difficulty understanding
6 words and phrases you were using to him?

7 A No, sir.

8 Q Did he say or do anything to make you think he did not
9 understand what his constitutional rights were?

10 A No, sir, he did not.

11 Q How long was Mr. Green in your presence for the purpose
12 of this statement?

13 A Probably about one hour.

14 Q Does the statement indicate what time the rights were
15 read, or does the Miranda form indicate what time the rights
16 were read?

17 A 2:12..

18 Q P.M.?

19 A Yes, I sure it would be have been p.m. It was
20 daylight.

21 Q Is there any other time on the statement, at the end of
22 the statement or during the statement itself that indicates when
23 the statement was taken or completed?

24 A Yeah, the statement was completed 3:40.

25 Q That is is fine. That wasn't a trick question. So he

1 was with you about how long?

2 A I am sorry.

3 Q From the time Miranda was given until the time the
4 statement was given was about about how long?

5 A About three hours. A little over three hours.

6 Q During that time again was he restrained in any fashion
7 that you recall?

8 A I don't recall him being restrained at all.

9 Q Was anybody there for the statement other than you and
10 captain Bailey with the sheriff's office?

11 A Just the two of us.

12 Q Did you and Captain Bailey have some indicia of being
13 police officers, markings or badges or something on your
14 persons?

15 A Yes, we would have badge and gun on.

16 Q Anybody pull out a gun and use a gun during the taking
17 of this statement?

18 A I would of course not. And I was trying to think of
19 one other thing. There may have you been an officer in or out of
20 the room, but Captain Bailey and I are the only two primary
21 people that I recall being in there.

22 Q Did Mr. Green at any point in time during the process
23 ask for anything, creature comfort type things, like a drink of
24 water, smoke, something to eat, something to drink, go to the
25 bathroom?

1 A I don't specifically recall that he did, but had he
2 asked for that I would have certainly done that.

3 Q Did he ever ask to make a phone call, call mom, daddy,
4 cousin, anybody like that?

5 A No, sir.

6 Q Did he at any time during the taking of this statement
7 evoke any of those rights; number 1, the right to shut up and
8 say I don't want to talk any more?

9 A No.

10 Q Did he ever say I want to talk to a lawyer before I
11 continue to talk to you?

12 A No, sir.

13 Q Did he ever evoke either of those rights; the right to
14 remain silent or the right to have a lawyer?

15 A He did not.

16 Q Did you all promise him anything to get him to talk to
17 you about this Jenika Jones's death?

18 A No, sir.

19 Q Anybody threaten him to get him to talk to you about
20 Jenika Jones's death?

21 A No, sir.

22 Q Use any kind of coercion or trick him into talking to
23 you about Jenika Jones's death?

24 A No, sir.

25 Q Do you recall the conversation, his tenor, your tenor?

1 A Yeah, I recall that it was fairly cordial. I don't
2 remember anything -- I mean, we challenged him. I remember
3 telling him I don't believe this story, but as far as being
4 heated or anything like that I don't remember it being like that
5 at.

6 Q No yelling and screaming?

7 A No, sir.

8 Q Did he give a statement?

9 A He did.

10 Q About how many pages is the statement?

11 A It is two pages. Really about a page and a half.

12 Q Is that statement sort of a summary of the culmination
13 of the interview?

14 A Yes, sir.

15 Q Is the statement actually written in your hand?

16 A It is written in my handwriting.

17 Q After the statement was given was it presented to Mr.
18 Green?

19 A Yes, sir.

20 Q Did he read it?

21 A He did.

22 Q Did he appear to be reading it in your presence?

23 A Yes, sir, in fact I think I read it to him to make sure
24 he was reading and everything was correct.

25 Q Did he tell you needed to change anything or you got

1 anything wrong?

2 A No, sir.

3 Q Did he sign the written statement when it was all over
4 with?

5 A He did.

6 Q Did he confess to killing Jenika Jones or robbing
7 Jenika Jones or doing anything illegal with respect to the
8 victim Jenika Jones?

9 A No, sir.

10 Q Did he talk to you about where he had been that night?

11 A Yes, sir.

12 Q And the specifically was there any conversation with Al
13 Green about the Hole in the Wall club?

14 A Yes, sir.

15 Q What did he tell you about the Hole in the Wall club
16 the night that Jenika Jones was killed?

17 A He told me that guy name Gary in a gold vehicle I
18 believe it says, took him to Hole in the Wall and that they
19 gotten there about 11:30, 11:45.

20 Q All right.

21 MR. BARFIELD: Your Honor, at this time I would
22 offer the Miranda form as a Court's exhibit.

23 (Court's Exhibit 7, Miranda Form, marked for
24 identification as of this date.)

25 MR. BARFIELD: Thank you, sir. Answer anything

1 Mr. Frick or Miss Raney has.

2 THE COURT: Mr. Frick?

3 MR. FRICK: No questions.

4 THE COURT: Miss Raney?

5 CROSS EXAMINATION

6 MS. RANEY:

7 Q Mr. Green -- when you were interacting with Mr. Al
8 Green did he seem to be under the influence of any drugs or
9 alcohol or substances?

10 A No, ma'am.

11 Q Were his questions that he may have asked you and
12 answers that he may have answered did they seem appropriate,
13 like he understood what was going on?

14 A They did seem that he understood what was going on. I
15 didn't think they were truthful and we talked to him about that,
16 but yeah, he did not seem impaired or being able to have any
17 problem understanding.

18 Q So you didn't see any signs of him suffering from any
19 type of mental or physical disability?

20 A Not at all.

21 Q Did he ever ask for anything to drink?

22 A If he did I don't recall and certainly we would have
23 done that if he had asked.

24 Q Bathroom break?

25 A I am sorry.

1 Q Did he ask for bathroom break?

2 A If we did I would have done that as well.

3 Q Nobody pulled a weapon on him or threaten him?

4 A No. No, ma'am.

5 MS. RANEY: I don't have any further questions
6 Your Honor.

7 THE COURT: Okay. Redirect solicitor?

8 MR. BARFIELD: None, Your Honor.

9 THE COURT: Thank you. Thank you very much. You
10 may step down.

11 MR. BARFIELD: Your Honor, I have an additional
12 witness that I anticipate would say basically the same
13 thing that he did and elect not to call him.

14 THE COURT: Can I see the Court's exhibit.

15 Any evidence -- any other evidence or testimony
16 you would like to present Miss Raney?

17 MS. RANEY: No, I don't have any evidence or
18 testimony but would like to be heard on something
19 briefly.

20 THE COURT: All right. Yes, ma'am, I will be glad
21 to hear from you.

22 MS. RANEY: While no testimony was elicited about
23 it here today at the Denno hearing on page two of my
24 client's actual written statement it says the officer
25 testified there wasn't any discussion during this

1 interview about the armed robbery incident of Nard
2 Jeffrey Roseborough. There is actually about two
3 sentences on page two of my client's statement saying
4 I had no involvement with the armed robbery of Jeffrey
5 Nard Roseborough about one month ago.

6 We would ask consistent with prior rulings in this
7 case that when the officers are testifying about the
8 statement given by my client there is absolutely no
9 mention of the Roseborough incident or that portion of
10 his statements unless of course the defense opens the
11 door to that.

12 THE COURT: All right. Solicitor?

13 MR. BARFIELD: First of all I apologize to the
14 Court for not remember that little statement was in
15 there when I asked Captain Green that question. I
16 don't intend to get into anything essentially other
17 than what I asked Captain Green about the statement in
18 this here.

19 THE COURT: Can I see the statement?

20 MR. BARFIELD: Yes, sir.

21 THE COURT: Do you object if I see the statement?

22 MS. RANEY: Not at all Your Honor.

23 MR. BARFIELD: And if the Court wants a copy I
24 will be happy to make you a copy of it.

25 THE COURT: All right. That will be redacted.

1 MS. RANEY: And the only other matter I had Your
2 Honor, during the course of testimony the officer
3 mentioned Mr. Green had been arrested on an unrelated
4 offense. I don't think that's admissible in this case
5 as well either, Your Honor?

6 MR. BARFIELD: Again, in front of the jury my
7 intention would be simply to ask Captain Green if he
8 was in custody and leave it at that.

9 MS. RANEY: Just leave it ---

10 MR. BARFIELD: Well, you know, I think the record
11 has to show that it was custodial interrogation.

12 MS. RANEY: I am fine with that but we are not
13 going to mention he was arrest on --

14 MR. BARFIELD: Absolutely not. I understand Your
15 Honor. I don't want to do this thing again.

16 MS. RANEY: That works for me, Your Honor.

17 THE COURT: All right. Thank you very much.
18 After reviewing the testimony of the officer and the
19 Court's exhibit number 7, I find the totality of the
20 circumstances that I must look at and the standard of
21 the preponderance of the evidence the statement with
22 the redaction as indicated is admissible under State
23 versus Parker and State versus Washington. And
24 further that the line "I had no involvement with the
25 armed robbery of Jeffrey Nard Roseborough about a

1 month ago" is redacted.

2 The nickname Capone is also on the top of the
3 voluntary statement. It hasn't been used at all at
4 this point in the trial, if you want to redact that
5 solicitor.

6 MR. BARFIELD: I don't want -- I intend to banter
7 that name around.

8 THE COURT: It hasn't been heard by the jury at
9 all.

10 MR. BARFIELD: I don't intend to put the statement
11 in. I just intend to ask the officer to quote from
12 it.

13 THE COURT: All right.

14 MR. BARFIELD: But I have no objection to you
15 redacting that it in case there is some need to put
16 the written statement in.

17 THE COURT: All right. It is admissible. Thank
18 you. Thank you, very much. Anything further
19 solicitor?

20 MR. BARFIELD: No, sir.

21 THE COURT: Are you going to finish today? Are
22 you going to rest today?

23 MR. BARFIELD: I think I am.

24 THE COURT: By when?

25 MR. BARFIELD: I will tell you what I got. I got

1 maybe just two officers concerning statements and then
2 some wrap-up stuff, an investigator or two. Not long
3 testimony from the State's part of it. It could be
4 some lengthy cross. I don't know.

5 THE COURT: All right. We will be in recess until
6 two o'clock. Thank you.

7 MS. RANEY: Thank you, Your Honor.

8 (Recess was taken and the trial continued at two
9 o'clock.)

10 THE COURT: All right, anything from the State.

11 MR. BARFIELD: No, sir.

12 THE COURT: Mr. Frick?

13 MR. FRICK: Yes, sir, ready to go.

14 THE COURT: Miss Raney?

15 MS. RANEY: Nothing from me, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (Jury enters the courtroom.)

18 THE COURT: All right. Welcome back ladies and
19 gentlemen. I hope you all had a pleasant lunch. We
20 are continuing the trial of the case, the presentation
21 of evidence and testimony by the State, in its case in
22 chief. If you would please continue to give the
23 parties your complete and undivided attention.
24 Solicitor, you may call your next witness.

25 MR. BARFIELD: The State recalls Fred Thompson.

1 THE COURT: Please come around, Mr. Thompson, you
2 are still under oath.

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q Mr. Thompson, a couple of miscellaneous things first.
6 Do you know whether or not Tate Clinton had any relatives in the
7 trailer park on Roseanna Lane when this event was going on?

8 A Yes, I do.

9 Q Who?

10 A His grandmother lived on Roseanna Lane.

11 Q Do you know where in relation to Jenika Jones's trailer

12

13 A Jenika's back door was Tate's grandmother's front door.

14 Q Side by side?

15 A Side by side. Her address is 1969 Roseanna Lane.

16 Q Did the sheriff's office, you investigators, become
17 aware of Delrico McDow's potential involvement in this case?

18 A Yes, later on.

19 Q Did the sheriff's office become aware of information
20 concerning a gun that might have been used in this case?

21 A Yes, sir, we did.

22 Q What did the sheriff's -- what did you do to try to
23 track down this handgun?

24 A The name that Mr. Blakeney gave us, provided to us as
25 being the relative that he sold the gun to he also provided a

1 location that this person lived, an apartment put, so I went --

2 Q Don't quote anybody, but just tell us what you did?

3 A I actually went out to the apartment complex, spoke
4 with the person's mother. She put us in contact with him and he
5 denied.

6 Q Was the gun recovered?

7 A No, it wasn't.

8 Q Any efforts left unturned to find that gun?

9 A We exhausted all efforts trying to locate it.

10 Q Are you familiar with the Hole in the Wall club?

11 A Yes, sir, I am.

12 Q Do you know whether it is open now or not?

13 A I don't think that it is.

14 Q What is the Hole in the Wall? What is or was the Hole
15 in the Wall club? Did it have another name?

16 A Sometimes it goes by Self Controlled Brothers. There
17 is a sign out front that says Self Controlled Brothers, but most
18 people know it as the Hole in the Wall.

19 Q And where is this location?

20 A South Market Street. It use to be the feeding farm
21 little store. On the right if you are going down market as if
22 you are going out towards Old Cannon Highway the feeding farm is
23 on the right. Self Controlled Brothers was just a little
24 further down through the light on the left.

25 Q Do you know where Portabell Lumber Company is?

1 A Yes, I do.

2 Q It is anywhere near Portabell Lumber Company?

3 A It is. It is right across the street from there.

4 Maybe 2/10's of a mile north.

5 Q Now, in connection with your investigation of this case
6 did you have occasion to met Tate Clinton on January 27th of
7 2012?

8 A Yes, sir, I did.

9 Q Was he arrested and in custody?

10 A Yes, he was.

11 Q Where did you meet Tate Clinton on that day?

12 A In our detention center.

13 Q Was he in a cell?

14 A Yes, sir he was.

15 Q Were you in the cell with him?

16 A No, sir, I was not.

17 Q On that date did you read him any Miranda warnings and
18 tell him what his constitutional rights were?

19 A No, sir, I did not.

20 Q Did you have some conversation with him?

21 A Yes, sir, I did.

22 Q Who initiated the conversation?

23 A He did.

24 Q At the time you were talking with Mr. Clinton that day

25 -- first of all did you know approximately how old he was?

1 A Approximately. I knew early twenties.

2 Q Did you have any definitive knowledge of his
3 educational level?

4 A I had no idea.

5 Q Did you have occasion to observe him that day?

6 A Yes, sir, I did.

7 Q Did he appear to have any physical injuries or physical
8 discomfort or illnesses or anything going on with him?

9 A No, sir, I didn't see anything like that.

10 Q Did you have any difficulty understanding words and
11 phrases he was using with you?

12 A Not at all.

13 Q Did he appear to have any difficulty understanding
14 words and phrases you were using with him?

15 A No, sir, he did not.

16 Q At any time during your conversation with Tate Clinton
17 on January 27th did you make him any promises about anything?

18 A No, sir.

19 Q Did you make any threats -- first, let me back up. Did
20 you make any promises in exchange for information he might
21 provide you?

22 A No, sir I did not.

23 Q Did you make any threats against him to attempt to make
24 him give you information?

25 A No, sir.

1 Q Did you do anything to coerce him to tell you anything?

2 A No, sir.

3 Q Did he give you any information about his whereabouts
4 the night of Thursday January 19th of 2012?

5 A Yes, sir, he did.

6 Q Where did he tell you he had been?

7 A He told me that went to the Hole in the Wall nightclub
8 on Market Street.

9 Q Did he tell you how he got there?

10 A Yes, sir. He told me he was taken there by his cousin
11 Tony Cunningham.

12 Q All right. Did you have occasion to see Mr. Clinton
13 again on February 23rd of 2012?

14 A Yes, sir, I did.

15 Q Was he still arrested and in custody?

16 A Yes, sir he was.

17 Q Where did you see him that day?

18 A At the sheriff's office.

19 Q Where at the sheriff's office -- was the sheriff's
20 office out, further out on Pageland Highway in the old location?

21 A Yes, 1941 Pageland Highway.

22 Q And where within the sheriff's office did you see Mr.
23 Clinton that day?

24 A Its like a break room type area. Often times there is
25 vending machine -- well, there were vending machines in there at

1 the time.

2 Q Who else was present when you were with Mr. Clinton on
3 2-23 of '12?

4 A From the sheriff's office Captain Craig Bailey was with
5 me and Mr. William Frick was there with Mr. Tate.

6 Q And did you understand what capacity Mr. Frick was
7 there with Tate Clinton that day?

8 A Yes, sir, I did.

9 Q And what was your understanding of Mr. Frick's capacity
10 with regard to Tate Clinton that day?

11 A He was there to insure that Mr. Tate's rights were not
12 violated.

13 Q Was he his lawyer?

14 A Yes.

15 Q Okay. Did you read Mr. Clinton his Miranda warnings
16 that day?

17 A Yes, sir, I did.

18 Q I will show you a document and ask you if you can
19 identify what this is?

20 A This is a copy of the Miranda warning that we read to
21 Mr. Clinton.

22 Q Let me back up just a minute. On 1-27 of '12 was there
23 any written statement produced as a result of your conversation?
24 Any written statement about Tate Clinton as a result of of your
25 conversation that day? Did he give a written statement?

1 A No, sir, he did not.

2 Q Now, what is the purpose of that document in its
3 general sense?

4 A The Miranda warning?

5 Q Yes.

6 A I could read it if you need me to.

7 Q Well, let's do it one time.

8 A Okay.

9 Q Let me ask you some questions and then once we will get
10 to you read the whole thing. Is that document specific to your
11 conversation with Mr. Clinton on 2-23 of '12?

12 A Yes, sir.

13 Q Did you read that document in its entirety to Mr.
14 Clinton?

15 A Yes, sir, I did.

16 Q Generally speaking what is the top part of that form?
17 Not specific, but generally what is the top part of that form?

18 A As it relates to the top portion?

19 Q Well, the top two thirds of the form, I guess. What is
20 all that about?

21 A Basically the first part of this form gives you just a
22 little bit of information about the person, there name, their
23 educational level, are they under the influence of any type of
24 drugs or alcohol.

25 Q Well, let's just go ahead and answer the questions

1 about Mr. Clinton concerning that. Did you determine on that
2 date what you his age was?

3 A Yes, sir, we did.

4 Q And is it written on that document anywhere?

5 A Not on this form. It is actually on the report, the
6 actual report.

7 Q And what is the next thing you did with that form?

8 A Last grade completed in school.

9 Q What did he say?

10 A Ninth grade.

11 Q Okay. What is next?

12 A Are you under the influence of any type of drugs or
13 alcohol and he indicated that he was not.

14 Q Okay?

15 A Can you read and write the English language and he --
16 we actually checked no on that one.

17 Q Do you know whether he could read and write?

18 A Yes, sir.

19 Q Did you make a mistake?

20 A Yes, sir, I did.

21 Q That's fine. What's next?

22 A The place of the interview. I put LCSO for Lancaster
23 County Sheriff's Office. The date at that time was February 23,
24 2012, and the time was 1:45 p.m.

25 Q And 1:45 p.m. would be the time when you are going over

1 that form with Mr. Clinton?

2 A Yes, sir, that's when we began this process.

3 Q What is after the recording of the time? What starts
4 after that?

5 A This is when we begin to read and explain his Miranda
6 warning.

7 Q And are they printed on that form?

8 A Yes, sir.

9 Q If you let me ask about the procedure first. How do
10 you go through those warnings with a person that you are
11 interviewing, specifically Mr. Clinton?

12 A We read each one. What we typically do is read out one
13 of the warnings and ask them do you understand your rights and
14 what we typically do if they indicate yes they do we ask them to
15 just give us a summary of what they think it means. If they are
16 completely wrong we will explain to them. But even if they are
17 right we make sure that they understand fully as best we can
18 explain to them what their rights on.

19 Q And once you convinced yourself that the person
20 understands is there some way that you record that understanding
21 on that document?

22 A Yes, sir. We ask them to initial it that they do
23 understand their rights.

24 Q And what is the first right you read to Mr. Clinton
25 that day?

1 A We make sure he had the right to remain silent.

2 Q Did he understand?

3 A Yes, sir he did.

4 Q Did he initial it?

5 A Yes.

6 Q Next.

7 A Anything you say can and will be used against you in a
8 court of law.

9 Q Did he he understand?

10 A Yes, sir, he did.

11 Q Did I initial it?

12 A Yes, sir, he did.

13 Q Next.

14 A You have a right to talk to your lawyer and have him
15 present with you while you are being questioned.

16 Q Did did he understand?

17 A Yes, sir.

18 Q Did he initial it?

19 A Yes, sir.

20 Q Was his lawyer present with him?

21 A Yes, sir, his lawyer was present with him.

22 Q Next.

23 A If can you not afford to hire a lawyer one would be
24 appointed to represent you before any questioning if you wish.

25 Q Did he understand?

1 A Yes, sir.

2 Q Did he initial it?

3 A He did.

4 Q Next.

5 A You can decide at any time to exercise these rights and
6 not answer any questions or make any statements.

7 Q Did he understand?

8 A Yes, sir, he did.

9 Q Did he initial it?

10 A Yes.

11 Q Next.

12 A Do you understand each of these rights as I have
13 explained them to you and he indicated he did understand and he
14 initialed it.

15 Q All right. Then what?

16 A Having these rights in mind are you willing to talk to
17 us at this time.

18 Q How did he respond?

19 A He indicated that he would by initialing it.

20 Q Next.

21 A Under that is the waiver of right.

22 Q Okay.

23 A And the waiver of rights indicates I have read my
24 statement of my rights and understand what my rights are. I am
25 willing to make a statement and answer questions. I do not

1 wants a lawyer at this time. I understand and know what I am
2 doing. No promisees or threats have been made to me and no
3 pressure or coercion of any kind has been used against me.

4 Q Did he somehow acknowledge the information in that
5 paragraph?

6 A He did.

7 Q How did he do that?

8 A We actually X'd that out because it did not apply.

9 Q Okay. And it didn't apply because why?

10 A Because his attorney was with him.

11 Q All right. What is the below that?

12 A He was asked to sign it and he actually applied his
13 signature to the form.

14 Q Who else signed it if anybody?

15 A Captain Bailey with the sheriff's office signed it, I
16 signed it and Mr. Frick also witnessed him.

17 Q Any other writing on that document that we haven't
18 covered?

19 A There is an X for some other reason on here. Some
20 other X.

21 MR. BARFIELD: Your Honor, at this time I would
22 offer the Miranda warnings from 2-23 of '12 as the
23 next State's exhibit.

24 MR. FRICK: No objection.

25 MS. RANEY: No objection.

1 THE COURT: State's 61, entered without objection.

2 (state's Exhibit 61, Miranda warnings, received in
3 evidence as of this date.)

4 Q Again, on 2-23 of '12 was there any apparent
5 communication difficulties between you and Mr. Clinton?

6 A None at all.

7 Q Did Mr. Clinton ask any questions about his
8 constitutional rights?

9 A He didn't ask us any. We can only assume that he spoke
10 with his attorney if he had any.

11 Q Well, in your presence --

12 A No.

13 Q -- ask you any questions --

14 A No, he did not.

15 Q -- about his rights?

16 A No, sir.

17 Q Did he say or do anything to indicate that he did not
18 understand what his rights were?

19 A He did not.

20 Q Did he talk to you and make a statement?

21 A Yes, sir, he did.

22 Q And again was there a -- did he provide a written
23 statement or just orally discuss things with you?

24 A Orally discussed things with us.

25 Q Approximately how long -- first of all. Do you recall

1 whether Mr. Children was restrained in any fashion in the room,
2 in the break room at the sheriff's office while this
3 conversation was going on?

4 A I can't remember for certain, but I do know escorting
5 him from out detention center over to the break room area
6 according to department policy he would have to have on leg
7 irons. He would have to have on belly chains, but often times
8 while we are doing an interview most of the time the person's
9 hands would be unrestrained so they can sign the waiver of
10 rights, and other paperwork.

11 Q Do you have any specific recollection of any undo
12 restraint I guess of Mr. Clinton during this interview?

13 A I don't.

14 Q About how long was Mr. Clinton in your presence during
15 this interview?

16 A I know for certain it was well over an hour.

17 Q Okay. During that time to your recollection did
18 anybody else with the sheriff's office or law enforcement other
19 than the people you already mentioned step in, participate, have
20 any involvement in the interview?

21 A No, sir.

22 Q And at any time do you recall whether or not Mr.
23 Clinton made any requests for what I call comfort items like a
24 bathroom break, something to drink, something to eat, cigarette,
25 anything like that?

1 A I don't remember anything particular right off.

2 Q And again during this interview did you notice any
3 physical injuries or any signs of physical discomfort on the
4 part of Mr. Clinton?

5 A No, sir.

6 Q Did anybody from law enforcement make any promises to
7 Mr. Clinton on 2-23 of 12 to get him to give you information?

8 A No, we did not.

9 Q Same question with relating to threats. Did anybody
10 make any threats to Mr. Clinton to get him to give you
11 information?

12 A No, sir, we did not.

13 Q Did anybody in any fashion by law enforcement coerce
14 Mr. Clinton in talking to you?

15 A No, sir.

16 Q Did he waive all his rights and talk to you?

17 A He did.

18 Q I will ask you a few specific questions. Generally
19 speaking the subject of the conversation between you and Mr.
20 Clinton was what?

21 A Basically trying to find out where he was on the night
22 that Jenika was killed.

23 Q And were your questions and was the conversation
24 focused on that night?

25 A Yes, sir.

1 Q Again did he tell you where he had been the night of
2 Thursday, January 19th of 2012?

3 A He did.

4 Q Where did he say he had been?

5 A At the Self Controlled Brothers or at the Hole in the
6 Wall.

7 Q Did he indicate anything to you about what he had been
8 wearing?

9 A Yes. He indicated that he had been wearing a
10 camouflage jumpsuit.

11 Q Was there ever any discussion with Mr. Clinton about a
12 blue jumpsuit?

13 A Yes, sir, there was.

14 Q Who started off that part of the conversation?

15 A He actually brought up the conversation about the blue
16 jumpsuit.

17 Q Did you question him about his ownership or possession
18 of a blue jumpsuit?

19 A I did.

20 Q What was his response?

21 A He indicated that he actually owned the blue jumpsuit
22 but he loaned it out to two other people on a couple of
23 different occasions.

24 Q Did he give you the names of those other people?

25 A He did.

1 Q What names did he give you?

2 A He told us that one person was Reggie Stover.

3 Q Stop right there. Did he discuss who Reggie Stover was
4 or where Reggie Stover lived?

5 A Yes, he indicated that Reggie actually lived with him
6 at 1969 Roseanna Lane.

7 Q Okay. While we are talking about that, did you all
8 have any discussion -- while we are talking about Roseanna Lane
9 did you and Clinton have any discussion about his knowledge of
10 the victim, Jenika Jones, or where she lived? Was there any
11 discussion about that at all?

12 A We did.

13 Q What did he say about that?

14 A He didn't know that she lived in the mobile home right
15 beside his.

16 Q You said Mr. Clinton talked about two people that he
17 said he had loaned the jumpsuit to?

18 A Yes.

19 Q Who else did he say that he had loaned the jumpsuit to?

20 A A person by the name of Wayne, but he did not know
21 Wayne's last name.

22 Q Okay. Did you and Mr. Clinton have any conversation
23 about the fellow by the name of Pomp Blackmon?

24 A We did.

25 Q What was the initial part of that conversation?

1 A Initially he didn't know Pomp Blackmon.

2 Q Did that change somewhere during the conversation?

3 A It did.

4 Q How did it change and tell the jury what Clinton told
5 you by way of a change to that response?

6 A Well, later he indicated that he did know Pomp
7 Blackmon. He had seen him around in various places throughout
8 the county and he that knew what type of vehicle Mr. Blackmon
9 own.

10 Q Did he indicate anything about whether he knew where
11 Mr. Blackmon lived, generally.

12 A In the Newtown area. He knew he lived in the Newtown
13 area.

14 Q Are you familiar with Pomp Blackmon's address?

15 A Yes, sir, I am.

16 Q And what area of Lancaster is that in?

17 A It is in the Newtown area.

18 Q Was there ever specific discussion with Mr. Clinton
19 that day about white Cadillac with a rag top?

20 A Yes, sir, there was.

21 Q What was the initial discussion about a white Cadillac
22 with a rag top?

23 A Initially he indicated that he didn't -- he had not
24 seen a vehicle matching that description. Didn't know of anyone
25 that owned one.

1 Q Did his response to that line of discussion change?

2 A Yes, sir, it did.

3 Q How did it change?

4 A Later he came to realize that he knew that Pomp
5 Blackmon owed a white Cadillac matching that description.

6 Q Did you at some point ask Mr. Clinton whether he had
7 ever been in or driven that Cadillac?

8 A I did.

9 Q What was his response?

10 A Initially he indicated that he never been in the
11 vehicle. He had never driven the vehicle.

12 Q Was there some discussion during this interview about
13 DNA connected with perhaps a blue jumpsuit or a white Cadillac?

14 A Yes, sir, there was.

15 Q Did Clinton have any response to any inquires you made
16 concerning his DNA maybe being on either each one of those two
17 items?

18 A Say it one more time.

19 Q Let me just ask you this point blank. Did you ever ask
20 Clinton whether there was any possibility his DNA would be on
21 the blue jumpsuit or the white Cadillac.

22 A Yes, sir I did.

23 Q Did he have some response as to questions first as to
24 the blue jumpsuit?

25 A Yes, sir.

1 Q What was his response to that?

2 Q He told me that he touched the jumpsuit several times
3 as he moved it throughout the house, or as well as when he
4 loaned it out to other people. So he indicated that his DNA
5 should be on the jumpsuit.

6 Q How about the Cadillac? Did he have any response to
7 your query about whether he might have some DNA on that
8 Cadillac?

9 A He did.

10 Q What was his response to that?

11 A That he leaned on the car to talk to a female that we
12 can only assume was in the car.

13 Q And did he say when and where that occurred?

14 A It happened at the Hole in the Wall on the night that
15 Jenika was killed.

16 Q Did you have occasion to met with Tate Clinton a third
17 time on 3-9 of '12?

18 A Yes, sir, I did.

19 Q Where did that meeting occur?

20 A In our detention center.

21 Q Was Mr. Clinton still arrested and in custody?

22 A Yes, sir, he was.

23 Q On that date did you again go over Mr. Children's
24 Miranda warnings and the waiver with him?

25 A No, sir, I did not. At that time I did not.

- 1 Q Okay. At any time that day did you?
- 2 A Yes, sir, I did later that day.
- 3 Q Can you identify that piece of paper?
- 4 A Yes, sir, I can.
- 5 Q And what is that piece of paper generally?
- 6 A This is an 'another' copy of Miranda warning.
- 7 Q Related to what person?
- 8 A Devantee Clinton.
- 9 Q And what date?
- 10 A March 9, 2012.
- 11 Q Is the form the identical form for State's Exhibit
- 12 Number 61 which you identified as 2-23 Miranda warnings?
- 13 A Yes, this is identical.
- 14 Q Same piece of paper?
- 15 A Yes.
- 16 Q Did you follow the same process on 3-9 of '12?
- 17 A Yes, sir, we did.
- 18 Q Anything different about the process meaning how you
- 19 went through the form and how you asked him the questions and
- 20 how he responded?
- 21 A The only thing we probably spent more time on was just,
- 22 you know, the forth warning indicating again that if he can not
- 23 afford to hire a lawyer one would be appointed to represent him.
- 24 That was the only thing we spent more time on then before.
- 25 Q Did he still have a lawyer, Mr. Frick, on 3-19 of '12?

1 A He did.

2 Q And did you know that?

3 A Yes, I did.

4 Q Nothing had changed about that as far as you know?

5 A No, sir.

6 Q Generally, you hold on to the form. Did you read him
7 all his rights that day?

8 A I did.

9 Q Did he indicate whether or not he understood each one
10 of them?

11 A He indicated he did understand.

12 Q How did he indicate that to you?

13 A By putting his initial on each line next to the warning
14 or the right.

15 Q Did he sign the form?

16 A He did.

17 Q Did he provide some information to you that day?

18 A He did.

19 MR. BARFIELD: Your Honor, at this time I offer
20 this Miranda warning associated with the 3-9 of '12
21 interview as State's 62.

22 MR. FRICK: No objection.

23 MS. RANEY: No objection.

24 THE COURT: State's 62 is in evidence without
25 objection.

1 (state's Exhibit 62, Miranda warning, received in
2 evidence as of this date.)

3 Q Mr. Thompson, generally speaking, who initiated -- as
4 between you and Devatee Clinton on 3-9 of '12 who initiated
5 discussion about anything?

6 A Mr. Clinton initiated the conversation.

7 Q And was there some discussion again about the Jenika
8 Jones investigation?

9 A Yes, sir.

10 Q As far as you know had anything changed about -- stupid
11 question -- his age or education between 2-23 and 3-9?

12 A As far as I know nothing had changed.

13 Q On that date did he say or do anything to make you
14 think that he did not understand what his rights were?

15 A He did not.

16 Q Did he appear to be under any physical or emotional
17 distress that day?

18 A No, sir.

19 Q Did you have any problems communicating with him that
20 day?

21 A No, sir.

22 Q Did he say or do anything to make you think that he
23 didn't understand what his rights were?

24 A He did not.

25 Q How long were you all together that day?

1 A That interview was probably less than an hour.

2 Q And where did that interview occur?

3 A In the sheriff's office. We actually brought him up to
4 the sheriff's office.

5 Q Who else was present that day, if anybody?

6 A Captain Craig Bailey was actually in on that interview.

7 Q Were the circumstances of the location any different
8 that day?

9 A No, sir.

10 Q Was Mr. Clinton's restraint circumstances any different
11 that you remember that day?

12 A No, sir.

13 Q At any time that day did he make any requests that were
14 denied; creature comfort type things?

15 A No, sir, not that I remember.

16 Q On that day did anybody promise him, make him any
17 promises to get him to provide information?

18 A We did not.

19 Q Make any threats to him to get him to talk?

20 A No, sir.

21 Q Try to coerce him in any way?

22 A No, sir.

23 Q Did he give you a little bit of information?

24 A He did.

25 Q Specifically was there any discussion between you and

1 he -- you and him concerning Wayne Blakeney?

2 A We did.

3 Q What did he say about Wayne Blakeney?

4 A That he saw Blakeney.

5 Q Where?

6 A At the Hole in the Wall.

7 Q And traveling how?

8 A In the white Cadillac.

9 MR. BARFIELD: Thank you. Answer anything Mr.

10 Frick or Miss Raney has.

11 THE COURT: Thank you, solicitor. Mr. Frick.

12 MR. FRICK: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. FRICK:

15 Q Mr. Tompson, when you spoke to Mr. Clinton the first
16 time, January 27th, was he brought over to you or did you go
17 over to him?

18 A I went over to him.

19 Q And you spoke to him in a holding cell at the detention
20 center?

21 A Yes, sir.

22 Q Was he behind a door or was a door open?

23 A He was behind a door. We actually spoke through a
24 flap.

25 Q Okay. Now, you and I have both have idea about this

1 door did, but this is a solid door?

2 A Yes.

3 Q Metal door?

4 A Yes.

5 Q It has got a small window in it?

6 A Yes.

7 Q Can't really see in that window, and then there is a
8 flap that items go in and out of?

9 Q Yes, sir.

10 Q About knee level?

11 A Higher than knee level about two or three --

12 Q You got to bend over to talk?

13 A Yes.

14 Q You were bending over to talk through?

15 A Yes, sir.

16 Q Were you making eye contact with Mr. Clinton?

17 A Yes, sir.

18 Q As far as a law enforcement person, not jail personnel,
19 were you the only police officer that was standing there at the
20 time or do you recall?

21 A I believe that I was the only one, but -- I believe I
22 was the only one. If someone were with me I probably would have
23 documented it.

24 Q That's fine. Do you watch cop shows?

25 A Now, no, sir.

1 Q I don't watch Law and Order. On TV shows and on movies
2 and stuff you always see some police officer say read him his
3 rights. The Miranda that you and solicitor went over is that
4 what common referred to as the rights we are talking about?

5 A Yes. Yes.

6 Q You didn't read him his rights that day, did you?

7 A No, sir.

8 Q He spoke to you?

9 A Yes.

10 Q All right. And he told you that he had been over to
11 the Hole in the Wall?

12 A He did.

13 Q And he told you that he was brought over there by his
14 cousin?

15 A Yes, sir.

16 Q He also told what he was wearing, didn't he?

17 A Yes, sir, he did.

18 Q What did he say?

19 A He said he was wearing a camouflage jumpsuit.

20 Q All right. Let's skip ahead to the 23rd. The 23rd
21 there was an arranged meeting. This was not a happenstance
22 meeting, correct?

23 A That's correct.

24 Q You and I communicated on that didn't we?

25 A Yes, we did.

1 Q Mr. Clinton had made you aware you had an attorney and
2 you contacted me so we could set up a meeting on this day,
3 correct?

4 A Yes.

5 Q And that's the meeting that occurred, right?

6 A Yes, sir.

7 Q Okay. He was Mirandized at that time, obviously we see
8 the form, right?

9 A Yes, sir.

10 Q And that time he said that he was wearing what? In
11 that statement what does he say he is wearing?

12 A Again, he indicated he was wearing a camouflage
13 jumpsuit.

14 Q Okay. He is wearing the camouflage and I started at
15 the middle of it. He was at the Hole in the Wall?

16 A He was.

17 Q He talked about this blue jumpsuit but said it had been
18 lent out?

19 A Yes, sir, he did.

20 Q So, I am guessing Mr. Stover is like a roommate. Were
21 you able to determine who that is?

22 A I really don't know. I hate to assume, but this person
23 he indicated lived with him.

24 Q Okay. And then some guy name Wayne?

25 A Yes.

1 Q Don't know anything --

2 A He didn't give us a last name.

3 Q Okay. Any indication where Wayne stayed at or anything
4 like that?

5 A He didn't provide any additional information about the
6 identity of who Wayne is.

7 Q Okay. All right. Then we get to Mr. Pomp Blackmon?

8 A Yes, sir.

9 Q Now, is it common when you are talking to somebody in
10 the case that they are not necessarily forthright with
11 everything at the very beginning?

12 A Yes, that is common.

13 Q So initially he tells you I don't know who Pomp
14 Blackmon is, right?

15 A Yes.

16 Q But he does as the conversation goes on tell you, yeah,
17 I know who Pomp Blackmon is?

18 A Yes.

19 Q I know what kind of car he has?

20 A Yes.

21 Q And it is the white Cadillac?

22 A Yes.

23 Q Do you recall about how long it took him for him to
24 change his tune?

25 A I really can't. I don't know if it was 15 or 20

1 minutes or half an hour. I can't remember how long it took us
2 to get to the point where he began acknowledge knowing him.

3 Q Do you recall how long this whole interview was?

4 A I am pretty certain it was well over an hour. It was a
5 rather lengthy interview.

6 Q All right. But at some point in there he goes from
7 saying, yeah, I do know who he is, right?

8 A Yes. Yes, he does.

9 Q All right. Talk about March 9th. Well, let me ask you
10 this before we get to talk to him on March 9th. Had Mr. Clinton
11 made any contact or attempted contact with you wanting to speak
12 any further?

13 A No, sir.

14 Q Okay. Between January 27th and February the 23rd had
15 he made any contact or attempted contact to talk with you
16 further?

17 A No, sir.

18 Q Other than you and I communicating about setting up
19 that meeting?

20 A That's correct.

21 Q So between February 23rd and March 9th he doesn't write
22 you letter, you don't get word?

23 A No. No contact at all.

24 Q Only from me?

25 A No, sir.

1 Q He is still over at the detention center. Do you go
2 see him or does he come see you?

3 A I actually go over to see him.

4 Q Later he gets brought over, right? I think that is
5 what you said.

6 A Well, while we were there is when I bring him back over
7 to our facility.

8 Q Okay. All chat a little bit. What makes you decide
9 you need to bring him over to sheriff's department?

10 A He indicated that he wanted to see me without you.

11 Q Okay. All right. Now, you all had a conversation
12 about that, didn't you?

13 A Yes.

14 Q You had me present on another interview. You knew he
15 had an attorney. We had communication prior to that other
16 conversation. You didn't make any contact on this one, correct?

17 A That's correct.

18 Q You took him on over then and then had a conversation
19 with him?

20 A Yes.

21 Q Okay. And I think he was Mirandized on that one as
22 well. He was read his rights?

23 A Yes, he was.

24 Q And on that one does he indicate he -- you were
25 obviously asking him about the night in question, right?

1 A Yes. Yes, sir.

2 Q And he indicates that he was still consistent saying he
3 was at the Hole in the Wall?

4 A Yes, that is correct.

5 Q And he did see this white Cadillac?

6 A Yes, that is correct.

7 Q He did not say he was in the white Cadillac?

8 A He did not say that.

9 Q And he says that he sees Mr. Blakeney in the Cadillac?

10 A Yes.

11 Q Were you present this morning?

12 A I was.

13 Q You saw Mr. Blakeney testify?

14 A Yes.

15 Q Is that the guy we are talking about?

16 A I never interviewed Mr. Blakeney.

17 Q Okay. All right. Well, do you know the Blakeney that
18 he was talking about when he saw Blakeney. Did he say Wayne
19 Blakeney?

20 A Yes, in my report it has Wayne Blakeney.

21 MR. FRICK: Okay. Thank you, sir, that is all the
22 questions I have.

23 THE COURT: Miss Raney.

24 CROSS EXAMINATION

25 BY MS. RANEY:

1 Q Investigator Thomas -- Thompson. I am sorry. When
2 were you speaking with Solicitor Barfield earlier this afternoon
3 you mentioned that you were unable to locate this alleged gun at
4 March Barnes. Was it at his residence?

5 A Yes, I believe it was his residence.

6 Q Does Marcus Barnes live with his mama?

7 A That is my understanding he lived with her.

8 Q Okay. Did you actually perform a search of the
9 residence?

10 A We did not have enough to actually get a search warrant
11 for the residence. If my memory serves me correctly there was
12 so much time had elapsed between the incident and the time we
13 received the information we just don't believe we could have
14 gotten enough for a search warrant.

15 Q Okay, so when we are talking about the time that
16 elapsed are you speaking of the time period when Miss Jones was
17 killed up until the time period that you learned Mr. Barnes may
18 have the gun?

19 A Yes.

20 Q I wanted to be sure we were talking about the same
21 thing. And can you explain to the jury just the general process
22 -- not specific to this case about what a search warrant is and
23 how police go about getting them?

24 A Well, a search warrant to me is almost like writing any
25 type of anything. You have to answer five questions; who, what,

1 when, where and how.

2 First of all the location. How you know that what you are
3 looking for is in this location. Often times when we are doing
4 things we have to determine the credibility of the person that
5 we receive the information from. If we've had a long working
6 relationship with someone it would be pretty easy to write a
7 search warrant based off of what someone has provided to us.
8 But if you just met someone today and they tell you they sold
9 something forever ago, I just don't think a judge would give you
10 a warrant.

11 You have you to make sure you have the location. Where you
12 are going to search within our jurisdiction. When. I guess how
13 you now it is there, when was it brought there. How do you know
14 it's not gone. It is not as easy as just going to a judge -- I
15 guess as Mr. Frick said watching television, I will call get a
16 warrant. It is not that easy. It is a long detailed narrative
17 of who you interviewed and how you know for certain that this
18 information is there.

19 Q Right. So in this particular case you said you
20 yourself did not apply to get a search warrant, correct?

21 A That's correct.

22 Q And you are not aware of any other police officer
23 employed with the sheriff's office that may have tried to get a
24 search warrant for Mr. Barnes's residence, are you?

25 A No, ma'am.

1 Q And going by the general description you gave of the
2 search warrant process, if an officer had gone to a judge trying
3 to get a search warrant in this case is one of the things that
4 would have been included in that request the information you all
5 received from Mr. Wayne Blakeney?

6 A Yes, we would have to to provide that information.

7 MS. RANEY: Thank you. I don't have any further
8 questions.

9 THE COURT: Solicitor.

10 MR. BARFIELD: Nothing further.

11 THE COURT: Thank you. That you Mr. Johnson.

12 All right, you may call your next witnees.

13 MR. BARFIELD: Call Captain Michael Green.

14 MICHAEL GREENE, called as a witness, having been
15 duly sworn by the clerk, was examined and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. BARFIELD:

19 Q Tell us your name, please sir.

20 A Michael C. Greene.

21 Q And Captain Greene by whom are you employed?

22 A South Carolina Law Enforcement Division.

23 Q How long have you been employed by SLED?

24 A 14 years.

25 Q Did you work in law enforcement before going to work

1 for SLED?

2 A Yes, sir, I worked at Lancaster Police Department prior
3 to that for about ten years.

4 Q And what is your current job at SLED?

5 A I am captain over the special victims unit at SLED.

6 Q What was your rank and job description at SLED in
7 January of 2012?

8 A I was an agent. I worked in the Midlines Investigative
9 Regions and I assist local law enforcement with investing crime
10 such as the one we are here for today.

11 Q And are you a Lancaster residence?

12 A Yes, sir.

13 Q Been for how long?

14 A About thirty five years.

15 Q Most of your adult life?

16 A Most of my life, yes.

17 Q Did you participate and assist is the Lancaster County
18 Sheriff's office in the Jenika Jones homicide investigation?

19 A Yes, sir, I did.

20 Q And specifically on January 25th of 2012 did you meet
21 somebody known as Al Martinez Green?

22 A Yes, sir.

23 Q Where did you meet Mr. Green?

24 A At the Lancaster County Sheriff's Office.

25 Q Was Mr. Green arrested and in custody when you met him?

1 A Yes, sir.

2 Q And did you meet him actually in the sheriff's office
3 or out in the jail?

4 A Inside the sheriff's office in Captain Bailey's office.

5 Q I will show you a document and ask you if you can
6 identify it for me please sir.

7 A Yes, this is a Miranda warning rights form.

8 Q Is it a SLED form or is the Lancaster County Sheriff's
9 form?

10 A Lancaster County Sheriff's Office form.

11 Q Did you get that from somebody at the sheriff's office
12 that day?

13 A Yes, sir.

14 Q Do you know -- tell me is it identical form except for
15 the writing on it that Fred Thompson just described for us
16 concerning Tate Clinton?

17 A Yes, same form.

18 Q Did you on that date read Mr. Green his Miranda
19 warnings?

20 A Yes, sir, I did.

21 Q Verbatim from that form?

22 A Yes, sir.

23 Q I am not going to ask you to read the entire warnings
24 but let me just ask you some general questions about what you
25 did first.

1 Did you determine how old Mr. Green was or date of birth?

2 A Yes, he was 19 at the time.

3 Q Did he -- I will jump way a head. Did he give a
4 written statement that day?

5 A He did.

6 Q And did you record his birthday on the written
7 statement itself?

8 A Yes, sir, I did.

9 Q Did you determine how much education Mr. Green had?

10 A Yes, sir, I did.

11 Q And how far had he gone in school?

12 A He had completed the 9th grade.

13 Q Did you determine whether he had been drinking or doing
14 drugs that caused him not to understand what was going on?

15 A He said he had not. Did not not appear to have been
16 also.

17 Q Did you determine whether he could read and write the
18 English language?

19 A Yes, he could.

20 Q What time was it that you were reviewing the Miranda
21 warnings with Mr. Green?

22 A About 12 minutes after 12 noon.

23 Q I am not going to get you to read them all, but did you
24 read every one of the warnings on that form that you have in
25 your hand to Mr. Green that day?

1 A What I would have done is read it to him and then hand
2 it over to him. Tell him to read it to himself. Make sure he
3 understood each and every one of those rights and then initial
4 beside each.

5 Q And did you do that with Mr. Green?

6 A I did.

7 Q And did he -- first of all, did he indicate that he
8 understood each of those rights?

9 A He did.

10 Q Did he initial to indicate that he understood?

11 A Yes, sir, he did.

12 Q Did you go over the waiver portion of the Miranda
13 process with Mr. Green?

14 A Yes, sir, I did that all at one time and he reviewed
15 the entire form himself and then he signed at the bottom.

16 Q Okay. Did he waive his rights and discuss with you
17 matters related to the death of Jenika Jones?

18 A Yes, sir, he did.

19 MR. BARFIELD: Your Honor, at this time I offer
20 the Miranda warning waiver form from 1-25 of '12 as
21 State's Exhibit Number 63, I believe.

22 MR. FRICK: No objection.

23 MS. RANEY: No objection.

24 THE COURT: States 63 in evidence without
25 objection.

1 (State's Exhibit 63, Miranda form, received in
2 evidence as of this date.)

3 Q Did you have any trouble communicating with Mr. Green?

4 A No, sir.

5 Q Did he appear to have any trouble communicating with
6 you?

7 A No, sir.

8 Q Did he say or do anything to make you think he didn't
9 understand what his rights were and what you all were engaged in
10 at the time?

11 A He did not.

12 Q Did anybody participate with you?

13 A Captain Bailey with the sheriff's office.

14 Q And where in the sheriff's office was this going on?

15 A In Captain Bailey's office.

16 Q Was Mr. Green dressed out in the attire of the
17 Lancaster County Detention Center do you recall?

18 A I believe he had street clothes at the time.

19 Q All right. Do you recall whether he was restrained in
20 any you fashion?

21 A I don't recall him being restrained at all.

22 Q About how long did this interview process last with Mr.
23 Green?

24 A It was a little over three hours from the time when I
25 read him his rights until we completed the written statement.

1 Q All right. Other than you and Captain Bailey, did any
2 other officers directly participate?

3 A No, sir.

4 Q At any time during this process do you recall whether
5 Mr. Green asked for anything like a pee break, a smoke break,
6 something to drink, something to eat, call mama, or anything
7 like that?

8 A I don't think that he did. Certainly if he would have
9 I would have obliged.

10 Q Anything or within reason?

11 A If he wanted a hamburger from Burger King we probably
12 wouldn't have supplied that, but a cup of water, a drink, go to
13 bathroom of course we would have.

14 Q Anybody promise Mr. Green anything to get him to talk
15 to you all that day?

16 A No, sir.

17 Q Anybody in law enforcement promise him anything to get
18 him to talk to you?

19 A No, sir.

20 Q Anybody in law enforcement threaten in any way to get
21 him to talk?

22 A No.

23 Q Anybody in law enforcement do anything of a coercive
24 nature to get him to talk?

25 A No, sir.

1 Q Do you recall the demeanor of the conversation on both
2 sides?

3 A Yeah, I recall it being calm. You know, we challenged
4 him on some things that we didn't agree with.

5 Q Okay.

6 A But it went well.

7 Q Anybody slamming on the tables or turning over chairs
8 or slamming doors or anything?

9 A No, sir.

10 Q Okay. And did Mr. Green waive his rights and talk to
11 you and give you a written statement?

12 A He did.

13 Q I will ask you just a couple real specific questions.
14 At some point did you discuss with Mr. Green his whereabouts
15 about the night of Thursday, January 19th 2012?

16 A Yes, sir, we did.

17 Q And did he indicate where he had been?

18 A He did.

19 Q What did he say?

20 A He said he had been at the Hole in the Wall somewhere
21 around between 11:30 and 11:45 is when he got there.

22 Q Okay. Thank you sir. Answer anything Mr. Frick or
23 Miss Raney has?

24 THE COURT: Mr. Frick.

25 MR. FRICK: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MR. FRICK:

3 Q Agent Greene you as SLED agent you come in to assist
4 law enforcement when they call you, in correct?

5 A Yes, sir.

6 Q And that's what your role was in this case?

7 A Correct.

8 Q You assisted on many different things in this case
9 didn't you?

10 A Several different things, yes.

11 Q Okay. Do you recall participating in an interview with
12 with an Apipany Kirk?

13 A You know, if I saw her I might, but not right off the
14 top of my head.

15 A I will show you what I think is part of an incident
16 report. Glance through there and see if that refreshes your
17 memory.

18 A I see my name on the report. I am sure it is correct,
19 but I can't say today I have independent memory of that to be
20 honest with you.

21 Q That's fine. I think it indicates you were present.
22 It doesn't say that participation.

23 A We conducted quite a few interviews in this case as we
24 do a lot of cases.

25 MR. FRICK: Okay. Thank you, sir. That is all the

1 questions I have.

2 THE COURT: Ms Raney.

3 CROSS EXAMINATION

4 BY MS. RANEY:

5 Q Special Agent Greene, when you met with my client Al
6 Green was I there with you at all that day?

7 A No, ma'am.

8 Q Because Mr. Green did not ask to have his attorney
9 present before he answered your questions?

10 A That is correct.

11 Q Okay.

12 Q Do you remember what day you first got involved in the
13 investigation of this case?

14 A If I am not mistaken we would gotten a call the night
15 it actually happened.

16 Q The night it actually happened.

17 A If it wasn't then it was the next morning. One of the
18 two.

19 Q Do you recall actually being on scene at all either on
20 the late hours of January 19th or wee morning hours of January
21 20th at Roseanna Lane?

22 A I don't recall if I was there the night that it
23 happened or the next morning maybe we went back to look at
24 something. It was one of the two, but I don't recall which.

25 Q So fairly soon after the incident happened?

1 A Yes, ma'am.

2 Q And you mentioned when speaking with Mr. Frick you
3 talked to a couple of people throughout the investigation of
4 this case?

5 A Yes.

6 Q Do you remember talking to the father of Miss Jones
7 children Antonio Truesdale?

8 A I do not. If you got a document it might refresh my
9 memory but right off the top of my head I do not.

10 Q I sure do.

11 MS. RANEY: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes, ma'am.

14 Q If you just want to take your time and read over that
15 and let me know if that helps at all.

16 A Ma'am, I can honestly say I do not have an independent
17 memory of this, but certainly I see the report. And let me
18 explain briefly why that may be the case.

19 Investigator Crump typed this statement. I hand wrote Mr.
20 Green's statement which obviously I had at lot more time and
21 involvement in this statement then would I have something that
22 maybe me and Investigator Crump did for ten minutes and then on
23 to something else.

24 Q And over two years ago?

25 A Yeah, and then again if I saw this gentleman that might

1 help and you know, things like that, but just right off the top
2 of my head I don't recall this statement.

3 Q That is completely all right. If you don't remember
4 that is the answer I want to hear.

5 Just one last question for you then, I will hand you up
6 another report to see if you remember speaking with a Rashad
7 Johnson at all on January 23rd of 2012?

8 A I do remember dealing with Mr. Johnson because I
9 vaguely know his mother, so I do remember dealing with him and
10 his mother with Investigator Crump.

11 Q Okay. Do you recall speaking with his mother as part
12 of the investigation as well?

13 A We did talk to her at some point, but it was in
14 relation to her son.

15 Q To her son Rashad Johnson?

16 A Right. Right.

17 Q Were you speaking with Rasha Johnson in this case
18 because he was a person of interest at this time?

19 MR. BARFIELD: Objection.

20 THE COURT: That is hearsay. Let me see that
21 statement.

22 (WHEREUPON, document handed to the Court.)

23 THE COURT: What is your objection, solicitor?

24 MR. BARFIELD: Technically I probably don't have a
25 proper objection to the current question, but I think

1 my objection was more anticipatory as being hearsay.

2 THE COURT: Step out Mr. Foreman, ladies and
3 gentleman of the jury. Step out. Do not discuss the
4 case during the recess.

5 (WHEREUPON, the jury leaves the courtroom.)

6 THE COURT: I take it this is evidence of
7 third-party guilt?

8 MS. RANEY: No.

9 THE COURT: All right. Then what is the purpose
10 of it?

11 MS. RANEY: I was not going to get into any of the
12 statements made about what Rashad Johnson said to
13 Special Agent Greene. I am not trying to point that
14 Mr. Johnson did this. What I was trying to
15 distinguish for later in an argument to the jury, Your
16 Honor, is that they went out to speak to Mr. Johnson
17 because he was a person of interest. Then I was going
18 to ask Special Agent Green if he investigated any
19 alibi after speaking with Mr. Johnson and followed up
20 with his alibi that was given so that I could argue to
21 the jury in closing, you know, they followed up with
22 certain people's alibis that were given but never
23 followed up with others. Not to say that Rashad
24 Johnson did this. It was simply to get at something
25 to critique of the police investigation.

1 THE COURT: Goes to show the quality or the lack
2 of quality of the investigation?

3 MS. RANEY: Of the police investigation.

4 THE COURT: Right. Solicitor.

5 MR. BARFIELD: Your Honor, I think -- I don't
6 think that Captain Greene can answer those questions
7 without it being based upon hearsay. Investigation of
8 an alibi involves him talking to people; Rashad
9 Johnson, maybe his mom, maybe other people that
10 potentially were alibi witnesses and I don't think he
11 can say he had alibi or he didn't have an alibi
12 without relying on hearsay.

13 THE COURT: Well, I certainly think Miss Raney can
14 ask about the quality of the investigation. I think
15 she can ask that. I mean I think that is further
16 ground for any cross examination.

17 MR. BARFIELD: And I don't disagree with that. I
18 think certainly she can ask.

19 THE COURT: And if the point is they investigated
20 his alibi but they didn't investigate Mr. Green's
21 alibi.

22 Have you been put on notice of alibi?

23 MR. BARFIELD: No, sir.

24 THE COURT: Does Mr. Green have an alibi? Doesn't
25 there have to be notice under the rules?

1 MS. RANEY: We -- I with respect to Mr. Green am
2 certainly not entering an alibi, but it is not even
3 with respect to Mr. Green. Mr. Clinton gave other
4 information saying about where he was. It was going
5 to be a general theme throughout my closing in this
6 case, Your Honor, of all the things the police didn't
7 do. Like not getting search warrants to go through
8 the house and not following up on certain leads they
9 may have received.

10 It was truly meant just as a commentary on the
11 quality of the investigation and holes in the evidence
12 leading to reasonable doubt, but ---

13 MR. BARFIELD: Your Honor, I don't disagree she
14 can say did you investigate this person's alibi, that
15 person's alibi, that person's alibi. Maybe they
16 investigated some and maybe they didn't investigate
17 others. But I think if she starts asking Captain
18 Greene or any other law enforcement officer did the
19 alibi pan out, did the alibi not pan out, that is
20 dependant upon hearsay testimony or hearsay evidence.

21 THE COURT: What requirement would law enforcement
22 have to investigate an alibi if a defendant is
23 required under Rule 5-E notice of alibi to -- I don't
24 know now, maybe you all don't do written motions.

25 Did you do a written motion requesting Discovery on

1 notice of alibi, solicitor.

2 MR. BARFIELD: I did Your Honor and I told -- I
3 was not provided any and was told that there was not
4 going to be an alibi defense on the part of either
5 defendants.

6 MS. RANEY: I don't intends on offering one.

7 THE COURT: Ma'am?

8 MS. RANEY: I don't intend on offering one.

9 THE COURT: Well, why would they have to
10 investigate anything in that regard then?

11 MS. RANEY: My argument generally would be there
12 were some things the police looked into like they
13 should have in this case and some things they didn't.
14 This was a very serious charge. This was a murder
15 investigation. At this point in the status of the
16 investigation they were kind of following up on things
17 but at some point they started to turn a blind eye
18 meaning they stopped sending stuff, the evidence they
19 collected, the cigarette butts and the DNA swabs. It
20 is all just part of a general theme of what they
21 didn't do that is in my opinion establishing
22 reasonable doubt in this case. But if Your Honor is
23 not comfortable with it I still feel I have plenty
24 more to argue.

25 THE COURT: That's quite all right, bring the jury

1 in.

2 All right, we will press on. She can ask about
3 his knowledge.

4 MR. BARFIELD: Can she ask about result of the
5 investigations?

6 THE COURT: Sir?

7 MR. BARFIELD: Can she ask about whether an alibi
8 checked out or not.

9 THE COURT: You can. If you had any reason to
10 suspect Rashad Johnson thereafter or any reason to
11 suspect whoever. There is a lot of people of
12 interest. To start from the body and you move out.
13 We all know that.

14 MR. BARFIELD: Yes, sir.

15 THE COURT: You know that.

16 (WHEREUPON, jury enters the courtroom.)

17 THE COURT: All right. Miss Raney you may
18 continue.

19 MS. RANEY: May Special Agent Greene answer my
20 last question, Your Honor?

21 THE COURT: To be honest with you, you have to
22 repeat it. I don't know if you have to for him or not
23 but you have to repeat it for me.

24 CONTINUED CROSS EXAMINATION

25 BY MS. RANEY:

1 Q Would you like me to repeat the question?

2 A Absolutely, yes, sir.

3 Q Special Agent Green you had a chance to look over a
4 document that I handed you an about an investigation you
5 participate on January 23rd of 2012, correct?

6 A Correct.

7 Q And reviewing that document help refresh your memory
8 about the investigation you participated in on that date?

9 A I remember talking to Mr. Johnson and his mother
10 briefly in the investigation, you know, as far as details or
11 what they said I don't recall that.

12 Q Do you recall if one of the reasons you were talking to
13 Mr. Johnson was that he was a person of interest at that time in
14 the course of the investigation?

15 A He was one of a number of people that we looked at
16 during that time, yes, ma'am.

17 Q Okay. And since that time do you recall whether or not
18 he had been ruled out as person of interest?

19 A Has he been ruled out as a person of interest as of
20 today?

21 Q Well since any time since January 23rd of 2012?

22 A He was not charged with a crime in this case.

23 Q Okay.

24 MS. RANEY: Thank you. I no further questions.

25 THE COURT: Anything in redirect solicitor?

1 MR. BARFIELD: No, sir.

2 THE COURT: Mr. Frick?

3 MR. FRICK: No, sir.

4 THE COURT: All right. Thank you. Thank you, very
5 very Captain, you may stand down.

6 All right, solicitor you may call your next
7 witness.

8 MR. BARFIELD: Your Honor at the risk of in and
9 out, I think I am a point where I need to kind of do a
10 quick inventory.

11 THE COURT: All right.

12 MR. BARFIELD: We may be done, if that is okay.

13 THE COURT: All right. Mr. Foreman and ladies and
14 gentleman of the jury, we will take a 15 minute
15 recess. Do not discuss the case during this brief
16 recess.

17 Thank you very much.

18 (WHEREUPON, there was a brief recess.)

19 THE COURT: All right. You had enough time
20 solicitor?

21 MR. BARFIELD: Yes, the State intends to rest when
22 the jury comes back out.

23 THE COURT: All right. So the State is going to
24 rest. All right. Then the defense have a motion as
25 far as the defendant Green, Mr. Frick?

1 MR. FRICK: Do you want Clinton or Green?

2 THE COURT: I am sorry, defendant Clinton, Mr.
3 Frick.

4 MR. FRICK: Your Honor, at this time the defense
5 would make a motion for a directed verdict. Taking
6 the evidence in the light most favorable to the State
7 I do not believe there is enough evidence for the jury
8 to consider it. It can be decided as matter of law by
9 you. I think you heard, seen, there is obviously a
10 lot of stuff in evidence. However, I think what the
11 State has got against Mr. Clinton is a circumstantial
12 case and merely a circumstantial case, not even a
13 substantial circumstantial.

14 You got to have more than merely circumstantial
15 for it to be decided by the jury and therefore I would
16 ask you to direct a verdict in his favor.

17 THE COURT: Thank you. Thank you, very much Mr.
18 Frick. Miss Raney.

19 MS. RANEY: Thank you, Your Honor.

20 With respect to Mr. Green based on all the
21 evidence that the State has presented I have heard no
22 evidence whatsoever pointing to him as the triggerman
23 in this case. Therefore I am assuming the State is
24 proceeding against him under an accomplice liability
25 or hand of one hand, hand of all theory. Bearing that

1 in mind, Your Honor, from all of the evidence we've
2 heard from the State over the last couple of days I
3 have heard no direct evidence whatsoever against my
4 client. The closest we have come to it would be the
5 testimony of Mr. Blakeney who can not even state
6 whether or not my client actually ever went inside of
7 Miss Jones's trailer that night. He was unable to see
8 him. He was out of his sight line.

9 Mr. Blakeney testifies -- I mean, he never sees my
10 client with a gun. Never hears him have any
11 discussion with either this co-defendant or any of the
12 other could co-defendants in this case about going to
13 do a robbery, intending to aid and assist in any way
14 in hurting Miss Jones or performing any type of lick.
15 In fact all of Mr. Blakeney's discussions appear to
16 have been with Mr. Tate, Mr. Tate Clinton and Mr.
17 Clinton is just saying hey I need to go pick up some
18 money. There is no suggestion made that Mr. Clinton
19 had a different conversation with my client at any
20 time during the night of January 19th, 2012 indicating
21 they had some other plan. Whenever all four of them,
22 according to Mr. Blakeney's testimony, get back inside
23 the vehicle its just Mr. Clinton that is saying things
24 like chill, chill and my client allegedly along with
25 Mr. McDow allegedly are just saying go, go. Get out

1 of there. There is nothing put forth either at that
2 point that my client came out of the house with the
3 gun, with any spoils of any robbery from the Jenika
4 Jones's house, much less that he even knew what
5 happened inside the house that night or was doing
6 anything to further aid and abet any crime that Mr.
7 Clinton may or may not have committed.

8 The other evidence pointing that the State is
9 using against my client would be all the
10 circumstantial evidence whirling around what happened
11 the day before, on January 18th.

12 We heard testimony from Jamal Twitty and Dominique
13 Davis and both of there testimony was that it was
14 Tate that was speaking of doing a lick. They never
15 heard my client initiate any conversation about doing
16 any type of lick. But from my notes from Miss Davis's
17 testimony she is saying Mr. Green was present when Mr.
18 Tate Clinton was suggesting doing a lick and she never
19 heard my client agree to it. She never heard any
20 details given about who we were speaking about. Just
21 that simply my client was there and did nothing more
22 than at best ask for clarification as to who Mr.
23 Clinton was even talking about. Someone with a black
24 car and the evidence that the State has put forth is
25 that Miss Jones doesn't even have a quote, unquote

1 car, she has a jeep.

2 Mr. Twitty's testimony also very circumstantial.
3 And again it is Mr. Clinton that is is initiating
4 conversation about doing a crime and he throws out
5 there first with my client not even there. Hey, I
6 want to do a lick Mr. Twitty. Can you get a ride. Do
7 you want to come along and Mr. Twitt's response is,
8 yeah, whatever. Mr. Twitty then says Al rolls up on
9 their conversation and gives the exact same response
10 that Mr. Twitty did; yeah, whatever. Kind of a
11 brush-off. In fact when Mr. Twitty says Mr. Clinton
12 is saying, yeah, let's go do this tonight my client
13 refuses.

14 My client's own sister was called as a State's
15 witness, Your Honor, in this case. By her testimony
16 she is saying that my client actually lived with
17 Jenika Jones. Miss Latoya Green is friends with
18 Jenika Jones. Has known her since childhood. Has
19 been with her for quite some time. She had a close
20 enough relationship with her that she was named
21 actually the godmother of Jenika Jones three children.
22 Now, I would suggest to the Court that certainly if
23 these children lived with my client, you know, they
24 should be able to recognize him, at least the
25 four-year-old.

1 There is has been no testimony put forth that any
2 one that was present or could have been present inside
3 the home ever saw my client inside of the home. There
4 was no testimony by Latoya Green there was any bad
5 blood between Miss Jones and my client.

6 So Your Honor, coupled with all I had mentioned on
7 top of the fact there is not one piece of DNA or
8 forensic evidence linking my client either to the car
9 or to the home we would put forward that the murder
10 charge should be -- a directed verdict should be
11 granted for my client on that charge.

12 THE COURT: All right. Thank you. Thank you,
13 very much. Solicitor.

14 MR. BARFIELD: Your Honor, I submit as to both
15 defendants there is sufficient evidence, both direct
16 and circumstantial for the case to go to the jury. I
17 specifically asked Mr. Clinton, I think if you look at
18 only -- and I am not suggesting that the jury should,
19 but if you look at the statement of Mr. Blakeney and
20 the activities of Mr. Clinton which are verified by
21 other witnesses, he is clearly in the middle of this.
22 He is the initiator of this. There were -- let me
23 just address it as to both of them.

24 The day before there were two conversations
25 reported and testified to by witnesses saying that

1 Clinton and Green were discussing doing a lick or a
2 robbery. The very day before, the very night before
3 Miss Jenika Jones was killed we got Jamal Twitty who
4 got in to much more detail concerning the conversation
5 that occurred in Carolina Court the night before the
6 night of Jenika Jones's murder. He indicates that
7 Tate Clinton says do you want to go do a whatever.
8 He says that Al Green walks up, Tate Clinton asks Al
9 Green if he wants to do it. Al Green says he is up
10 for it, yeah, whatever. There is discussion about not
11 doing it that night. The difference between Jamal
12 Twitty and Al Green is Jamal Twitty there's no
13 evidence in this case that Jamal Twitty followed
14 through with any request that he provide assistance
15 and participate in this robbery. Whereas there is
16 ample evidence in this case that Al Green was in fact
17 present in the white Cadillac along within Clinton,
18 along with McDow, along with Blakeney. It is clear
19 that they -- of course the jury has got to believe all
20 this evidence -- it is clear that they went to
21 Roseanna Lane. It's clear that three people got out
22 of the car, ran back to the car a few minutes later.
23 It is clear that there was a gun present in the car
24 before and after. It is clear that Clinton said take
25 me out there to get some money. The jury can decide

1 whatever they want to about what "gets some money"
2 means. The gun is in the car after the robbery. The
3 car is recovered. It is clear that's the car that was
4 used in the robbery. The molding I submit is clearly
5 the molding that came off that car found just up the
6 creek from where Miss Jones lived.

7 There is some forensic evidence. Not a whole
8 bunch. The DNA is not real good. There is evidence
9 that the jury can consider. It is admitted evidence
10 and they can take it for what it is worth and it is
11 does to some degree tie Mr. Clinton to again to some
12 degree to items recovered in this case, specifically
13 the blue coveralls.

14 I just submit there is enough evidence as to both
15 defendants for the case to go forward at this point
16 and the jury can do what they think they should do
17 with the evidence that has been presented

18 THE COURT: Thank you, thank you solicitor.

19 All right. Well, as I review the evidence and the
20 standard that I must apply at this stage it appears
21 there have been 22 witnesses presented, or actually
22 21. One of those twice. That being Mr. Thompson.

23 If you start with the analysis of the testimony of
24 Dominique Davis hearing the conversation on 1-18-12
25 that Green and Clinton were talking about doing a

1 lick. That Clinton said he still had Taz's gun and
2 was not going to give it back. That was on the a.m.
3 of the 18th. And then on the p.m. of the 18th there's
4 multiple individuals outside of these same apartments;
5 Mr. Twitty, Mr. Clinton, having a conversation. There
6 is others around also -- about Clinton recruiting
7 someone to do a lick. He asked Twitty. He did
8 responds, yeah whatever, and then when Al Green came
9 up he asked Al Green and Twitty's indication was he
10 said yeah, whatever. That he was down for it.

11 There's a multiple witnesses that talk about the
12 relationship between Clinton and Green. So within 24
13 hours, 36 hours of the homicide you have two separate
14 and distinct individuals. One hearing a conversation
15 between Green and Clinton about doing the lick.
16 Another having that conversation with Clinton about
17 doing a lick and then hearing Clinton ask Green and
18 Green being down for it in that regard.

19 Now, you also have then I guess as you progress in
20 time, you have different testimony from the -- one of
21 the -- one of the individuals about the neighborhood
22 of Newtown and that two individuals, black males go to
23 Newtown and borrow a vehicle from Pomp Blackmon; a
24 white ragtop Caddy that they are going to bring back
25 within an hour and a half, two hours.

1 Now, you have witnesses circumstantially, not only
2 circumstantially and by more direct witnesses placing
3 that Cadillac on Rosanna. That would be the testimony
4 of Shakela Montgomery and her cousin Tameca Nelson
5 that was coming home from Applebees and saw the
6 vehicle coming out being driven in a fast, reckless
7 manner, a white ragtop caddy. Both of them describe
8 it as a white caddy and then Tameca Nelson further
9 goes to say she saw that same car the next day over at
10 the Piggly Wiggly. They further state that when they
11 drive in there that night and they see that car coming
12 out that they don't see police. They don't see EMS.
13 They don't see a crowd. They don't see parties in
14 there where something had potentially already
15 occurred. When that car is both reported to Lancaster
16 police and then recovered by Mr. Pomp Blackmon he
17 testified he kept his car clean. Its got some red
18 clay mud-type on it, it's kind of messy inside and
19 further it was missing a piece of molding. I think
20 that's by the 23rd when Detective Thomspon is out
21 there at his house -- out there at Pomp Blackmon's
22 house, and on that same day on the 23rd, Detective
23 Thomspon goes out and locates the what appears to be
24 molding off of the Cadillac on Roseanna Lane. So, you
25 got witnesses identifying it out there at particular

1 time saying they saw it the next day -- one of them
2 saying they saw it the next day at Piggly Wiggly.
3 Then you have a piece of a car I would say, or at
4 least just it's jury issue as to whether it is a piece
5 of the car or not found on Roseanna.

6 Going all the way back to Pomp Blackmon too, he
7 did not identify anyone in this case however he does
8 say four black males; one in the driver, one passenger
9 and two in the back. That is the same indication that
10 Mr. Blakeney testifies to that he is driving. Mr.
11 Clinton is in the front. He is saying what he done
12 earlier that day. Mr. Green and a person that he does
13 not know at that time who is later identified as being
14 identified as Mr. McDow is in the back seat. So, they
15 got mode of transportation. They got the planning in
16 mind to do a lick. They got tools in which to do a
17 lick and I submit not only are the tools to do a lick
18 but also the fact that they wear -- or at least one of
19 them is wearing a jumpsuit. When the car is recovered
20 by Mr. Blackmon and the police go out there and they
21 find the -- he has already found the jumpsuit and you
22 think there is the ID also from Tyson. Now, when you
23 get to that jumpsuit and you get to the DNA analysis
24 perhaps some of the numbers aren't very great, but
25 there is some corroboration of Mr. Blakeney in the DNA

1 analysis. DNA profile developed from item two is
2 mixture of at least three individuals; Jenika Jones
3 and Delrico McDow can not be excluded as a possible
4 contributor to the mixture. That is swabs from the
5 under side of the storm door handle exterior. That
6 corroborates -- regardless of what the numbers are
7 that corroborates Blakeney.

8 Item three profile -- item three swab from
9 doorknob, DNA profile developed from item three is a
10 mixture of at least two individuals. No conclusive
11 statement can be made regarding the inclusion or
12 exclusion of Jenika Jones and Devatee Clinton as
13 possible contributors. Exclude Pomp Blackmon, Wayne
14 Blakeney, Delrico McDow and Al Martinez Green can be
15 excluded.

16 Item 6.1 which is a cutting from the jumpsuit
17 excludes all parties. Item 6.2 is an unidentified
18 male individual. Item 6.3 -- and I will note 6.2 is
19 an unidentified individual. I do not see that Reggie
20 the roommate that they got buccal swabs from him,
21 unless I am incorrect in that regard. Item 6.3
22 Clinton can't be excused as a contributor. All this
23 is coming from the jump suit. Item 6.4 is mixture of
24 four individuals. Clinton can't be excluded. No
25 statements can be made about inclusion or exclusion of

1 Jones, McDow -- I should say Miss Jones, McDow, and
2 Green in that mixture. That is a corroborating
3 testimony as to Mr. Blakeney, where you have this
4 mixture of individuals, again I say regardless of the
5 numbers. Further from the statements given Green,
6 Clinton and Blakeney were at the Hole in the Wall on
7 the 19th.

8 Testimony of Miss Stradford that she was at -- I
9 keep wanting to call her Chinos. Whatever the name of
10 it is. I don't know how to spell it.

11 MR. BARFIELD: Crenshaw Oil Company, Crenco.

12 THE COURT: Crenco. And she was approach by
13 Clinton wanting cigarettes and he was wearing that
14 blue jumpsuit. The blue jumpsuit in evidence. Her
15 testimony is he was wearing that blue jumpsuit is the
16 testimony given. She told him oh, this friend of mine
17 did you hear what happened to Jenika and he is not --
18 he is not interested. Well, he is not interested in
19 this Court's opinion because he already knows what has
20 had to Jenika or that can be an inference that could
21 be drawn from the -- from the evidence.

22 Y'eisha Tinsley also testified concerning the Hole
23 in the Wall on the 19th. Again Mr. Clinton gives
24 conflicting statements. Mr. Frick wants out on the
25 cross examination of Mr. Thompsen, but it is not usual

1 for someone not to tell the truth, the whole truth and
2 nothing but the truth on there first statement to the
3 police. The cross examination of Mr. Blakeney well,
4 why didn't you tell him the truth on the first
5 statement. So you have all this corroborating
6 circumstantial evidence, and I would further add
7 whether there is blood, whether there is fingerprints,
8 whether there is hair, whether there is fiber, whether
9 there is someone's driver's license at the scene, the
10 absence of evidence is not evidence of absence. You
11 have the testimony of Mr. Blakeney that says he was
12 driving. Two individuals that he knew he identified.
13 Three of them got out of the car, went in down there
14 on the Roseanna, came back in a hurry within ten
15 minutes. The one with the gun appeared to be cool,
16 calm and collected. He says chill. The other ones,
17 lets go, lets go, lets go. I think that shows his
18 manner in which he is driving that I don't know if he
19 skimmed something, hit a rut or what, and that molding
20 comes off. But I think there is both direct and
21 substantial circumstantial evidence as to both Mr.
22 Clinton and Mr. Green and I would be remiss if I
23 didn't point out also the direct statement by Mr.
24 Clinton to Mr. Blakeney that I killed that individual.
25 Not by name but by expletive.

1 All right. Anything further before we bring in our
2 jury from the State? .

3 MR. BARFIELD: No, sir.

4 THE COURT: All right, Mr. Clinton and Mr. Green
5 and your attorney will you come around please.

6 MR. BARFIELD: I know what you are fixing to do.
7 We did update the rap sheets and there is additional
8 matters with the rap sheets that I shared with the
9 lawyers.

10 THE COURT: All right. Mr. Clinton, Mr. Green I am
11 going to back over not entirely, but what we started
12 talking about yesterday concerning your right to
13 testify or not testify. All right, solicitor what is
14 the criminal history that would be subjected to cross
15 examine of Mr. Clinton.

16 MR. BARFIELD: I believe as to Mr. Clinton is a
17 2005 assault and battery of high aggravated nature.
18 That is the year of the conviction. Then in 2012 he
19 was convicted of four offenses, three of which I think
20 are useable for impeachment. You have assault and
21 battery of high and aggravated nature, possession of
22 pistol by a person convicted of a crime of violence,
23 pointing and presenting a firearm and burglary 2nd
24 degree, violent. He also had at the same time
25 carrying a pistol which I concede would not be

1 useable.

2 That's it for him.

3 THE COURT: All right. Do you agree with that Mr.
4 Frick?

5 MR. FRICK: Your Honor, I agree that is his
6 record. We might spar a little bit over whether they
7 will be admissible. I would contend that the assault
8 of offenses might be too close in nature to what we
9 are in trial here for and would argue that would be
10 not be admissible.

11 Regarding the burglary -- and I don't have the case
12 in front of me, but I have argued before in other
13 cases that the burglary is not probative for
14 truthfulness in and of itself, of course that is the
15 reason why we have the record.

16 Now, in all candor to the Court, I do not believe I
17 would win those arguments, but would I put them on the
18 record to preserve my client's transcript.

19 However, in discussing it with my client I think
20 that is going to be a moot issue.

21 THE COURT: All right. All right. Well, of
22 course I would think the burglary would be admissible
23 under 609(A), punishable by imprisonment in excess of
24 one year, that evidence accused has been convicted of
25 such crime shall be admitted. If the Court determines

1 that the probative value admitting this evidence
2 outweighs prejudicial effect to the accused -- and I
3 will define the burglary second here. You know,
4 that's a thin line on the assault and battery of high
5 and aggravated nature. Is it a misdemeanor?

6 MR. BARFIELD: Both of those were under the old
7 misdemeanor statute, the ten-year statute.

8 THE COURT: But you say that is going to be moot?

9 MR. FRICK: I believe it is going to be Your
10 Honor. If that changes I will be glad to argue
11 further.

12 THE COURT: Let me ask you this then Mr. Clinton,
13 did you have opportunity to think about your right to
14 testify or not testify?

15 DEFENDANT CLINTON: Yes, sir.

16 THE COURT: Have you made a decision about whether
17 you are going to testify or not testify?

18 DEFENDANT CLINTON: Yes, sir.

19 THE COURT: And what is your decision?

20 DEFENDANT CLINTON: I ain't going to testify.

21 THE COURT: You are not?

22 DEFENDANT CLINTON: No, sir.

23 THE COURT: All right. You understand if you were
24 to testify whatever charges you had that carry more
25 than a year I would allow the prosecutor to ask you

1 about those charges only as it went to the
2 credibility, believability of your testimony. Do you
3 understand that?

4 DEFENDANT CLINTON: Yes, sir.

5 THE COURT: Do you have any questions you would
6 like to ask me about your right to testify or not
7 testify?

8 DEFENDANT CLINTON: No, sir.

9 THE COURT: And that is your decision?

10 DEFENDANT CLINTON: Yes, sir.

11 THE COURT: Made of your own free will and accord.

12 DEFENDANT CLINTON: No, sir.

13 THE COURT: Do you need any more time to talk to
14 your lawyer about that?

15 DEFENDANT CLINTON: No, sir.

16 THE COURT: Thank you. Thank you, very much.

17 Now what about Mr. Green, solicitor?

18 MR. BARFIELD: He has no convictions as an adult.
19 He has two adjudications as a juvenile which I think
20 under the rule would be useable for impeachment
21 purposes. I think the rule says they would be usable
22 for adult convictions juvenile adjudications come in.
23 They are 2004 caring a weapon on school property,
24 which I believe was a five year offense. And 2011
25 assault on a correctional facility employee.

1 I think both of those relate -- I think the later
2 relates to while he was incarcerated at DJJ. I think.

3 THE COURT: All right. I will be glad to hear
4 from you on those Miss Raney.

5 MS. RANEY: Your Honor, I think we would have
6 similar argument to Mr. Frick given the nature of the
7 prior assault and weapons charge being to closely
8 related to the allegations in this case, however also
9 like Mr. Frick mentioned in speaking about his client
10 I believe that will be also be a moot issue here.

11 THE COURT: Well, of course I would allow them to
12 come in to evidence. I would tell the jury if he were
13 to testify and he was be cross-examined I would give
14 them the instruction that they can be used, if at all,
15 only as it goes to the issue of his credibility.

16 All right, Mr. Green, have you made your decision
17 about whether or not you are going to testify.

18 DEFENDANT GREEN: Yes, sir.

19 THE COURT: What is your decision.

20 DEFENDANT GREEN: I ain't going to testify.

21 THE COURT: That is your decision?

22 DEFENDANT GREEN: Yes, sir.

23 THE COURT: Made of your own free will and accord?

24 DEFENDANT GREEN: Yes, sir.

25 THE COURT: Did you have time to talk with your

1 attorney further about it.

2 DEFENDANT GREEN: Yes, sir.

3 THE COURT: Do you need any more time to talk with
4 her?

5 DEFENDANT GREEN: No, sir.

6 THE COURT: Do you have any questions you would
7 like to ask me about your decision?

8 DEFENDANT GREEN: No, sir.

9 THE COURT: All right. Thank you. Thank you, very
10 much.

11 I find both Mr. Clinton and Mr. Green understand
12 their right to testify or not to testify and they have
13 voluntarily freely and knowingly waive their right to
14 testify and I will certainly charge the jury that
15 shall not be held against them and can not even be
16 discussed in the jury room.

17 Thank you very much Mr. Clinton. Thank you, Mr.
18 Green.

19 Let me ask you this, Mr. Frick, does the defendant
20 Clinton intend to present any evidence or testimony?

21 MR. FRICK: No, Your Honor, the defense would
22 rest.

23 THE COURT: Miss Raney, does Green intend to
24 present any evidence or testimony?

25 MS. RANEY: No, Your Honor, we intend to rest as

1 well.

2 THE COURT: All right. Well, why don't we do
3 this. Why don't you all step up here.

4 (WHEREUPON, there was an off the record
5 discussion.)

6 THE COURT: All right. Bring in the jury in
7 please.

8 (Jury enters the courtroom.)

9 THE COURT: All right. Welcome back, ladies and
10 gentleman.

11 You may call your next witness.

12 MR. BARFIELD: Your Honor, that is the case for
13 the State of South Carolina and the State rests.

14 THE COURT: Thank you. Thank you, very much,
15 solicitor.

16 Mr. Foreman, ladies and gentleman of the jury, you
17 have heard all the evidence and all the testimony you
18 are going to hear from the State in its case in chief.
19 The defendant's motion were noted for the record, Mr.
20 Frick, Miss Raney.

21 The defendants, Mr. Clinton and Mr. Green may
22 present evidence and testimony if either or both
23 chooses to do so. Neither or both have to do so. As
24 you recall as I told you in the opening, my opening
25 remark, the State has the burden of proving its case

1 beyond a reasonable doubt. A criminal defendant in
2 South Carolina regardless of the seriousness of these
3 charges is always presumed to be innocent and has no
4 burden of proving himself or herself innocent of the
5 crime charged.

6 However, we will now turn out attention to first
7 Mr. Frick and ask Mr. Frick, does the defendant
8 Clinton intend to present any evidence or testimony?

9 MR. FRICK: Thank you, Your Honor. On behalf of
10 Mr. Devantee Clinton the defense rests.

11 THE COURT: Thank you.. Thank you, very much Mr.
12 Frick.

13 Miss Raney, does the defendant Green intend to
14 present any evidence or testimony.

15 MS. RANEY: On behalf of defendant Al Green, Your
16 Honor, we rest.

17 THE COURT: Thank you. Thank you, very much, Miss
18 Raney.

19 You have now heard ladies and gentleman all the
20 evidence and all the testimony you are going to hear
21 in the trial of this case. Our courts -- I don't want
22 you to think I timed it this way -- but our courts
23 frown upon us beginning closing arguments and charges
24 in front of a jury after four o'clock in the
25 afternoon. It would probably take -- I haven't really

1 asked the attorneys how long they are going to need to
2 argue, but I can tell you this good trial attorneys
3 can't tell time any better than trial judges, whether
4 you consider a judge good or not. It would be a
5 several hour long process probably before I even got
6 the case to you this evening. So I will release you
7 for the remainder of the day.

8 I would ask you again follow my instructions. Do
9 not talk with anyone about the case. Do not watch,
10 listen to, read any news accounts of the case, do not
11 do any independent investigation or any investigation
12 on the internet.

13 The procedure we follow tomorrow is the solicitor
14 will close first on behalf of the State, followed then
15 by Mr. Frick, followed then by Miss Raney. After the
16 three closing arguments by the attorneys I will then
17 instruct you on the law that you are to apply to the
18 facts of the case as you find them to be and then
19 after I have instructed you on the law the case will
20 be submitted to you for your deliberations and for
21 your verdict.

22 With that being said I realize it has already been
23 a long week for you and it is not over yet, but I do
24 appreciate your continued focus and attention and
25 patience that you have shown all the parties and the

1 Court throughout the trial of this case.

2 If you please be back promptly at ten o'clock in
3 the morning. Thank you, very much. I hope you all
4 have a pleasant evening.

5 (Jury leaves the courtroom.)

6 THE COURT: Anything further, Mr. Frick?

7 MR. FRICK: Nothing at this time, Your Honor.

8 THE COURT: Renew motions?

9 MR. FRICK: Yes, at this time the defendant would
10 renew its motion for a directed verdict on the same
11 grounds as previously noted regarding the
12 circumstantial notice.

13 THE COURT: Thank you. Thank you, Mr. Frick. Miss
14 Raney.

15 MS. RANEY: At this time Your Honor on behalf of
16 defendant Green I would renew all previously motions
17 made on his behalf in this case.

18 THE COURT: Thank you and I will renew all my
19 trial rulings and rulings on the directed verdict.
20 You all have any specific requests to charge?

21 MR. BARFIELD: The State does not.

22 MR. FRICK: I will let Miss Raney go ahead.

23 MS. RANEY: May I approach, Your Honor.

24 THE COURT: Certainly.

25 MS. RANEY: And some of these certainly maybe

1 duplicative of the language that is already in some of
2 your instructions.

3 Your Honor, could I give a copy to the court
4 reporter to mark as a Court's exhibit to reflect that
5 these were the ones requested on behalf of defendant
6 Green.

7 (Court's Exhibit 8, charge request, marked for
8 identification as of this date.)

9 THE COURT: I was looking for that case earlier,
10 I know Judge Young's case out of Charleston. I didn't
11 quite make it back to it. This is the one that the defense
12 requested. This is a request you want to go along with the
13 circumstantial evidence charge?

14 MS. RANEY: Yes, please, Your Honor.

15 THE COURT: All right, and if I charge aiding and
16 abetting I do also charge mere presence. I don't not
17 charge that. This looks like my charges. I need to
18 study over the first one a little bit. I usually kind
19 of blend I think it is Madison and another case I
20 can't remember, but I probably got a copy of hand of
21 one, hand of all charge.

22 MS. RANEY: I have an extra copy of Madison if
23 Your Honor would like one.

24 THE COURT: Yes, please.

25 MS. RANEY: I have one that I can give to the

1 solicitor also.

2 Honestly, Your Honor, Madison was part of where I
3 pulled the language from as well I believe it was June
4 of 2013 when they posted proposed jury instructions on
5 the South Carolina Judicial Website. It was a
6 combination.

7 THE COURT: Can you make a copy of that madame
8 clerk?

9 THE CLERK: Yes, sir.

10 THE COURT: That's my standard charge of hand of
11 one, hand of all.

12 So, I will look at that. Did you find Madison to
13 be confusing Miss Raney?

14 MS. RANEY: I certainly would never criticize
15 someone that has been at this way longer than me.

16 THE COURT: I didn't mean it like that. Anybody
17 can look and tell I have been at it way longer than
18 you Miss Raney.

19 MS. RANEY: I felt like this was a kind of trick
20 question. Like when a woman asks do I look fat in
21 this dress. Which way do I go?

22 THE COURT: I know which way I'm going. That is
23 the only request and circumstantial evidence charge as
24 I understand it if it's requested I charge it.

25 MR. BARFIELD: Yes.

1 THE COURT: I will read Logan tonight, but I think
2 I will charge this also, circumstantial evidence
3 charge.

4 MR. BARFIELD: Yes, sir.

5 THE COURT: All right. Do you have any
6 objections?

7 MR. BARFIELD: I don't think I do. I will read
8 over them tonight and let you know if there is
9 anything about it.

10 THE COURT: Make a copy for him.

11 Okay. We will be in recess until ten o'clock
12 tomorrow morning.

13 MS: RANEY: Thank you, Your Honor.

14 (WHEREUPON, we recessed for the day.)
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(WHEREUPON, the trial continued on 3-14-14).

THE BAILIFF: All rise, court is now in session.

THE COURT: Thank you. Please remain seated.

I will you charge the language of Logan, Miss Raney. It appears in reading Logan, the last paragraph of Chief Justice's opinion it says our Grippon, G-r-i-p-p-o-n and Cherry decision commendably sought to remove confusion from the jury's consideration regarding the weight and value afforded to circumstantial evidence. However, at times, a separate framework is necessary to the jury's analysis of circumstantial evidence. Thus, we modify Grippon and Cherry to allow the additional language provided above if requested by a defendant.

So I take that to mean I still charge Grippon and add this language also. Is that what you requesting?

1 MS. RANEY: Yes, Your Honor, that would be fine
2 with me.

3 THE COURT: All right. I wanted to make sure I
4 was reading that correctly. I think my hand of one
5 hand of of all charge -- did you get the opportunity
6 to review that.

7 MS. RANEY: I did, Your Honor.

8 THE COURT: I have mere presence in there. Also
9 your request on aiding and abetting and accomplice
10 liability specific to Mr. Green, I think that becomes
11 a comment on the facts. Not only to Mr. Green, but
12 more specifically to Mr. Clinton. In other words, you
13 know, a gun can be a moving object obviously, and
14 although the testimony is that he, Mr. Clinton, was
15 seen within a gun and Mr. Green wasn't. When Mr.
16 Clinton and Mr. Green and Mr. McDow get out of the
17 vehicle and Mr. Clinton has the gun, that is not
18 conclusive that Mr. Clinton had the gun when the fatal
19 round was fired in Miss Jones. So, I think that is
20 kind of comment on the facts both ways.

21 MR. FRICK: I agree with with that, Your Honor,
22 and obviously it was late when I was typing that.

23 THE COURT: All right.

24 MS. RANEY: I would certainly be all right with
25 general -- just generally not referring to specific

1 defendant, accomplice liability charge.

2 THE COURT: And that's what I give, the hand of
3 one, hand of all, accomplice liability. And I usually
4 give an example and obviously when I give an example
5 it is not fact specific.

6 In a murder case I usually give an example of like
7 a burglary. Although only one person goes in the
8 house two can be guilty of the burglary. If the one
9 that goes in the house is handing the stolen items out
10 the window or if there is a lookout driver or
11 something like that. I always give it, but not
12 specific to the facts of the case that are before the
13 jury.

14 MS. RANEY: That is fine.

15 THE COURT: In other words I don't say two people
16 can be guilty of a murder when only one fired the shot
17 in a murder case. I may say that in burglary case.
18 All right.

19 All right, solicitor, anything further?

20 MR. BARFIELD: No, sir. That would have been my
21 only objection to what Miss Raney was requesting, just
22 delete references to Green specifically.

23 THE COURT: All right.

24 MS. RANEY: And I apologize for that Your Honor.

25 THE COURT: No. No, that is quite all right.

1 MS. RANEY: I did forget to submit in your
2 standard jury charge I sure it will be fine, obviously
3 since we have co-defendants here I am assuming you
4 would instruct the jury as part of the charge to
5 consider each one separately.

6 THE COURT: I think I did that in my opening to
7 them.

8 MS. RANEY: You did.

9 THE COURT: That you consider the evidence
10 separately and distinctly as to each -- as to each
11 defendant. Yes, ma'am.

12 MS. RANEY: So I just ask that be included in the
13 end.

14 THE COURT: Yes, ma'am.

15 MS. RANEY: Thank you.

16 THE COURT: Yes, ma'am.

17 MR. BARFIELD: Your Honor, one additional thing
18 from me. Miss Raney I think during her presentation
19 marked several envelopes which are the cigarette butts
20 as court's exhibits for identification, I think, and I
21 am not sure what the rule is, but it would be my
22 argument that she should not now be allowed to pick
23 those up and banter them around in the presence of the
24 jury.

25 THE COURT: I think she can argue it.

1 MS. RANEY: I have no attention of touching those
2 envelopes or showing them to the jury.

3 THE COURT: I think she can argue it. It is in
4 the testimony, but they can't be shown to the jury.

5 All right. Just give me a general idea how long
6 you think you need only because I am not a clock
7 watcher, but if we need to take a break we will take a
8 break.

9 MR. BARFIELD: I am guessing 30 to 45 minutes. I
10 never know.

11 MR. FRICK: I didn't time myself and some times I
12 get excited when I get up there, but I would imagine
13 about the same thing.

14 THE COURT: Miss Raney.

15 MS. RANEY: I will try and be as short as
16 possible, Your Honor. The more Mr. Frick covers that
17 I was planning to say obviously the more I can cut. I
18 say thirty minutes max.

19 THE COURT: I use to say anything after 27 minutes
20 might not be the truth.

21 MR. BARFIELD: Will you tell me when I get to 27
22 minutes?

23 THE COURT: All right. Anything before we bring
24 in our jury.

25 MR. BARFIELD: Nothing from the State.

1 MR. FRICK: No, sir. I just want to look at one
2 thing first.

3 MR. FRICK: Nothing from us Your Honor.

4 THE COURT: All bring the jury in.

5 (WHEREUPON, the jury enters the courtroom.)

6 THE COURT: Mr. Foreman, ladies and gentleman of
7 the jury, good morning. I hope you all had a pleasant
8 evening. As I told you yesterday the point where in
9 the trial of the case is closing arguments by the
10 attorneys. The procedure we follow in a case such as
11 this is the solicitor closes first on behalf of the
12 State being the party bearing the burden of proof
13 beyond a reasonable doubt, followed by Mr. Frick on
14 behalf of his client, Mr. Clinton, followed by Miss
15 Raney on behalf of her client, Mr. Green.

16 I don't hold attorneys to particular time
17 restraints, timeframes 30 minutes, 45 minutes. I
18 don't hold them to timeframes. I allow the parties to
19 make a full and complete closing arguments on behalf
20 of their clients. If after a certain time I feel like
21 you or I or both need a break we will take a break
22 after one or two closing arguments perhaps, or after
23 three before I instruct the jury. My instruction will
24 probably take 30, 35 minutes to you and again, if any
25 time any of you need a break I will prefer it be done

1 between the argument but if any time anyone needs a
2 breaks please raise your hand and I will certainly
3 take one at time.

4 I advice those in the courtroom, the spectators I
5 do not allow movement in or out of the courtroom
6 during the time in which an attorney is addressing the
7 jury, you may certainly leave between arguments, you
8 may certainly leave after the argument before I
9 instruct the jury, but I don't allow movement in and
10 out during the time an attorney is addressing the jury
11 panel. I think it is distracting to the jury. It is
12 distracting to me. That admonishment does not apply
13 to the staff, the attorneys. If someone needs to
14 leave for a particular purpose in that regard. Please
15 keep that in mind.

16 Ladies and gentleman, I told you before what the
17 attorneys tell you is not evidence, but these are
18 closing arguments. These are true arguments. Not
19 like opening statements. They can comments on the
20 law. They can comment on the facts. They can comment
21 on the inferences that you may properly draw from the
22 facts and they can comment on how the facts apply to
23 the law in the case that I will charge you. But you
24 are the fact finder. You ladies and gentleman of the
25 jury will find the facts and judge the facts in this

1 case and compare them to the law as I will tell you
2 the law is and reach a true and just verdicts.

3 Please remember that although there are two
4 individuals being tried that you consider the evidence
5 separately and distinct as to Mr. Clinton and as to
6 Mr. Green in this trial.

7 With that being said if you please give the parties
8 your complete and undivided attention. Solicitor you
9 may address the jury.

10 MR. BARFIELD: If the Court please, Mr. Frick,
11 Miss Raney.

12 A year or two ago before I started doing this when
13 I sit in church on Sunday morning I just could not
14 imagine how the preacher could talk for a thirty
15 minutes and I was trying a case down there in
16 Winnsboro a few years ago and sat down after making my
17 closing argument and my investigator that was sitting
18 beside me tapped me on the shoulder and said, do you
19 realize you have been up therefore an hour and forty
20 minutes. I ain't going to do that this morning. But
21 I guess you understand from hearing the judge kind of
22 give you an idea of what is going to happen this
23 morning day that you probably feel like you are going
24 to sit through four sermons this morning. It's has
25 been a long week for you all. Don worry about us, but

1 it's been a long week for you all and it is not quite
2 over for you yet, but it is getting closer to being
3 over. So what I ask you to do right now is just kind
4 of hang with us for a little bit. What we are going
5 to do now is we are going to summarize what we think
6 this case is about. My perceptive on behalf of the
7 State and Mr. Frick and Miss Raney on behalf of their
8 clients. And we are going to argue to you. We are
9 going to try to convince you of things based on what
10 you heard in this courtroom this week. And although
11 what we do not say is -- what we are going to say is
12 not evidence, we want you to pay attention and we want
13 you to follow as we discussed things tie things
14 together. As I told you when I got up here Tuesday
15 morning you, didn't know anything about this case when
16 you came in here and I told you I got a whole bucket
17 full of stuff on this case over there. I kind of
18 boiled it down to a few pages here, but you all are
19 still sitting there kind of empty handed. What you
20 got is only what you have seen and heard in this
21 courtroom. So we are going to try and review some of
22 that with you this morning.

23 Let me tell you first, Tate Clinton sitting right
24 here and Al Green sitting right there murdered Jenika
25 Jones. That is what this is all about. Keep that

1 foremost in your mind as we conclude this trial.

2 What this case is not about, what your role has
3 nothing to do with from this point forward and never
4 has during this trial is to decide anything about
5 Wayne Blakeney or Delrico McDow. This is not the day
6 that any decision is made about the responsibility of
7 Wayne Blakeney and Delrico McDow concerning the murder
8 of Jenika Jones. Remember that too.

9 I go first and when I sit down that is it for me,
10 and then you will hear from Mr. Frick and Miss Raney
11 and it is kind of up to me to sort of anticipate what
12 they might talk about and I am not going to talk much
13 about what I think they are going to talk about, but I
14 am going to give you a hint about what they are going
15 to talk about. They are going to get up here and talk
16 about all kinds of things that they say the State did
17 not do in this case. They are going to talk about
18 stuff that didn't get collected or didn't get sent to
19 SLED or telephones that maybe didn't get examined or
20 guns that didn't get found. Things like that. They
21 are going to talk about stuff like that and I tell you
22 now, listen to what they have to say because it is
23 important. Everything about this case is important.
24 So listen to it. But don't let them get up here and
25 convince you to just disregard everything that has

1 been proven in this case. And there is a lot of stuff
2 that has been proven in this case that tells you that
3 Tate Clinton and Al Green murdered Jenika Jones. So
4 listen to what they have to say. Listen to their
5 criticism of the investigation. Listen to their
6 criticism of the presentation of the State's case.
7 Whatever they got to say. But don't let them dupe you
8 into disregarding what has been proven in this case
9 beyond a reasonable doubt. Which I submit to you is
10 that these two fellows murdered Jenika Jones.

11 They are going to talk to you a lot about forensics
12 and they are going to say there is the absence of
13 forensics in this case. I will talk about forensics
14 after a while. Lets talk a little bit about forensics
15 right now. First of all this ain't TV. If you watch
16 CSI and stuff like that on TV it is entertainment.
17 But you cut the TV on at nine o'clock and you start
18 watching one of those shows between nine o'clock and
19 ten o'clock with a whole butt load of commercials in a
20 middle, you see a crime. You know a crime is
21 committed. You see them investigate. You see them
22 arrest somebody and in some of the shows it includes
23 the court part. You see somebody go to trial and the
24 case get over with in an hour. It doesn't happen that
25 way here. Some times you even see a video of the

1 crime being committed. It doesn't happen that way
2 hear. Forensics is science, but forensics is
3 complicated and difficult and it gets more complicated
4 and difficult when many people are involved in an
5 event; when many people are in a house, when many
6 people are in a car, when many people are perhaps
7 handling the same item it gets real complicated and
8 you heard that from Miss Boehm when she testified from
9 SLED the other day when she talked about DNA samples
10 being a mixture of at least three people or at least
11 four people. That's what happens in forensic science
12 cases. They would have you believe that the Lancaster
13 County Sheriff's Office should have put wheels under
14 Jenika Jones's mobile home and towed the whole dang on
15 thing down to SLED and swab ever square inch of the
16 hard surfaces and make cuttings from every square inch
17 of the soft surfaces and loaded up Pomp Blackmon's
18 Cadillac on to a rollback and taken it down there to
19 SLED and done the same thing with it to cover
20 everything that might have been covered in this case
21 and that is just not realistic and it is just not
22 practical.

23 They would also have you believe that Ken Taylor
24 could walk in this courtroom this morning with sterile
25 swabs and swab all of our cheeks and swab all their

1 cheeks and swab all the tabletops and send all that to
2 SLED and then in a little while SLED would send us
3 back a seating chart for this courtroom saying who
4 everybody was in here and where everybody was in here
5 at a particular time and that is just not realistic
6 either. Forensic science has its place and forensic
7 science has a place in this case. But witnesses have
8 a place in this case too and witnesses prove to you in
9 this case that Clinton and Green killed Jenika Jones.
10 Keep that in mind as we go through this.

11 The judge is going to tell you in a little bit what
12 murder is and he is going to define it with some legal
13 terms and I am going to tell you from the outset that
14 if ever there is a case of murder this is a case of
15 murder based on the way this thing happened. This is
16 murder. It is nothing but murder. The judge is going
17 to tell you that murder is the unlawful killing of
18 another person with malice aforethought, either
19 expressed or implied or inferred. Killing, we all
20 know what killing is. What is malice? He will give
21 you some legal terms that define malice, but basically
22 it means the intent to kill somebody or the intent to
23 inflict grievous bodily injury on somebody or extreme
24 indifference to the value of human life or a heart
25 regardless of social duty and fatally bent on

1 mischief. What does all that mean? It just means
2 badness basically. Malice has to occur before the
3 death occurs, but it doesn't have to be two weeks
4 before the death occurs. It doesn't have to be two
5 hours before the death occurs. It can be two minutes
6 before the death occurs, or two seconds before the
7 death. But there has to be that malice formed before
8 the actual act is committed and in this case I submit
9 to you that the malice started getting formed at least
10 the morning of January 18th of 2012 when Clinton and
11 Green are in Y'eisha Tinsley's apartment talking about
12 doing a lick, which I submit to you is what happened
13 at Jenika Jones's house on the 19th. We got malice
14 and we got it occurring before Jenika Jones was
15 killed. We also got malice by inference in this case
16 because the law says if you commit a murder using a
17 deadly weapon that malice can be inferred from the use
18 of that deadly weapon and it is very clear in this
19 case, I say without any doubt that Jenika Jones was
20 shot and killed with a 380 caliber bullet fired from a
21 pistol. And that's malice.

22 I said to you also Tuesday morning that between the
23 two of them it doesn't matter who pulled the trigger
24 and I stand by that today just as I did Tuesday
25 morning. The law -- the judge is going to charge you

1 on the law which says the hand of one is the hand of
2 all. The act of one is the act of all. And he might
3 give you example or two. I am going to give you an
4 example. Let me tell you what the law says first.
5 The law says first of all for this principal to apply
6 there has to be two or more people, obviously. They
7 have to be acting together. They have to be acting
8 upon a common screen or plan or design or intent.
9 They have to be aiding abetting and assisting each
10 other in the carrying out of this act. And of course
11 there has to be prior knowledge by all of them that
12 this act is going to occur in one form or another and
13 there has to be prior arrangements. Again not
14 necessarily two months or two weeks before but there
15 has to be some prior arrangements made to set in
16 motion the events that lead to this death. And if
17 those things occur then the law says that the hand of
18 one is the hand of all and in a case like this when
19 you have one gun, one bullet, one shot, one gunshot
20 wound, one death, then they are not both holding the
21 gun. There is no question about that, but they are
22 both responsible for it if they are both present
23 together acting together with this common scheme and
24 plan and design and intent to commit this criminal
25 act. Each one is responsible for the acts of the

1 other that are the natural and probable consequences
2 of what is going on. If you go do a robbery and it
3 ends up in a killing then if you are in for the
4 robbery you are in for the killing whether you pulled
5 the trigger or not. And it applies in any case, not
6 just a murder case. If two guys are going to go to a
7 convenience store and only one has got the gun and he
8 is going to go in and take the money from the clerk
9 and the other one is going to stand there at the door
10 and keep the door open so the guy with the gun can run
11 out real quick and they can get gone, the guy with the
12 door handle in his hand is just as guilty of the
13 robbery as the guy with the pistol in his hand who
14 took the money from the clerk. And if things go bad
15 and the guy with the pistol shoots and kills the clerk
16 the guy with the door handle in his hand is just as
17 responsible for the murder as the guy with the pistol
18 who shot and killed the clerk.

19 You have to put -- and I am going to tell you in
20 this case we contend that Tate Clinton shot and killed
21 Jenika Jones. That clearly is what I am telling you
22 this morning. But I am also telling you that Al Green
23 is there when this event is going on and when this
24 house gets ransacked and then whatever they are
25 looking for gets found or doesn't get found Al Green

1 is right there in the middle of it and he is just
2 responsible. You have to put Al Green in Tate
3 Clinton's shoes. You have to put Al Green in Tate
4 Clinton's clothes. You have to put Al Green in Tate
5 Clinton's skin because they essentially become one and
6 the same when they are out there at Jenika Jones's
7 house to do whatever it is they are going to do, which
8 we contend is a robbery and whatever happens happens
9 to make it end up being a murder. Al Green in for a
10 penny in for a pound. He is there and he is just as
11 responsible for Jenika Jones's death as Tate Clinton
12 is.

13 Let's start talking about what we have proved and
14 what we know. This was to be a robbery. Maybe it was
15 maybe it wasn't. We didn't prove to you what, if
16 anything, was taken, but I submit to you there is a
17 tons of evidence in this case to tell you that this
18 was to be a robbery. What do we know about it that
19 tells us it was a robbery. Clinton and Green are at
20 Y'eisha Tinsley's house talking about a lick and what
21 is a lick? You heard it over and over and over again
22 in this trial, a robbery. You are going to do a lick
23 you are going to rob somebody. They are telling that
24 at Y'eisha Tinsley's house on morning of Wednesday,
25 January 18th. They are telling that again the night

1 of January 18th out in the complex to Jamal Twitty.
2 Again talking about a lick. A robbery. Planning it
3 the day before. They see Wayne Blakeney some time the
4 night of January 19th when it happens. The night this
5 happens, and they tell Blakeney we are going to pick
6 up some money. They didn't say a lick to Blakeney.
7 But they said going to get some money. That supports
8 the State's contention that this was a planned
9 robbery. And then you also have the pictures and I'm
10 probably not going to show you pictures now. You will
11 have them in the jury room. You'll also have pictures
12 of Jenika Jones's mobile home and you'll have pictures
13 of that back bedroom. Which I submit to you these
14 guys thought must have contained some money or
15 valuables or something they wanted because they tore
16 that bedroom up. Flipped the mattress, pulled the
17 drawers out, had a chest leaned over. I believe the
18 pictures show stuff thrown all about in that room.
19 They weren't in there cleaning the room. They were in
20 there looking for something in that room to take out
21 of there with them. This was a robbery, or a planned
22 robbery which got kicked off at least the day before.
23 There were three sessions to plan this robbery. Three
24 different times these guys started planning this
25 robbery. The first was Wednesday, January 18th in the

1 morning at Y'eisha Tinsley and Dominique Davis heard
2 Clinton talking about a lick. She heard Clinton
3 talking about the girl works and she is not home too
4 much. She heard Green talking about wherever this
5 location was that they were going to go to and talking
6 about whether the girl owed the black car, planning
7 session number one. Planning session number two,
8 Wednesday night January 18th with Jamal Twitty outside
9 the apartments at Carolina Court, Tate Clinton walks
10 up and says to Twitty you want to go do a lick and
11 Twitty says whereabouts and Clinton says not far. And
12 then Al Green walks up and Tate Clinton starts to talk
13 up again about doing a lick and asks Al Green if he
14 wants to do a lick and Al Green says, yeah, whatever.
15 I am down for it. And Clinton wants to go do it that
16 night and I think Twitty testified that he was talking
17 to him about not doing it that night, putting it off.
18 That is planning session number two.

19 Planning session number three is at the Hole in the
20 Wall or somewhere in Newtown, or at the it Hole in the
21 Wall, one of the other, when Wayne Blakeney got
22 involved in this thing and they talked to Wayne
23 Blakeney and the talk is take us to go get some money.
24 Of course Tate Clinton ain't got driver's license.
25 Tate Clinton ain't got a car and Wayne Blakeney is

1 somebody that can drive them somewhere and they talk
2 Wayne Blakeney into taking them somewhere to pick up
3 money. That is planning session number three.

4 All right. If you are going to do a robbery what
5 is next. Well, you have to be able to get there. We
6 are talking about being in the Hole in Wall down there
7 at South Market Street and you got to get out 200.
8 Way out 200 below Piggly Wiggly. Well, you ain't
9 going to walk out there. You got to get there
10 somehow. You got to get transportation. Two
11 different times tried to get transportation. The
12 first time is with Jamal Twitty on the night before
13 January 18th down at Carolina Court. Talked to Jamal
14 Twitty. Go do a lick with us. Go get your
15 girlfriend's Honda. Take us out there in your
16 girlfriend's Honda. And Twitty to his credit has got
17 sense enough to try and get them off this with him.
18 He says the Honda is up for the night. Can't get the
19 Honda and Twitty doesn't participate in this. But
20 that is effort number one to get a car to get out
21 there. Effort number two to get a car, Thursday --
22 Thursday night about seven o'clock, Newtown, Pomp
23 Blackmon Cadillac. They talk Pomp Blackmon into --
24 Clinton talks to Pomp Blackmon into loaning him the
25 Cadillac, '91 Cadillac Seville with a rag top, white.

1 Effort number two is successful. They now got a car.
2 They got a plan. They got a car. How do you do a
3 robbery. Well, if it's an armed robbery you got to be
4 armed. You got to have a gun. What do we know about
5 a gun? Wednesday January 18th, the day before, at
6 Y'eisha Tinsley lease house Dominique Davis hears Tate
7 Clinton said I got Taz's gun and I ain't giving it
8 back. He's armed. Thursday, January 19th, Blakeney,
9 Wayne Blakeney, sees that in fact Tate Clinton is
10 armed. He sees a pistol in Tate Clinton's waistband
11 in the Cadillac on the way to Roseanna Lane and he
12 describes it either as 9 millimeter or 380. Blakeney
13 also tells you that he knew Clinton carried a gun
14 around. So now we got a plan. We got a car. We got
15 a driver with a driver's license apparently and we got
16 a gun and we got a destination and a victim, and we
17 are on our way and we know that a pistol was used. It
18 kind of goes without saying that we got a fired
19 cartridge case which Maryann Boehm of SLED said had
20 Jenika Jones's blood on it. Had Jenika Jones DNA on
21 it and we have a fired bullet from Jones's brain which
22 Suzanne Cromer said was a 380 bullet which could have
23 been fired from a 380 or could have also been fired
24 from a nine millimeter pistol. She described the
25 bullet and the diameter of a 380 and nine millimeter

1 as being the same. Link is different bullet, but you
2 can shoot a 380 through a nine millimeter.

3 What else has the State proved to you. The State
4 has proved to you that these two; Clinton and Green
5 and Blakeney and McDow rafted up together. Had
6 connections, had associations and were together at
7 various times and specifically on the night of January
8 19th of 2012. What do we know about that. Well,
9 again, we got Dominique Davis and on Wednesday the
10 18th put Clinton and Green together talking about
11 doing a like. We got Jamal Twitty January 18th,
12 Wednesday night, putting Clinton and Green together
13 talking about doing a lick. We got Pomp Blackmon on
14 Thursday night, January 19th, at about seven o'clock,
15 putting four people coming to his house to borrow his
16 car. Four people. Two got in the car at his house.
17 The car pulled off to the corner, two more got in at
18 the stop sign and the person that borrowed the car,
19 that talked to him about the car, did bit have a
20 driver's license. Pomp Blackmon has got four people
21 in it; Latoya Green, Al Green's sister, she told you
22 that Al Green, her brother, and Tate Clinton ran
23 together. Hung out together. Latoya Green also -- Al
24 Green also lived with his sister, Latoya Green. Who
25 else lived with Latoya Green in Azalea Apartments

1 before she moved out to Roseanna Lane, Jenika Jones.
2 So Al Green knows who Jenika Jones is. We got that
3 connection. Y'eisha Tinsley who was Green's
4 girlfriend at the time and the mother of his child
5 said she saw Green the day after the killing. And
6 what did she tell you Green said, that he had been at
7 the Hole in the Wall with Tate Clinton the night of
8 the murder. We got them together at the Hole in the
9 Wall, those two. What do we have from Tate Clinton
10 himself, he told Fred Thompson on January 27th when he
11 was interviewed that he had been at the Hole in the
12 Wall the night of the murder. He told Fred Thompson
13 on the February 23rd when he was interviewed again
14 that he had been in the Hole in the Wall the night on
15 the murder. He told Fred Thompson on March 9th when
16 he interviewed that he saw Wayne Blakeney at the Hole
17 in the Wall in Pomp Blackmon's Cadillac the night of
18 the murder. We now got the three of them there. Al
19 Green told Captain Michael Green with SLED on January
20 25th that he had been at the Hole in the wall on the
21 night of the murder. Wayne Blakeney obviously in his
22 testimony puts all four of them together; him, and
23 McDow and Tate Clinton and Al Green together at the
24 Hole in the Wall in Newtown going out to Rosanna. At
25 Rosanna, he has got them all four together. What did

1 David Belk testify about on cross examination. David
2 Belk told you that the call was and the information on
3 the scene was three males were seen running from
4 Jenika Jones's house when this incident occurred and I
5 tell you that that is consistent with Wayne Blakeney
6 sitting in the car when this is going on and Tate
7 Clinton and Al Green and Delrico McDow being the guys
8 in the car who got out, disappeared into the darkness,
9 went to Jenika Jones and came running back to the car
10 before they took off out of there after the killing.
11 It matches up. It is consistent and it puts them
12 together when all of this is going on.

13 How do we know that State's Exhibit Number 16, that
14 car, is the car that was used to transport these four
15 folks out to Roseanna Lane to kill Jenika Jones. Lets
16 talk about that for a minute. Pomp Blackmon told you
17 that on Thursday, January 19th, the night this
18 happened at about seven o'clock he loaned his car out
19 for a couple of hours for some beer and cigarettes to
20 a guy who had no driver's license. We know that
21 Clinton had not no driver's license and we no from
22 Wayne Blakeney also that he had no car and loaned his
23 car out to a guy who was wearing a blue jumpsuit.
24 That was Devantee Clinton. Tate Clinton was wearing
25 that blue jumpsuit. He reported his Cadillac missing

1 to the police department when it didn't get returned
2 after a couple of hours and it didn't get returned
3 overnight. He reported to the police department that
4 he had loaned his car out to somebody whose name he
5 didn't no and it was missing. Shakela Montgomery
6 Thursday night between 9:30 and 10:30, the night of
7 the murder, is coming back from Applebees with her
8 friend, Tenika Nelson and driving to the trailer park
9 on Roseanna Lane and turns off 200 into -- onto
10 Roseanna Lane into the trailer park and sees -- almost
11 gets run over by an older white car which she
12 describes as a Buick or Oldsmobile. She is off a
13 little bit, but she ain't far off. It's a Cadillac.
14 It had it was coming out of Roseanna Lane. It had no
15 lights on. It was flying and that all occurred I
16 submit to you just after the murder she observed the
17 flight of these four guys from the scene of this
18 murder before it had gotten reported, before police or
19 EMS got there. The dispatch time on this case was
20 10:06 p.m.. The sheriff's office got the call at
21 10:06. She pulled in there right before the sheriff's
22 office was notified and right after the killing
23 happened and she saw Pomp Blackmon's Cadillac. Tameca
24 Nelson, white Cadillac with a rag top. She saw it
25 coming out. No lights, driving fast and what is also

1 significant about Tameca Nelson, she saw it the next
2 day at the Piggly Wiggly with the flat tire which is
3 exactly where Pomp Blackmon found it. No lights,
4 coming out fast what does that tell you. They were
5 fleeing the scene of this murder that had occurred in
6 Roseanna Lane. Blakeney told you when these guys came
7 running back to the car he said Tate said chill or
8 something but he said they were saying go, go, go.
9 That means, get the heck out of here. That means
10 something good has not gone on in here and we don't
11 need to be here any more. Lets get out of here. And
12 I submit to you Wayne Blakeney was hauling butt when
13 he drove out of Roseanna Lane trying to get away from
14 that scene although he didn't know at that point
15 exactly what had happened in there.

16 Pomp Blackmon found this Cadillac the next day,
17 Friday, in the Piggly Wiggly parking lot with a flat
18 tire, missing a piece of molding. I don't know if
19 they are going to argue this or not, maybe they will.
20 I submit State's exhibit number 21, which was
21 identified as Pomp Blackmon's car shows where a piece
22 of molding is missing from that car. Here is the
23 other side of the car, State's Exhibit Number 22 which
24 shows what the or side looks like and what the piece
25 of molding is suppose to look like. His car was also

1 muddy. What is the significance of that? I don't
2 know, but there is mud on his car which wasn't on the
3 car when it got loaned out because he kept his car
4 clean.

5 How else do we know this is the Cadillac that Pomp
6 Blackmon's Cadillac was used in this crime. Wayne
7 Blakeney told you Thursday night the four of them,
8 the four of them, borrowed the Cadillac from a light
9 skinned guy in Newtown. Who is that, that is Pomp
10 Blackmon. You saw him. You know where he lives.
11 Pomp Blackmon is who they borrowed that car from. He
12 also identified a photograph that I put on the reader
13 of the car as the car that they borrowed and that he
14 drove because he is the one that had a driver's
15 license. When he got done with that car after he was
16 the only one left in it Wayne Blakeney said I left it
17 at the Piggly Wiggly parking lot out there on Airport
18 Road, near Airport Crossroads and he also told you it
19 had a flat tire. There is no doubt in this case that
20 that's the car. Tate Clinton talking to Fred Thomspen
21 on February 23rd, what did he say? He talked to about
22 this case several times and is confronted with things
23 that law enforcement knows and is sitting there, you
24 can see the wheels turning. He's saying, how am I
25 going to explain all this. Fred Thompson talks to him

1 and he denies nothing Pomp Blackmon first. He denies
2 knowing Pomp Blackmon and then he admits knowing Pomp
3 Blackmon and knowing that Pomp Blackmon lives in
4 Newtown. He denied to Fred Thomspen in that same
5 interview knowing anything about a white Cadillac with
6 a rag top and later in the discussion admits that he
7 knows Pomp Blackmon drove the white Cadillac with the
8 rag top. He is trying to hide information and then he
9 is confronted with with information and then he is
10 admitting information which connects him to this case,
11 to that car, to Pomp Blackmon. He denied ever driving
12 or riding in Pomp Blackmon car to Fred Thomspen on
13 February 23rd. Then on February -- excuse me, March
14 9th when Clinton is talking to Fred Thomspen they
15 start talking about the Cadillac again and Clinton
16 admits to Fred Thomspen then that he saw Wayne
17 Blakeney in the Cadillac at the Hole in the Wall club
18 the night of Jenika Jones's murder. He is getting
19 himself tied closer and closer to that Cadillac. And
20 then Fred Thomspen starts talking to Tate Clinton
21 about DNA and Tate Clinton has got to find some way
22 again to explain why his DNA might be on that car. Of
23 course the sheriff's office didn't know whose DNA was
24 on the car at that point, but Fred Thomspen starts
25 talking Tate Clinton about DNA and well, he has got to

1 come up with some explanation just in case they find
2 his DNA on that car and what's his explanation. I
3 leaned on the car talking to some girl at the Hole in
4 the Wall club the night of Jenika Jones's murder. It
5 is pretty weak, but that's what he has given as his
6 explanation in case DNA gets found on that car. So he
7 is tying himself to that car, but not really. But he
8 is hooking himself up to that car in a sense.

9 How about this blue jumpsuit, monkey suit,
10 coveralls, it has been called a whole bunch of
11 different things. It is in that box. (Indicating) You
12 can see it. When we pulled it out the other day it's
13 got holes cut out of it where SLED cut stuff out to
14 test it. What do we know about that blue monkey suit?
15 Whose blue monkey suit is that? That's Tate Clinton's
16 blue monkey suit. And Tate Clinton was wearing that
17 blue monkey suit the night Jenika Jones was killed.
18 How do we know that? Pomp Blackmon told you he loaned
19 his car to a guy wearing blue coveralls. Pomp
20 Blackmon also told you he found his car at the Piggly
21 Wiggly parking lot Friday morning after the killing.
22 He couldn't get it then because it had a flat tire and
23 he had to go get a key for it so he got it Saturday.
24 When he got it home Saturday or some time after he
25 recovered it he finds this unknown pair of blue

1 coveralls in his car which are not his. He doesn't
2 have any explanation for them being there. But he is
3 finding blue overalls in his car which are consistent
4 with the guy who borrowed the car the night -- two
5 nights before wearing blue overalls and that's Tate
6 Clinton. Tate Clinton told Fred Thomspon both on
7 January 23rd and on February 23rd that he was wearing
8 overalls. He said camo overalls, but he said he was
9 wearing overalls the night of the murder.

10 Tate Clinton told Fred Thompson on February 23rd --
11 talked to Fred Thompson February 23rd despite the fact
12 of having said that he was wearing camo overalls the
13 night that Jenika Jones got murdered. Tate Clinton
14 brings up the topic of blue overalls with Fred
15 Thomspon on February 23rd and he then admitted, yeah,
16 I own some blue overalls. He denied he ever wore
17 them, which doesn't make any sense. He conveniently
18 says I loaned them out to people, one of the people he
19 said he loaned them out too I think was a guy name
20 Reggie Stover and then Fred Thomspon and Tate Clinton
21 start talking about DNA what about your DNA. Is it
22 going be on those overalls and just like the Cadillac
23 Tate Clinton has got to come up with some explanation
24 as to why his DNA might later be found to be on those
25 over overalls and he says, well, they are mine, but I

1 didn't wear them. But I did move them around from
2 time to time at my grandmama's house is what he say.
3 He said he handled them which is his way of explaining
4 maybe why his DNA could be found on those overalls.
5 Vivian Stradford, Vivian Stradford knows Jenika Jones
6 and finds out Thursday night that Jenika Jones has
7 been killed and goes to one relative's house and moves
8 there to another relative's house and by about 11
9 o'clock based on her description of how long it took
10 her to go to one place or another she ends up at
11 Crenco which is the convenience store on South Main
12 Street, not too far from the Hole in the Wall and lo
13 and behold who does she see at Crenco, Tate Clinton.
14 After the murder, Tate Clinton, and what does she say
15 Tate Clinton is wearing; she didn't say he was wearing
16 coveralls, she didn't say he was wearing blue
17 coveralls, she said he was wearing these blue
18 coveralls (indicating). I showed them to her. He was
19 wearing them that night. DNA, Maryann Boehm got the
20 coveralls. Got cuttings -- or got the cuttings from
21 the coveralls and did DNA testing on coveralls and DNA
22 standards from Clinton, from Green, from Blakeney,
23 from McDow, from Pomp Blackmon. I think maybe that is
24 all -- and Jenika Jones blood standard, so she can
25 determine if she could tell us anything about those

1 cover always and who might have had contact with those
2 coveralls. And the numbers are the numbers. She
3 didn't say one in a gazillion Tate Clinton is all over
4 these coveralls, but she told us some information that
5 you should consider and can consider in determining
6 whether those coveralls are tied to Tate Clinton.
7 What did she tell you about the coveralls. First of
8 all what Clinton say about the coveralls. Let's back
9 and talk about forensic and about DNA in particular.
10 Miss Boehm told you this. She said the mere fact that
11 you touch something or handle something doesn't mean
12 that you are necessary going to leave DNA on it and I
13 think you can gleam from the testimony concerning DNA
14 that if something is handled by a whole bunch of
15 people things can get complicated. And DNA profiles
16 that get developed by Miss Boehm will end up being
17 mixtures of a whole bunch of people. Mixture of at
18 least two people. Mixture of at least three people,
19 and that gets complicated, but she did tell us some
20 things that are instructional concerning Tate Clinton
21 and his connection to those blue coveralls. SLED item
22 6.3 was a cutting from the blue coveralls and it was a
23 mixture of at least three people and Clinton was not
24 excluded from that DNA profile, from that cutting from
25 those blue coveralls, and the probability was one in

1 580. Well, again that is not a terribly high number
2 but it's a number and it's a connection of Tate
3 Clinton to those coveralls. The other three people
4 that were in that Cadillac that night; Green, and
5 Blakeney and McDow on that sample were excluded as
6 contributors to that DNA profile. Item 6.4 from SLED
7 was a cutting from the blue coveralls and it was a
8 mixture of four people, a mixture of at least four
9 people, and on that cutting again Tate Clinton was not
10 excluded and the probability was one in 12 which again
11 is not terribly high but it's a connection of Tate
12 Clinton to those coveralls.

13 What have we proved to you to show a connection
14 between any of these four guys to Jenika Jones and to
15 Jenika Jones's house out there on Roseanna Lane. Tate
16 Clinton's grandmother lived in the trailer park on
17 Roseanna Lane and in fact Tate Clinton's grandmother
18 lived in that trailer park next door to Jenika Jones.
19 Jenika Jones is [REDACTED] I am showing you State's
20 exhibit 54, and the next trailer down here is 1969
21 which is Tate Clinton's grandmother next door. Tate
22 Clinton has a connection and lives himself at least
23 part of the time from the testimony you have heard
24 lived himself next door to Jenika Jones. We know that
25 from several sources but we know it from Clinton.

1 because when Clinton was talking to Fred Thomspen on
2 February 23rd, Reggie Stover is one of the guys he
3 says he loaned the coveralls to and he said Reggie
4 Stover lived with him at 1969 Roseanna Lane and when
5 confront apparently with the information that the
6 victim lived next door to his grandmother he said I
7 didn't even know she lived next door to me. So he is
8 tying himself to that victim, to that victim's home,
9 to that trailer park on Roseanna Lane.

10 Blakeney is the driver when this event occurred.
11 He has got no idea about anything other than we are
12 going to get some money and I am going to drive
13 because I got the driver's license and Tate Clinton
14 borrowed a car for me to drive. He has got no clue in
15 the world where he is going until they are on the way
16 and how does he get to Roseanna Lane. He is directed
17 to Roseanna Lane by Tate Clinton. Tate is the one who
18 tells him to go to Roseanna trailer park and once they
19 get in to the trailer letter park on Roseanna Lane
20 Blakeney has got know idea where he is going, but Tate
21 tells him where to go and where to park to get that
22 Cadillac close enough to Jenika Jones's house for them
23 to get there in and out quick, but not right there in
24 front of it so maybe they won't be seen and Tate
25 Clinton tells Wayne Blakeney where to park that

1 Cadillac for them to get in and get out and get this
2 robbery gone bad to a murder done.

3 What about DNA from the scene. Again Maryann Boehm
4 tells you some information that is instructional and
5 helpful. Two swabs from -- SLED item number two were
6 swabs from the storm door handle at Jenika Jones
7 house. It was a mixture of at least three people. It
8 doesn't have anything about Tate on it. It doesn't
9 have anything about Green on it, but it does say that
10 Delrico McDow could not be excluded and the
11 probability was one in 27. That is a connection of
12 one of these four people to Jenika Jones's house.

13 Item number three from SLED was swabs from the
14 door lock -- doorknob, excuse me, and it was mixture
15 picture of at least two people and her conclusion
16 about that among other things was that Tate Clinton no
17 conclusion could be reached about Tate Clinton's
18 inclusion or exclusion from the DNA in that profile.
19 Credibility is something that you have to consider
20 when you determine whether you believe somebody and
21 you heard I think from two dozen witnesses in this
22 case. As to each one of them they testified and they
23 told you information, and you got to decide do I
24 believe it or do I not believe it and you can decide
25 do you believe some answers a witness gave and don't

1 believe some other answers a witness gave. That is
2 entirely up to you. But you do a lot of things to
3 determine the credibility of a witness. What was the
4 witness's opportunity to observe the things he or she
5 told you about. What is the witness's connection to
6 the case or any people involved in the case. What is
7 the witness -- how does the witness appear on the
8 witness stand. Does he look to you like he or she is
9 telling you the truth. Is he squirming around and
10 appearing to be evasive or is he straight up honest,
11 sincere sounding, believable. You got to determine
12 that as to each of these witnesses and you certainly
13 got to determine that as to Wayne Blakeney. And we
14 are going to talk now a little bit about Wayne
15 Blakeney.

16 Wayne Anthony Blakeney Jr. came in here and got on
17 this witness stand and told you what happened that
18 night. It took us way into Wednesday, Wednesday or
19 yesterday to get Wayne Blakeney on the witness stand
20 and you finally find out what happened to Jenika Jones
21 in a lot more detail then you knew at any point prior
22 to Wayne Blakeney getting on the witness stand. What
23 about Wayne Blakeney? Do you believe Wayne Blakeney?
24 I submit to you you should certainly believe Wayne
25 Blakeney. A couple of things about Wayne Blakeney.

1 What did Wayne Blakeney get out of this. Well, first
2 of all he got some beer for being the driver that
3 night. He expected to be paid to drive them out
4 there. He knew they were going to pick up money.
5 That's all he said he knew. He expected to be paid.
6 He got some beer out of it. What else did he get out
7 of it. Well, he got arrested and charged with the
8 murder of Jenika Jones, just like these two fellows
9 over here. He did get a bonds. No doubt about it.
10 We agreed to bond him out. He got arrested on March
11 8th of 2012. He gave a statement to the police and at
12 some point after that the State agreed to bond him
13 out. Beyond that what did he get, absolutely nothing.
14 He got on the witness stand charged with murder just
15 like Tate Clinton and Al Green are charged with and
16 incriminated himself by telling you what happened and
17 what his part of it was without any deal. Does he
18 expect some favorable consideration? Absolutely.
19 Absolutely, I am sure he expects favorable
20 consideration for giving a statement back on March 8th
21 and coming in here in this courtroom this week and
22 testifying about what he told the police when they
23 investigated this case. But does he have a deal, he
24 does not. Has he been promised some lesser charge, he
25 has not. Has he been promised some lesser sentence,

1 he has not. He put himself in great jeopardy getting
2 on the witness stand without a deal and told you what
3 happened the night of January 19th of 2012 and he told
4 you the truth. He didn't tell the police the truth
5 initially and he admitted that. He admitted he didn't
6 tell them everything at first and he admitted even
7 after the written statement was complete that he had
8 not told them about Delrico McDow, he also told you
9 that later on after he had given that written
10 statement he did tell them about Delrico McDow. He
11 told you that he was scared. That he didn't tell
12 everything at first because he was scared because he
13 is kin to Tate Clinton, because he didn't want to be a
14 rat and I submit to you from watching him on that
15 witness stand you see how messed up he got himself in
16 this situation and how it affected him and how he
17 would be reluctant initially not to be completely
18 forthcoming about everything that happened that night.
19 But you think about him and when he was on this
20 witness stand the other date, you think about what he
21 said, you think about how he said it, you think about
22 how he appeared and I submit to you you will conclude
23 that is truthful testimony, sincere testimony,
24 testimony about matters that he absolutely regrets,
25 but it's the truth and you decide whether you believe

1 him or not and I submit that you should. And what did
2 he tell you. He told you that he gets up with these;
3 Tate Clinton and Al Green and Delrico McDiw in the
4 Newtown area and they borrow a car from Pomp Blackmon.
5 And he tells you that Tate Clinton went to Pomp
6 himself and made arrangements to borrow the car and
7 Tate Clinton didn't have a driver's license and Wayne
8 Blakeney did and Wayne Blakeney would be the driver
9 for the crew for the night. He told you that he
10 borrowed it again from the light skinned fellow who
11 lived in Newtown who was Pomp Blackmon. He told they
12 ended up at the Hole in the Wall and that the
13 discussion was we need to go pick up some money and
14 they wanted Wayne Blakeney to drive him. So he agreed
15 to drive. He told you that they went out Roseanna --
16 went out 200 towards Roseanna Lane and that he drove
17 at the direction to that area by Tate Clinton and that
18 on the way out there he sees that Tate Clinton has a
19 pistol and he knows that Tate Clinton normally often
20 times is carrying go a gun. He told you that he
21 didn't anticipate anything at all like what really
22 happened would have happened. And certainly in
23 retrospect he probably wishes he had stopped that car
24 and got out and let somebody else dealt with it at
25 that time, but he didn't.

1 He told you they pulled in and Tate Clinton showed
2 him where to park the car and he stopped and stayed in
3 the car. And he told you that Tate Clinton and Al
4 Green and Delrico McDow got out of the car and
5 disappeared off to his left out of his sight and were
6 gone for about ten minutes. And after about ten
7 minutes he told you that the three of them hurried
8 back to the car. I can't recall how he described them
9 motivating back to the car, but they get back to the
10 car and they hopped in the car and Clinton is telling
11 Blakeney to chill. Why is he telling him to chill? I
12 submit to you that Clinton is telling Blakeney to
13 chill because maybe everybody is kind of excited over
14 what has just happened and he doesn't want Blakeney to
15 freak out. But somebody in that car tells Blakeney
16 go, go, go and Blakeney takes off in that car headed
17 out Roseanna back toward 200 and about runs over Miss
18 Montgomery and Miss Nelson getting out of there and
19 takes off back to the Hole in the Wall. And obviously
20 Wayne Blakeney has got it figured by that point
21 something has gone on out there that wasn't too good,
22 but he still doesn't know. He doesn't know until much
23 later in the night, almost morning time, what really
24 happened. Go back to the Hole in the Wall at some
25 point ends up back in the car with one or two other

1 people that he doesn't know and Blakeney is still
2 behind the wheel of that car and he starts letting
3 people out. He goes back to Newtown and everybody
4 gets out of the car but him and Tate Clinton. Tate
5 Clinton is suppose to be back out at Roseanna where he
6 lives and that's the plan. Is for Tate Clinton to get
7 taken back out to Roseanna. And at some point while
8 they are riding back out to Roseanna Tate Clinton says
9 to Wayne Blakeney, can you keep a secret? And
10 Blakeney says yes, and Tate Clinton says I killed the
11 bitch. And you saw when Wayne Blakeney was on the
12 witness stand as he described those events what effect
13 that had on him when it happened and when he told you
14 about it. Tate Clinton told Wayne Blakeney I killed
15 the bitch. Blakeney says I didn't know what to think.
16 I was in shock. I didn't really believe him. He
17 takes Blakeney -- Clinton back out the Roseanna.

18 Now, you are probably going to hear this so I will
19 address it now. You will probably hear it when these
20 two get up in a minute. Why in the world would the
21 Cadillac go back out to Roseanna and return to the
22 scene of the crime because it was after everything had
23 cleared up on Roseanna. Lieutenant Christi Rogers of
24 the sheriff's office said we cleared from Jenika
25 Jones's house at 5:29 in the morning on January 20th

1 of 2012. Wayne Blakeney said I am taking Tate Clinton
2 back out there between five and six and obviously when
3 he wheels in out there there aren't any police, EMS,
4 anybody out there anymore. That is completely
5 consistent time wise based on what Christi Rogers said
6 the time was when law enforcement cleared up out
7 there.

8 Tate Clinton gets dropped off. Wayne Blakeney --
9 Wayne Blakeney, you know, he's a mess. Tate Clinton
10 gets dropped off and Clinton says hold this pistol for
11 me and that was stupid of Wayne Blakeney but Tate
12 Clinton puts the pistol in the glove box and Wayne
13 Blakeney assumes possession and control of the pistol
14 at that time. And Wayne Blakeney is in a heck of a
15 mess at this point because number 1, he's participated
16 in what he has been told is a killing. He is in
17 possession of the car that was used in the killing and
18 I forgot something. State's Exhibit Number 23. Fred
19 Thompspon found that I think on January 23rd about four
20 days after the killing and this arrow is not intended
21 to be put there because that is where he found it, but
22 he found it right here coming out Roseanna Lane and it
23 came off that Cadillac and it came off that Cadillac
24 because if you see in the picture the Cadillac going
25 fast and flying that piece of molding fell off it and

1 that piece of molding fell off it because this is
2 where it was found, State's Exhibit Number 25, and
3 just before where it was found is a speed bump. The
4 car is flying out of there. A piece of crappy molding
5 barely holding on Pomp Blackmon's car pops off when
6 Wayne Blakeney hits that speed bump. Get back to my
7 point. Wayne Blakeney is a mess. He has got the
8 Cadillac that was used in the crime. He has now got
9 the gun that was used in the crime. He ditches the
10 Cadillac at the Piggly Wiggly and its got a flat tire.
11 He takes the gun and he starts walking and he gets rid
12 of the gun with his cousin and the sheriff did what
13 they could do to find the gun and they didn't find the
14 gun. That's the story. That's the best story you got
15 about the events which is supported by other
16 witnesses, other evidence and other testimony.

17 Some time about ten o'clock, three people rushed
18 into Jenika Jones's house. One of them had a gun.
19 Tate Clinton is the last person that had the gun when
20 they got out of the car before this murder occurred.
21 But somebody has got a gun and we don't know exactly
22 what happened inside that house, but my argument to
23 you is this, probably Tate Clinton based on what he
24 told Wayne Blakeney. Pulls that gun up and marches
25 Jenika Jones on to that couch somehow. We don't know

1 know if she was shot standing, sitting, lying down or
2 what. We do know is Tate Clinton put that gun muzzle
3 against the side of her head and pulled the trigger
4 and shot a bullet up in to her brain and lacerated her
5 brain and killed her and that's murder. That is
6 murder against Tate Clinton and it's murder against Al
7 Green because they are all there together to get what
8 they can get and the result of all that is Jenika
9 Jones got shot and killed in her own house.

10 Thank you for your time. Thank you for your
11 attention. Give them the same attention you gave me.
12 We all got one thing, which is probably the most
13 important thing any of us and any of you can possess
14 in this case and it is common sense. You consider it
15 all. You consider what I said. You consider what all
16 the evidence that was presented. You consider what
17 they are going to say and when you start boiling it
18 down back there in a little bit later on today use
19 your common sense and your common sense and the law
20 and the facts in this case will tell you that Tate
21 Clinton and Al Green are guilty of the murder of
22 Jenika Jones and I ask you to return a verdict of
23 guilty as to both of them,.

24 Thank you.

25 THE COURT: Thank you. Thank you very much.

1 solicitor.

2 All right, Mr. Frick.

3 MR. FRICK: Thank you, Your Honor.

4 I got to start off talking about something that
5 probably at some seminar I went to a long time ago
6 they said never talk about. I have got to talk about
7 the victim in this case.

8 Ladies and gentleman, there is no escaping a
9 tragedy occurred on January 19th, 2012 on Roseanna
10 Lane. You and I heard not one single reason why
11 Jenika Jones put herself at fault in this situation.
12 She's not associating with people, you have not heard
13 any reason. She was a mother and this incident
14 occurred in her home with her children there. It is a
15 clear tragedy.

16 Now, this is not about retribution for that
17 terrible tragedy and I will be the first to tell you
18 it is a tragedy. This is not about that, this is
19 about determining whether or not the State has proven
20 who caused that tragedy.

21 So as I told you on Monday when we began you come
22 in this room you got to put personnel feelings aside.
23 You got to put all that away. You got to even forget
24 about the fact of who is the victim of this. It is
25 not to be considered once you get in that jury room.

1 And that's a difficult thing for a person to do. It
2 is a difficult thing. Probably one of the most
3 difficult things you will face, but it is your job as
4 you sit in that box right there. I will briefly tell
5 you a story about that.

6 I am from Fairfield. That is my home. My home
7 Court, Fairfield. Hanging above the wall in that
8 Courthouse is a painting of a sheriff who in 1915 was
9 escorting a prisoner. Even more than that it was a
10 black prisoner. Now I am not saying that to bring
11 race into anything. It is an important part of the
12 story. This sheriff was escorting this prisoner who
13 was accused of assaulting the wife of a prominent
14 person in Fairfield. His duty was to make sure that
15 that person, that prisoner, made it to court for his
16 day in court. That's his job. That is what he swore
17 to do.

18 The morning that he is taking the prisoner to the
19 courthouse -- Fairfield we still got our old Robert
20 Mills Courthouse with the flying staircase. So it has
21 got two staircases, iron staircases that come from the
22 ground and go to a portico that go into the courtroom.
23 The Court room is up on the second floor. As the
24 sheriff and his deputies are walking up there is a
25 crowd of folks on the portico. This is the family of

1 the victim. They are armed. The sheriff who is an
2 elected official standing there with an unpopular
3 person could have gone with what anybody I believe gut
4 reaction would have been, you know what, you are on
5 your own. He did not. He and his deputies walked up
6 the staircase through the gun fire. He was wounded,
7 the prisoner was wounded, his deputies were wounded.
8 He got to the courtroom. He suffered. He succumbed
9 to his injuries. The deputy succumbed to his
10 injuries. One of the deputies survived. But ladies
11 and gentleman he upheld his oath to do his duty
12 regardless of his personnel feelings and no doubt, no
13 doubt his personnel feelings were not to walk up that
14 staircase.

15 Now no one is certainly asking you and no one is
16 saying that you have to put your life on the line in
17 this case, but you swore a duty to listen to the case.
18 To weigh the facts. To put personnel feelings aside.
19 That is why I tell you that story. Remember your oath
20 because it is difficult to get past what happened.
21 But you have too and I know you will. You took the
22 oath and you will up hold it. That being said, you
23 know I am here on behalf of Mr. Clinton and I am going
24 to speak to him right now about his situation in this
25 case.

1 We know that the phone call or something came in.
2 Law enforcement gets a call that there has been some
3 event. I think his phrase it was a home invasion on
4 Roseanna Lane here in Lancaster just out south 200.
5 Four lane goes to a two Lane. A little road that goes
6 back off right there. We get to the scene. The door
7 is open. It doesn't appear to have been kicked in and
8 on the couch is a body. Nobody is on the scene. All
9 we know is that three folks, three, three, ladies and
10 gentleman have run from this place. That is the
11 information that they got. There is no information
12 about a Cadillac. At this time there is no
13 information about anything else. Just three people
14 running from the scene.

15 Let's talk a little bit about the scene and what is
16 at the scene and what is not at the scene. All right.
17 You heard talk about the Cadillac having mud and all
18 this stuff. All right. You got photos of the scene.
19 Look for some read mud. Now, I submit to you that
20 would make a whole lot more difference if we were a
21 little bit east of here were they don't have red clay,
22 but on this side that car could have been driven
23 around Lancaster, Chester or Fairfield easily picked
24 up some mud. But look at your pictures. State's
25 number 25 gives you a pretty good view of the road and

1 what we are looking at here. See where this red mud
2 is. In fact, I think it was Ken Taylor who told you
3 it was a gravel driveway. It wasn't a dirt driveway.
4 It was gravel driveway. That being said we got no
5 tire tracks, we got no footprints. We attempted some
6 fingerprints. I will give them that. They did
7 attempt. They were trying to get what they could get.
8 Obviously somebody is going to touch door handles, a
9 storm door. It's January. You heard testimony it was
10 cold, so this is not one of the nights where you got
11 the storm door open and the front door open taking in
12 the evening breeze. It was cold, so both doors are
13 probably shut. Stands to reason somebody is going to
14 touch that door handle, storm door handle, generally
15 you got to depress it so you can open it up. They
16 looked there. They don't have any fingerprints. We
17 do some touch DNA. Look at the door itself. Somebody
18 must have touched it. Got to open up the door. We
19 look, can't find any fingerprints but we do have some
20 DNA. Go in to the house. It is clear that everything
21 occurred in one location on the couch. All the
22 evidence seems to be that everything occurred right at
23 the couch. All of the blood, all of the bullets,
24 shell casings, what not, are right there. Then we
25 look around. Nothing else is really out of place in

1 the house accept for the master bedroom or what has
2 been call the master bedroom and there are several
3 pictures of it, but I will hold up State's number 10.
4 Clearly, clearly someone has rifled through this room.
5 I doubt very seriously that Miss Jones left the
6 drawers hanging out like this with stuff all over the
7 floor. In fact there is one drawer just laying in the
8 middle of the floor and a chest of drawers right here
9 tipped over. Now someone had to touch these things,
10 had to open the door, the drawer to the chest. We
11 didn't even attempt to get DNA there. That's what you
12 heard. We didn't swab anything in there. We tried to
13 get some fingerprints, but were unable to get any
14 lifts off of that. But no attempt to try to find
15 something in the bedroom where it is clear whoever
16 went in that house went looking for something. There
17 is no indication anything is missing. So kind of
18 makes you wonder the State doesn't have to prove
19 motive.

20 Judge may charge you on that. But wouldn't it be
21 nice to know a reason. You have no idea. It appears
22 it is attempted robbery, but other than a room that is
23 out of whack you got nothing to indicates. No one
24 says anything is missing. Well then on the scene this
25 is a neighborhood. You can see from this picture

1 right here in State's 25. They are not right on top
2 of each other but these mobile homes are fairly close
3 together. Short of somebody getting a knock on the
4 door, no one hears or sees anything. You got cars
5 flying out of there. You got gunshots. No one hears
6 or sees anything. It is about 10 o'clock at night. I
7 am sure some people had gone to bed but somebody is
8 probably awake. So you got no witnesses on the scene.
9 You know no more right now about what happened in that
10 trailer then you did Monday morning when the case was
11 called. You have no more information. No more
12 information. Even with everything Mr. Blakeney has
13 got to say. He couldn't tell you what happened in the
14 trailer because in his story he just sitting in the
15 car.

16 Now, getting to the car. What do we have what
17 don't we have from the car. Solicitor is right, you
18 will hear about these cigarette butts because they are
19 in the car. You got six of them. Never sent to be
20 tested. Now the explanation is, the explanation you
21 here from sheriff's department is SLED's policy is we
22 can only submit five items. Okay, that's fine. Look
23 at the reports you got. You got three DNA reports
24 from SLED and it shows what got sent. All right, 380
25 shell casing, jumpsuit, swabs from the storm door,

1 swabs from the front door, seat belt, fabric from the
2 passenger seat, fabric from the driver's seat, swabs
3 from the rear seat, another swab. One, two, three,
4 four, five, six, seven, eight. That didn't include
5 the swabs that they took from the people to compare it
6 to. There were eight items sent to SLED on this case.
7 So right now you already know if it is five, that is
8 not a hard and fast rule. And what does SLED do?
9 What does SLED do? Item number six is the jumpsuit.
10 We will talk about it in more detail in the second.
11 The jumpsuit, what does SLED do? They make it 14
12 different items. They cut tell 14 different pieces
13 off of it. So clearly SLED is not too worried about
14 this five item policy. That is not the only one they
15 do it with. Seat belt they make it two different
16 items. So don't stand up here and say oh, we can only
17 send five things. We don't need to worry about the
18 cigarette butts. And no one makes a phone call and
19 says, hey, you know this ain't a stolen law mower. I
20 got a murder. I am trying to figure out who was in
21 this car because the car was at the scene and somebody
22 was smoking cigarettes. Don't send it. This is stuff
23 that is collected a few days after the event. The
24 cigarette butts, the swabs from the steering wheel,
25 from the gear shifter, I mean, as SLED tells you when

1 you touch things it doesn't necessarily leave DNA on
2 it but if you are driving the car probably going to
3 find something on the steering wheel. If you got the
4 gear shifter wouldn't you think you would find
5 something on it. Well, somebody thought enough to
6 swab these things. Somebody thought enough to pick
7 them out of that ashtray. But they never make it
8 there. So you don't have that evidence to tell you
9 what was going on. Maybe it can, maybe it can't, but
10 right now you don't know. We're never going to know,
11 but that could have told you something. The mud on
12 the car, I don't know.

13 Mr. Barfield showed Mr. Blackmon this picture
14 (indicating) he says he didn't remember that. After a
15 while he realizes oh, yeah, yeah, yeah. That's right.
16 That's right, that molding was missing. So, whether
17 he kept his car clean, whether there was mud on it or
18 not, I tell you that is really not of very much
19 consequence, particularly given the fact that no one
20 can tell you there's muddy tracks leaving Roseanna or
21 any other place that they can tie back to this car.
22 So the fact that the car has mud on it and by the way
23 other than testimony you got nothing to substantiate
24 that.

25 How about this, we got a murder. We are trying to

1 figure out who does it. We come to Mr. Blackmon's
2 house. We look all through his car. We are at this
3 time looking through the ashtray, we are taking swabs
4 of the steering wheel, we are dusting for prints, we
5 are trying to get fingerprints, DNA, whatever it is we
6 can get. We believe this car was used in this murder
7 and the people who went there and did this thing went
8 to the scene and left with this vehicle. And then
9 they leave the car with Pomp Blackmon who then sells
10 it. Once we get wind of this being sold we get it
11 back. No one knows how we get it back but we get it
12 back and then in March -- March, all right, March we
13 decide maybe we need to go check for blood and that's
14 when we get the seat belt and that's when we get the
15 car seat. And that stuff gets sent on to SLED;
16 cigarette butts, steering wheel swabs still sitting in
17 Lancaster.

18 Now, let's suppose that there is some game of
19 chance where you can go to some convenience store and
20 wager two dollars for a chance to win several million
21 dollars, and your odds on that -- I don't know, one in
22 couple hundred million of winning. You might take
23 that bet. How does that relate to this DNA? Well,
24 you do have DNA and it does tell you something. It
25 tells you a whole lot and the first thing I want you

1 to look at is item number 1. This is the one and only
2 shell casing. The bullet is from a 380 gun. There is
3 one 380 casing in this house. It is in fact right
4 here on the couch over here. That is where it is
5 found behind the couch. Not in blood. Right here.
6 (Indicating). The only DNA on that shell casing is
7 Jenika Jones and not by a little bit. One in 8.9
8 quadrillion. Quadrillion. That is like 15 zeroes
9 past the nine. One in eight quadrillion. If you
10 trying to bet that you will find somebody else to
11 match that you ain't going to put two bucks on that.
12 One in eight quadrillion, that is Jenika Jones's DNA.
13 Not blood. SLED said they didn't find any blood on
14 the shell casing. Her DNA. How is her DNA the only
15 DNA on this bullet. Not the shooter. Not the man who
16 comes in here with the gun who presumably would have
17 loaded the gun, bullet by bullet and fired it. His
18 DNA is not on it at all, nor is Mr. Green's. Nor is
19 anybody else associated with the case. It is only
20 Miss Jones. Why? I don't have the first clue ladies
21 and gentleman, but that is the first part of looking
22 at reasonable doubt in this case. Why? If we think
23 this is the man who did it why is her DNA the only DNA
24 and by a lot. About as certain as you can get that's
25 her DNA.

1 Item number three, this is a storm door handle.
2 Remember it's January. Store door is closed, the
3 front door is probably closed. Somebody has got to
4 open the door. You know what the SLED report tells
5 you on that, it can not be Devatee Clinton. Can not.
6 Excluded. No way. Could be some of these other
7 people maybe, maybe not. I don't know. But it is not
8 Devatee Clinton.

9 Next item you got there, number three, the front
10 door, front door handle, and what it says on that is
11 well, I can't say whether it is or isn't Devatee
12 Clinton. Can't say. Not going to rule him in, not
13 going to rule him out. Just can not tell and because
14 we can not tell there are no odds on that. You
15 certainly not going to put two dollars down on a bet
16 like that.

17 All right, 6.1, remember now this jumpsuit -- I am
18 not going to drag it out quite yet. I will do that in
19 a minute. This jump suit which was SLED's 6.1, is a
20 cutting from this jump suit. This a jumpsuit that we
21 know is Devantee Clinton. We have no question that
22 this is it. We had somebody get up there and testify
23 that's the jumpsuit. This is his jumpsuit, right?
24 Well, maybe. All right, 6.1, that is not his DNA.
25 Can be excluded. Not his on his own jumpsuit. It's

1 somebody's because they say it is somebody's. You got
2 this report. You will be able to read it back there.
3 Six point two another cutting from this jumpsuit.
4 Profile developed from 6.2 was an identified male
5 individual. It ain't anybody's in this case that you
6 heard about. It's somebody entirely different. On
7 that blue jumpsuit that we are so sure is Devantee
8 Clinton's. Six point three, maybe, maybe not. It is
9 a mixture. Could be his DNA, but the odds of finding
10 somebody that matches that DNA profile well, it is one
11 in 580. All right, let's assume there is at the time
12 of this event about 76,000 people in Lancaster County
13 alone. That is 130 other people could be any of them,
14 that is bet you put money on it as to find someone who
15 matched that. Six point four, ain't it ironic one in
16 12. One in 12 chance. That could be any number of
17 people in this courtroom whose profile potentially
18 matches what they find on six point four. And then
19 they got other stuff. Remember it is 14 cuttings.
20 They find what they determine to be human blood on a
21 few of these. On other ones they find stuff that is
22 probably blood but it is not human blood.

23 Now, if you recall I asked and you probably thought
24 it was an odd question, could it chicken blood. SLED
25 agent said, yeah, it could be chicken blood. Do you

1 remember what else Pomp Blackmon gave them, an ID from
2 Tyson. It is up the road in Monroe. The chicken
3 plant in Monroe. This (indicating) just happens to be
4 with this. That's not important. The forensics
5 aren't important. The physical evidence is not
6 important in this case. You look at the witnesses is
7 what the solicitor says. We will get to them in just
8 a second. Twelve point two I believe is the seat belt
9 and what it tells you is it ain't anybody that you
10 heard about here. Got no idea who that person is.
11 So, somebody else is here. Somebody else is here
12 whose DNA has not been submit. The DNA tells you a
13 lot and what it tells you is that State can not tell
14 you that it was Devatee Clinton. Can not. That is
15 what that DNA tells you.

16 Witnesses, oh yeah, we got this great conversation.
17 We are over at Miss Tinsley's house. Apparently folks
18 are over there a couple different times. We're
19 hanging out eating breakfast, which is fine. Miss
20 Tinsley tells you she hears no conversation about a
21 robbery. Nothing. Miss Davis tells you, oh yeah, oh
22 they were sitting there, and Tate was sitting there
23 talking to Al and he said hey, let's go do this lick.
24 Can't tell you where. Can't tell you when. Can't
25 tell you who they talked about. They're just sitting

1 around before breakfast talking about doing a robbery.
2 Except she says that people are there that say -- they
3 get up later and say they weren't even there. So, I
4 don't know. You get to determine whether you are
5 going to believe it or not. But you take a look at
6 what they said and what they didn't say and who they
7 said wasn't there and that's how you weigh whether
8 they are telling you the truth or not.

9 Jamal Twitty says, I wasn't there. I was there for
10 a couple of minutes. I wasn't there for no
11 conversation about breakfast time, but we were hanging
12 out between the two apartments about ten o'clock that
13 night. Apparently Mr. Clinton is interviewing folks
14 for this robbery because everybody who walks up he is
15 asking do you want to hit a lick. That's what Miss
16 Twitty says. He is standing there and Mr. Clinton is
17 there and he wants to go hit a lick. He is telling
18 everybody he has got a gun and so when Mr. Twitty
19 walks up he said hey man, do you want to go with me
20 and Mr. Twitty in fact is the one that talked him out
21 of doing it that evening. That was his testimony.

22 Mr. Green walks up and he decides he needs to
23 talk to Mr. Green about it. Hey, let's interview him.
24 That's the conversation. Now even if you want to
25 believe that this conversation occurred, you find that

1 credible, you still have no idea what the heck they
2 are talking about because no one can say oh, this is
3 where they were talking about going. This is who they
4 were talking about robbing. When? No idea, except
5 Mr. Twitty is saying I talked him out of doing it that
6 night.

7 All right, now back to the car. We got Mr.
8 Blackmon. He is loaning his car out. He says he has
9 got two folks, two black guys come up and he loans the
10 car and he gives the keys to the one he thought had a
11 driver's license. As the car drive's off two more
12 guys get in the car. Now we got four people in the
13 car. All right. Then you got Miss Montgomery and
14 Miss Nelson all they were trying to do was get down
15 Roseanna Lane to go visit someone and a car comes
16 flying out. A car with its lights off. Kind of
17 boxy-looking car. Not entirely sure it was Cadillac
18 or Oldsmobile. That was her testimony and it is
19 flying out. Can't see who is in it. No idea.
20 Couldn't tell you whether it black people, white
21 people, purple people or orange people. Couldn't tell
22 you anything except about this car. There are no
23 street lights up and down Roseanna. You will see that
24 in the picture. All we know is that a car was there.
25 Okay. But we don't know who is in there. But here's

1 the issue and why I am bringing this up lady and
2 gentleman, I can't recall which one, but one of them
3 gets up there and says I saw that car the next day in
4 front of Piggly Wiggly and I ask how do you know it's
5 that car because that's the car I saw. How are you
6 sure? Because its was white Cadillac. And her
7 testimony was that is only white Cadillac she'd ever
8 see. Okay, ladies and gentleman that is for you to
9 decide whether you want to believe it or not, but I
10 submit it is not credible evidence.

11 Let's talk now about this jumpsuit. All right, we
12 talked about the DNA, we have talked about the several
13 different cuttings and how they can not if this is the
14 jumpsuit that he is wearing they can't put his DNA on
15 it. Can't find it on it. All you got is, well, it
16 might be his. One in 580 it could be somebody else's.
17 One in 12 it could be somebody else's. So what the
18 State has to rely on is Miss Stradford. Now, Miss
19 Stradford told you that Miss Jones was a friend of
20 hers. In fact she said at one point was a home girl.
21 That is a friend. That's a close friend. That is a
22 good friend. Maybe you don't hang out every day but
23 you see each other regularly and she just heard that
24 her home girl had been killed. She is understandably
25 upset about that situation. And then she says she

1 sees Mr. Clinton over at the Crenco on South Main and
2 she tells him about this and he is not upset at all.
3 He just wants a cigarette. But what the State puts
4 her up to do is to go Miss Stradford have you ever
5 seen this jumpsuit and I swear as soon as Mr. Barfield
6 got about right here (indicating), yeah, that is the
7 one Tate was wearing that night. Now she said she
8 seen him. She knows him. He wears a blue jumpsuit or
9 came a jumpsuit regularly. That's his normal
10 clothing. Folks one, she is going in the store after
11 her good friend had been murdered. I's sure she
12 wasn't paying a whole lot of attention necessarily as
13 to what Devatee Clinton was wearing that night. But
14 she didn't even look at it. She makes no observation.
15 As soon as it's pulled out of the box, two years
16 removed from the incident from the night not a doubt
17 in her mind, that is his jumpsuit. Ladies and
18 gentleman that is not at all credible. That is not at
19 all credible. It could have been any jumpsuit. It
20 just happens to be one in the courtroom right now.
21 That's why she says it is his.

22 Now, lets talk about Mr. Blakeney. Mr. Blakeney is
23 important and the solicitor just stood up here and
24 told you that is the best evidence they got in this
25 case. And I agree that is probably the best evidence

1 they got in this case. Let's talk about that evidence
2 because what they don't have the forensics, but what
3 they got to do is build this case and they are trying
4 to build in this situation is like an arch. Mr.
5 Blakeney is going to be there keystone to whole this
6 arch together. Well, lets talk about their keystone.
7 Here is Mr. Blakeney, gives absolutely inconsistent
8 statements. Tells law enforcement the day he gets
9 arrested, talks as soon as he gets arrested, and says
10 it was two people. Two people were in the car. In
11 his statement the cops catch him in a lie and he
12 starts correcting it by the end of the statement
13 before he leaves that day. He has already correcting
14 errors. What didn't he correct? Well, he said it was
15 two people at the time. It's later. Later once we
16 heard a little bit more about it and once we had a
17 little bit of time to think about it there were three
18 people in that car. I just sat in the car. No, there
19 was other people, Delrico. Delrico was there. That's
20 right. Why didn't you say -- why didn't you say that
21 before? Well, I couldn't remember his name. That's a
22 reason not to put a person there. You can not
23 remember there name so you just leave them out. Well,
24 I was scared. Okay. I mean, why is it any better now
25 then it was then, if you were scared then why aren't

1 you scared now. This is where you get to look at his
2 credibility, ladies and gentleman. When you lie about
3 things there is no reason to lie about. That's how
4 you determine credibility. He gets up on this stand,
5 sits up here and swears that after all this stuff
6 happened, as he is driving Devatee Clinton back home
7 over to Roseanna drive, that Clinton was not driving
8 the car, that he was driving the car. That Blakeney
9 was driving the car. Yet, when confronted because it
10 clearly said in his statement, Clinton was driving the
11 car at that point. Why do you lie about that?
12 Because you are lying about everything else that's
13 why.

14 Mr. Blakeney would also have you believe -- and by
15 the way, as I talk about his statement I am not saying
16 that you should find him at all credible. What I am
17 trying to explain to you is why you should not find
18 his statement credible at all. These are the issues.
19 He said Devantee Clinton didn't tell him anything.
20 Devantee Clinton who stands around interviewing
21 potential co-workers for this robbery doesn't tell the
22 dude who is driving them around a thing, except I need
23 to go get some money. So they hop in the car and they
24 drive down 200, pass the ATM over there in front of
25 the Food Lion at Airport Crossroads and says oh, no,

1 no, no, go down to this trailer park. And he says I
2 saw Devantee had a gun. I knew he had a gun. Man
3 with a gun gets in your car and says I want to go to
4 get some money. It's about ten something at night.
5 Says turn into this trailer park, go to this trailer
6 and you don't ask one question. Not a thought crosses
7 your mind. Man hops out of your car and other people
8 hop out of your car with a gun go to a trailer and you
9 sit there and wait for him. Okay. Doesn't question
10 anything on the scene. When they come back and get
11 into the car still doesn't have any questions and then
12 we got inconsistencies of what is even said inside of
13 the car. He said Devatee gets in the car and says
14 chill. Chill.

15 Now, I don't know maybe it is because I'm not from
16 Lancaster, but in Winnsboro chill means stay calm.
17 How are you suppose to chill and go, go, go at the
18 same time? But that's what he says these folks say
19 when he gets in the car and he takes off. Again, this
20 is something that you don't need to lie about. Just
21 tell what happened. Why do you lie about things you
22 don't have to lie about because everything you say is
23 a lie. That is why.

24 So, they head back over to the Hole in the Wall.
25 Now you saw Mr. Blakeney up here yesterday. He gets

1 up on the stand, he tells how terrible this whole
2 incident was. He even cries on the stand in
3 demonstration of how shook up this whole thing made
4 him. He was devastated, horrified. He was so upset
5 by this situation on that night that he drove back to
6 the bar and hung out with them for a couple more
7 hours. And after they hang out there, everybody is
8 ready to go home so he starts driving around, dropping
9 people off. They go to Newtown dropping people off.
10 Drop Mr. Green off. Maybe some other people off. Mr.
11 Clinton is still in the car with him.

12 Let's talk about this for a second. Okay. He says
13 he is hanging out at the Hole in the Wall with
14 Devantee Clinton until late in the night. All right.
15 They don't get back over to Roseanna until between
16 five and six in the morning. So they had to have been
17 there for a long time. Had to be hanging out together
18 for a long time. Well, Vivian Stradford said she saw
19 Devatee Clinton over at Crenco somewhere around 11
20 o'clock to midnight. Well, I mean, is he in two
21 places at once. See this is why I say she was in no
22 position to be observing. She doesn't remember what
23 she saw. She was not observing that. She was worried
24 about what had happened to her friend. So it is
25 either Mr. Blakeney is correct or Miss Stradford is

1 correct or none of them are correct, because you can't
2 believe all of that together. It doesn't make sense.
3 Who is he hanging out with, or is he even there.

4 All right. So this terrible thing has occurred. I
5 am sitting outside while these people run in. They
6 come running back out. One of them tells me to chill.
7 One says go. I take out driving. They end up at a
8 bar. And apparently nobody talks about anything at
9 the bar. I mean, they are hanging out for a couple
10 hours and no one says anything. Word is getting
11 around town because people are making phone calls.
12 You hear Miss Stradford say she heard about it. She's
13 down at the gas staying. No one is saying a thing
14 while they're hanging out at the Hole in the Wall and
15 let's all drive home. We will drive home. All right.
16 Mr. Blakeney drives off. Drops everybody off.
17 Clinton just sitting in the car with him. One story
18 driving. One story not driving. But he's in the car
19 with him. At some point he says, hey, can you keep a
20 secret? Mr. Clinton who up to this point hadn't been
21 worried about keeping anything secret according to any
22 of the State's witnesses, all of a sudden wants to
23 keep a secret. And his secret is, I killed that
24 bitch. Mr. Blakeney, who is so upset that he got up
25 on that stand and cried for you yesterday, continued

1 driving. Didn't ask any questions. Now, certainly
2 that would be shocking. Someone just told you that,
3 that would be shocking. He still doesn't ask any
4 questions.

5 Now, how much concern does he really have. Well,
6 one, he is driving Mr. Clinton right back to the very
7 place where he has reason to believe he sat up there
8 and told you he had this funny feeling. He thought
9 something wasn't going right. Something was bad.
10 Tate got out with a gun. Went in there. Came out.
11 They are driving back to the same place and he doesn't
12 have one bit of hesitation. Just pulled right in
13 drops Tate off. No problem. Then he says, Clinton
14 looks at him and says hold this gun. Still Mr.
15 Blakeney tells you he doesn't do anything. Well, so
16 what does he do? What does he do then? He drives
17 home. Cars is about out of gas, is what he said. The
18 car is about out of gas. Parks over at the Piggly
19 Wiggly just up the road from Roseanna and then kind of
20 reminds me of a no old move I remember. When they get
21 out the car the guy looks at one fella and says take
22 the cannoli leave the gun, except this time it's take
23 the gun, leave the car. This guy has now been told
24 that his suspicions are correct. He drives Clinton
25 over there and these other people over there and

1 something bad did happen because he said he did
2 something bad. He's now got the gun in his
3 possession. He's now worried about this situation so
4 what does he do? He puts the gun in his pocket and
5 goes walking down the road. Couple days later, he
6 says, within a day or two he gets information about
7 what happened. He now knows who got killed. He now
8 believes Devatee Clinton is the one who killed Jenika
9 Jones because he has got all these factors in his
10 head. And it has been pieced together and now knows
11 what happened over at Roseanna and he is upset. He is
12 concerned. He is worried. Someone he knew got
13 killed. He comes up here two years later on the stand
14 visibly upset about it and when he is in the moment,
15 he is so upset, so distraught, that he sells the gun
16 for some money to his cousin, or some relative.
17 Nothing about his story makes sense except for one
18 thing. One thing. He sits up there with the same
19 exact charge and he tells you I want to be a guidance
20 counselor. I'm going to school. I want to be a
21 guidance counselor. He tells you the punishment for
22 murder and I ask him, so you don't expect to spend the
23 next thirty years in prison, do you? Nope, he
24 doesn't. You know why? Because he expects to get a
25 deal. He's in trouble. He is up to it further then

1 he wants to admit. The best thing he can do is throw
2 Devatee Clinton under the bus and help himself out.
3 So, does he have deal, does he not have a deal? Well,
4 that is part of your consideration when you want to
5 think about, whether you want to believe a single word
6 that came out of that man's mouth. Did he get some
7 consideration? Yeah, he did not have to stand in this
8 courtroom in front of a judge and beg for a bond. The
9 State gave him one. Gave him one. And then they
10 stand up here and say oh, we didn't promise him
11 anything. We are not going to say that we are or
12 aren't going to help him. He then goes on and says I
13 expect to be treated fairly. There's a motivations,
14 ladies and gentleman. There's your motivation.
15 Blakeney is in trouble and he needs to sacrifice
16 somebody. Good old Tate sitting there. Throw him
17 under the bus.

18 He is the keystone, ladies and gentleman. Without
19 Mr. Blakeney the State has nothing else. It all
20 crumbles. They have no case. Mr. Blakeney is not at
21 credible. Can not believe anything he told you except
22 for the fact that he expects to be treated fairly.
23 That's what you can expect from him.

24 So, to sum up -- I am almost done, I promise --
25 the State has got to prove to you beyond a reasonable

1 doubt that the Devantee Clinton committed murder.
2 That he went over to Jenika Jones's house and killed
3 her and they got to do that with competent evidence.
4 What is competent evidence? Well, my estimation of
5 competent evidence is credible evidence. Believable
6 evidence. Not, could be his DNA; maybe, probably, I
7 don't know. Well, it could be one of 130 other people
8 in Lancaster County, or every 12th person in Lancaster
9 County or wherever.

10 Competent evidence is not a man who gets up on the
11 stand and throws someone under bus to save his own
12 hide. That is not competent evidence. They have to
13 have competent evidence before you can find Mr.
14 Clinton guilty.

15 Reasonable doubt. Reasonable doubt, I mean, I will
16 tell you what I think it's not. It is not I've been
17 sitting here all week. I have been looking at Mr.
18 Clinton. I don't know, he kind of looks like he might
19 carry around a gun and go shoot people. It's not
20 maybe he did it. It's not I think. It has got to be
21 there is no other reasonable explanation and there is
22 plenty other reasonable explanation in this case as to
23 what happened besides it being Devatee Clinton. They
24 have got to show you by the high burden of beyond a
25 reasonable doubt. Not more likely. Not I think. Not

1 possibly.

2 If you go back there and you looked at everything
3 that you got and you believe that there is a real
4 possibility that Devatee Clinton didn't do it, a real
5 possibility that he didn't do it, then your job is to
6 find him not guilty.

7 Now the State I told you Monday, that they stand up
8 here and say, we don't really know who did it, but it
9 doesn't really matter and that's what they continue to
10 tell you. The solicitor is going to tell you oh yeah,
11 it is Devatee Clinton. Not one shred of evidence can
12 support that conclusion. The only evidence they got
13 is well, we think it is one of them two and if you
14 think one of them did it then both of them did it. So
15 they are relying on a principal called accomplice
16 liability. Okay. So, if you that point, if you reach
17 the point that you think these two gentleman were
18 involved then you are going to have have look at
19 accomplice liability. That means the State is telling
20 you we don't know who did it. It doesn't matter who
21 did it, but they both participated. Well, you got to
22 participate. You got to be there. You got to do
23 something with it. What it is not -- what accomplice
24 liability is not, is simply being there. If you
25 believe -- if you believe Devatee Clinton is standing

1 around in conversations about a robbery, if you
2 believe he's in a car where somebody commits a
3 robbery, just because he's in that car -- and by the
4 way, I am not in any way suggesting that you should
5 even reach that point because I don't think there is
6 one shred of evidence that supports that. But I got
7 to argue what you might go to and this is a
8 possibility that you might go to giving the evidence
9 that has been presented to you. So if you reach that
10 point -- which I don't think you will -- they got to
11 prove to you that he was more than merely there or
12 mere knowledge. They got to prove of participation.

13 Ladies and gentleman, once you go back there and
14 look at it, you are going to find that Devatee Clinton
15 was not there. Did not participate in any
16 conversations. Was thrown under the bus by Wayne
17 Blakeney because he was an easy target and Devantee
18 Clinton is not guilty. I want to thank you for your
19 time and your attention and your service.

20 THE COURT: Thank you. Thank you very much Mr.
21 Frick.

22 Miss Raney.

23 MS. RANEY: Thank you, Your Honor.

24 I know this has been a long week and a long day.
25 Hang in with me a little bit longer because this case

1 is important to Jenika Jones's family who have been
2 here all week and lost a daughter way too soon. But
3 it is also important to the young, Mr. Green, my
4 client, who is on trial for murder. What I think,
5 where I think the evidence really begins in this case
6 is with my client's sister, Latoya Green, who was
7 called to testify in this case by the State. The
8 government. And she gets on that stand and what did
9 she tell you? She has been friends with Jenika Jones
10 since they were kids. She was so close with Jenika
11 Jones that she is the God momma to her three babies.
12 She tells you that in 2011 she, Latoya Green, her
13 brother; my client, Al Green, lived with Jenika Jones
14 and not just with Jenika Jones, but her three small
15 children. And I asked her, were those kids there all
16 the time and she said, yes. They were there every
17 day. Fast forward, not that far down the road. Miss
18 Jones is murdered January of 2012. January 19th of
19 2012, and I believe it was Investigator Thompson or it
20 might have been SLED Agent Green yesterday when we
21 were talking to the police about how they conduct
22 their investigations. I believe it was one of them
23 that said yesterday when a crime is first committed we
24 cast a big wide net out there first and as we work
25 through our investigation we narrow it down. What did

1 SLED agent Green tell you yesterday. He talked to my
2 client, Al Green, just days after Miss Jenika Jones's
3 murder. I am not going to pull all this evidence out.
4 You will all have it back with you in the jury room to
5 go through and look at for yourself. But the State
6 put in evidence that Miranda or waiver of rights form
7 with a date on it that shows they were talking to my
8 client within days of Miss Jones being murdered. And
9 my client tells them I was at the Hole in the Wall.
10 Not a crime to be at the Hole in the Wall. His
11 girlfriend gets up there Miss Tinsley and they ask
12 her, where did Al Green tell you he was at on January
13 19, 2012? Well, he said he was at his mommas house
14 and then he went to the Hole in the Wall and he met up
15 with Tate there. Consistent with the same thing that
16 my client told the police. But if you also remember
17 what we talked about with Investigator Thomspson
18 yesterday when I was asking him about going to Marcus
19 Barnes the gentleman than Wayne Blakeney said had
20 given the gun to, I was asking Investigator Thomspson,
21 well, did you go to Mr. Barnes's house? Did you look
22 for the gun at Marcus Barnes's house? Did you ask for
23 consent to go look for the gun, and he said he didn't
24 really get anywhere with Mr. Barnes when he went
25 looking for the gun. If you remember at that point I

1 asked Investigator Thomspen, what about a search
2 warrant? I had him explain to you all the process of
3 getting a search warrant. Where they, the police
4 officers can go to the judge and ask the judge to sign
5 off a search warrant so they can go in that house and
6 look for evidence and remember what he said. Well,
7 you know, that was in March and a couple of months had
8 passed by that time. So, I didn't really think the
9 judge would go for it. So I didn't even bother asking
10 the judge. Well, that wasn't the case was it. On
11 January 25th, just days, less than a week after Miss
12 Jones was murdered when the police were talking to Al
13 Green, did you hear any officer say, hey, you know we
14 are talking to Al Green. Obviously they consider him
15 a person of interest in this case, it is within days
16 of this woman being murdered. Maybe we should ask Al
17 Green if he will let us go take a look around his
18 house. SLED Agency Green didn't tell you that, did
19 he? Did you hear one officer say after the police
20 talked with Al Green within days, hey -- hey judge,
21 can we have a search warrant? This horrible crime
22 happened just a few days ago. We think this guy might
23 be involved in it so we want to go in his house and
24 look for evidence. And what kind of things could they
25 tell the judge they were looking for. Well, just a

1 few days after this we have a missing car key from
2 Pomp Blackmon's car. We have a missing murder weapon.
3 They haven't found that. I would think the police
4 would be interested since they think Mr. Green is the
5 person of interest in this case and what he was
6 wearing that night. Collecting that. Putting that in
7 evidence. Seeing if there is any type of forensics
8 they can find off that. Maybe interested in Mr.
9 Green's cell phone. Mr. Green was right there in the
10 police station meeting with the police. Did you ever
11 hear SLED Agent Green tell you he asked my client if
12 he could look through his phone? Everyone I know,
13 well, accept for the 14 of you because I know you
14 can't bring the phone in the courtroom -- everybody
15 when they are not stuck on jury duty carries their
16 phone around with them and certainly if it is not with
17 them you leave it at your house. Obviously the police
18 think phones are important evidence. They collected a
19 phone. Bothered to put it in for evidence from Miss
20 Jones's house. Never even asked, never even looked
21 for my client's to see if there is anything
22 incriminating on there. Any kind of text messages.
23 Nothing. Don't even look.

24 Then we heard from the first responding officers at
25 the scene. We heard from Officer Weiss and David

1 Belk. They tell you they get there really shortly
2 after all this happens. I believe it was around 10:15
3 and I ask them what's it like when you pull up. You
4 know, what do you he see when you pull up to Miss
5 Jones's house, and I honestly don't remember which one
6 of them say it, but I remember an officer telling me
7 in response to those questions, well, I remember there
8 was at least eight or ten other police officers there.
9 There is patrol cars there. There are blue lights.
10 We know CSI team is out there. We have three people
11 from the Lancaster County CSI team alone that
12 testified that they were out there that night. We
13 know that SLED was involved. I asked Officer Green
14 when did you first get involved and he said it was
15 real early on in that case. So we got SLED out there.
16 We got the CSI team out there. We got EMS out there.
17 We got Officer Weiss out there. We got Officer Belk
18 and ten -- eight to ten more. So there is a lot of
19 people out there. And what did they tell you they did
20 those first responding officers? Well, one thing they
21 told us is that they spent from about 10:15 at night
22 until 5:30 in the morning they are investing this
23 case. They also told us this happened on January
24 19th, 2012. Over two years ago. Over two years now
25 to collect evidence and prepare the case against my

1 client, Al Green. And do you remember me asking
2 Officer Weiss, well, what did you do when you got
3 there? And said he was tending to those children.
4 Jenika Jones's three small children; a four-year-old a
5 two-year old and then her youngest boy. And that all
6 three of those children had blood on there clothes.
7 There mom's blood. Did you ever hear him tell you or
8 any of the other officers that the State put forward
9 on the stand that they talked to the oldest child
10 about what happened? Did they ever ask this
11 four-year-old, this four-year-old that lived with my
12 client in 2011 and this incident happens in January of
13 2012? They don't ask him, hey, do you know Al? Hey,
14 here is a line-up, here is a photo of him, do you know
15 this guy? Was he in your house on January 19th of
16 2012? We don't know the answer to that because we
17 don't have any evidence in this case that the police
18 even bothered to ask him that, Mr. Blakeney.

19 Mr. Frick commented on the fact and the judge is
20 also going to tell you when witnesses are up on the
21 stand testifying you are suppose to look at their
22 demeanor and that is a factor just like it is in your
23 every day life when you are talking to people and
24 deciding whether or not you are believing what they
25 are telling you. And Mr. Blakeney was clearly upset.

1 He was tearful, emotionally torn, absolutely, but when
2 you were watching him and listening to him testify and
3 seeing him shed those tears and repeat over and over
4 again, I repeatedly heard him say, I am scared. I am
5 scared. I am so scared. I bet he is scared. He is
6 charged with murder. You think those tears he was
7 shedding were for Jenika Jones's family. You think
8 those tears he was shedding was for those three
9 children of who has been robbed of momma to early in
10 life, or were those tears he was shedding for himself
11 because he is in a heck of of mess isn't he. He feels
12 so bad about this situation, so shook up about this
13 situation, that he lets months, months pass and never
14 goes to the police. In fact the only time he talks to
15 the police is after one of his own friends rats him
16 out. That's what he told you. He gets arrested for
17 murder. Well, then he decides I better start talking.
18 And even then when he is trying to safe his own behind
19 he's not honest at first and he did admit to that.
20 But look at his actions. Another way we judge whether
21 people are telling us the truth or not in real live is
22 we not only look at what they say but also what they
23 do. If somebody comes up to you and says, hey Suzy,
24 she's a heck of a great girl. She's really nice. Are
25 you just going to judge suzy on people saying she's

1 nice or are you going to look at what Suzy does to
2 make that determination for yourself if she's a nice
3 person. You know how the saying is actions speak
4 louder then words.

5 The guy that feels so bad about all this, so
6 scared, so shook up, spends all of that time he said
7 with Mr. Clinton in the car that night after all the
8 others are dropped off. He says Mr. Clinton tells him
9 here you go. I killed that bitch and here's the gun.
10 Does he take it to the police, no. He ditches the car
11 because it ran out of gas. He holds on to that gun he
12 says for a couple of weeks and then he sells it to
13 make a couple of bucks. Sounds real broken up about
14 Miss Jones and her family. He's ditching what he has
15 allegedly told us is the murder weapon to make a
16 couple of buck. Sounds like someone is out to
17 themselves to me.

18 When SLED was up on the stand testifying they told
19 you they took a look at the shell cases and the bullet
20 that was recovered from Miss Jones's head and when
21 they are looking at those items they are looking for
22 markings to see if there is enough markings on the
23 shell casings on the bullet to determine whether or
24 not that if they even had a gun they would be able to
25 match it up. And the SLED firearms's expert told you

1 yeah, there was marking on both of these items and if
2 I had a weapon I could have test fired it to see if it
3 matched up with these marking and then we would have
4 known whether or not it was the murder weapon. But
5 Mr. Blakeney he got rid of it for a couple of bucks so
6 we don't know, do we.

7 When Mr. Barfield was talking about the
8 conversation I heard his say repeatedly to you in
9 closing argument; they, they, they, they. Is that
10 what the witness's stood up here and told you because
11 that is not what I remember hearing and I know you all
12 heard a lot and nobody can remember everything. So I
13 will tell you if when you get back there and you are
14 discussing this and you can't remember, because nobody
15 can remember everything exactly what somebody said you
16 do have the opportunity to rehear testimony.

17 What I remember Mr. Blakeney saying is there was no
18 they involved. He says when they get to the club he
19 don't know what Mr. McDow and Mr. Green are doing. He
20 couldn't even tell me if they were drinking. He says
21 Mr. Clinton came up to him and said I need to go get
22 some money, pick up money. Something to that effect.
23 He doesn't say that my client was there when Mr.
24 Clinton made this statement. He doesn't say Mr. McDow
25 was there when my client made the statement. He

1 wasn't even hanging out with my client then. Simply
2 we got to the club I don't know what they were doing.
3 I don't what they were drinking, but hey, Mr. Clinton
4 asked me to go ride him over to get me some money.
5 Where is the conspiracy, the aiding, the planning of
6 this crime by Mr. Green.

7 Mr. Blakeney says the four on of them get in the
8 car and what is discussed, what is even mentioned on
9 the way over to Roseanna Lane. Well, there is not one
10 word about Mr. Green saying anything. Not one word
11 about Mr. Green having a weapon. Not one world about
12 a robbery, a killing, a shooting. No one is pulling
13 out a gun on the way there and cocking it, checking to
14 make sure it is loaded. No one is putting on masks.
15 No one is putting on gloves to prevent leaving DNA
16 behind when they are touching things. No one is doing
17 anything suspicious like that. Wayne Blakeney says
18 it's just Mr. Clinton giving him directions on where
19 to go, not Al Green giving him directions. And he
20 says they roll up in at Roseanna Lane the four of them
21 in this car and three of them get out. How convenient
22 he is not one of those three. He says that he sits in
23 that car about ten minutes. He doesn't remember, I
24 asked him can you show me exactly where you parked
25 when he out there that night and he is not sure. But

1 he sure was sure when I asked him did you hear a
2 gunshot because you are telling us when Mr. Clinton
3 tells you, I shot her, that you didn't believe it. So
4 did you hear a gunshot that night? Nope, didn't hear
5 a gunshot. Well, did you see which way they went?
6 Nope. Could you see the door to Miss Jones's trailer
7 that all the State's evidence point to someone went
8 into the front door of her trailer? Nope. They
9 disappeared was the word I heard him say. So he can't
10 say whether the three of them stayed together. He
11 can't say which one of them, two of them, three of
12 them, any of them if they actually went inside of Miss
13 Jenika Jones's trailer. He could not see it. He says
14 ten minutes later they come back and I believe my
15 notes when he was testifying said they were in a
16 little bit of a hurry. They get in the car and Mr.
17 Clinton says chill. Well, at this point Mr. Blakeney
18 tells you he don't know anything that is going on at
19 all. He has no idea. He just thinks they are going
20 over there to pick up some money. Doesn't hear a a
21 gunshot. I asked did you hear any loud or unusual
22 noise? What did he say, he said no. So why would Mr.
23 Clinton get in the car and tell him to chill.
24 According to him he is not freaking out. He don't
25 even know anything is going on. And what does he say

1 he hears from the back seat where allegedly my client,
2 Mr. Green is and Delrico McDow, go, go. You notice
3 there was no explanation about that. We don't know
4 whether go, go means hurry up because I got to get to
5 back the club because I'm hitting on this girl and I
6 don't want her to leave because she was hot. We don't
7 know if it means hey, we got around the back side of
8 the the trailer, headed towards Jenika Jones's trailer
9 and Tate pulls out a gun and Mr. Green is like, whoa,
10 I did not the sign up for this and he's just wanting
11 to get the heck out of there. Cause what happens when
12 they leave Roseanna Lane? Well, for one, Mr. Blakeney
13 says he drives fast, but did you notice what he didn't
14 say? He never said he was driving with no lights on.
15 He never said that he almost ran another car off the
16 road. Like Miss Nelson and Miss Montgomery told you.
17 He didn't say any of those things. He says they go
18 back to the club, back to the Hole in the Wall, that
19 he is still at this point has never seen my client
20 with a weapon. Never heard him talking about a
21 robbery. Doesn't see him come back with anything in
22 his hands that could have been taken out of that
23 bedroom that you all have pictures of that are
24 ransacked. Nothing. And they hang out for a little
25 bit at the club and then he takes my client home.

1 Who does he spend all this quality time with that
2 evening, not Al Green.

3 He says as they are riding back to the club that
4 night he doesn't say anything about my client acting
5 freaked out, nervous, amped-up. Adrenaline pumping.
6 I think if you were there when all this goes down
7 someone that you use to live that has has know your
8 sister for ages you would be a little fired up about
9 that. He doesn't say anything unusual at all about
10 Mr. Green's demeanor. Nothing. Didn't hear him say
11 anything on the way back. Hang out for a little while
12 at the club. He takes all these people home, other
13 guys we don't even know who they are in addition to
14 Mr. McDow and Mr. Green. And spend all of this time
15 until six in the morning with Mr. Clinton the next day
16 and he says not when my client is in the car. Not
17 when Mr. McDow or anybody else is in the car. That
18 suddenly Mr. Clinton feels like talking and says I
19 killed her and he is in such a confessing mood
20 apparently, Mr. Clinton, I can't think of a more
21 incriminating statement to come out of someone's mouth
22 other than I killed her. Pretty damning. Really
23 putting yourself in a lot of trouble saying something
24 like that. But you know what he doesn't say? He is
25 willing to go that far and throw himself out there

1 under the bus, but he never says, oh, and Mr. McDow
2 and Mr. Green helped me do it. Oh, and they were in
3 on it the whole time. Oh, they were inside that
4 trailer with me. He is going to hold that back, but
5 confess to murder. Does that make be sense?

6 Motivation. People's reasons for saying what
7 they say. Mr. Barfield aruges that it makes Mr.
8 Blakeney a more credible witness that he doesn't have
9 a deal. Really? Think about that using your common
10 sense as several of us have asked you to do. If I am
11 hired to cut someone's lawn and they say right up
12 front here you go. I'm going to pay \$100 to do my
13 yard today and they gave me the money at seven o'clock
14 that morning. I got the money in my hand. Don't
15 matter how good or how bad a job I do cause I already
16 got the money. I got my deal. But if they say, hey,
17 go cut my lawn and I will pay you for your work when
18 the job is done, doesn't that give me a little extra
19 motivation to do a good job. Maybe spend a little
20 more time on what I am doing. Pay more attention to
21 detail; edging and blowing away all the grass
22 clippings when I am done. Making it look real nice
23 and pretty if I haven't got my money yet and I am
24 earning it.

25 Mr. Barfield also told you, oh, the defense is

1 going to talk about forensics. That is just fancy TV
2 stuff and you know, it is all real confusing. SLED
3 told you that. There is mixtures of people. What I
4 say to you ladies and gentleman you are going to have
5 all the SLED reports back there with you. Take a look
6 at them. I don't there is any confusion in SLED's
7 testimony or their reports. You will get to see what
8 they say, nothing they got is a match to Al Green. I
9 don't see any confusion there. And why is forensics
10 and DNA important, the same reason that I said at the
11 beginning of this trial. Yes, witness's testimony is
12 important. I want you to pay attention and consider
13 what all of the witnesses told you, but forensic
14 evidence, physical evidence, not even just forensic,
15 things like pictures and the trim off the car and all
16 this stuff that is going to come back to the jury room
17 is important because it can back up what someone says
18 or it can contradict it. To help you all do your job
19 to determine what the facts are in this case. So Mr.
20 Barfield wants you to pay attention to the physical
21 evidence in DNA when it helps you. When it helps your
22 case, but not when his case ain't so good. Then it's
23 just fancy T.V. stuff. Forensics and collecting
24 physical evidence isn't important, really. Our
25 Lancaster County County Sheriff's office, they had

1 three CSI people out there that night just on this
2 case. Why they spending all this money to pay those
3 people? We had at least three people from SLED
4 testify. Why are we putting all this money in those
5 people and in SLED in general if that stuff is just
6 fancy TV stuff. Just not that important. Does that
7 make sense.

8 I am not going to take at this out of this box and
9 I am sure there are pictures in this pile here too.
10 It certainly does appear that a piece of trim from
11 this car was on Roseanna Lane. Mr. Clinton lives on
12 Roseanna Lane. I don't how many times if it was this
13 car or not and how times it went in and out of that
14 Roseanna neighborhood that night. No idea. I can
15 tell you that Miss Montgomery and Miss Nelson say they
16 think they see that car there that night and Blakeney
17 drives it -- says he drove it through there twice.
18 And if a piece of trim is found at Roseanna Land that
19 does match the car, well great, the car is not on
20 trial here. We need more than that. The inquiry
21 doesn't stop with whether or not the car was there
22 that night. That's not the issue here. Was Mr. Green
23 in that car. Again, it doesn't stop there. Did Mr.
24 Green plan with Mr. Clinton or whoever else to commit
25 a robbery, plan a lick. Did he do something other

1 than merely be present? You are going to hear those
2 words, mere presence from the judge when he gives you
3 the law. Just being there is not enough to be a
4 criminal act. You have to do something to aid,
5 assist, some overt act to help further along what is
6 going on. I didn't hear testimony from a single
7 witness that he helped do that and the State says oh,
8 but wait a minute. We got it all figured out from the
9 day before. Remember Dominique Davis came up here and
10 told you up he has been planning this for at least a
11 day. And that's when Mr. Barfield started to use that
12 "they" language there again. They were planning this.
13 They were talking about this, but what I remember
14 Dominique Davis saying is Mr. Clinton asked Mr. Green,
15 or was telling Mr. Green about doing a lick. Not that
16 the two of them came up with this idea at the same
17 time. That it was a question or brought up by Mr.
18 Clinton. That's what I remember her saying. She says
19 that when she hears this conversation between Mr.
20 Green and Mr. Clinton that she's talking to Miss
21 Tinsley. So Miss Tinsley is close enough to all this,
22 to be having a conversation with Miss Davis. She
23 can't be that far away and Miss Davis can focus on
24 that conversation with Miss Tinsley and this
25 conversation going on over here between Mr. Green and

1 Mr. Clinton. Miss Tinsley, called by the State, tells
2 you I did not hear any such conversation. And Mr.
3 Twitty who tells you he stopped by there that morning
4 said when I got to the house I didn't even see Mr.
5 Clinton there and did not hear any discussion about a
6 robbery or a lick. And even if Miss Davis is -- if we
7 believe that what Miss Davis is telling you the truth
8 what does she say my client said about that. She said
9 my client said, are you talking about the girl that
10 works all the time with the black car. It's kind of
11 like what are you talking about. She didn't say I
12 heard him say yeah, let's go do it, or yeah, how are
13 we going to get this done. Yeah, I got a gun I can
14 bring to this, or yeah, I'm going to get some money
15 off that girl. None of that. She never says she
16 heard Mr. Green agree to go along with this.

17 I never heard any testimony that Miss Jones has a
18 black car. I heard mention of a Jeep somewhere. Not
19 sure from who. You are going to have the pictures at
20 her residence. There is no black car there. That's
21 all there in evidence. No talk at all that day about
22 who they are talking about. That a huge assumption
23 there. Miss Davis said I didn't hear names, who,
24 what, what they were going to steal, who they were
25 going to go after, or where they were going to do

1 this. None of that. So then the State says, oh, wait
2 but we got Mr. Twitty too and he can show Mr. Green
3 was more than just a sweet innocent babe in the woods.
4 He helped plan all this at least a day in advance.
5 And what does Mr. Twitty tell you. There's a lot of
6 "they" talk again when the solicitor talked about it.

7 Mr. Twitty tells you it is Mr. Clinton. That my
8 client is not even there and Mr. Twitty tells you
9 Clinton comes up to him and it's like, hey man, want
10 to do a lick? And what does Mr. Twitty tell you his
11 response was to that question posed by Mr. Clinton,
12 yeah whatever. Then Mr. Twitty says my client comes
13 up. Comes out of Miss Tinsley's house or whatever he
14 was in the neighborhood. Again, my client is not even
15 there hanging out with Mr. Clinton when this
16 conversation first starts. He just strolls up on Mr.
17 Clinton and Mr. Twitty's conversation and then when
18 Mr. Green rolls up on the conversation Mr. Twitty says
19 he hears Mr. Clinton hey man, do you want to do a
20 lick? What does he say my client said, yeah,
21 whatever. The same response that Mr. Twitty gave. If
22 Mr. Clinton and Mr. Green had already planned to do a
23 robbery that morning why later on that night is Mr.
24 Clinton asking my client again about the very same
25 thing if they already have this big agreement. That

1 don't make any you sense. And then who keeps pushing
2 up. Did you hear any testimony from Mr. Twitty that
3 my client is like, yeah, well how are we going to get
4 there? I will try to get a car and I'm going to get a
5 gun and this is how we are going to do it. No, he
6 didn't hear my client say anything like that. He says
7 it is Mr. Clinton pushing him, Mr. Twitty, to go get a
8 car and Mr. Twitty is like, no, man, my car is parked
9 for the night. Well, you don't hear my client jump in
10 say oh, let me see if I can get a car. Pushing that
11 along.

12 I asked Mr. Twitty, well, you said yeah, whatever.
13 Whenever Mr. Clinton asked you to do the lick did you
14 ever go do you a lick, robbery or any crime with Mr.
15 Clinton and he is like no.

16 Beyond a reasonable doubt. It is the State's job.
17 It is their burden to give you evidence beyond a
18 reasonable doubt in this case. I submit to you they
19 don't have it against Mr. Green. If after you heard
20 all of the evidence in this case, the judge is going
21 to describe for you reasonable doubt and give you the
22 charge on the law of what that means and I ask you pay
23 close attention when he does that. I believe he at
24 the beginning of this case did give you instruction on
25 reasonable doubt and said, you know, if they proved

1 their case beyond a reasonable doubt you will be
2 firmly convinced of Mr. Green's guilt. Are you? The
3 judge has also reminded you that just because these
4 two individuals; Mr. Clinton and Mr. Green are both
5 charged with murder and are both being tried at the
6 same time that you have to evaluate all the evidence,
7 the case against Mr. Clinton and then the case against
8 Mr. Green.

9 The judge is not going to tell you, because that is
10 not the law, that you have to come up with the same
11 result or same verdict on both of them. You can.
12 They can be different or they can be the same. That
13 is for you all. You guys are fact finders in this
14 case. It is your job to hold the State to their
15 burden. They have not met it. The evidence is not
16 there and for that reason I ask you to find my client
17 not guilty..

18 THE COURT: Thank you. Thank you, very much Miss
19 Raney.

20 Mr. Foreman, ladies and gentleman of the jury, I
21 believe we will take about a 15 minute recess. During
22 this recess do not discuss this case with your fellow
23 jurors or anyone else. You may now go with the
24 bailiff.

25 THE COURT: All right. Court will be in recess 15

1 minutes. Short break.

2 (WHEREUPON, there was a short break.)

3 All right. Welcome back, Mr. Foreman, ladies and
4 gentlemen of the jury panel, it is now the portion of
5 the trial where I will charge or instruct you the law
6 that you are to apply to the facts of the case as you
7 find them to be. The manner in which I charge the law
8 in a criminal matter, in a criminal case, is I charge
9 the general law that applies to all criminal cases in
10 South Carolina first. After I charge the general
11 criminal law I will then charge the law of the crime
12 charged in the indictment of murder. I will then
13 charge hand of one, hand of all or accomplice
14 liability.

15 Finally, I will then charge or instruct you on the
16 form of the verdict and the verdict form itself that
17 you will have in the jury room with you, Mr. Foreman,
18 ladies and gentleman of the jury. Typically, I will
19 give you the caption of the section that I am fixing
20 to cover when I change from one topic or subject to
21 another, I will then give you that next caption to
22 follow along.

23 Charge, arrest, indictment not evidence. As you
24 know the indictments in this case of the defendants
25 charge each defendant with the crime of murder. I

1 remind you that the fact that the defendant were
2 arrested, charged and indicted in this case is not
3 evidence in this case and can not be considered as
4 evidence of guilt in this case, nor do the indictments
5 create any presumption or inference of guilt. These
6 documents again are simply the formal written
7 instruments which contain the charge made against each
8 of the defendants. It is the formal written document
9 by which the case is brought in to this court.
10 Multiple defendants, I charge you that there are two
11 defendants in this case. Each of them is charged with
12 the crime of murder. The case of each defendant and
13 the evidence and the law concerning that defendant
14 should be considered separately and individually.
15 Your verdict does not have to be the same for both
16 defendants. The fact that you may find one defendant
17 guilty or not guilty, should not control your verdict
18 as to the other of defendant.

19 Where more than one person is charged with a crime,
20 if the evidence warrants it, you may convict one and
21 acquit the other, or you may acquit both or you may
22 convict both. It will depend upon your view of the
23 testimony and the evidence and the facts in this case.
24 You must take each defendant and consider the evidence
25 as to that defendant and my instructions to you on the

1 law. You will then right a separate verdict of guilty
2 or not guilty as to each defendant.

3 Presumption of innocence, each defendant has plead
4 not guilty to the indictment and that plea puts the
5 burden on the State to prove the defendants's guilt.
6 A person charged with committing a criminal offense in
7 South Carolina, is never required to prove himself
8 innocent.

9 I instruct you that it is an important rule of the
10 law that a defendant in a criminal trial, no matter
11 what the seriousness of the charge may be, will always
12 be presumed to be innocent of the crime for which the
13 indictment was issued unless guilt had been proven by
14 evidence satisfying you of that guilt beyond a reason
15 doubt. This presumption of innocence does not end
16 when you begin your deliberations, but it accompanies
17 each defendant throughout the trial until you reach a
18 verdict of guilt based on evidence satisfying you of
19 that guilt beyond a reasonable doubt.

20 The presumption of innocence has been said to be
21 like a robe of righteousness placed about the
22 shoulders of the defendant which remains with the
23 defendant until it has been stripped from the
24 defendant by evidence satisfying you of the
25 defendants's guilt beyond a reasonable doubt.

1 The presumption of innocence is not a mere legal
2 theory. It is not just a legal phrase. It is a
3 substantial right to which ever defendant is entitled
4 unless you, the jury, are satisfied from the evidence
5 of the defendants's guilt beyond a reasonable doubt.
6 What is a reasonable doubt in the law? A reasonable
7 doubt is the kind of doubt that would cause a
8 reasonable person to hesitate to act.

9 The State has the burden of proving the defendant's
10 guilt beyond a reasonable doubt. Some of you may have
11 served as jurors in the past, in civil cases where you
12 were told that it is only necessary to prove that a
13 fact is more likely true then not true, such as by the
14 greater weight or the preponderance of the evidence.
15 In criminal cases, the State's proof must be more
16 powerful then that. It must be beyond a reasonable
17 doubt.

18 Proof beyond a reasonable doubt is proof that
19 leaves you firmly convinced of the defendants's guilt.
20 There are very few things that we know in this world
21 with absolute certainty, and in criminal cases the law
22 does not require proof that overcomes every possible
23 doubt. If, based on your consideration of the
24 evidence, your firmly convinced that the defendant or
25 defendants is guilty of the crime charged you must

1 find the defendant or defendants guilty. If on the
2 other hand, you think there is a real possibility that
3 the defendant or defendants is not guilty, you must
4 give the defendant the benefit of the doubt and find
5 him not guilty.

6 Duties of trial jury and trial judge: I remind you
7 that during this trial you and I have certain duties
8 to perform. As to the trial judge, it is my
9 responsibility to preside over the trial of this case,
10 and I also have the duty to rule on the admissibility
11 of the evidence offered during the trial. You are to
12 consider only the competent evidence before you. You
13 are to consider only the testimony which has been
14 presented from the witness stand, and any exhibits
15 which have been made part of the record in this case
16 which you will have with you in your jury room during
17 your deliberations.

18 I have the additional duty to charge you the law
19 applicable to this case. As the presiding judge, I am
20 the soul judge of the law of this case, and it is your
21 duty as jurors to accept the law and to apply the law
22 as you now state it to you. If you already have any
23 idea as to what the law is, or what the law ought to
24 be and it does not agree with what I tell you the law
25 is, you must abandon, you must set aside your idea

1 because you are sworn. You have taken an oath to
2 accept the law and to apply the law exactly as I state
3 it to you.

4 In every case tried in this court before a trial
5 jury, the jury becomes the soul and exclusive judge of
6 the facts in a case. A trial judge cannot intimate,
7 state, comment on, or make any statement to a trial
8 jury about the facts in the case. Since you, the
9 jury, are the soul judges of the facts in this case,
10 you are not to infer from what I have said during the
11 progress of this trial in ruling upon the
12 admissibility of evidence, or otherwise, or anything
13 that I say now during the course of my instructions to
14 you, that I have any opinion about the facts in this
15 case. The law does not allow me to have an opinion
16 about the facts in this case. That is a matter solely
17 for you, the jury, to determine. As jurors, it is
18 your duty to determine the effect, the value, the
19 weight, and the truth of the evidence that has been
20 presented during this trial.

21 Direct and circumstantial evidence. There are two
22 types of evidence which are generally presented during
23 a trial, direct evidence and circumstantial evidence.

24 Direct evidence is the testimony of a person who
25 claims to have actual knowledge of a fact, such as an

1 eyewitness or a earwitness. It is evidence which
2 immediately establishes the main facts to be proved.

3 Circumstantial evidence is proof of a chain of
4 facts and circumstances indicating the existence of a
5 fact. It is evidence which immediately establishes a
6 collateral facts from which the main fact may be
7 inferred. Circumstantial evidence is based on
8 inference and not on personal knowledge or personal
9 observation.

10 The law makes absolutely no distinction between the
11 weight or the value to be given to either direct or
12 circumstantial evidence. Nor is there a greater
13 degree of certainty required of circumstantial
14 evidence then of direct evidence. You should weigh
15 all of the evidence in the case. After weighing all
16 all of the evidence, if you are not convinced of the
17 guilt of the defendant beyond a reasonable doubt, you
18 must find the defendant not guilty. If on the other
19 hand you are convinced of the guilt of the defendants
20 beyond a reasonable doubt, you must find the defendant
21 guilty. Again, ladies and gentleman, there are two
22 types of evidence which are generally presented during
23 a trial, direct evidence and circumstance evidence.
24 Direct evidence directly proves the existence of a
25 fact and does not require deduction. Circumstantial

1 evidence is proof of a chain of facts and
2 circumstances indicating the existence of a fact.
3 Crimes may be proven by circumstantial evidence. The
4 law makes no distinction between the weight or value
5 to be given to either direct or circumstantial
6 evidence. However, to the extent the State relies on
7 circumstantial evidence all the circumstances must be
8 consistent with each other and when taken together
9 point conclusively to the guilt of the accused beyond
10 a reasonable doubt. If these circumstances merely
11 portray the defendants behavior at suspicious the
12 proof has failed.

13 The State has the burden of proving the defendant
14 guilty beyond a reasonable doubt. This burden rests
15 with the State regardless of whether the State relies
16 on direct evidence circumstantial evidence or some
17 combination of both.

18 Credibility of witnesses. Necessarily, you must
19 determine the credibility of witnesses who have
20 testified in this case. Credibility as you all know
21 simply means believability. It becomes your duty as
22 jurors to analyze and to evaluate the evidence and
23 determine which evidence convinces you of its truth.
24 Against the backdrop of your individual and collective
25 good judgement, and common sense, in determining the

1 believability of witnesses who have testified in this
2 case, you may believe one over several or several
3 offer one. You may believe a part of the testimony of
4 a witness and reject the remaining part of the
5 testimony of that same witness. You may believe the
6 testimony of a witness in its entirety or reject the
7 testimony of a witness in it's entirety. You may
8 consider whether any witness has exhibited to you any
9 interest, bias, prejudice or other motive in this
10 case. You may consider whether or not the witness's
11 testimony has been corroborated by other witness's
12 testimony or has been contradicted or impeached by
13 other witness's testimony. Whether or not a witness
14 testimony is consistent within itself or there are
15 inconsistencies within the testimony. You may also
16 consider whether any witness has exhibited to you any
17 interest, any bias, any prejudice, or any other motive
18 in this case. You may also consider the demeanor of
19 the witness while testifying before you on the witness
20 stand. In other words, the appearance of the witness.
21 The manner of the witness while testifying before you
22 that was exhibited to you while the witness was on the
23 witness stand. You may consider anything that is in
24 the record that will help you to determine the
25 credibility, believability of the witnesses who have

1 testified before you from this witness stand.

2 Expert witnesses, and you heard me say this several
3 times throughout the trial. This is a little bit
4 longer than the ones I use in the trial, but not much.
5 Not much. The rules of evidence ordinarily do not
6 permit witnesses to testify to opinions or
7 conclusions. There is an exception to this rule for
8 witnesses that we call "expert witnesses". A witness
9 who, by education and experience has become an expert
10 in some art, science, profession, or calling may state
11 an opinion as to relevant and material matters, in
12 which the witness claims to be expert, and may also
13 state the reasons, or the basis for the opinion or
14 opinions.

15 You should consider any expert opinion -- you
16 should consider any expert opinion received in
17 evidence in this case and, like any other evidence
18 give it the weight you think it deserves. If you
19 decide that the opinion of an expert witness is not
20 based on sufficient education and experience, or if
21 you conclude that the reasons given in support of the
22 opinion are not sound or that the opinion is
23 outweighed by other evidence, you may disregard the
24 opinion entirely.

25 An expert witness's testimony is to be given no

1 greater weight than that of any witness simply because
2 the witness is an expert. Further, you are not
3 required to accept an expert's opinion, even though it
4 is not contradicted.

5 Statement of defendants. A statement alleged to
6 have been made by and I used defendant, defendants,
7 singular or plurally, has been admitted into evidence
8 in this case. While the Court has determined that the
9 statement is admissible, I instruct you that you make
10 the ultimate decision as to whether or not the
11 defendant made the statement. If the defendant did
12 make a statement, you must determine whether the
13 statement was made by the defendant voluntarily and of
14 his own free will. This means that the statement was
15 not caused by pressure, force, fear, threats,
16 coercion, or intimidation, or by hope or a promise of
17 leniency or a reward of any kind. In determining
18 whether the statement was voluntarily, you should
19 consider both the characteristics of the defendant and
20 the details of the questioning. Some of the factors
21 that you must consider are: The age of the defendant;
22 the defendant's education or lack of education; the
23 defendant's mental ability or capacity; the defendant's
24 I.Q. or intelligence; the defendant's background and
25 environment; the place and length of the detention;

1 the nature of the questioning; and the advice, or lack
2 thereof to the defendant of his constitutional rights
3 including, but not limited to, the right to remain
4 silent; that any statement could be used against him
5 in a court of law; the right to have a lawyer present;
6 that if he could not afford a lawyer a lawyer would be
7 appointed to represent him without any cost; and that
8 he could stop making a statement at any time. You
9 must carefully consider all of the surrounding
10 circumstances before you give any weight to an alleged
11 statement.

12 The State has the burden of proving beyond a
13 reasonable doubt that the alleged statement was
14 voluntary. If you determine that it was voluntary you
15 may give the statement any further consideration that
16 you deem proper. You must decide what weight, if any,
17 should be given to the alleged statement. If you
18 determine an alleged statement was not the free and
19 voluntary statement of the defendant you should not
20 consider the statement at all.

21 I instruct you and emphasize that the fact the
22 defendants did not testify is not a factor to be
23 considered by you in any way in your deliberation and
24 in your consideration on the question of the guilt or
25 the innocence of the defendant. It must not be

1 considered by you in any manner whatsoever. A
2 defendant has the constitutional right to remain
3 silent, and the assertion of this right must not be
4 considered by you in your deliberations. I will
5 repeat, under your oath, you are to draw no conclusion
6 whatsoever from the fact that the defendants in this
7 case did not testify. The fact that these defendants
8 did not testify should not even be discussed in the
9 jury room. The burden of proof as I have stated to
10 you is on the State, the defendant are not required to
11 prove themselves innocent. The burden of proof
12 remains on the State to prove guilt beyond a
13 reasonable doubt.

14 Intent. In order to establish criminal liability,
15 criminal intent is required. For example, the mental
16 State required to be proven by the State for a
17 particular crime might be purpose, intent, knowledge,
18 recklessness, or criminal negligence. Criminal intent
19 must be proven by the State beyond a reasonable doubt.
20 Criminal intent is always a matter that must be
21 determined by the jury from the circumstances
22 surrounding the situation. There is no way to prove
23 intent to a mathematical certainty. There is no way
24 medical science can dissect a person's brain and
25 determine what the person had in mind, so the law says

1 that criminal intent may be inferred from the
2 circumstances shown to have existed. This is how you
3 make your determination of whether or not the element
4 requiring in at any time was present. It is not
5 necessary to establish intent by direct and positive
6 evidence, but intent may be established by inference
7 in the same way as any other fact by taking into
8 consideration the acts of the parties and all the
9 facts and circumstances of the case.

10 Criminal intent, ladies and gentleman, is a mental
11 state. A conscious wrongdoing. It is up to you to
12 determine what the defendant or defendants intended to
13 do based on the circumstances shown to have existed.

14 Criminal intent can arise from action or a
15 failure to act. It may arise from negligence,
16 recklessness, or an indifference to duty or to
17 consequences that is considered by the law to be the
18 equivalent of criminal intent.

19 Ladies and gentleman, that is the general criminal
20 law that applies to all criminal cases in South
21 Carolina. Just to recap, the charge, arrest,
22 indictment not evidence; I charged you on multiple
23 defendants; the presumption of innocence; the burden
24 of proof being on the State beyond a reasonable doubt;
25 duties -- your duties as the trial jury, my duties as

1 the trial judge; direct and circumstantial evidence;
2 the credibility of the witnesses; expert witnesses;
3 statement of the defendant; not holding the fact that
4 neither of the defendants did not testify in this
5 case, nor even discuss it in the jury room, and the
6 issue of criminal intent.

7 I now go going to charge you specifically on the
8 elements of murder and accomplice liability, or as
9 some time called the hand of one is the hand of all.

10 Each defendant is charged with murder. The State
11 must prove beyond a reasonable doubt that the
12 defendant killed another person with malice
13 aforethought.

14 Malice is hatred, ill-will or hostility towards
15 another person. It is the intentional doing of a
16 wrongful act without just cause or excuse and with an
17 intent to inflict an injury or under circumstances
18 that the law will infer an evil intent.

19 Malice aforethought does not require that the
20 malice exist for any particular time before the act is
21 committed, but malice must exist in the mind of the
22 defendant just before and at the time the act is
23 committed. Therefore, there must be a combination of
24 the previous evil intent and the act.

25 Malice aforethought may be express or inferred.

1 Now these terms, ladies and gentleman, "expressed" and
2 "inferred" do not mean different kinds of malice but
3 merely the manner in which malice maybe shown to
4 exist. That is either direct evidence or by inference
5 from the facts and circumstances which are proven.
6 Expressed malice is shown when a persons speaks words
7 which express hatred or ill-will for another or when
8 the person prepared beforehand to do the act which was
9 later accomplished. For example, lying in wait for a
10 person or any other acts of preparation going to show
11 that the deed was within the defendant's mind would be
12 express malice.

13 Malice may be inferred from conduct showing a total
14 disregard for human life. Inferred malice may also
15 arise when the deed is done with a deadly weapon. A
16 deadly weapon is any article, instrument, or substance
17 which is likely to cause death or great bodily injury.
18 Whether a instrument has been used as a deadly weapon
19 depends on on the facts and circumstances of each
20 case.

21 The following are examples of instruments which may
22 be deadly weapons: A pistol, shotgun, rifle, dirk,
23 dagger, knife, sling shot, metal knuckles, razor,
24 gasoline. A gun may be a deadly weapon even if it is
25 not operating.

1 If facts are proven beyond a reasonable doubt
2 sufficient to raise inference of malice to your
3 satisfaction, this inference would be simply an
4 evidentiary fact to be considered by you, the jury,
5 along with the other evidence in the case and you may
6 give it the weight that you decide it should receive.

7 Under our law there is what is known as
8 accomplice liability, or as some time called the hand
9 of one is the hand of all. If a crime is committed by
10 two or more people who are acting together in
11 committing a crime, the act of one is the act of all.
12 A person who joins with another to commit an
13 unlawfully act is criminally responsible for
14 everything done by the other person which happens as a
15 probably or natural consequence of the acts done in
16 carrying out the common plan and purpose. For
17 example, two people can be guilty of of a burglary
18 when only one entered the residence. One could remain
19 outside and items could be stolen and handed out the
20 window to one outside. Both could be guilty of the
21 burglary although one entered the residence. A
22 lookout could be guilty of the burglary although he or
23 she did not go in the residence while another
24 individual went in the residence, stole items from the
25 residence and came back out. Two or more people are

1 together, acting together, assisting each other in
2 committing the offense the act of one is the act of
3 all or as it is some time said the hand of one is the
4 hand of all. Prior knowledge that a crime is going to
5 be committed without more is not sufficient to make a
6 person guilty of that crime. Mere knowledge that
7 another person is going to commit a crime, even if the
8 defendant is present when the crime is committed, is
9 not sufficient to convict the defendant as a
10 principal. Guilt as a principal is shown by actual or
11 constructive presence at the scene as a result of
12 prior arrangement.

13 Therefore, a finding of prior arranged plan or
14 common scheme is necessary for a finding of guilt as a
15 principal.

16 The State must prove beyond a reasonable doubt by
17 competent evidence the theory of the hand of one is
18 the hand of all. A principal in a crime is one, one
19 who either actually commits the crime, or two, one who
20 is present aiding, abetting, or assisting in the
21 committing of the crime. When a person does an act in
22 the presence of and with the assistance of another,
23 the act is done by both. Where two or more people
24 acting in a common plan or scheme are present at the
25 commission of a crime, it does not matter who actually

1 commits the crime. All are guilty. The hand of one
2 is the hand of all. Present at the commission of a
3 crime means to be sufficiently near to aid, and abet
4 and substance, in the commission of the crime.

5 However, mere presence at the scene of a crime is not
6 sufficient to convict one as a principal on the theory
7 of aiding and abetting.

8 Intent is also a necessary element. For there must
9 have been a common design or intent to commit the
10 crime and the crime must have been committed pursuant
11 thereto with the person present aiding and abetting by
12 some overt act. Intent means intending the result
13 which actually occurs not accidentally or involuntary.
14 Intent may be shown by acts and conduct of the
15 defendant and other circumstances from which you may
16 naturally and reasonably infer intent. The State must
17 prove these elements beyond a reasonable doubt. That
18 is the charge of murder and its accompanying charge of
19 accomplice liability, or the hand of one is the hand
20 of all.

21 Finally, ladies and gentleman, jury verdict. There
22 are two possible verdicts you may find in this case as
23 to each defendant; guilty or not guilty. There is
24 absolutely no significance whatsoever in the order in
25 which I state those possible verdicts. It is simply

1 one must be stated first..

2 You will have Mr. Foreman, ladies and gentleman, a
3 verdict form in the jury room with you, one as to Mr.
4 Clinton, one as to Mr. Green. They are
5 self-explanatory. It has the caption, the indictment
6 number, it says as to the murder we the jury
7 unanimously find the defendant, whichever name is at
8 the top, guilty or not guilty. After your
9 deliberation and your determination of the facts in
10 the case you take those facts and you apply them to
11 the law as I told you the law is, based on that you
12 find that the State has met its burden of proof,
13 beyond a reasonable doubt as to the guilt of the
14 defendant, Clinton, I would ask you, Mr. Foreman, if
15 you check to the left of the word guilt and circle
16 both the check mark and the word guilty, date and
17 sign it. If after your determination of the facts of
18 the case as to the defendant Clinton, you find the
19 State has failed to meet its burden of proof beyond a
20 reasonable doubt I will ask you to check to the left
21 of the two words, not guilty, circle the check, circle
22 the two words, date and sign.

23 As to Mr. Green, if you find the State has met its
24 burden of proof beyond a reasonable doubt your verdict
25 guilty, check to the left of the word guilty, circle

1 both, not guilty, check to the left, circle both, date
2 and sign it.

3 Ladies and gentleman, your verdict must be
4 unanimous. All 12 of you must agree as to the verdict
5 as to each defendant. Again, you can find both
6 guilty, you can can find both not guilty, you can find
7 one guilt and the other one not guilty. That is
8 entirely your decision, but the verdict as to each
9 defendant must be the unanimous verdict of the jury;
10 guilty or not guilty. Unanimous. Your verdict can
11 not be based on passion, prejudice, emotion or any
12 other factor not in evidence on this case.

13 Mr. Foreman, once the jury has reached a unanimous
14 verdict if you would then knock on the jury room door,
15 we will then receive you back in to the courtroom for
16 the presentation of the verdicts of the jury. I am
17 going to have to ask you one final time to go to the
18 jury room. Do not begin your deliberations at this
19 time. The law requires I meet with the attorneys one
20 final time in case I misspoken or have to additionally
21 instruct you on the law. If I do not have to bring
22 you back out, I will then bring the alternates out.
23 The evidence -- make sure all the evidence, I think
24 it's 1 through 63. The items of evidence would be
25 presented to you along with the verdict form. You

1 will then be informed by the clerk to begin your
2 deliberations with your fellow jurors. I believe they
3 brought lunch --

4 MR. BARFIELD: Yes.

5 THE COURT: And you can eat and deliberate or
6 however you want to do it. If you have any questions
7 during the course of your deliberations if you would
8 write me out a note, knock on the jury room door, Mr.
9 Knight will certainly give it to my attention. Again,
10 do not begin your deliberations until you are
11 instructed to do so by the clerk. You may now go with
12 your bailiff to the jury room.

13 (WHEREUPON, the jury leaves the courtroom.)

14 THE COURT: Any exceptions from the State?

15 MR. BARFIELD: No, sir.

16 THE COURT: From the defense, Mr. Frick?

17 MR. FRICK: None on behalf of Mr. Clinton.

18 THE COURT: Miss Raney?

19 MS. RANEY: None on behalf of Mr. Green.

20 THE COURT: All right. If you all will check one
21 through 63 and I do have the verdicts up here if you
22 like to look at it.

23 (WHEREUPON, the attorneys went through the
24 exhibits.)

25 THE COURT: All right, any objections?

1 MS. RANEY: No objection for Green.

2 MR. FRICK: No objection for Clinton.

3 MR. BARFIELD: No objection.

4 THE COURT: All right. We will be at waiting our
5 jury's verdict.

6 (Jury started deliberations at 1:38).

7 THE COURT: All right. I understand that we have a
8 verdict in this matter. I would remind the spectators
9 in the courtroom that I do not allow any show of
10 emotion whatsoever. I have found that this stage, the
11 taking of the verdict can be very emotional for
12 obviously the victim's family and also for the family
13 of the Mr. Clinton and Mr. Green. It can be emotional
14 for both sides. If you do not feel like you can
15 contain your emotions I would ask you to please leave
16 at this time. If you choice not to leave I will take
17 that as an indication that you can control your
18 emotions and if you stay and do not control them I
19 will ask the sheriff to take you into custody. I
20 consider that to be a contempt of court and will have
21 a contempt hearing after the taking of the jury's
22 verdict. So if anyone want to leave, leave now.

23 Thank you. Thank you, very much. All right. If
24 you bring us our jury panel please.

25 (Jury returns with verdict at 3:47)

1 THE COURT: All right, madame clerk.

2 All right, the jury verdict appears to be in
3 proper form, signed and date by presiding juror.
4 Madame clerk would you publish our verdict, please.

5 COURT CLERK: Yes, sir. Case number
6 2012-GS-29-616, State versus Devatee Tymar Clinton, we
7 the jury unanimously find the defendant guilty.
8 Indictment number 2012-GS-29-636, State of South
9 Carolina versus Al Martinez Green, we the jury
10 unanimous lie find the defendant guilty.

11 Ladies and gentlemen, is this your verdict so say
12 you all by the raising of your right hand.

13 (Jurors raise their hands.)

14 THE CLERK: Let there record reflect all jurors
15 rasied their hands.

16 THE COURT: All right, thank you. Thank you very
17 much. Anything for the jury from the State solicitor?

18 MR. BARFIELD: No, sir.

19 THE COURT: From the defendant Clinton?

20 MR. FRICK: Request polling, Your Honor.

21 THE COURT: From the defendant Green?

22 MS. RANEY: Requesting polling, Your Honor.

23 THE COURT: All right, madame clerk will you
24 explain that procedure to the jury?

25 THE CLERK: I am going to ask each one of you a

1 question and ask you if this is your verdict and is it
2 still your verdict and you need to respond.

3 Foreman, James M. Spicer, were these your
4 verdicts?

5 JUROR: Yes, ma'am,

6 THE CLERK: Are they still your verdicts?

7 JUROR: Yes, ma'am.

8 THE CLERK: Taylor Shurley, are these your
9 verdicts?

10 JUROR: Yes, ma'am.

11 THE CLERK: Are they still your verdicts.

12 JUROR: Yes, ma'am.

13 THE CLERK: Robert Whitaker, are these your
14 verdicts?

15 JUROR: Yes, ma'am.

16 THE CLERK: Are they still your verdicts?

17 JUROR: Yes, ma'am.

18 THE CLERK: Brooke Parker, are these your
19 verdicts?

20 JUROR: Yes, ma'am.

21 THE CLERK: Are they still your verdicts?

22 JUROR: Yes, ma'am.

23 THE CLERK: Shahn Syfert, are these your verdicts?

24 JUROR: Yes, ma'am.

25 THE CLERK: Are they still your verdicts?

1 JUROR: Yes, ma'am.

2 THE CLERK: Michael Walker, are these your
3 verdicts?

4 JUROR: Yes.

5 THE CLERK: Are they still your verdicts?

6 JUROR: Yes.

7 THE CLERK: Alicia Flannigan, are these your
8 verdicts?

9 JUROR: Yes, ma'am.

10 THE CLERK: Are they `still your verdicts?

11 JUROR: Yes, ma'am.

12 THE CLERK: Christopher Koutroumpis, are these your
13 verdicts?

14 JUROR: Yes.

15 THE CLERK: Are they still your verdicts?

16 JUROR: Yes, ma'am.

17 THE CLERK: Judy Max, are these your verdicts?

18 JUROR: Yes.

19 THE CLERK: Are they still your verdicts?

20 JUROR: Yes.

21 THE CLERK: David Cauthen, are these your verdicts?

22 JUROR: Yes.

23 THE CLERK: Are they still your verdicts?

24 JUROR: Yes.

25 THE CLERK: Joida Burtis, are these your verdicts?

1 JUROR: Yes.

2 THE CLERK: Are they still your verdicts?

3 JUROR: Yes.

4 THE CLERK: Carol Roger, are these your verdicts?

5 JUROR: Yes.

6 THE CLERK: Are they still your verdicts?

7 JUROR: Yes.

8 THE COURT: All right. It appears all jurors have
9 been polled as to the verdicts. They have answered
10 each question in the affirmative; are these your
11 verdicts and are they still your verdicts, as to Mr.
12 Clinton and as to Mr. Green.

13 Anything further for the jury from the defendant
14 Clinton, Mr. Frick?

15 MR. FRICK: No, sir.

16 THE COURT: The defendant Green, Miss Raney?

17 MS. RANEY: No, Your Honor.

18 THE COURT: Thank you. Thank you, very much. Mr.
19 Foreman, ladies and gentleman of the jury panel,
20 momentarily I will release you from your jury service
21 for the remainder of the week. I know it has been a
22 long week for you. I think all the attorneys, who
23 were excellent trial lawyers, have told you it was
24 going to be a long, tedious and somewhat repetitive
25 week. I am sure when you got that notice in the mail,

1 however many weeks ago you got it about jury duty you
2 perhaps never imagined yourself being selected on the
3 case such as this lasting this length of time. Quite
4 frankly I never criticize nor commend a jury for its
5 verdict or verdicts, but I will say this, I have not
6 worked with a more hard working, focused attentive
7 jury then you have been and that is very important to
8 our system of justice. Our jury trial system is the
9 greatest judicial system ever created by man and many
10 people attack it from many points of views. Well may
11 be judges should decide. May be this, may be that.
12 It's like people don't trust the American people. But
13 if you watch the news, which I know many of us do, and
14 we tragedies that occur in our country like the Boston
15 marathon, like 911, like the violence that we see in
16 schools. Each and every time we see Americans running
17 towards the fire, running to help their fellow
18 Americans, going upstairs way of buildings that are on
19 fire, protecting students, teachers don't run they
20 protect their students. They save their lives and
21 many times give up their own lives. I don't know of a
22 better group to decide these cases between the State
23 and the defendants or between citizens and citizens or
24 citizens and business then the American people.

25 It's my pleasure and privilege and I sincerely mean

1 that to work with you you all. Besides being a daddy
2 it's probably the greatest honor of my life to work
3 with the citizens of South Carolina week end and week
4 out in either in our criminal or civil case and I
5 salute you for that.

6 You are now excused. Of course if you want to
7 remain I will take up some motions and probably also
8 sentence Mr. Green and Mr. Clinton today. You can
9 certainly as you go come back around and remain in the
10 courtroom if you like, but you are now excused. Thank
11 you. Thank you, very much.

12 (WHEREUPON, the jurors leave the courtroom.)

13 THE COURT: All right, any motions on behalf the
14 Mr. Clinton, Mr. Frick?

15 MR. FRICK: Yes, sir. At this time on behalf of
16 Mr. Clinton we would ask for a new trial based on our
17 objections and pretrial motions and probably motions
18 in trial that were denied regarding pretrial motions
19 and I think there was a bit of evidence that Your
20 Honor let in that I objected to understands 403
21 analysis; the statement of the conspiring, for lack
22 ever a better.

23 THE COURT: Of Miss Davis and --

24 MR. FRICK: That's correct.

25 THE COURT: Mr. Twitty?

1 MR. FRICK: Correct, and other pretrial motions
2 that we made.

3 THE COURT: Thank you. Thank you, Mr. Frick. I
4 would respectfully deny the motion for a new trial. I
5 reaffirm all my previous of rulings, both pretrial,
6 most of which were -- most of which were rulings
7 against the State of South Carolina as far as 404(B),
8 Neil versus Biggers, although res gestae I think also,
9 but clearly your 403 and State's 11.

10 MR. FRICK: Yes.

11 THE COURT: All of that is clearly preserved and I
12 will renew all my previous rulings in that regard.

13 MR. FRICK: One additional motion, I y always make
14 after trial and I'm not entirely sure whether it
15 applies or not because I can't find adequate case law
16 to inform me, but I think it does apply in criminal
17 cases as well. I would ask the Court acting as 13th
18 juror to set aside the verdict having seen the
19 evidence that the State presented is not adequate for
20 them to have reached the verdict they did and in your
21 capacity as 13th juror you can set aside the verdict
22 and I you ask you to do so.

23 THE COURT: All right. Thank you. Thank you, Mr.
24 Frick, I would respectfully deny than motion.

25 Miss Raney.

1 MS. RANEY: Thank you, Your Honor. On behalf of
2 defendant Al Green I would also renew all previous
3 objections and motions made throughout the course of
4 trial on his behalf and ask that a new trial be
5 granted and I don't know always term the 13th juror
6 motion as the judgement, notwithstanding the verdict
7 asking you to step in as Mr. Frick did and find that
8 there was not enough evidence and set aside the jury's
9 verdict, Your Honor.

10 THE COURT: Again, I would respectfully deny those
11 motions and I would reaffirm all my previous trial
12 rulings as to Mr. Green.

13 THE COURT: Any reason Mr. Frick sentencing could
14 not be imposed at this time?

15 MR. FRICK: I am not aware of any reason, no, sir.

16 THE COURT: Miss Raney?

17 MS. RANEY: I am not aware of any reason either.

18 THE COURT: All right. If they will come around
19 please. Solicitor

20 All right, anything further from the State
21 solicitor?

22 MR. BARFIELD: Your Honor, I will give records on
23 these young men and also the victim's mom and stepdad
24 are here along with victim's dad and and stepmom, I
25 think. Are they here today? They are gone. There

1 some folks who I am sure will want to speak, but I
2 will give you the records first. I will tell you
3 about Mr. Green first. Your Honor his record is just
4 juvenile record. He has got adjudications in 2004 for
5 carrying a weapon on school property and in 2011 for
6 assault on a correctional facility employee. That
7 again is Mr. Green.

8 Your Honor, Mr. Clinton's record is 2005, assault
9 and battery of a high and aggravated nature and then
10 in 2012 he was convicted again of assault and battery
11 of high and aggravated nature. That conviction was
12 for a pre 2010 ABHAN, the old common law ABHAN. He
13 also had a possession of a pistol of a person
14 convicted of a violent crime, carrying a pistol,
15 pointing and presenting a firearm and burglary second
16 degree, violent.

17 THE COURT: And tell me about, were those all one
18 event?

19 MR. BARFIELD: No, sir. I think I can break it
20 down this way and I sure Mr. Frick and Mr. Clinton
21 will correct me if I am wrong. The first ABHAN was a
22 separate event. I believe that the second ADHAN and
23 the firearm, the possession of pistol by a person
24 convicted of a crime of violence and carrying the
25 pistol and pointing the pistol were a separate event.

1 and then the burglary conviction was the result of the
2 the Nard Roseborough armed robbery that we talked
3 about in camera in this case. So there were three
4 separate events, I believe, that led to those
5 convictions.

6 THE COURT: So the 2012 conviction is one assault
7 battery of high and aggravated nature?

8 MR. BARFIELD: Yes, sir.

9 THE COURT: And there is a second, that is
10 possession of a pistol by an individual convicted of a
11 crime of violence, carrying a pistol, pointing and
12 presenting a pistol.

13 MR. BARFIELD: Those four I think were one event.

14 THE COURT: All right.

15 MR. BARFIELD: And then there was 2005 ADHAN and
16 then the 2012 burglary.

17 THE COURT: Tell me about the 2012 burglary?

18 MR. BARFIELD: Your Honor, let me give you a
19 little bit of background. When this murder -- first
20 of all, the government did not know about the
21 burglary, armed robbery involving Jeffrey Lanard
22 Roseborough until they began investigating this
23 homicide.

24 THE COURT: What was the relationship, if any,
25 between Jeffrey Lanard Roseborough and Jenika Jones,

1 victim in this case?

2 MR. BARFIELD: They were boyfriend and girlfriend
3 and lived together some if not all of the time and
4 Jeffrey Lanard Roseborough was said to have lived at
5 [REDACTED] Roseanna Lane and if anybody screams, they will
6 scream, but there is some speculation in this case
7 that Jeffrey Lanard Roseborough was the target of the
8 planned robbery the night Miss Jones was killed. And
9 in November of 2011 approximately two months before
10 Miss Jones's death Jeffrey Lanard Roseborough was at a
11 different apartment in Azalea apartments with some
12 other folks and it was alleged that Mr. Green -- Mr.
13 Clinton, Mr. Green, a fella name Shabrey Truesdale and
14 may be one other, I can't recall -- came in to that
15 apartment all armed and robbed Mr. Roseborough of
16 money and drugs again back in November of 2011. That
17 event was brought to the attention of law enforcement
18 as they started talking to folks during the
19 investigation of Jenika Jones's murder. Mr.
20 Roseborough gave a statement concerning that event.
21 Another female who was in the apartment at that time
22 talked to the police and both Clinton and Green and
23 the others that I mentioned were both charged, I
24 believe with burglary first and armed robbery as a
25 result of that incident. Mr. Clinton plead to several

1 charges after that incident occurred including
2 burglary 2nd degree violent as a result of that
3 incident. I think we dismissed the armed robbery.

4 MR. FRICK: That's correct.

5 THE COURT: And was Mr. Clinton alleged to have
6 been armed at the time of the armed robbery of
7 Roseborough?

8 MR. BARFIELD: He was most definitely.

9 THE COURT: Was there any description of the
10 weapon that he was armed with?

11 MR. BARFIELD: Your Honor, I left that file up in
12 my office. Can you go up to my spare office and there
13 is a manila file jacket with that file in it. We will
14 tell you that in a minute. Well hang on --

15 I got a copy of Mr. Roseborough's statement
16 concerning that case in this file. Let look at it
17 real quick. Bare with me just a minute sir.

18 THE COURT: Yes, sir.

19 MR. BARFIELD: Yes, sir, Mr. Roseborough gave a
20 statement which indicated -- I will tell you about the
21 pistol in a minute. I will tell you what happened
22 first. Tate, meaning Clinton came out first and put a
23 pistol to my chest and Mr. Roseborough was asked later
24 during the taking of the statement, what kind of gun
25 did each of them have. He said Tate had a new looking