

RECEIVED

Jul 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTLY JERMAINE SCOTT,

APPELLANT

APPELLATE CASE NO. 2022-000266

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

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

JULIANNA E. BATTENFIELD
Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3970

ATTORNEY FOR APPELLANT

DAVID PASCOE
Solicitor, First Judicial Circuit
151 Docket Street,
Orangeburg, SC 29115
(803) 533-6252

ATTORNEYS FOR RESPONDENT

VOLUME II OF V
PAGES 501-1000

INDEX

INDEX	i
PRE-TRIAL TRANSCRIPT DATED JANUARY 27, 2022	1
DEFENSE MOTION FOR CONTINUANCE BY MS. ZMROCZEK	7
DEFENSE MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL BY MS. ZMROCZEK	24
COURT RULING DENYING MOTION TO DISMISS	30
STATE MOTION TO SUPPRESS TESTIMONY RAISING THIRD-PARTY GUILT BY MR. OSBORNE.....	31
<i>JACKSON V. DENNO</i> HEARING	
MARTIN JOURNEY	
Direct Examination by Mr. Osborne	56
JAMES SHUMPERT	
Direct Examination by Mr. Osborne	67
Cross-Examination by Ms. Zmroczek.....	79
LUTHER SMITH	
Direct Examination by Ms. Zmroczek	92
Cross-Examination by Mr. Osborne.....	99
JAMES SHUMPERT	
Direct Examination by Mr. Osborne	119
Cross-Examination by Ms. Zmroczek.....	122
Redirect Examination by Mr. Osborne.....	132
JAMES SHUMPERT	
Direct Examination by Mr. Osborne	133
Cross-Examination by Ms. Zmroczek.....	138
Recross-Examination by Mr. Osborne	140
LIEUTENANT JOURNEY	
Direct Examination by Mr. Osborne	142
Cross-Examination by Ms. Zmroczek.....	145
JAMES SHUMPERT	
Direct Examination by Mr. Osborne	148
Cross-Examination by Ms. Zmroczek.....	156

JAMES SHUMPERT	
Direct Examination by Mr. Osborne	169
Cross-Examination by Ms. Zmroczek.....	176
DEFENSE <i>BRUTON</i> MOTION BY MR. LEIENDECKER	183
DEFENSE MOTION FOR SEVERENCE BY MR. LEIENDECKER.....	185
DEFENSE <i>BRUTON</i> MOTION BY MR. JOHNSON	190
DEFENSE MOTION FOR SEVERENCE BY MR. JOHNSON	192
DEFENSE <i>BRUTON</i> MOTION BY MS. ZMROCZEK.....	193
DEFENSE MOTION FOR SEVERENCE BY MS. ZMORCZEK.....	194
STATE RESPONSE TO <i>BRUTON</i> AND SEVERENCE MOTIONS BY MR. OSBORNE.....	198
PRE-TRIAL TRANSCRIPT DATED FEBRUARY 3, 2022.....	206
DEFENSE CHALLENGE TO VOLUNTARINESS OF CONFESSION BY MS. ZMROCZEK	209
<i>JACKSON V. DENNO</i> HEARING	
EVERETT CULPEPPER	
Direct Examination by Mr. Osborne.....	227
Cross-Examination by Ms. Zmroczek	232
DEFENSE OBJECTION TO VIOLATIONS OF <i>BRUTON</i> BY MR. LEIENDECKER.....	240
DEFENSE MOTION TO SUPPRESS <i>LYLE</i> EVIDENCE	267
STATE MOTION TO AUTHENTICATE BUSINESS RECORDS BY MR. OSBORNE	274
STATE OBJECTION TO CELL PHONE RECORDS' RULE 5 VIOLATION BY MR. OSBORNE	281
STATE MOTION TO REVEAL DEAL WITH CORROBORATOR BY MR. OSBORNE.....	338
WRITTEN MOTION TO SEVER TRIALS.....	364

TRIAL TRANSCRIPT DATED FEBRUARY 7-23, 2022	367
COURT RULING ON INCLUSION OF <i>GIGLIO</i> MATERIAL	407
DEFENSE OBJECTION TO COURT’S RULING	410
STATE OBJECTION TO HEARSAY REGARDING THIRD PARTY GUILT BY MR. OSBORNE	453
OPENING STATEMENT BY MR. OSBORNE	457
OPENING STATEMENT BY MR. JOHNSON.....	464
OPENING STATEMENT BY MS. ZMROCZEK	468
TESTIMONY	
DAMIEN CLINTON	
Direct Examination by Ms. Glover.....	480
Cross-Examination by Ms. Zmroczek	490
Cross-Examination by Mr. Johnson.....	496
Cross-Examination by Mr. Leiendecker	497
TESTIMONY	
CHRISTOPHER WRIGHT	
Direct Examination by Mr. Osborne.....	506
DEFENSE MOTION TO GIVE LIMITING INSTRUCTION BY MR. JOHNSON	577
DEFENSE RENEWAL OF MOTIONS BY MR. JOHNSON.....	579
TESTIMONY	
CHRISTOPHER WRIGHT	
Continued Direct Examination by Mr. Osborne	589
Cross-Examination by Ms. Zmroczek	592
Cross-Examination by Mr. Johnson.....	689
Cross-Examination by Mr. Leiendecker	697
Redirect Examination by Mr. Osborne	707
Recross-Examination by Ms. Zmroczek.....	721
Recross-Examination by Mr. Leiendecker	724
D.N. (COMPETENCE HEARING)	
Direct Examination by Mr. Osborne.....	729
Cross-Examination by Mr. Leiendecker	735

Cross-Examination by Ms. Zmroczek	739
DEFENSE OBJECTION TO TESTIMONY WITHOUT WITNESS STATEMENTS BY MR. JOHNSON	740
DEFENSE MOTION TO SUPPRESS IN-COURT IDENTIFICATION OF DEFENDANT BY MR. JOHNSON.....	740
DEFENSE OBJECTION TO LIMITING DEFENDANTS' COMMUNICATION BY MS. ZMROCZEK.....	755
COURT RULING SUSTAINING OBJECTION.....	762
TESTIMONY	
D.N. Direct Examination by Mr. Osborne.....	765
DEFENSE MOTION TO STRIKE STATEMENT BY MR. LEIENDECKER	771
TESTIMONY	
D.N. Continued Direct Examination by Mr. Osborne	771
Cross-Examination by Mr. Leiendecker	791
DEFENSE MOTION FOR MISTRIAL BY MR. LEIENDECKER	813
TESTIMONY	
D.N. Continued Cross-Examination by Mr. Leiendecker	815
Cross-Examination by Ms. Zmroczek	828
Redirect Examination by Mr. Osborne	837
DEFENSE MOTION FOR MISTRIAL BASED ON OUTBURST OF VICTIM'S MOTHER BY MR. LEIENDECKER	845
COURT RULING DENYING MOTION FOR MISTRIAL	848
TESTIMONY	
AMARI NELSON	
Direct Examination by Mr. Osborne.....	851
Cross-Examination by Mr. Leiendecker	863

COURT RULINGS REGARDING ADMISSION OF PHOTO EVIDENCE	871

TESTIMONY

GERALD CARTER

Direct Examination by Mr. Osborne.....	888
Continued Direct Examination by Mr. Osborne	925
Cross-Examination by Mr. Chisholm	983
Cross-Examination by Ms. Zmroczek	1010

STATE OBJECTION TO THIRD PARTY GUILT BY MR. OSBORNE.....	1041

TESTIMONY

GERALD CARTER

Continued Cross-Examination by Ms. Zmroczek.....	1041
Cross-Examination by Mr. Johnson.....	1043
Redirect Examination by Mr. Osborne	1045
Recross-Examination by Mr. Chisholm.....	1051
Recross-Examination by Ms. Zmroczek.....	1051

JESSICA STOWE

Direct Examination by Mr. Osborne.....	1054
Cross-Examination by Mr. Chisholm	1066
Cross-Examination by Ms. Zmroczek	1073

JARED KITTRELL

Direct Examination by Mr. Osborne.....	1076
Cross-Examination by Mr. Leiendecker	1080
Cross-Examination by Ms. Zmroczek	1083
Cross-Examination by Mr. Johnson.....	1088
Redirect Examination by Mr. Osborne	1091

WILLIAM KETCHERSIDE

Direct Examination by Mr. Osborne.....	1093
Cross-Examination by Ms. Zmroczek	1148
Cross-Examination by Mr. Chisholm	1173
Cross-Examination by Mr. Johnson.....	1194
Redirect Examination by Mr. Osborne	1197

STEVEN CURTIS

Direct Examination by Mr. Osborne.....	1200
Cross-Examination by Ms. Zmroczek	1216
Cross-Examination by Mr. Chisholm	1224
Cross-Examination by Mr. Johnson.....	1239
Redirect Examination by Mr. Osborne	1240

Recross-Examination by Ms. Zmroczek	1244
ASHLEY FRAZIER	
Direct Examination by Ms. Glover	1247
Cross-Examination by Ms. Zmroczek	1256
Cross-Examination by Mr. Leiendecker	1269
Cross-Examination by Mr. Johnson	1277
Redirect Examination by Ms. Glover	1278
Recross-Examination by Mr. Leiendecker	1281
DEFENSE MOTION TO EXCLUDE TESTIMONY BY MS. ZMROCZEK	1283
DEFENSE OBJECTION TO STATEMENTS OBTAINED IN VIOLATION OF <i>MESSIAH</i> BY MS. ZMROCZEK	1286
STATE’S RESPONSE BY MS. GLOVER	1293
TESTIMONY	
MELINDA WORLEY	
Direct Examination by Mr. Osborne	1302
Cross-Examination by Ms. Zmroczek	1314
Cross-Examination by Mr. Chisholm	1316
Cross-Examination by Mr. Johnson	1322
PAUL MCMANIGAL	
Direct Examination by Mr. Osborne	1325
Cross-Examination by Ms. Zmroczek	1347
Cross-Examination by Mr. Leiendecker	1361
Cross-Examination by Mr. Johnson	1365
Redirect Examination by Mr. Osborne	1365
GEORGE HINES	
Direct Examination by Mr. Osborne	1368
Cross-Examination by Ms. Zmroczek	1373
Cross-Examination by Mr. Leiendecker	1383
Redirect Examination by Mr. Osborne	1385
Recross-Examination by Ms. Zmroczek	1385
SAMANTHA BUXTON (COMPETENCY HEARING)	
Direct Examination by Mr. Osborne	1389
Cross-Examination by Ms. Zmroczek	1394
Cross-Examination by Mr. Johnson	1398
ASHLEY FRAZIER	
Direct Examination by Ms. Glover	1411

DEFENSE OBJECTION TO WITNESS STATEMENT BY MR. LEIENDECKER.....	1413

COURT INSTRUCTION TO STRIKE STATEMENT.....	1421

TESTIMONY

ASHLEY FRAZIER

Continued Direct Examination by Ms. Glover	1422
Cross-Examination by Ms. Zmroczek	1426
Redirect Examination by Ms. Glover	1434

SAMANTHA BUXTON

Direct Examination by Mr. Osborne.....	1436
Cross-Examination by Mr. Johnson.....	1446
Cross-Examination by Ms. Zmroczek	1451
Redirect Examination by Mr. Osborne	1481
Recross-Examination by Ms. Zmroczek.....	1484

ANNA WEATHERFORD

Direct Examination by Mr. Osborne.....	1487
Cross-Examination by Ms. Zmroczek	1501
Cross-Examination by Mr. Chisholm	1510
Cross-Examination by Mr. Johnson.....	1517

AMANDA WELDON

Direct Examination by Ms. Glover.....	1520
Cross-Examination by Ms. Zmroczek	1525
Cross-Examination by Mr. Leiendecker	1526

VERONICA BRYANT

Direct Examination by Mr. Osborne.....	1528
Cross-Examination by Mr. Leiendecker	1541
Cross-Examination by Ms. Zmroczek	1550
Cross-Examination by Mr. Johnson.....	1559
Redirect Examination by Mr. Osborne	1561

DONALD BOYNE

Direct Examination by Mr. Osborne.....	1565
Cross-Examination by Ms. Zmroczek	1579
Cross-Examination by Mr. Leiendecker	1589
Cross-Examination by Mr. Johnson.....	1593

MARTIN JOURNEY

Direct Examination by Mr. Osborne.....	1597
Cross-Examination by Ms. Zmroczek	1628
Cross-Examination by Mr. Leiendecker	1652

Cross-Examination by Mr. Johnson.....	1670
Redirect Examination by Mr. Osborne	1672
Recross-Examination by Ms. Zmroczek.....	1674
COURT RULING CONFIRMING VOLUNTARINESS OF STATEMENT UNDER	
<i>DENNO</i> HEARING	1677
TESTIMONY	
LATAYA DICKIE	
Direct Examination by Ms. Glover.....	1681
LAKESHA GILLARD	
Direct Examination by Ms. Glover.....	1686
MARTIN JOURNEY	
Direct Examination by Mr. Osborne.....	1689
Cross-Examination by Ms. Zmroczek	1691
DERRICK COLEMAN	
Direct Examination by Mr. Osborne.....	1692
Cross-Examination by Mr. Johnson.....	1779
Cross-Examination by Ms. Zmroczek	1793
Cross-Examination by Mr. Leiendoeker	1889
LORETTA MITCHUM	
Direct Examination by Mr. Osborne.....	1895
PAUL MEEH	
Direct Examination by Mr. Osborne.....	1899
Cross-Examination by Ms. Zmroczek	1929
Cross-Examination by Mr. Chisholm	1939
Redirect Examination by Mr. Osborne	1948
DERRICK STONE	
Direct Examination by Mr. Osborne.....	1951
Cross-Examination by Ms. Zmroczek	1960
Redirect Examination by Mr. Osborne	1971
LATASHA RILEY	
Direct Examination by Mr. Osborne.....	1973
Cross-Examination by Ms. Zmroczek	1975
RAYMOND HAUPT	
Direct Examination by Mr. Osborne.....	1981
Cross-Examination by Ms. Zmroczek	1993

Cross-Examination by Mr. Leiendecker	1999
Cross-Examination by Mr. Johnson.....	2003
Redirect Examination by Mr. Osborne	2005
MICHELLE EICHENMILLER	
Direct Examination by Mr. Osborne.....	2006
Cross-Examination by Mr. Chisholm	2028
Cross-Examination by Ms. Zmroczek	2051
Cross-Examination by Mr. Johnson.....	2053
Redirect Examination by Mr. Osborne	2053
Recross-Examination by Mr. Chisholm.....	2055
Recross-Examination by Ms. Zmroczek.....	2055
JANIS ROSS	
Direct Examination by Mr. Osborne.....	2057
Cross-Examination by Ms. Zmroczek	2069
Cross-Examination by Mr. Johnson.....	2071
DEFENSE MOTION FOR A DIRECTED VERDICT BY MS. ZMROCZEK	2074
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	2076
DEFENSE MOTION FOR A DIRECTED VERDICT BY MR. JOHNSON.....	2076
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	2077
DEFENSE MOTION FOR A DIRECTED VERDICT MR. LEIENDECKER.....	2078
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	2079
TESTIMONY COLLOQUY	2080
STATE RESTS.....	2091
OPENING ARGUMENT BY MR. LEIENDECKER	2092
TESTIMONY	
SPENCER MCINVAILLE	
Direct Examination by Mr. Leiendecker	2096
Voir Dire Examination by Mr. Osborne	2100
Continued Direct Examination by Mr. Leiendecker.....	2101
Cross-Examination by Ms. Zmroczek	2107
Cross-Examination by Mr. Johnson.....	2130
Cross-Examination by Mr. Osborne	2131
Redirect Examination by Mr. Leiendecker	2143

Recross-Examination by Ms. Zmroczek.....	2145
Recross-Examination by Mr. Osborne.....	2148
WILLIAM TISDALE	
Direct Examination by Mr. Leiendecker	2149
Cross-Examination by Ms. Zmroczek	2156
Cross-Examination by Mr. Osborne	2158
Redirect Examination by Mr. Leiendecker	2160
Recross-Examination by Ms. Zmroczek.....	2160
DEFENSE RESTS	2161
DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS	2163
CLOSING ARGUMENT BY MR. OSBORNE.....	2166
DEFENSE MOTION FOR MISTRIAL BY MS. ZMROCZEK	2202
COURT RULING DENYING MOTION FOR MISTRIAL	2205
DEFENSE MOTION FOR MISTRIAL BY MR. LEIENDECKER	2206
DEFENSE MOTION FOR MISTRIAL BY MR. JOHNSON.....	2206
CONTINUED CLOSING ARGUMENT BY MR. OSBORNE	2208
CLOSING ARGUMENT BY MS. ZMROCZEK.....	2222
CLOSING ARGUMENT BY MR. JOHNSON	2265
CLOSING ARGUMENT BY MR. LEIENDECKER.....	2282
REBUTTAL CLOSING ARGUMENT BY MR. OSBORNE.....	2312
DEFENSE OBJECTION TO CLOSING ARGUMENT BY MR. LEIENDECKER	2313
DEFENSE MOTION TO PAUSE BY MR. LEIENDECKER	2325
CONTINUED REBUTTAL CLOSING ARGUMENT BY MR. OSBORNE	2330
DEFENSE OBJECTION TO MISSTATEMENT OF LAW BY MS. ZMROCZEK	2373
DEFENSE MOTION FOR MISTRIAL BY MS. ZMROCZEK	2374
DEFENSE MOTION FOR MISTRIAL BY MR. LEIENDECKER	2375

COURT RULING DENYING MOTIONS FOR MISTRIAL	2378
VERDICT	2380
DEFENSE RENEWAL OF ALL MOTIONS BY MS. ZMROCZEK	2389
DEFENSE RENEWAL OF MOTIONS AND MOTION TO SET ASIDE VERDICT BY MR. LEIENDECKER	2389
DEFENSE RENEWAL OF ALL MOTIONS BY MR. JOHNSON.....	2390
SENTENCING	2401
INDICTMENTS	2404
SENTENCE SHEETS	2416
CERTIFICATE OF COUNSEL	2428

1 (WHEREUPON, there was a bench
2 conference)

3 THE COURT: Ladies and gentlemen, do
4 you remember when I was talking at the very first I
5 said every now and then there were going to be
6 matters we got to take up without y'all? Well,
7 right now, that's one of those times. So, I'm
8 going to get y'all -- now, let me just tell you, I
9 need for you'll to go back into the jury room --
10 and, Delaine, you just going to bring them back
11 here and separate them?

12 THE BAILIFF: Yes.

13 THE COURT: Okay. All right. The
14 other thing I need for you -- you remember, you've
15 heard one person testify, but you cannot talk about
16 any of the testimony or anything that's gone on in
17 the case so far. And I'll bring you back out here
18 as absolutely as soon as I can get here. Okay. If
19 y'all would go on back in the jury room, I will be
20 with you in a second.

21 (WHEREUPON, the jury left the courtroom
22 at 3:09 p.m.)

23 THE COURT: All right.
24 Mr. Leiendecker, we excused the jury so you can
25 talk to me.

1 MR. LEIENDECKER: Correct, Your Honor.
2 When we approached the bench and I just want to get
3 this on the record. The State requested that
4 witnesses be allowed to sit in the opening
5 statement which Defense counsels all agreed to as
6 nonevidentiary and, therefore, they certainly were
7 allowed to do that.

8 When I stood up to do my cross, it
9 appeared to me that there were still witnesses in
10 the courtroom. The State confirmed that. When we
11 approached the bench, that Mr. D.N. [REDACTED] and
12 his mother, Ms. Shuler, had sat in the courtroom in
13 contrary to the sequestration order that the Court
14 has ordered regarding witnesses. And the Court had
15 them removed at this point in time.

16 THE COURT: Yes, sir.

17 MS. ZMROCZEK: Your Honor, while the
18 jury is out, may I approach -- sorry. I forgot.

19 MR. LEIENDECKER: Yeah, I just want the
20 Court to --

21 THE COURT: To note that?

22 MR. LEIENDECKER: -- to note that and to
23 make the Court and the State aware to be more
24 cautious regarding the sequestration of witnesses.
25 I know that this was a first responder and, you

1 know, I don't believe at this point it requires
2 anything more than that.

3 THE COURT: Okay.

4 MS. ZMROCZEK: And we would agree.

5 THE COURT: All right. Mr. Johnson?

6 MR. JOHNSON: In agreement, Judge.

7 THE COURT: Okay. And I hope the
8 State, I expect y'all -- and, I guess, since I
9 didn't know who all the witnesses were, it would be
10 hard for me to tell, but if y'all would please
11 comply with the sequestration order that would be
12 great.

13 MR. OSBORNE: Yes, Your Honor.

14 MS. ZMROCZEK: And while the jury's
15 out, Your Honor?

16 THE COURT: Yes, ma'am.

17 MS. ZMROCZEK: I have -- we were
18 provided like I think the NCIC reports Monday, I
19 think. And as going through it, Your Honor,
20 obviously, I believe that there are impeachable
21 offenses on here. But there were -- there are two
22 offenses from 7/31/2020 and 12/14/2020 that don't
23 have dispositions. So I guess I need to inquire,
24 are those pending?

25 MR. OSBORNE: Are you asking me? I did

1 not prosecute those cases. I could not tell you.

2 MS. ZMROCZEK: Okay. Then since there
3 are no disposition, Your Honor, I think that I'll
4 ask the witness if those are out there.

5 THE COURT: You can ask him.

6 MS. ZMROCZEK: Okay. Thank you.

7 MR. OSBORNE: Ask away.

8 MS. ZMROCZEK: Thank you. I just
9 wanted to...

10 THE COURT: All right. What else?
11 Anything else?

12 MS. ZMROCZEK: That was it.

13 THE COURT: Okay. And, Mr. Johnson,
14 anything else you need to come up with?

15 MR. JOHNSON: No, sir.

16 THE COURT: All right. Cool. Thank
17 y'all. So we're ready to bring the jury in?

18 MR. OSBORNE: Yes, Your Honor.

19 THE COURT: All right.

20 THE BAILIFF: I got them right here,
21 Your Honor.

22 THE COURT: Okay. Good. Thank you,
23 ma'am.

24 THE BAILIFF: You're welcome. Beg the
25 Court's indulgence. They are using the restroom.

1 THE COURT: Okay. While they're doing
2 that, we're going to take about a five, ten minute
3 break. Thank you.

4 (WHEREUPON, there was a short break
5 taken)

6 THE COURT: Is the State ready?

7 MR. OSBORNE: Yes, sir.

8 THE COURT: Mr. Leiendecker, are you
9 ready?

10 MR. LEIENDECKER: I am.

11 THE COURT: Ms. Zmroczek, are you
12 ready?

13 MS. ZMROCZEK: Yes.

14 MR. JOHNSON: Ready.

15 THE COURT: Present and accounted for.
16 All right. Let's get the jury back in.

17 (WHEREUPON, the jury entered the
18 courtroom at 3:32 p.m.)

19 THE COURT: We're getting ready to now
20 call the next witness and I believe the State calls
21 Mr. Wright?

22 MR. OSBORNE: Yes, Your Honor. The
23 State calls Christopher Wright.

24 THE COURT: All right.

25 CHRISTOPHER WRIGHT,

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 being first duly sworn, was examined and testified
2 as follows:

3 THE CLERK: Thank you. You may be
4 seated. Please state your first and last name for
5 the record.

6 MR. WRIGHT: My name is Christopher
7 Wright.

8 THE COURT: And, Mr. Wright, can you
9 move the microphone up a little closer to you. All
10 right. Speak loudly, please, sir.

11 MR. WRIGHT: My name is Christopher
12 Wright.

13 THE COURT: That's what I want you to
14 do. You done good. Thank you, sir. He's your
15 witness.

16 MR. OSBORNE: Thank you, Your Honor.

17 DIRECT EXAMINATION BY MR. OSBORNE:

18 Q. Good afternoon, Christopher.

19 A. How you doing?

20 Q. Good. How about you?

21 A. I'm doing all right.

22 Q. How old are you?

23 A. I'm 42.

24 Q. Where are you from?

25 A. From Vance, Orangeburg County.

1 Q. Orangeburg County. Did you go to high
2 school?

3 A. Yes, sir.

4 Q. Where did you go the high school?

5 A. Holly Hill-Roberts.

6 Q. If you don't mind just because they've
7 got to hear you way back in the back, just speak up
8 into the mic a little bit, okay?

9 A. All right.

10 Q. All right. Do you work?

11 A. Yes.

12 Q. All right. Where do you work?

13 A. At Blue Arrow.

14 Q. Blue Arrow?

15 A. Yes.

16 Q. What kind of work is that?

17 A. It's doing forklift.

18 Q. Forklift?

19 A. Yes, sir.

20 Q. Okay. You know, Christopher, I'm sure
21 you're going to be asked a lot of questions about
22 this, so I'll go ahead and get this out of the way.
23 Was there a time that you sold drugs to supplement
24 your income?

25 A. Yes, sir.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And let's go ahead and get this
2 out of the way. Has anyone from my office, okay,
3 the police or anyone told you that if you come in
4 here, you know, and testify a certain way or
5 something like that, that we're going to help you
6 out in some way?

7 A. No, sir.

8 Q. All right. So I think you have some
9 current unresolved charges out of Charleston; is
10 that correct?

11 A. Yes, sir.

12 Q. All right. What are they?

13 A. A pistol and cocaine.

14 Q. Okay. Driving under suspension?

15 A. Yes.

16 Q. Possession of a pistol by a prohibited
17 person?

18 A. Yes, sir.

19 Q. I guess you had some sort of conviction
20 that prohibits you from owning or possessing a
21 pistol?

22 A. Yes, sir.

23 Q. And I'm getting -- well, whatever.
24 Distribution of meth, is that -- do you have that
25 charge pending?

1 A. Yes, sir.

2 Q. Domestic violence second degree?

3 A. Yes, sir.

4 Q. Are these multiple charges or is this
5 from like one incident? Like, how many -- do not
6 talk about your charges with the exception of
7 answering that question. Is it from multiple
8 incidents or was it just one incident?

9 A. Multiple incidents.

10 Q. All right. Back in July of 2015, where
11 did you live?

12 A. Holly Hill.

13 Q. Okay. Did you have another home?

14 A. Yeah, in Summerton.

15 Q. Summerton. Okay. Who did you live
16 with there?

17 A. T'Carra Woods.

18 Q. Okay. T'Carra Woods. The home in
19 Summerton, was this a home that you had been living
20 in a while or was this a home that you just got
21 with T'Carra?

22 A. Yeah, we just got it together.

23 Q. Okay. And T'Carra, what's her
24 relationship to you?

25 A. My girlfriend.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Renting? Owning?

2 A. Renting.

3 Q. Okay. How far is Summerton from Holly
4 Hill about?

5 A. I would say about 25, 30 minutes.

6 Q. Okay. All right. So you said that you
7 lived in Holly Hill, what was that address?

8 A. [REDACTED] Old State Road.

9 Q. Okay. Now, that home, who like owned
10 that home?

11 A. Krystal -- Krystal's mother.

12 Q. Okay. And Krystal being Krystal Hutto?

13 A. Yes.

14 Q. Do you know about -- well, how long had
15 you known Krystal?

16 A. About 10, 15 years, something like
17 that.

18 Q. Do you remember how you first met her?

19 A. I don't know. I guess we was just
20 hanging out somewhere. I can't really -- I don't
21 know. We was -- I met her through a friend of
22 mine.

23 Q. In Holly Hill?

24 A. Yes.

25 Q. Okay. Was it -- Krystal addicted to

1 any drugs or...

2 A. Yes.

3 Q. What was she addicted to?

4 A. Pills.

5 Q. Okay. Did she use anything else?

6 Cocaine?

7 A. Cocaine.

8 Q. Crack?

9 A. I don't know. I ain't never seen her
10 smoke no crack.

11 Q. Okay. Meth?

12 A. No.

13 Q. Okay. All right. And that home, was
14 there anyone else that lived there other than
15 Krystal?

16 A. Just me and Krystal.

17 Q. Okay. During the summer of 2015, did
18 you have any of your children visiting you?

19 A. Yes.

20 Q. And who was that?

21 A. Tamara Perry and Shamekia Sanders and
22 my son, D.N. --

23 MS. ZMROCZEK: I'm sorry, I am having a
24 hard time hearing.

25 THE COURT: Mr. Wright, do you mind

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 speaking up just a little louder, we're having a
2 hard time.

3 MR. WRIGHT: All right.

4 THE COURT: Just a little louder.

5 Thank you, sir.

6 Q. Okay. So you said D.N., how old was
7 D.N. when this incident occurred?

8 A. Probably about seven or eight.

9 Q. Okay. And Shamekia?

10 A. Shamekia probably about 16, 17.

11 Q. Okay. And Tamara?

12 A. Probably about 14 or 15.

13 Q. Okay.

14 MR. OSBORNE: Your Honor, may I
15 approach?

16 THE COURT: You may.

17 Q. Okay. Christopher, I'm showing you
18 what's been marked as State's 327-B as in boy, C as
19 in Charles, and D as in David. We're going to
20 start with 327-B as in boy. Do you recognize the
21 individuals on that photograph?

22 A. Yes.

23 Q. And who are they?

24 A. My two daughters.

25 Q. And which ones?

1 A. Shamekia and Tamara.

2 Q. Okay. I'm going to show you 327-C as
3 in Charles. Do you recognize the person in that
4 photograph?

5 A. Looks like Shamekia.

6 Q. Shamekia. And 327-D as in David. Can
7 you take a look at this photograph and tell me if
8 you recognize the people in that photograph?

9 A. D.N. and Shamekia.

10 Q. Okay.

11 MR. OSBORNE: Well, Your Honor, at this
12 time, we'd seek to admit 327-B as in boy, C as in
13 Charles, D as in David.

14 THE COURT: Any objection,
15 Mr. Leiendecker or Ms. Zmroczek or Mr. Johnson?

16 MR. LEIENDECKER: I have no objection.

17 THE COURT: Ms. Zmroczek?

18 MS. ZMROCZEK: No objection, Your
19 Honor.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: No objection.

22 THE COURT: State's 327-B, C, and D are
23 all in evidence without objection.

24 (WHEREUPON, State's Exhibit Numbers
25 327-B, C, and D were entered)

1 Q. I'm showing you 327-D for the jury's
2 edification. Who are these two?

3 A. That's [REDACTED] and Shamekia.

4 Q. 327-C?

5 A. Shamekia.

6 Q. And that lastly 327-B?

7 A. Tamara and Shamekia.

8 Q. Okay. The girl with the red hair with
9 the glasses, which daughter is that?

10 A. That's Tamara.

11 Q. Okay. And the other girl is Shamekia?

12 A. Yes, sir.

13 Q. All right. So in that photograph right
14 there, we see Shamekia holding a phone, that blue
15 phone. Was that a new phone or older phone?

16 A. I don't know. Probably an older phone
17 probably.

18 Q. That phone right there, when you -- do
19 you know if it had a lock on it to get into it?

20 A. No, sir, I don't know.

21 Q. Okay. Do you remember meeting with
22 myself and Investigator Haupt and we showed you
23 that phone there?

24 A. Yes, sir.

25 Q. And we asked you how you got into that

1 phone and you said -- in fact, there was a lot of
2 conversation about that phone and getting into that
3 phone. And you had said that you needed some sort
4 of pattern to unlock it?

5 MR. LEIENDECKER: Objection, Your
6 Honor. Leading.

7 THE COURT: Okay. Well, I'll note the
8 objection. I'm going to let him do it since he was
9 just trying to find out the phone.

10 Q. Do you remember that now?

11 A. Yes, sir.

12 Q. Okay. So that phone required some sort
13 of pattern to unlock it, not numbers?

14 A. I guess. I ain't never -- I ain't
15 never used it.

16 Q. Okay. Inside that home, Krystal
17 Hutto's home, was there any sort of gaming system
18 in there like, you know, PlayStation's, Xbox,
19 Nintendo's, anything like that?

20 A. Yes, sir.

21 Q. What was in there?

22 A. I think a black -- probably a
23 PlayStation or those kind of games like a Nintendo.

24 Q. Okay. Was this a new Nintendo or an
25 old Nintendo?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. An old.

2 Q. Like that old class like the old Duck
3 Hunter, that Nintendo?

4 A. Probably so, yes, sir.

5 Q. Was that yours?

6 A. I had it for my son, D.N. .

7 Q. Okay. All right. Back in 2015, is it
8 fair to say that you sold drugs out of Krystal's
9 house or --

10 A. Yes, sir.

11 Q. -- Old State Highway or Old State Road?
12 What kind of drugs were you selling?

13 A. Crack cocaine.

14 Q. Okay. And pills?

15 A. No, sir.

16 Q. Okay.

17 MR. OSBORNE: Your Honor, may I
18 approach?

19 THE COURT: You may.

20 Q. I'm showing you State's 387. Do you
21 recognize that guy?

22 A. That's Todd.

23 Q. Todd. Do you remember his last name?

24 A. No, sir.

25 Q. Does Dukes sound familiar?

1 A. Yes, sir, it might be.

2 MS. ZMROCZEK: Your Honor, objection.

3 THE COURT: I'm sorry. You're
4 objecting to providing the last name?

5 MS. ZMROCZEK: Yes.

6 THE COURT: Okay. I'll note your
7 objection on the record. Overruled. I'm going to
8 let him ask him.

9 Q. Does Dukes sound familiar, Todd Dukes?

10 A. Yes, sir.

11 Q. Okay. So what was Todd Dukes -- I
12 mean, did he ever come to that house?

13 A. Yes, sir.

14 Q. For what purpose?

15 A. He come and take Krystal --

16 Q. Come --

17 A. He would take Krystal places.

18 Q. Okay. How many times would you say
19 that you had seen Todd in that house?

20 A. Probably many times.

21 Q. Over one hundred times?

22 A. (Nodded)

23 Q. Okay. Now, you said that you had sold
24 coke, crack, did you sell to strangers or did you
25 sell to people that you knew?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. I sell to people that I knew.

2 Q. Okay. All right. Well, let's start
3 with -- and if you need to stand up, in the very
4 back here, the Defendant Antly Scott. Can you see
5 him okay?

6 A. Yes, sir.

7 Q. You ever sold to him?

8 A. Not to my knowledge, no.

9 Q. Do you know him?

10 A. No.

11 Q. Has he ever been to your house?

12 A. No.

13 Q. All right. What about the guy right
14 here in the middle, Luther Smith, do you know him?

15 A. No, not with that mask on. If you take
16 the mask off I can see him better.

17 (WHEREUPON, Luther complies)

18 A. I know him from the county jail.

19 Q. Okay. But in reference to back in
20 2015, has he ever been to your house? You ever
21 sold to him?

22 A. Not to my knowledge, no.

23 Q. Well, you said you only sell to people
24 you know; right?

25 A. Yes, sir.

1 Q. Okay. So do you know him?

2 A. No, sir.

3 Q. All right. We'll get to that guy in a
4 second. All right. Pocket. All right. Let's get
5 into July 14, 2015, the day before the murders.

6 Okay. I want to -- let's go ahead and talk about
7 some of your activity that day; all right?

8 A. Yes, sir.

9 Q. Okay. Where did you wake up on July
10 14, 2015, the day before the murders?

11 A. The day before the murders I wake up in
12 Summerton.

13 Q. Okay. What did you do when you woke
14 up?

15 A. I got up, washed my face, brushed my
16 teeth, and I came down to Dixie Boy gas station
17 that morning. Got some cigarettes and a Coke Cola
18 soda and I took them back to [REDACTED] Old State Road,
19 Krystal's house.

20 Q. Okay. So you drove there. Was there
21 anyone with you when you drove to Krystal's house?

22 A. The day before?

23 Q. Yeah.

24 A. No. Me by myself.

25 Q. Okay. You were by yourself. Okay.

1 What car did you drive?

2 A. My BMW.

3 Q. What color is it?

4 A. Silver.

5 Q. All right. Once you got -- well, who

6 was at the home when you got there?

7 A. Krystal, my two daughters, and D.N. .

8 Q. Okay. Was Hayden there?

9 A. I think like two or three days before
10 that. I think about two days before that she had
11 been there.

12 Q. Okay. You don't remember Hayden being
13 there on that day?

14 A. Not the day of the incident.

15 Q. Okay. And who is Hayden?

16 A. Hayden is Krystal's daughter.

17 Q. Krystal's daughter?

18 A. Yes, sir.

19 Q. Okay. Not your daughter?

20 A. No, sir.

21 Q. All right. What did you do when you
22 got there?

23 A. When I came that day, Krystal
24 cigarettes and I talked to her for a minute and I
25 think I left and went to feed my dogs. And I think

1 I went to Holly Hill. In the town to Dixie Boy to
2 the cleaners.

3 Q. Okay. Went to the cleaners. All
4 right. On the day before the murders, at some
5 point, did you come into contact with the Defendant
6 Robert Bailey?

7 A. Yes.

8 Q. All right. Let's talk about that. I
9 kind of said it already, but what did you know him
10 as? What was his nickname?

11 A. Pocket.

12 Q. Pocket?

13 A. Yes.

14 Q. And how long have you known him?

15 A. I've known Pocket probably about 20
16 years.

17 Q. For a long time?

18 A. Yes, sir.

19 Q. And where does he stay or did stay?

20 A. On Highway 6 going towards Eutawville.

21 Q. In Eutawville on Highway 6?

22 A. Yes.

23 Q. I'm only repeating because it's kind of
24 hard -- you're just a little bit soft spoken. All
25 right. Did you have a relative that lived near

1 him?

2 A. Yes, my aunt lived behind him.

3 Q. Your aunt lived behind him. Okay. Has
4 Pocket ever been to the house on Old State Road in
5 Holly Hill?

6 A. He had been there the day before the
7 incident happened.

8 Q. I know. Prior to that?

9 A. No.

10 Q. All right. Do you remember in a
11 meeting with Deputy Solicitor Tommy Scott,
12 Solicitor Pascoe, and, I think, your defense
13 attorney on February 12th of 2016 in this building
14 that you had said Pocket had been to that house
15 multiple times?

16 A. Yes.

17 Q. Okay. Would D.N. know Pocket?

18 A. Yes.

19 Q. Who else in D.N.'s family would
20 Pocket have hung out with or would Pocket have been
21 around?

22 A. Red, his aunt.

23 Q. His Aunt Red. What's her real name?

24 A. Veronica.

25 Q. Veronica. Do you know the last name?

1 If not that's okay.

2 A. No.

3 Q. Okay. So Pocket would see Veronica who
4 was Red, D.N.'s aunt?

5 A. Yes.

6 Q. D.N.'s grandma, where did she used
7 to live?

8 A. Behind the Catholic school in Holly
9 Hill.

10 Q. Okay. Did she ever used to live behind
11 Pocket?

12 A. No.

13 Q. Okay. During our meeting, me and Ray,
14 on October 7th of 2021, do you remember saying then
15 that the grandma, D.N.'s grandma used to live
16 behind Pocket? A trailer behind Pocket?

17 A. No.

18 Q. You don't remember that. Okay.

19 A. You talking about on the back on
20 Riverside Road?

21 Q. Yeah.

22 A. Yeah, on Riverside Road, not behind
23 him.

24 Q. Okay.

25 A. Yeah, that's just a couple of streets

1 over.

2 Q. Okay. All right. So you kind of
3 mentioned it. So the day before, how is it that
4 you come into contact with Defendant Bailey, the
5 day before the murders?

6 A. I was at the barber shop getting a
7 haircut, you know, and I had a phone call. So I
8 didn't have good service, so I didn't answer it.
9 So when I got out and got service, the phone
10 automatic ring back. When it ring back, it was
11 Pocket calling. You know, he told me he had a
12 family came down from Jersey wanted to buy my
13 motorcycle. And then had a motor they wanted to
14 swap out for it. So I speak to him. I told him
15 yeah, I'll meet him at the store.

16 I met him at the store in Vance on
17 Highway 6, you know, he introduced me to his
18 cousin, Ramseses, Rambo. You know, then he told me
19 he came from Jersey, but the whole time he never
20 was from Jersey. He been to Cross. So he ended up
21 following me back to my house, I showed him the
22 motorcycle. You know, we made a deal that we were
23 going to swap it out. A few hours later, you know
24 --

25 Q. Let me just stop you right there, okay,

1 just to double back a little bit. Okay. What
2 color was your motorcycle that you were swapping?

3 A. I had a red one and a gray one and an
4 orange one.

5 Q. Okay. Which one were y'all going to
6 agree to swap for?

7 A. The red one. The Honda. The 1000.

8 Q. Okay. Who was going to get that as
9 part of the vehicle swap?

10 A. His cousin Ramseses, Rambo.

11 Q. Okay. So Rambo is getting the red
12 Honda, what are you getting in return?

13 A. A 400 motor. A motor.

14 Q. A motor?

15 A. Yes.

16 Q. But it's in a car; right? Or a truck?

17 A. Yeah, it's in a truck.

18 Q. Okay. So you're getting the motor, 400
19 motor, and he's getting that, is Pocket part of the
20 vehicle swap or do y'all work out something later?

21 A. I mean, he was like the middle man.

22 Q. Okay. At this point he's the middle
23 man?

24 A. Yes.

25 Q. All right. So I interrupted you --

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 well, let me ask you this. This phone call from
2 Bailey, was this sort of out of the blue or did you
3 and Bailey talk on the phone a lot?

4 A. I mean, I ain't speak to him in months,
5 you know. He just called me like I say the phone
6 ring back. When I got service, the phone
7 automatically started ringing and it pick up it be
8 him.

9 Q. Okay. All right. So, sorry, I
10 interrupted you. You said you went back to the
11 house, they followed you back to the house?

12 A. Yes, sir.

13 Q. Okay. And then what happened?

14 A. After that, you know -- okay. We made
15 a deal. So they came back later to bring a truck
16 on the trailer. So we unhook the truck and at that
17 time, Pocket told me he had a dirt bike that he
18 wanted to swap off for the other motorcycle. So I
19 said, okay. Yeah, I'll get it. You know, I'll get
20 the dirt bike and give it to my son. So we put
21 both dirt bikes on -- both motorcycles on the
22 trailer and we rode back to his house. So on the
23 way going, one of the bikes had fall --

24 Q. All right. Let me -- I'm sorry, this
25 is just -- it's an awkward thing, conversation.

1 When they followed you back to the house --

2 A. No, I rode with them.

3 Q. No. No. No. I'm backing it up just a
4 bit.

5 A. Okay.

6 Q. So when Rambo and Pocket followed you
7 back to your house or Krystal's house on Old State
8 Road in Holly Hill, who all was at your house at
9 that time?

10 A. My two daughters, my son, and Krystal.

11 Q. Okay. And when you're -- and you're
12 inside your house and y'all are finalizing the
13 deal?

14 A. Yes, sir.

15 Q. Sorry?

16 A. Yes, sir.

17 Q. Okay. And while y'all are working out
18 the deal, I mean, do you feel threatened in anyway
19 by Pocket and Rambo?

20 A. No, sir.

21 Q. Okay. All right. So I want to kind of
22 hammer down a little bit on the deal. Because I
23 think the terms -- did the terms change a little
24 bit -- not change so much, I guess, but make
25 additions when y'all were inside the house to

1 include now Pocket?

2 A. Yes, we made another deal on the other
3 bike.

4 Q. Okay. All right. Just elaborate, it's
5 not super important, but just elaborate on that a
6 little bit.

7 A. All right. Well, since he had seen the
8 other bike he had wanted, so he said he had a dirt
9 bike that he had, you know. I think it had a hole
10 in the gas tank, so I agreed to it, you know, that
11 I would take the dirt bike. So when they came back
12 a couple of hours later, we just load the dirt
13 bikes up on the trailer.

14 Q. Okay. So let me stop you right there.
15 And, again, I know it's not important, but -- so
16 what would Ramseses get as part of this trade?

17 A. The 1000 dirt bike.

18 Q. Rambo, I'm sorry?

19 A. Yes, sir.

20 Q. Would he not get your motorcycle or,
21 no?

22 A. No. No. No. The 1000 motorcycle.
23 The Honda. The red one.

24 Q. Okay. So Ramseses getting the red
25 motorcycle, you're getting the 400 block?

1 A. Yes.

2 Q. Is that right?

3 A. Yes.

4 Q. And what is Pocket getting?

5 A. He was getting the other motorcycle.

6 Q. The red motorcycle? Pocket's getting
7 the red motorcycle, Ramseses getting the orange
8 motorcycle, you're getting the 400 block, and what
9 else are you getting from him for that motorcycle?

10 A. A red and white dirt bike.

11 Q. Okay. So we've got dirt bikes and
12 stuff going back and back -- everybody's making
13 deals; is that fair to say?

14 A. Yes, sir.

15 Q. Okay. Now, I know we've talked about
16 this a little bit already, you admitted to selling
17 cocaine back then. On this particular day, the day
18 before the murders, did you serve anyone or sell
19 drugs to anyone while Rambo and Pocket were in the
20 house and y'all were working out that complicated
21 deal?

22 A. I totally can't remember if I had sold
23 somebody or not.

24 Q. Come on, Chris.

25 A. Yes, I probably did.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay.

2 MS. ZMROCZEK: Your Honor, I would
3 object him encouraging the witness.

4 MR. OSBORNE: Encouraging him to tell
5 the truth.

6 THE COURT: Okay.

7 MS. ZMROCZEK: And, again, Your Honor,
8 I would object.

9 THE COURT: Okay. I'll note your
10 objection.

11 MR. LEIENDECKER: And, again, it was a
12 probably and a speculative answer after he was
13 threatened by the State, come on.

14 THE COURT: All right. I'll note that
15 on the record, again. Okay.

16 Q. Okay. So while y'all were all there,
17 you finalize the deal at your house?

18 A. Yes, sir.

19 Q. Okay. So you said that you -- y'all
20 then leave the house?

21 A. Yes.

22 Q. Okay. Where do y'all go?

23 A. Well, they left, you know -- talking
24 about the day before?

25 Q. Yeah, we're still on the day before.

1 A. Oh, yes, they left -- once we made the
2 deal, they left. Ramseses got in his car with some
3 dude and Pocket and Big Mike got in the car and
4 they left. And a couple of hours later, I left.
5 And I after that, I went to Manning to Walmart.
6 Probably right around four or something like that
7 in the afternoon. And I went and got a coffee
8 table, microwave, and stuff that I had bought for
9 the house that we just rented. And I stayed over
10 there.

11 Q. Okay. Well, I'm messing you up. All
12 right. At a certain point -- I actually cut you
13 off, I asked you to start and stop. At the certain
14 point, did you end up going to Pocket's house, you
15 know, to swap the bikes and everything?

16 A. Oh, yes. A couple of hours later they
17 came back with the truck. You know, so they came
18 back with the truck. They unload the truck. I
19 reload the motorcycles up. I got in the truck with
20 them. I rode to their house. I rode to Pocket's
21 house.

22 Q. Okay. I'm sorry. Sorry. You said
23 that they unloaded the truck. What did they
24 unload?

25 A. Chevy -- a 2500 for truck.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Do you remember if anything was
2 written on it, anything unusual?

3 A. Yeah, it had like some cartoon
4 characters. It was spray painted.

5 Q. Okay. So now that's unloaded on the
6 property at [REDACTED] Old State Highway or Old State
7 Road?

8 A. Yes, sir.

9 Q. And now you're going with them with the
10 motorcycles?

11 A. Yes, sir.

12 Q. Okay. All right. So where do y'all go
13 again?

14 A. We went to Pocket house.

15 Q. Okay. All right. How long does it
16 take to get from Krystal's house to Pocket's house?

17 A. It should be like 15 minutes. Because
18 the way we was driving the truck, we went a little
19 bit slower because we had motorcycles on the back.

20 Q. Okay. All right. When you left
21 Krystal's house to go to Pocket's house, did you go
22 through Holly Hill then Eutawville? Or did you
23 take that roundabout at 45?

24 A. Yeah. We came out [REDACTED] hit Rail Cross
25 Road, come up 45. Hit that little roundabout. We

1 ride down the road about half a mile or almost to
2 Eutawville and we supposed to go left. Take it to
3 a side road it bring us back out on Highway 6.

4 Q. Okay.

5 MR. OSBORNE: Your Honor, may I
6 approach?

7 THE COURT: You may.

8 Q. I'm showing you 365. State's 365. Do
9 you recognize that?

10 A. Yes, sir.

11 Q. And what is that?

12 A. That's house that we took the
13 motorcycles to.

14 Q. Who's house is that?

15 A. Pocket.

16 Q. Okay.

17 MR. OSBORNE: Your Honor, at this time
18 we'd seek to admit 365 into evidence.

19 THE COURT: Any objection,
20 Mr. Leiendecker?

21 MS. ZMROCZEK: No objection.

22 MR. LEIENDECKER: No objection.

23 MR. JOHNSON: No objection, Your Honor.

24 THE COURT: All right. State's 365 is
25 in evidence without objection.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Thank you, Your Honor.

2 Pocket's house, 365.

3 (WHEREUPON, State's Exhibit Number 365
4 was entered)

5 Q. All right. So when y'all get to
6 Pocket's house then what happened?

7 A. We unload the bikes, you know, then I
8 look at his dirt bike. And then Ramseses had to
9 leave, you know. So he takes his motorcycle and
10 left. Pocket called one of his friends to come and
11 put the motorcycle in the back of the truck to take
12 me back home. Because I couldn't ride the dirt
13 bike, it had a leak in the gas tank. So I waited
14 for him about 30 minutes till the dude came and
15 then we loaded the truck and we went back to my
16 house to unload it.

17 Q. All right. You said a dude came and
18 you went back to your house. Who was the dude that
19 came?

20 A. Some dude, he kind of burnt up.

21 Q. Okay. So just so I understand. The
22 burned up dude, did he pick you up from Pocket's
23 house?

24 A. Yes, sir.

25 Q. And then y'all then go back to your

1 house?

2 A. Yes, sir.

3 Q. Okay.

4 MR. OSBORNE: Your Honor, may I
5 approach?

6 THE COURT: You may.

7 Q. I'm showing you 329-D and E. Can you
8 take a look at those and tell me if you recognize
9 them?

10 A. Yes, sir.

11 Q. And what is 329-D?

12 THE COURT: Did you say E?

13 MR. OSBORNE: D as in David. E as in
14 Edward.

15 A. This picture right here is the Honda
16 motorcycle that I give Pocket. And this first dirt
17 bike, that's the one I get for my son. It's the
18 125.

19 Q. Okay. We'll go through that. And then
20 329 that was D as in David. All right. 329-E as
21 in Edward. Do you recognize that?

22 A. The motorcycle or the dirt bike?

23 Q. Well, do you recognize --

24 A. This is the dirt bike right here.

25 That's my dirt bike -- I mean, my motorcycle that I

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 give him.

2 Q. Okay. 329-E as in Edward?

3 A. Yeah. And this is the dirt bike right
4 here that I got from him.

5 Q. Okay.

6 MR. OSBORNE: Your Honor, at this time,
7 we'd seek to admit 329-D as in David, E as in
8 Edward, I think without objection.

9 THE COURT: Any objection?

10 MR. LEIENDECKER: No.

11 MS. ZMROCZEK: No objection.

12 MR. JOHNSON: No objection.

13 THE COURT: All right. 329-D and E are
14 in evidence without objection.

15 (WHEREUPON, State's Exhibit Numbers
16 329-D and 329-E were entered)

17 Q. So now we're looking at 329-E. What
18 are we looking at here?

19 A. The first dirt bike that's the one that
20 he swap out from. He giving me.

21 Q. Okay. So this was Pocket and now it's
22 going to be part of yours as part of the deal?

23 A. Yes, sir.

24 Q. Okay. And the second one behind it?

25 A. No, I didn't got that dirt bike.

1 Q. Okay. That was not part of it. Okay.

2 And 329-D, do you recognize that?

3 A. Yes, sir. That's the motorcycle that I
4 swap out for the dirt bike.

5 Q. Okay. So that would be yours?

6 A. Yes, sir.

7 Q. That you're giving them?

8 A. Yes, sir.

9 Q. Okay. I think we're through with the
10 vehicle swap. All right. You said that you get a
11 ride back to your house from the burned up guy.
12 The burned up guy picked you up from Pocket's?

13 A. Yes, sir.

14 Q. All right. So at the end of this deal,
15 was there any animosity between you and Rambo and
16 Pocket?

17 A. No, sir.

18 Q. Any hard feelings?

19 A. No, sir.

20 Q. Okay. What -- do you remember what the
21 truck looked like that the burned up guy was
22 driving?

23 A. It probably -- it's a burgundy truck.
24 I don't know if it been a Ford Ranger, you know, it
25 been a little small little truck.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. A small burgundy truck?

2 A. Yes, sir.

3 Q. Did you know Derrick Coleman? The
4 burned up guy?

5 A. No, sir.

6 Q. You ever met him before?

7 A. No.

8 Q. You mentioned that his face was burned
9 up. Did you notice anything peculiar about his
10 hands?

11 A. Yes, sir.

12 Q. And what was that?

13 A. It was about burnt off.

14 Q. What was burned off?

15 A. He had a little bit of fingers.

16 Q. I'm sorry.

17 A. He had little bit of hands.

18 Q. Just a little bit of hands?

19 A. Yeah. They be half. I don't know how
20 he drive like that.

21 Q. Okay. Well, did he have any trouble
22 driving?

23 A. No, sir.

24 Q. Okay. All right. Getting into the
25 night of the murders. So after Derrick dropped you

1 off or the burned up guy, I'm sorry, dropped you
2 off at the house, what happened with the rest of
3 your evening? What did you do?

4 A. Well, I sat back. I made sure my dogs
5 had some water. I asked Krystal did she want
6 something before I leave and I had left.

7 Q. All right. What time did you leave?

8 A. Probably around four or five, something
9 like that. Late afternoon.

10 Q. Okay. And where did you go?

11 A. I went to T'Carra up from Summerton and
12 then we went to Manning to Walmart.

13 Q. Okay. What time do you think that you
14 got to Summerton about?

15 A. Probably about five. I'm saying it's
16 like five, six, something like that.

17 Q. Okay. And you had said that you had
18 just went to -- or you said you had went to the
19 Walmart?

20 A. After I picked T'Carra up.

21 Q. Right. And you kind of mentioned this
22 a little bit earlier and we kind of talked about it
23 a little bit. But why were you going to Walmart
24 that night?

25 A. To get some -- to get a microwave, a

1 table for the house.

2 Q. Because you just moved in?

3 A. Because we just moved in.

4 Q. Okay. Do you remember -- well, let me
5 do this another way.

6 MR. OSBORNE: Your Honor, may I
7 approach?

8 THE COURT: You may.

9 Q. I'm showing you State's 318 and State's
10 319. We'll start with 318. Do you recognize this?
11 And if you need to pull the CD out, you can.

12 A. Yes, sir, I recognize it.

13 Q. And what is that?

14 A. That's a videotape of me at that time.

15 Q. And where were you on that surveillance
16 videotape?

17 A. In Walmart.

18 Q. Was that the Walmart on the night that
19 we're talking about right now?

20 A. Yes, sir.

21 Q. All right. And I'm showing you --
22 well, 318, that's fine. All right. So you say
23 these are your initials here on the CD. You
24 initialed this CD?

25 A. Yes, sir.

1 Q. Where did you watch the clips on this
2 CD? Where did you initial this CD?

3 A. I think I was in here, I think.

4 Q. In my office?

5 A. Yes, your office.

6 Q. Did -- so you watched the clips?

7 A. Yes, sir.

8 Q. Did you see anyone on the clips that
9 you recognized?

10 A. Me, T'Carra.

11 Q. You saw yourself on the clip?

12 A. Yes, sir.

13 MR. OSBORNE: Your Honor, I think we've
14 laid a foundation for this being the surveillance
15 video from the night of the incident at Walmart
16 that Christopher Wright saw himself on. At this
17 time, we'd seek to admit 318 into evidence.

18 THE COURT: We have someone that
19 disputes that?

20 MS. ZMROCZEK: Your Honor, I do object
21 to not what's on the tape, but the foundation of
22 the tape. The correction of like -- what the
23 foundation requires under 901, Your Honor, is that
24 somebody from Walmart come here and say it was
25 working, what time it was, that the times are

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 accurate. Your Honor, just because he sees himself
2 on a videotape doesn't mean that the times are
3 correct. It doesn't mean the location is correct.
4 And under the rule -- yes, it's 901, Your Honor. I
5 have no problem for him marking it for ID, but I do
6 believe that they have to have somebody come in and
7 authenticate that it was properly working at the
8 time, those are all required under the rules.

9 THE COURT: Okay.

10 MR. OSBORNE: That is not what the rule
11 says, obviously, Judge.

12 THE COURT: Well, here's what we're
13 going to do rather than argue this in front of the
14 jury. We'll pick up the argument later if we need
15 to. We'll mark it as ID right now and then we'll
16 come back later on. Okay?

17 MR. OSBORNE: Okay.

18 THE COURT: Thanks.

19 (WHEREUPON, State's Exhibit Number 318
20 was marked for ID)

21 Q. All right. When you watched the video
22 clips, who did you see in the video?

23 A. I saw me, T'Carra, and her little
24 cousins.

25 Q. Did you see anybody else?

1 A. Yes. I had called Pat-Pat and Double J
2 to come out there and get the truck to load the
3 stuff back in the truck so I could take it back to
4 the house.

5 Q. Okay. So Pat-Pat and Double J are
6 friends of yours?

7 A. Yes, sir.

8 Q. And so you said you had called them.
9 Why did you call them again?

10 A. Because they had a truck and they from
11 Manning.

12 Q. And you called up your friends to help
13 you move the stuff?

14 A. Yes, sir.

15 Q. Okay. And you saw that on the clips
16 and everything?

17 A. Yes, sir.

18 Q. Okay. What did you do after y'all left
19 from Walmart?

20 A. We went back to the house and I fixed
21 -- I mean, we went back to the house, I fixed the
22 table and that was it. I sat down and drank me a
23 beer. I just talked to Pat-Pat on the phone a
24 couple of hours and I in the house. That was it.

25 Q. Okay. Did you spend the night with

1 T'Carra in Summerton?

2 A. Yes, sir.

3 Q. Okay. Did you end up going anywhere
4 else once you got back to the house in Summerton?

5 A. No, sir.

6 Q. Okay. Did you ever come back to Holly
7 Hill?

8 A. No, sir.

9 Q. Okay. On the night of the murders,
10 July 14th going in -- well, July 14th before we get
11 into July 15th, did you get a phone call from that
12 guy?

13 A. Yes.

14 Q. What did he talk about?

15 A. I didn't got a chance to talk to him at
16 all. I didn't answer the phone. You know, I
17 didn't answer it, I was asleep. I woke up the next
18 morning I seen I had a missed call from Pocket.

19 Q. Are you sure about that?

20 A. Like I said, I was drinking, I don't
21 remember talking to him.

22 Q. Okay.

23 A. And I probably could have talked to
24 him, I don't know. I probably didn't say nothing
25 to him just answer and hang it back up.

1 Q. Okay. Okay. Later that night going
2 into the early morning hours, did you receive a
3 phone call from Krystal?

4 A. Yes, I did.

5 Q. Okay. Did you talk to her?

6 A. No, I didn't answer.

7 Q. You didn't answer?

8 A. No, I didn't, sir.

9 Q. Did you recognize that when Krystal had
10 called that she called or was this something that
11 you discovered later?

12 A. I think I discovered it early that
13 morning. Early that morning when I waked up.

14 Q. Okay. Well, I guess I'm just a little
15 confused. So when Krystal called that night, did
16 you know that you were receiving a phone call from
17 Krystal? Like did you see the phone? Did you see
18 that she was calling?

19 A. No. No. I doubt -- I was drinking,
20 no. I can't say I talked to her. I know I didn't
21 speak to her.

22 Q. Okay. How about your daughter, Tamara?

23 A. No.

24 Q. All right. Let's get into the next
25 morning. What time did you wake up that morning?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Around six. I think around six.

2 Q. Okay. Well, did you look at your phone
3 then?

4 A. Yes, sir.

5 Q. And what did you see?

6 A. I seen I had some missed calls.

7 Q. Okay. And who had called?

8 A. Krystal. Pocket called.

9 Q. A missed call from Pocket. Okay. How
10 about Tamara?

11 A. No, sir.

12 Q. What?

13 A. No, sir.

14 Q. You didn't notice that Tamara called?

15 A. No, sir.

16 Q. Okay.

17 THE COURT: Do you mind speaking up
18 just a little louder again.

19 MR. WRIGHT: All right.

20 THE COURT: Okay. Thank you, sir. Go
21 ahead.

22 Q. Okay. Do you remember your phone
23 numbers back then?

24 A. No, sir.

25 Q. [REDACTED] 863, does that sound familiar?

1 A. Yes, that 410 sounds familiar.

2 Q. Okay. My Love?

3 A. What?

4 Q. Did Krystal Hutto save that number in
5 her phone as My Love?

6 A. Probably so.

7 Q. 843-971-0710, does that sound familiar?

8 A. I had two phones then. I had 971 and a
9 410 number.

10 Q. And My Love2?

11 A. Yes, sir.

12 Q. All right.

13 MR. OSBORNE: Your Honor, may I
14 approach?

15 THE COURT: You may.

16 Q. I'm showing you State's 326. Can you
17 take a look at that. Open that and tell me if you
18 recognize it.

19 A. (Mr. Wright complies)

20 Q. Do you recognize that phone?

21 A. Yes, sir.

22 Q. And who's phone was that?

23 A. Looks like my old phone.

24 Q. Your old phone?

25 A. (Nodded)

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay.

2 MS. SPIRES: Yes or no?

3 A. Yes.

4 MR. OSBORNE: And, Your, Honor at this
5 time, we'd seek to admit 326 into evidence.

6 THE COURT: Any objection?

7 MR. LEIENDECKER: No objection.

8 MS. ZMROCZEK: No objection.

9 MR. JOHNSON: No objection, Your Honor.

10 THE COURT: State's 326 is in without
11 objection.

12 (WHEREUPON, State's Exhibit Number 326
13 was entered)

14 Q. Okay. Was it normal for Krystal Hutto
15 call you in the early morning hours?

16 A. No, sir.

17 Q. Late at night, early morning hours?

18 A. No, sir.

19 Q. How about your daughter, Tamara?

20 A. No, sir.

21 Q. Krystal Hutto's phone number back then,
22 what was it?

23 A. I can't remember.

24 Q. Does [REDACTED] 8062 sound correct?

25 A. Yes, sir.

1 Q. Tamara's phone number, your daughter,
2 do you remember that?

3 A. No, sir.

4 Q. 803-857-9944, does that sound correct?

5 A. Yes, sir.

6 Q. All right. So in your phone, 326, what
7 did you have Krystal's phone number saved as? What
8 was the contact that you saved it as?

9 A. June.

10 Q. June. All right. Let's talk about
11 June for a second. We'll talk about in a minute.
12 Once you saw you had a missed call from Krystal and
13 Tamara and you wake up and you're in Summerton, you
14 see your daughter called, Krystal called, were you
15 overly concerned -- overly concerned at that point?

16 MR. LEIENDECKER: Objection.
17 Mischaracterizes the testimony. I think he said
18 when he woke up and looked at the phone, he didn't
19 see Tamara's call.

20 MR. OSBORNE: Oh, I'll rephrase, Your
21 Honor.

22 THE COURT: Thank you, sir.

23 Q. When you woke up in the morning and you
24 saw a missed call from Krystal, were you overly
25 concerned at that point?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, I called her early that morning, I
2 think. I'm pretty sure I called her.

3 Q. You called Krystal?

4 A. Yes.

5 Q. Did you talk to her in the morning?

6 A. No, sir.

7 Q. Did anyone answer?

8 A. No, sir.

9 Q. All right. What did you do then?

10 A. Well, I got up. After I washed my face
11 and brushed my teeth, me and Her'Von, my girlfriend
12 brother, we stopped by the BP gas station and got
13 me a blunt and I rode to Holly Hill down 95. Got
14 off on 15 exit.

15 Q. Okay. Maybe I didn't phrase whatever
16 some objection properly, so maybe I didn't phrase
17 the question appropriately. But I'd asked if you
18 were overly concerned once you saw that you had
19 missed a call from Krystal. I mean, is it fair to
20 say you couldn't have been too overly concerned
21 because you stopped and got a beer and a blunt?

22 A. Yes, sir. I had called her back, but
23 she didn't answer.

24 Q. Okay. Her'Von you said that was
25 T'Carra's brother?

1 A. Her'Von.

2 Q. I'm sorry. Teenager?

3 A. Yes, sir.

4 Q. Okay. And why did you bring Her'Von
5 with you?

6 A. So he could ride the dirt bike.

7 Q. When you got to Krystal's house, how
8 did you park?

9 A. I parked straight in front of my
10 Camero.

11 Q. Okay. Your Camero was there?

12 A. Yes, sir.

13 Q. Okay. Camero runs?

14 A. Yes, sir.

15 Q. The Camero runs?

16 A. It runs, but, you know, it needs a
17 little miner work done to it. But you can still
18 drive it. You just can't put it in first gear.
19 You start in second.

20 Q. Okay. All right. After you parked --
21 or as you were parking, what did you see and do?

22 A. I seen somebody laying down in the
23 yard.

24 Q. Okay. Who was that person?

25 A. Jerome Butler.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. What did you do then?

2 A. I got out the car and I walked up to
3 him. I thought my dogs had attacked him. And I
4 see my front door open and my Mercedes was gone.
5 So I ran to the front door open and I looked and
6 see the house is ramsacked. I ran back and got my
7 cell phone and I called 9-1-1 and tell said
8 somebody burglarized the house.

9 Q. Okay. Did you notice that Jerome was
10 suffering from any injuries?

11 A. He just be on the ground laying down.
12 I ain't really pay no attention to him. I just
13 wanted to go inside my house and see if my kids had
14 been there.

15 Q. Okay. Did you check on Jerome in any
16 way to see how he was doing? You saw him laying on
17 the ground?

18 A. Yes, I tap his foot.

19 Q. Okay. And you might have said this and
20 maybe I missed it. Did you say that you noticed
21 that one of your cars was missing?

22 A. Yes, sir.

23 Q. And what car was missing?

24 A. My green Mercedes.

25 Q. Okay. Did you have a key to the green

1 Mercedes?

2 A. On me, no. But it was in the house.

3 Q. There was a key to the Mercedes inside
4 the house?

5 A. Yes, sir.

6 Q. Okay. Did Her'Von ever get out of your
7 car?

8 A. No, sir.

9 Q. Why not?

10 A. He didn't got out at all.

11 Q. All right. So you had mentioned you
12 saw Jerome down there and then you kicked him. Did
13 he respond when you kicked him?

14 A. No, sir.

15 Q. How long have you known Jerome?

16 A. About 20 years or something like that.

17 Q. All right. What is your relationship
18 with Jerome?

19 A. Jerome come by sometime, I take him to
20 Holly Hill to his work or he come through and buy
21 some drugs from me.

22 Q. Okay. What kind of drugs?

23 A. Crack.

24 Q. And where does he work?

25 A. At the tire shop.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. I'm just going to go ahead and
2 show you some photographs. We'll do it like this.

3 MR. OSBORNE: May I approach the
4 witness, Your Honor?

5 THE COURT: You may.

6 Q. All right. I'm going to show you
7 State's 22, 29, 30. I'm going to start with -- all
8 right. 22, 29, and 30, do you recognize those?

9 A. Yes, sir.

10 Q. And what are they?

11 A. My BMW, my Camero, and the truck that I
12 had bought.

13 Q. Okay.

14 MR. OSBORNE: I'm just going to keep
15 going, Your Honor. We'll try to move them all in
16 at once.

17 THE COURT: Okay.

18 Q. All right. I'm going to show you 33,
19 67, 68, 89, 97, and 98. Can you just take a look
20 at those and just generally tell me if you
21 recognize those?

22 A. Yes, sir.

23 Q. And what are they?

24 MR. LEIENDECKER: I'm sorry. As he
25 identifies them, could he read the numbers back off

1 as to what he's identifying?

2 A. It's Jerome on the ground right here on
3 page 33 by the red Camero. The house is ramsacked
4 on 67. This is the door that's kicked in on 68.
5 And there's some tires and my dirt bike on 89.
6 This is something in a white plastic bag in 97.
7 And this is the kitchen ramsacked on 98.

8 Q. Okay. And now I'm going to show you
9 100, 103, 104, and 129.

10 A. This 100, that's some white powder
11 substance on the floor. This is 103, look like a
12 blender -- coffee blender. This 104, the top of
13 the coffee blender. This 129, the ceiling.

14 Q. Okay. And, lastly, 88 and 171.

15 A. 88 is a picture of a air compressor and
16 another dirt bike in the living room. And 171 is a
17 safe.

18 Q. Okay.

19 MR. OSBORNE: Your Honor, at this time,
20 the State would seek to admit 22, 29, and 30; 33,
21 67, 68, 89, 98, 129, 97, 100, 103, 104, 171, and
22 88.

23 THE COURT: Any objection,
24 Mr. Leiendecker?

25 MR. LEIENDECKER: No objection. Are

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 you not entering 98?

2 MR. OSBORNE: No, 98.

3 THE COURT: So you are entering 98?

4 MR. OSBORNE: Yes.

5 THE COURT: Any objection to those?

6 MR. LEIENDECKER: No.

7 MS. ZMROCZEK: No objection, Your
8 Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Your Honor, I just want
11 to confirm. I'm just trying to match numbers,
12 Judge.

13 THE COURT: Okay. You want me to call
14 them out again?

15 MR. JOHNSON: No, sir. I've got them
16 written down. I'm just sort of making sure these
17 are all the numbers he just called out. They're
18 two batches that he had just shown the witness and
19 I just want to double check. No, I don't have any
20 objection, Your Honor.

21 THE COURT: Okay. So State's 22, 29,
22 30, 33, 67, 68, 89, 97, 98, 100, 103, 104, 129, and
23 you said 88?

24 MR. OSBORNE: That's correct.

25 THE COURT: And 171?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Yes.

2 THE COURT: Are all in evidence without
3 objection.

4 (WHEREUPON, State's Exhibit Numbers 22,
5 29, 30, 33, 67, 68, 88, 89, 97, 98, 100, 103, 104,
6 129, and 171 were entered)

7 MR. OSBORNE: And just for giggles, one
8 more.

9 Q. I'm showing you State's 154.

10 A. This the attic on 154.

11 Q. Okay.

12 THE COURT: What number did you say
13 that was?

14 MR. OSBORNE: 154.

15 THE COURT: No. What did he say it
16 was?

17 MR. OSBORNE: The attic at his house.

18 THE COURT: Did you want that one in
19 also?

20 MR. OSBORNE: Yes, Your Honor. At this
21 time, we'd seek to admit 154 into evidence.

22 THE COURT: Any objection, Mr.
23 Leiendecker?

24 MR. LEIENDECKER: I don't believe I've
25 seen that one, Your Honor. If I just could...

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Okay. If you don't mind
2 passing that back in case Ms. Zmroczek or
3 Mr. Johnson would like to view it.

4 MR. LEIENDECKER: No objection.

5 MS. ZMROCZEK: No objection.

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: And 154 is also in evidence
8 without objection.

9 (WHEREUPON, State's Exhibit Number 154
10 was entered)

11 Q. All right. We'll start now with
12 State's 22. Can you tell the jury what were
13 looking at here?

14 A. My BMW and the truck. My red Camero
15 should be behind it.

16 Q. Okay. And this BMW, is this the
17 vehicle that you pulled up in?

18 A. Yes, sir.

19 Q. All right. State's 29.

20 A. That's the truck I had bought and my
21 BMW.

22 Q. Is this the truck that was part of the
23 vehicle swap?

24 A. Yes, sir.

25 Q. Okay. The one you're getting the motor

1 out of?

2 A. Yes, sir.

3 Q. State's 30?

4 A. My BMW and my Camero and the truck.

5 Q. Okay. Where would your green Mercedes
6 normally have been parked?

7 A. By the board. Between the fence right
8 there and the Camero.

9 Q. Okay. That's State's 33?

10 A. That's Jerome on the ground right by my
11 Camero.

12 Q. All right. So now we're getting into
13 -- we're getting into 67. What are we looking at
14 here?

15 A. That's the front door in the kitchen
16 and the living room.

17 Q. Okay. Now, you had mentioned before
18 that you had went inside the house. How far inside
19 the house did you go?

20 A. I stepped right across the threshold.
21 As soon as I stepped inside, I stepped right back
22 out.

23 Q. You didn't go into the house?

24 A. No, sir. I went back and got my phone.

25 Q. Okay. That's when you called 9-1-1?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. All right.

3 MR. OSBORNE: Your Honor, may I
4 approach?

5 THE COURT: You may.

6 Q. I'm showing you State's 319. Can you
7 take a look at that and tell me if you recognize
8 that?

9 A. Yes, sir.

10 Q. And what is that?

11 A. The 9-1-1 call.

12 Q. Okay. How do you know that that's the
13 9-1-1 call?

14 A. I had listened to it.

15 Q. Okay. Is it your voice?

16 A. Yes, sir.

17 Q. Now, when you stepped inside the
18 threshold, you said that you stepped back out and
19 then you called 9-1-1?

20 A. I went back to my car and got my phone.

21 Q. Okay. How long did it take from you to
22 step into the threshold, stepped back out, and then
23 call 9-1-1?

24 A. A couple of seconds. I don't know.
25 Maybe about five seconds or something like that.

1 Ten seconds.

2 Q. Okay. And those are your initials on
3 the CD?

4 A. Yes, sir.

5 MR. OSBORNE: Your Honor, at this time,
6 the State would seek to admit 319 into evidence.

7 THE COURT: Any objection,
8 Mr. Leiendecker?

9 MR. LEIENDECKER: None.

10 MS. ZMROCZEK: No objection from
11 Mr. Smith.

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: All right. 319 is in
14 without objection.

15 (WHEREUPON, State's Exhibit Number 319
16 was entered)

17 (Playing the clip)

18 Q. Is that your voice?

19 A. Yes, sir.

20 Q. Did you hear what you just said?

21 A. No, sir.

22 Q. Well, listen carefully. I need to call
23 my daughter back. She just called me this morning.
24 You want to hear it again?

25 (Playing the clip)

1 Q. What time did you say you talked to
2 your fiancée last night?

3 A. About four or five o'clock.

4 Q. In the morning?

5 A. No. No. No. Yesterday afternoon.

6 Q. Yesterday afternoon?

7 A. Yeah. That what I say.

8 Q. Okay.

9 (Playing the clip)

10 Q. Okay. I'm showing you State's 68. Is
11 that the way that door to Krystal's home was
12 normally kept?

13 A. No, sir.

14 Q. Showing you State's 89. Is this normal
15 for the way that home was kept?

16 A. No, sir.

17 Q. What are those off to the right? Are
18 those tires?

19 A. Yes, sir. Tires off my BMW.

20 Q. Okay. Showing you State's 98. Normal
21 for the kitchen?

22 A. No, sir.

23 Q. 129?

24 A. No, sir.

25 Q. Okay. Going into State's 97. What is

1 that?

2 A. Like a plastic bag. I don't know

3 what's in it.

4 Q. Okay. You said you sold coke out of

5 the house; right?

6 A. Yes, sir.

7 Q. Did you cut it?

8 A. Yes, sir.

9 Q. Does that look like a cutting agent to
10 you?

11 A. Yes, sir. In the bag?

12 Q. Yeah. I mean --

13 A. I can't say what's in the bag. I can't
14 see.

15 Q. You can't tell?

16 A. No, sir.

17 Q. Did you have cutting agents in your
18 house?

19 A. Yes, sir.

20 Q. Okay. Is that how you kept it?

21 A. Yes, sir.

22 Q. What did you use to cut the dope?

23 A. Cut, Miami Magic.

24 Q. Miami Magic?

25 A. Sir?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. What did you say?

2 A. Miami Magic.

3 Q. What is that?

4 A. Cut.

5 Q. Okay. I mean, do you know what it is?

6 What is it?

7 A. Cut is all I know.

8 Q. Okay. What are we looking at in 100?

9 A. Looks like some white powder substance
10 on the floor and a compressor.

11 Q. A compressor?

12 A. Yes, sir.

13 Q. Is that used to compress cocaine?

14 A. Yes, sir.

15 Q. Okay. 103. I mean, I know that's a
16 grinder. But, I mean, what do you use that for?

17 A. That's a coffee blender.

18 Q. Oh, coffee blender?

19 A. Yes, sir.

20 Q. Okay. How -- do you use that in drugs?

21 A. Yes, sir.

22 Q. In what way? Like what do you do with
23 it?

24 A. I mix the cocaine to cut with it.

25 Q. Okay.

1 THE COURT: And, Mr. Osborne, you're
2 going to need to speak a little louder.

3 MR. OSBORNE: Okay. Sorry.

4 Q. 104?

5 A. Yes, that's the top of the coffee
6 blender.

7 Q. All right. 171?

8 A. That is the safe.

9 Q. All right. Is this your safe?

10 A. Yes, sir.

11 Q. Did you have any money in the safe that
12 night?

13 A. Yeah, like \$4500, something like that.

14 Q. \$4500. Did you leave the safe unlocked
15 or did you need some sort of key or combination to
16 get into it?

17 A. You have to have a key.

18 Q. Okay. Did you have the key?

19 A. Yes. I have one and Krystal had one.

20 Q. Krystal had one too?

21 A. Yes, sir.

22 Q. All right. State's 88. What are we
23 looking at here?

24 A. My son dirt bike and a air compressor.

25 Q. Okay. The dirt bike there, did you

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 leave that inside the house or outside the house?

2 A. I keep it inside the house.

3 Q. All right. Okay. Now, you were
4 interviewed the day after the murders by
5 detectives; is that correct?

6 A. Yes, sir.

7 Q. When you were in that interview room,
8 do you remember how much money you had in your
9 possession?

10 A. No, sir. I can't really remember.

11 Q. Does a few thousand dollars or so sound
12 about right?

13 A. Yes, sir.

14 Q. Okay. Where did that money come from?

15 A. Me selling drugs.

16 Q. Okay. Did you tell the detectives that
17 though?

18 A. No, sir.

19 Q. Okay. What did you tell the
20 detectives?

21 A. I told them I work.

22 Q. Cutting grass?

23 A. Yes, sir.

24 Q. Okay. Detectives asked you if you
25 suspected anyone of murdering their children -- or

1 your children and trying to kill D.N. ; is that
2 right?

3 A. Yes, sir.

4 Q. Who did you tell them you suspected?

5 A. Pocket.

6 Q. That guy?

7 A. Yes, sir.

8 Q. Okay. During this July 15, 2015
9 interview, is it fair to say you weren't exactly
10 forthright regarding your drug activity in that
11 house?

12 A. Yes, sir.

13 Q. Okay. So after speaking to the police
14 on July 15th, you were charged the very next day;
15 correct?

16 A. Yes, sir.

17 Q. And do you remember what you were
18 charged with?

19 A. I think I got charged with five
20 different counts. Five charges, I think.

21 Q. Okay. Originally, on July 16th of
22 2015, do you remember being charged with
23 trafficking cocaine base ten grams or more, but
24 less than 28 grams?

25 A. Yes, sir.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Now, that incident though, in
2 all fairness, wasn't involving the murders or the
3 activity that happened on the night of the murders;
4 right?

5 A. No, sir. It happened in 2013.

6 Q. 2013. Okay. And what did you do to
7 pick up that charge?

8 A. I sold to an undercover.

9 Q. Sold to an undercover?

10 A. Yes, sir.

11 Q. So in 2013, you had sold to an
12 undercover, but you weren't charged until a day
13 after in 2015. So it would have been like July
14 16th?

15 A. Yes, sir.

16 Q. Of 2015. Okay. And where did that
17 dope come from that you used to sell to the
18 undercover?

19 A. I had bought it.

20 Q. Wasn't it June's dope?

21 A. Yes.

22 MS. ZMROCZEK: I couldn't hear the
23 question.

24 THE COURT: Yeah, what was the
25 question?

1 Q. Wasn't it June's dope?

2 A. Yes, sir.

3 Q. All right. And the second charge
4 because you had two charges on that day and the
5 second charge you were charged with, again, is it
6 correct, distributing to an undercover? Same day
7 back in June of 2013?

8 A. Yes, like one day apart, I think.

9 Q. Right. And I think you picked up
10 another charge. Like they had three charges all
11 from stuff that happened back in June of 2013;
12 correct?

13 A. Yes, sir.

14 Q. Okay. And you ended up pleading to
15 two, does that sound right?

16 A. Yes, sir.

17 Q. All right. So let's talk about June
18 for a quick second. You basically alluded to it.
19 You were dealing for June back in 2013; is that
20 right?

21 A. Yes, sir.

22 Q. Okay. But you quit dealing with June?

23 A. Yes, sir.

24 Q. Were you ever accused of being a
25 snitch?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. As a result of that June 13th incident;
3 right?

4 A. No, sir.

5 Q. Okay. You were never accused of being
6 a snitch on June? I'm not saying you were. I'm
7 saying you were accused of it.

8 A. Yes, I was accused of being a snitch.

9 Q. All right. Well, let me just ask you.
10 Did you snitch on him?

11 A. No, sir.

12 Q. Okay. So Orangeburg County Sheriff's
13 Office ended up charging you with other charges as
14 it relates to the murders; correct.

15 A. Yes, sir.

16 Q. All right. And I know you picked up a
17 bunch of charges. So, I'm going to ask them to you
18 and tell me if that's correct. They charged you
19 with obstruction of justice?

20 A. Yes, sir.

21 Q. Lying, basically; right?

22 A. Yes, sir.

23 Q. They charged you with unlawful conduct
24 toward a child. And that would be unlawful conduct
25 toward D.N. exposing him to narcotics; correct?

1 A. Yes, sir.

2 Q. All right. The next charge, unlawful
3 conduct toward a child. This would be exposing
4 Tamara Perry to narcotics; correct?

5 A. Yes, sir.

6 Q. Next one, unlawful conduct toward a
7 child exposing Shamekia Sanders to narcotics; is
8 that correct?

9 A. Yes, sir.

10 MR. OSBORNE: Your Honor, may I
11 approach?

12 THE COURT: You may.

13 Q. I'm showing you State's 393. Do you
14 recognize that guy?

15 A. Yes, sir.

16 Q. What do you know him as?

17 A. I know him as -- I call him the
18 Quarters. We call him Richard. Some people call
19 him Chico.

20 Q. You call him Quarters?

21 A. Yeah.

22 MR. LEIENDECKER: What he calls him?

23 A. Oh, I call him Quarters sometimes.

24 Q. Quarters. Okay.

25 MR. LEIENDECKER: Quartus?

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Quarters. Like a dime,
2 nickle, quarters.

3 MR. LEIENDECKER: Oh, I'm sorry.

4 Q. And why did you call him that?

5 A. Because he live in the Quarters.

6 Q. And where are the Quarters?

7 A. It's like ten houses down from where I
8 used to live at.

9 Q. Krystal's house?

10 A. Yes, sir.

11 Q. Okay. All right. Now, earlier you had
12 said that you had Krystal's number saved in your
13 phone as June; correct?

14 A. Yes, sir.

15 Q. And you said that you dealt for June
16 back in 2013; correct?

17 A. Yes, sir.

18 Q. Is June related in anyway to D.N. or
19 D.N.'s mom?

20 A. Yes, sir.

21 Q. In what way?

22 A. They cousins.

23 Q. So D.N.'s mom is cousins to June?

24 A. D.N.'s mom and her mother is
25 sisters.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay.

2 MR. OSBORNE: Your Honor, may I
3 approach?

4 THE COURT: You may.

5 Q. I'm showing you State's 336. Can you
6 take a look -- this is for ID purposes. Can you
7 take a look at that and tell me if you recognize
8 that?

9 A. Yes. That's June. 336.

10 Q. Okay. Do you know his real name?

11 A. Yes.

12 Q. What is it?

13 A. Lionell McFadden.

14 Q. At the time of the incident in July of
15 2015, is it fair to say that you hadn't spoken to
16 June for months?

17 A. Yes, sir.

18 Q. Okay. At the time of these murders,
19 June was in jail; is that correct?

20 A. Yes, sir.

21 Q. On federal drug law violations?

22 A. Yes, sir.

23 Q. Did you have any disagreements with
24 June around this time?

25 A. No, sir.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. Last question. Since this
2 incident occurred, have you ever asked D.N. what
3 did he remember? If anything?

4 A. No, sir.

5 MR. OSBORNE: No further questions.

6 THE COURT: Okay.

7 MS. ZMROCZEK: May we approach just
8 briefly, Your Honor?

9 (WHEREUPON, a bench conference)

10 THE COURT: All right. Ladies and
11 gentlemen, that high level discussion, we were
12 trying to decide whether we were going to work
13 through supper or not. No, I'm just kidding, so
14 don't worry about that, okay. (Laughter) No, we
15 are now as you can see it's almost five o'clock.
16 Generally, as I usually tell people, generally,
17 what we do with jurors is we work just a regular
18 day unless it has gone to you to make a decision.
19 So right now we're going to stop for today. I'd
20 ask you to be back here at 9:30.

21 Okay. Let me go over the things that
22 I'm going to tell you over and over during this
23 trial. Number one, you can't talk among yourselves
24 or with anybody else about the testimony that
25 you've heard so far. You can't do -- you can't

1 read any newspaper articles, check out anything
2 online just to try and find out anything. Y'all
3 remember all that kind of stuff. Okay.

4 If anybody tries to talk to you, you
5 cannot talk with them. Okay. And I'll ask you
6 about all those things in the morning as well.

7 Anyway, y'all have a good evening. Get a
8 goodnight's rest. I will see you here -- if --
9 we'll start at 9:30 in the morning. Okay. Thank
10 y'all very much. Appreciate it. Stay safe.

11 (WHEREUPON, the jury left the courtroom
12 at 4:59 p.m.)

13 THE COURT: Mr. Wright, you understand
14 that the Defense attorney is going to want to
15 question you in the morning?

16 MR. WRIGHT: Yes, sir.

17 THE COURT: Okay. You're going to be
18 required to be back here at 9:30.

19 MR. WRIGHT: Yes, sir.

20 THE COURT: Let me remind you of
21 something as well. Even though because you started
22 testifying, you can't talk to anybody else about
23 your testimony. Okay. And if somebody tries to
24 come up and talk to you, you can't talk to them,
25 but I need to know who tried to bother you. Okay?

1 MR. WRIGHT: Yes, sir.

2 THE COURT: All right. Stay safe.

3 I'll see you in the morning at 9:30. Okay. Thank
4 y'all.

5 (WHEREUPON, court was adjourned)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (February 10, 2022)

2 (WHEREUPON, Defendants' Exhibit Numbers
3 3 through 49 were marked for ID)

4 MR. JOHNSON: Your Honor, you want me
5 to put on the record those matters we talked about
6 yesterday before we get started?

7 THE COURT: Sure.

8 MR. JOHNSON: Did you get my motion,
9 Your Honor?

10 THE COURT: Yeah, I got it. This is
11 the Motion to Suppress from Mr. Scott -- on behalf
12 of Mr. Scott?

13 MR. JOHNSON: Yes.

14 THE COURT: All right. Do you have
15 this motion?

16 MR. OSBORNE: I have it, Your Honor.

17 THE COURT: Okay. Have you had an
18 opportunity to talk to Mr. Johnson about it?

19 MR. OSBORNE: Well, no, I didn't even
20 see Mr. Johnson sneak in the courtroom. Okay. So
21 here's my thought on this. Derrick Stone,
22 jailhouse informant. We have instructed Mr. Stone
23 to only testify to what Luther said Luther did on
24 the night of the murders and not to comment on what
25 Luther said Pocket did or Jackie Man did.

1 What I would suggest is that when he's
2 up here outside the presence of the jury, we
3 instruct him again just to make sure and we're not
4 indicating *Bruton* on here.

5 MS. ZMROCZEK: And, Judge, we just need
6 our clients.

7 THE COURT: Huh?

8 MS. ZMROCZEK: Our clients aren't here.

9 THE COURT: Yeah. Okay. I'm sorry, I
10 was trying --

11 MS. ZMROCZEK: You're fine.

12 MR. JOHNSON: I'll pause, Judge. Sorry
13 about that.

14 (WHEREUPON, Mr. Bailey, Mr. Smith, and
15 Mr. Scott entered the courtroom)

16 THE COURT: Okay. Now we can go ahead
17 and bring the jury in.

18 THE BAILIFF: Yes, Your Honor.

19 THE COURT: Oh, wait a minute. Wait a
20 minute.

21 MR. JOHNSON: I'm sorry. Can I put
22 something else on the record?

23 THE COURT: Oh, yeah. I'm sorry,
24 Mr. Johnson. I wasn't trying to --

25 MR. JOHNSON: Okay. After that -- just

1 after that motion regarding Mr. Stone, I would -- I
2 wanted to put on the record regarding the clips
3 that were given to me yesterday by the Solicitor
4 for my client and those clips they're proposing, I
5 objected to the portion where there was a
6 discussion of a warrant. I think a DNR ticket or
7 warrant. The Solicitor agreed to remove that. And
8 so that's in addition --

9 THE COURT: He agreed to remove that
10 comment and any comments about the warrant on that
11 tape, I believe, yesterday.

12 MR. OSBORNE: If that's what they
13 wanted. I assume you want that?

14 MR. JOHNSON: I wanted to remove the
15 warrant, any discussion of that. And that -- in
16 addition to my other objections which I made, of
17 course, just renewing those.

18 THE COURT: Okay.

19 MR. JOHNSON: So that covers those
20 clips, Your Honor. As far as the *Denno* and going
21 forward with those clips.

22 THE COURT: Okay.

23 MR. JOHNSON: The other answer to the
24 question was the ruling on *Lyle*. The Solicitor, I
25 think, indicated he wanted to use a simple

1 possession of marijuana arrest for my client and I
2 objected to that and I didn't know what the Court's
3 ruling was on that.

4 THE COURT: Do you mind reminding me,
5 this is a clip where --

6 MR. OSBORNE: Your Honor, through
7 testimony of either -- and I'm not exactly sure,
8 but I think it was going to either be Boyne or
9 Culpepper. In August of 2016, the Orangeburg
10 County Sheriff's Office arrested Derrick Coleman
11 and Antly Scott for simple possession of marijuana.
12 They went to their house basically to speak to
13 Derrick and during the process, they affected that
14 arrest. It was after that arrest that Derrick
15 Coleman, obviously, we'd characterize it as Derrick
16 then fled the state and then went to Alabama and
17 then came back to then pick up. Our position would
18 be then to pick up Antly Scott and take him back to
19 Alabama. So that arrest although obviously simple
20 possession of marijuana it's not that prejudicial
21 or inflammatory, but it goes to our res gestae of
22 telling the story of, one, why they went there to
23 talk to him at all; two, making the arrest and then
24 Derrick then our position would be then panicking
25 as a result of that and then fleeing the state.

1 THE COURT: Okay. It's basically about
2 Derrick Coleman?

3 MR. OSBORNE: Well, it is about Derrick
4 Coleman, but the fact that Antly Scott was also
5 arrested, our position would be that -- and these
6 aren't just regular patrolmen that went to his
7 house. These were homicide detectives that went to
8 his house. So our position would be homicide
9 detectives affecting simple possession of marijuana
10 arrests, obviously, Derrick realizes that's a
11 problem.

12 THE COURT: All right. And Culpepper
13 is going to be called when?

14 MR. OSBORNE: I mean at this rate, it's
15 probably going to be -- he's like in the middle of
16 our trial. Culpepper and Boyne.

17 THE COURT: All right. And have I seen
18 the clip?

19 MR. OSBORNE: It's not a clip, it would
20 just be testimony.

21 THE COURT: Okay. Y'all got a
22 transcript of it or anything? How did he --

23 MR. OSBORNE: He was there. They went
24 to the house, they knocked on the door, wanted to
25 talk to Coleman and then during the process

1 affected those arrests.

2 THE COURT: Okay. And your objection
3 is you just don't like him talking about the --

4 MR. JOHNSON: I don't want him to talk
5 about the simple possession of marijuana arrest of
6 my client at all.

7 THE COURT: Okay.

8 MR. OSBORNE: Obviously, you know our
9 position, we're talking about them using meth,
10 coke, and this is just simple possession of
11 marijuana.

12 THE COURT: Yeah, let me think about
13 it. But, Mr. Johnson, let me tell you this. Case
14 is eat up with drugs and so simple possession of
15 marijuana in this case isn't even going to be a fly
16 on the wall.

17 MR. JOHNSON: Yes, sir. I just wanted
18 to make a record --

19 THE COURT: No, okay. All right.

20 MR. JOHNSON: Thank you, Judge.

21 MS. ZMROCZEK: And, Judge --

22 THE COURT: Ms. Zmroczek?

23 MS. ZMROCZEK: Yesterday I made an
24 objection to the Walmart video. I am now
25 withdrawing that objection just so that that's

1 clear on the record as well.

2 THE COURT: Yeah, let's go back to --
3 let me see if I can get that. That was numbers --
4 that was number State's 318?

5 MR. OSBORNE: Yes, Your Honor.

6 THE COURT: Okay.

7 MS. ZMROCZEK: And so I withdraw that
8 objection.

9 THE COURT: Okay. So State's 318 is in
10 without objection.

11 MS. ZMROCZEK: Yes.

12 (WHEREUPON, State's Exhibit Number 318
13 was entered)

14 THE COURT: Okay. Now, while we're
15 doing this, there were -- what about State's 319,
16 you didn't move that in?

17 MR. OSBORNE: We did move that in, Your
18 Honor. That was the 9-1-1 call, we moved it in and
19 published it.

20 THE COURT: Okay. So we got that
21 clear, that's in without objection. And then it
22 seemed like toward the end of yesterday afternoon
23 there were a number of ones that we didn't move in
24 like S -- State's 68. He identified them, but,
25 Katherine, did you have them marked as in?

1 MS. SPIRES: No, sir.

2 THE COURT: But it looked like there
3 was State's 68, 89, it was like pictures of the
4 cars?

5 MS. SPIRES: We got those in.

6 THE COURT: Oh, we got those all in?

7 MS. SPIRES: Yes, sir.

8 MS. ZMROCZEK: It was just 25 that I
9 didn't have that they moved in. But, can we verify
10 that?

11 MR. OSBORNE: That's right.

12 MR. LEIENDECKER: That one has not been
13 moved in.

14 MR. OSBORNE: That's not been moved in.
15 We just ID'd that.

16 THE COURT: Which one was that?

17 MR. OSBORNE: That was 25.

18 THE COURT: Oh, yeah, pictures. That's
19 correct. Okay. All right.

20 MS. ZMROCZEK: And then yesterday --

21 MR. LEIENDECKER: But everything else
22 is moved in.

23 MR. OSBORNE: There's some DMV photos
24 which was ID'd. Ronald McFadden, Todd Dukes,
25 Quarters.

1 THE COURT: Right. Okay. So we good
2 with everything where we were?

3 MR. OSBORNE: Yes, Your Honor.

4 THE COURT: Okay.

5 MS. ZMROCZEK: And yesterday, Your
6 Honor, because I forgot to ask your preferences. I
7 know that judges do it differently. So I'll ask
8 now because I imagine it will come up again. I
9 know we don't typically judges and attorneys most
10 of the time don't like speaking objections in front
11 of the jury, so if we do have an objection that we
12 need to work out, would you like us to just make
13 the general objection and then if you want to hear
14 from us, either call us up or send them out?

15 THE COURT: Yes. I mean, that would be
16 better. And if that's all right with y'all. We
17 just need to remember like we're doing now to go
18 back over those and make sure it's clear on the
19 record. Okay.

20 MS. ZMROCZEK: Perfect.

21 MR. OSBORNE: And, Your Honor, in an
22 effort to move things along a little bit, Captain
23 Carter is going to be coming up here in a little
24 bit and there are a lot of photographs. I just
25 went ahead and emailed Mark Leiendecker, Aimee

1 Zmroczek, and Ola Johnson, the actual exhibits that
2 I intend to introduce or ID through that witness.
3 If I have to go back 200 times and show each one of
4 those and it's more than that maybe, the exhibit,
5 we're going to be here for a very long time, so I
6 would just ask them to take a look at it. I've
7 given them digital copies and the actual exhibits
8 so they could see that for themselves in live and
9 we can move along a lot quicker. I'll do the dance
10 if I have to.

11 THE COURT: Okay. Well, that's not a
12 visual I want to contemplate.

13 MR. OSBORNE: Nobody does.

14 THE COURT: But when we get there --
15 have y'all had a chance to look over the pictures
16 yet?

17 MS. ZMROCZEK: I know he did send them.
18 And he did provide us a copy of all the exhibits,
19 so I don't think --

20 THE COURT: I'm not asking you to
21 respond. I just wanted to make sure you got them.
22 At some point we'll be taking a break, hopefully,
23 we'll have time, you know, for y'all to look those
24 over and tell me what you think.

25 MS. ZMROCZEK: Perfect.

1 THE COURT: Okay.

2 MS. ZMROCZEK: Yes.

3 THE COURT: All right. So is there
4 anything else before I bring the jury back in?

5 MR. OSBORNE: Just I was going to play
6 quick clips for Christopher Wright and then I would
7 be done.

8 THE COURT: Just a minute, I believe.

9 MR. OSBORNE: Just a minute.

10 THE COURT: All right. If you would
11 bring the jury back in, please.

12 THE BAILIFF: Yes, Your Honor.

13 (WHEREUPON, the jury entered the
14 courtroom at 10:17 a.m.)

15 THE COURT: All right. Good morning,
16 ladies and gentlemen. I hope y'all had a good
17 evening, you know. But the sad thing about having
18 masks on is I don't get to see your smiling faces,
19 you know. But I've got to ask y'all a couple of
20 questions before we get started. I want to make
21 sure that y'all have not read anything about this
22 case from any other source? If any of y'all need
23 to respond positively -- or respond to any of my
24 questions, I'll need for you to stand up or raise
25 your hand so I can make sure I take care of this.

1 Make sure y'all didn't view anything on
2 TV or anything like go on the Internet, read any
3 articles about the case?

4 (No response)

5 Has anyone tried to contact you about
6 the case at all?

7 (No response)

8 Okay. And have y'all had any
9 discussions even among yourselves about the
10 testimony in this case so far?

11 (No response)

12 Okay. All right. So no one is
13 standing so I'm taking that all as negative; is
14 that correct?

15 (No response)

16 All right. Ladies and gentlemen, we
17 are going to now continue with the trial. I don't
18 know if you remember, we had Mr. Wright on the
19 stand. Mr. Wright is back on the stand.

20 Mr. Wright, let me remind you, please,
21 sir, number one, you are still under oath. Okay.
22 And I need to make sure, has anyone talked to you
23 about your testimony since you began yesterday?

24 MR. WRIGHT: No, sir.

25 THE COURT: Okay. Thank you, sir.

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Now, again, Mr. Wright, remember yesterday it was
2 important that you spoke into the microphone and
3 spoke loudly. I need for you to continue to do
4 that today, okay?

5 MR. WRIGHT: Yes, sir.

6 THE COURT: All right. Thank you, sir.
7 Mr. Osborne, your witness.

8 MR. OSBORNE: Thank you, Your Honor.

9 CONTINUED DIRECT EXAMINATION BY MR. OSBORNE:

10 Q. Yesterday we had testimony about 318.
11 I'm showing you 318 again. Do you recognize this?

12 A. Yes, sir.

13 Q. And what is that?

14 A. That's the Walmart picture.

15 Q. Okay.

16 MR. OSBORNE: Your Honor, at this time,
17 we would seek to introduce 318 into evidence.
18 State's 318.

19 THE COURT: And I believe that is now
20 in evidence without objection.

21 MS. ZMROCZEK: That's correct.

22 THE COURT: So it is now in. Thank
23 you.

24 (WHEREUPON, State's Exhibit Number 318
25 was entered on page 379)

CHRISTOPHER WRIGHT - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. I'm showing you clip one.

2 (Playing the clip)

3 Q. Do you recognize anyone there?

4 A. Yes, sir.

5 Q. And who do you recognize?

6 A. That's me and T'Carra.

7 Q. Okay. What are you wearing?

8 A. Black and gray shirt and black and gray
9 jeans.

10 Q. Stripe one?

11 A. Yes, sir.

12 Q. All right. And what about T'Carra?

13 A. Blue jeans and like a blue shirt.

14 Q. Okay. And is there anyone else with
15 you guys?

16 A. Yes. My little niece.

17 Q. Okay. And what's the date here?

18 A. Tuesday, January 14 -- July 14.

19 Q. And the time?

20 A. 7:11.

21 (Playing the clip)

22 Q. Playing clip 10 now. Just going to
23 skip ahead here. Okay. Do you recognize anyone
24 there?

25 A. Yes, sir.

1 Q. All right. Who do you recognize?

2 A. That's Double J with the white shirt
3 on.

4 Q. Double J?

5 A. Yes, sir.

6 Q. Okay. Is this the guy or one of the
7 guys that you said you called to come help you?

8 A. Yes, sir.

9 Q. All right. And, lastly. All right.
10 Do you see anyone there that you recognize?

11 A. Yes, sir. Me pushing a buggy.

12 Q. Okay. What's in the buggy again?

13 A. A table and microwave supposed to be.

14 Q. All right. How about here?

15 A. Yes. The truck just pulled up by my
16 BMW.

17 Q. All right. So who are these people
18 over here?

19 A. That's probably Pat-Pat talking to
20 somebody up in Walmart.

21 Q. Okay. Did Pat-Pat come to help too?

22 A. Yes, sir. Him and Double J ride
23 together.

24 Q. And who is Pat-Pat again?

25 A. One of my friends. Him and Double J.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Known him for a while, Pat-Pat?

2 A. Yes, sir.

3 Q. Okay.

4 MR. OSBORNE: Thank you, Judge. No
5 further questions.

6 THE COURT: Okay. All right.

7 Ms. Zmroczek, are you going to lead the charge?

8 MS. ZMROCZEK: Yes, Your Honor. May it
9 please the Court?

10 THE COURT: Yes, ma'am.

11 CROSS EXAMINATION BY MS. ZMROCZEK:

12 Q. Good morning, Mr. Wright?

13 A. Good morning.

14 Q. A lot of questions, so I'm just going
15 to try to keep it organized as best I can, okay?

16 A. Yes, ma'am.

17 Q. I want to start off with something I
18 want to make sure I understood your testimony
19 yesterday. You get to your house sometime a little
20 bit before 7 a.m. on July 15, 2015?

21 A. Yes, ma'am.

22 Q. You see -- and so when you get to your
23 house, do you drive in or do you back in? When you
24 pulled into your driveway, you have a long
25 driveway; correct? Longer than a normal driveway?

1 A. Yes, sir -- yes, ma'am.

2 Q. It's fine. And did you pull in just
3 normal or did you back in? Or tell me how you
4 positioned your vehicle when you got to your house.
5 So you're on Old State Road; right?

6 A. Yes, ma'am. I pulled straight in.

7 Q. You pulled head first, straight in?

8 A. Yes, ma'am.

9 Q. And did you pull all the way into the
10 carport?

11 A. I think my car was in the dirt.

12 Q. Your car was in the dirt. And the
13 front of your BMW was facing the house?

14 A. Yes. Like facing my Camero, I think.
15 I'm not for sure. Yes.

16 Q. Okay. And then you get out or do you
17 see Mr. Butler, your friend?

18 A. I see Mr. Butler in the yard at the
19 time when I pull up.

20 Q. Okay. When you pulled up. Your friend
21 of 20 years, you see him laying on the ground?

22 A. Yes, ma'am.

23 Q. And I want to make sure I understood
24 your testimony yesterday. You see your friend of
25 20 years laying on the ground and you know that the

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 mother of your -- at least one of your children and
2 three of your other children are inside that house?

3 A. I didn't know if they was in there or
4 not.

5 Q. Okay. Which is exactly my point. But
6 you didn't go in and look for them?

7 A. No, ma'am. My car was gone.

8 Q. Your what?

9 A. My green car was gone.

10 Q. So your green car was gone. Okay. So
11 you thought --

12 A. I thought one of them drive off in it.

13 Q. Okay. So you thought perhaps -- and I
14 even think you told this in your interview to
15 Shumpert that later on that morning you thought
16 that Krystal had gotten some kind of way, I think
17 is exactly what you said, and taken off in the car;
18 right?

19 A. Yes.

20 Q. Okay. Because you couldn't -- the only
21 way you can drive that Mercedes, that green
22 Mercedes, that was yours, was to put the key in it
23 and go; correct?

24 A. Yes.

25 Q. Because you sometimes you can hot wire

1 them, but that car had something that prevented it
2 from being hot wired; right?

3 A. I don't know.

4 Q. Do you remember telling Shumpert that?

5 A. That was in the car -- it's a key that
6 belong to the car. I don't know if you can hot
7 wire it. I mean, I never tried to break it in, you
8 know.

9 Q. Okay. So you had to have a key to
10 start it?

11 A. Yes.

12 Q. And where was that key?

13 A. Inside the house.

14 Q. Okay. Where was it located inside the
15 house?

16 A. In the kitchen.

17 Q. Okay. And was that a widely known
18 fact?

19 A. Yes, I always keep it there.

20 Q. Okay. How many people do you think
21 have been in your kitchen in the last month before
22 this happened?

23 A. I can't say.

24 Q. Okay. But you can say that Joseph
25 Smith has never been inside your house ever; right?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Which one is that?

2 Q. I'm sorry?

3 A. You mean, Joe Smith?

4 Q. Yes.

5 A. No, not to my knowledge.

6 Q. Okay. And -- all right. I'll come
7 back to that. I want to talk about the ladies in
8 your life for a moment if you don't mind. How old
9 are you now?

10 A. Forty-two.

11 Q. Forty-two. So in July of 2015, you
12 were 30 -- I can't do math. 8? 6?

13 A. Yes.

14 Q. Which one?

15 A. Something like that.

16 Q. All right. Thirty-six. Okay.
17 Thirty-six-ish. Okay. And so Krystal is your
18 fiancée; right?

19 A. Yes.

20 Q. And she had just had your child?

21 A. Yes.

22 Q. And what -- tell the jury what date
23 that was?

24 A. That was on July 21st.

25 Q. June?

1 A. June 21st.

2 Q. Okay. So the latter part of June she
3 has your child?

4 A. Yes.

5 Q. Okay. And I understand that -- what
6 you were talking about yesterday with -- there were
7 some issues with the child being testing positive
8 for drugs?

9 A. I mean, we didn't talk about that
10 yesterday.

11 Q. Okay. Well, then I'll talk about it
12 now. Was there an issue with your child testing
13 positive for drugs that was recently born?

14 A. Yes.

15 Q. Okay. So did you or Krystal have
16 custody of that child?

17 A. No.

18 Q. Okay. It had been removed from your
19 house or from your --

20 A. Yes.

21 Q. Okay. And so how old was Krystal?

22 A. Krystal about 28.

23 Q. Twenty-eight. Okay. And you had been
24 with her about three years or so?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 Q. All right. So then you have another --
2 so you have two fiancées; right? You have another
3 fiancée?

4 A. Yes.

5 Q. Okay. And that fiancée was T'Carra?

6 A. Yes.

7 Q. Woods?

8 A. Yes.

9 Q. And how old was Miss T'Carra Woods in
10 --

11 A. About 21, 22.

12 Q. Okay. In 2015?

13 A. Yes.

14 Q. Okay. And did she have children of her
15 own?

16 A. Yes.

17 Q. She did?

18 A. Yes.

19 Q. And did y'all have children together?

20 A. No.

21 Q. Okay. And how long had you been with
22 her?

23 A. About a year.

24 Q. About a year. And so did T'Carra and
25 Krystal both know they were your fiancées?

1 A. Yes.

2 Q. And they were all okay with that?

3 A. Yes.

4 Q. Okay. And so what about Anna

5 Weatherford. Who is she?

6 A. Krystal's friend.

7 Q. She was what?

8 A. Krystal's friend.

9 Q. Just your friend?

10 A. Krystal's friend.

11 Q. Oh, she was Krystal's friend. She
12 wasn't your friend?

13 A. Yeah, she was my friend too.

14 Q. Okay. Did you have sexual relations
15 with her?

16 A. Yes.

17 Q. Okay. Did you provide her drugs?

18 A. Yes.

19 Q. Okay. In fact, she knew that you kept
20 -- she knew some of your hiding places for drugs;
21 right?

22 A. I doubt that.

23 Q. You doubt it?

24 A. Yes.

25 Q. Okay. So we'll come back to that. I

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 want to stay on the ladies. Did Anna have a
2 boyfriend or family or kids of her own?

3 A. Yes, she was married.

4 Q. She was married?

5 A. Yes.

6 Q. Now, did her husband know about y'all's
7 special relationship?

8 A. No.

9 Q. Okay. How long had that been going on?

10 A. Probably about five or six months.

11 Q. Okay. And about how old was she?

12 A. I don't know, about 20 something.

13 About 28, something like that.

14 Q. Okay. And then Hope Clark. Do you
15 know her?

16 A. Yes.

17 Q. All right. And was she another friend?

18 A. Yes.

19 Q. That you had sex with?

20 A. Yes.

21 Q. And provided drugs?

22 A. No. She smoked weed -- yes.

23 Q. Okay. Just different kinds of --

24 A. Yes.

25 Q. Okay. Sorry. Yeah. I guess I should

1 probably clarify because there's marijuana which is
2 obviously a drug, alcohol/drug, but I'll try to be
3 more clear. Because Krystal you said used pills
4 and cocaine?

5 A. Yes.

6 Q. Okay. But not meth?

7 A. No.

8 Q. Okay. Did T'Carra use drugs?

9 A. No.

10 Q. Okay. Did -- what drugs did Anna use?

11 A. Coke.

12 Q. Okay. And then Hope was?

13 A. Smoking weed.

14 Q. Smoking weed. Okay. Now, Hope Clark,
15 how long had y'all been together?

16 A. I don't know, about four years,
17 something like that.

18 Q. Four years?

19 A. Yes.

20 Q. And, in fact, in about October of 2014,
21 so a few months before this happened, Hope and
22 T'Carra had a little issue, a confrontation; right?

23 A. Yes.

24 Q. Okay. Hope was -- she was going to
25 beat T'Carra up or whatever? It was jealousy;

1 right?

2 A. Yes.

3 Q. Okay. But you were still seeing her at
4 this time?

5 A. Yes.

6 Q. All right. And then you know they
7 downloaded at least one of your phones; right?

8 A. Yes.

9 Q. Okay. And so who is Kelly?

10 A. Kelly?

11 Q. Uh-huh.

12 A. A girl I met.

13 Q. Okay. And did you have sexual
14 relations with her as well?

15 A. No.

16 Q. Okay. But did you give her drugs?

17 A. No.

18 Q. Okay. So Kelly -- was there a reason
19 that she was asking how you -- let me ask you this
20 before I go any further because I don't think this
21 came out yesterday. Your name is Christopher
22 Wright, Christopher Dean Wright; correct?

23 A. Yes.

24 Q. You go by a nickname?

25 A. Yes.

1 Q. And tell the jury what that nickname
2 is?

3 A. Preddy.

4 Q. Preddy?

5 A. Preddy.

6 Q. And what does that mean? It's just a
7 nickname?

8 A. Just a nickname.

9 Q. Okay. But that's how most people refer
10 to you; right?

11 A. Yes.

12 Q. Okay. So -- and you had -- so let's
13 talk about your phones for a moment. You had two
14 phones. Two phone numbers; right? Two phones, I'm
15 assuming; correct?

16 A. Yes.

17 Q. Okay. And did you use one more than
18 the other or was one specifically for a drug
19 business?

20 A. Yes. One being for my drug business
21 and one being for my personal business.

22 Q. Okay. Which one was your personal
23 number?

24 A. I think the 971 number.

25 Q. Okay. And then the 3 --

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. The 410 number.

2 Q. The 410 number was your business
3 number?

4 A. Yes, ma'am.

5 Q. Okay. And just to be clear, we're
6 talking about the drug trafficking business?

7 A. Yes.

8 Q. Okay. Let's talk about your phones for
9 a moment. Which -- so you said yesterday and if I
10 misstate, I understand that was almost 24 hours ago
11 or 12 hours ago, so, and I don't want to misstate
12 your testimony. You said yesterday that you
13 received -- well, there were numerous calls between
14 you and Mr. Bailey about the motorcycles and dirt
15 bikes; right?

16 A. Probably about three phone calls,
17 something like that.

18 Q. And some texts too perhaps?

19 A. Probably so.

20 Q. Okay. And then you said you got an
21 unusual phone call later at some point?

22 A. Yes.

23 Q. Okay. At what time was that?

24 A. Probably around 1 or 2 or something.

25 Q. In the morning of July 15th?

1 A. What you mean numerous --

2 Q. When is the last time you talked to
3 Mr. Bailey or had any contact --

4 A. The last time I talked to him was
5 around 4 o'clock, right before I made the last
6 transaction --

7 Q. In the afternoon --

8 A. -- for the motorcycles, yes.

9 Q. Okay. So he had a friend, he,
10 Mr. Bailey, had a friend that was interested in
11 motorcycles and dirt bikes?

12 A. Yes.

13 Q. And all of that was -- that wasn't
14 unusual, he had bikes and motors and things and you
15 did too and everybody rode out there; right?

16 A. Yes.

17 Q. So that wasn't unusual?

18 A. Yes.

19 Q. Okay. Yes, that wasn't unusual?

20 A. What you mean? I mean, everybody ride
21 -- yeah, he ride dirt bikes. I ride dirt bikes.

22 Q. Right. Right. Right. Yeah, that's
23 what I meant. So it was kind of normal?

24 A. Yes, it normal.

25 Q. Okay. And neither one of you felt or

1 I'm not asking you how he felt. You didn't feel
2 like you got some bad end of the deal or bad trade
3 or anything like that; right?

4 A. No, ma'am.

5 Q. Okay. I want to talk to you real quick
6 about dirt bikes. You use those for riding and for
7 fun?

8 A. Yes, ma'am.

9 Q. Okay. Did you hide drugs in there?

10 A. No, ma'am.

11 Q. Didn't put any drugs in tires ever?

12 A. No, ma'am. How would you take it out?
13 You ride it. It got air in it.

14 Q. Right. Exactly. They were used for
15 riding; right?

16 A. Yes.

17 Q. Okay. And so that dirt bike that
18 Mr. -- so you went over to his house, he,
19 Mr. Bailey's house, and then you needed to get the
20 dirt bike back to your house; right?

21 A. Yes, ma'am.

22 Q. And so in order to do that, Mr. Bailey
23 called his friend, Mr. Coleman that had the truck;
24 right?

25 A. Yes, ma'am.

1 Q. And Mr. Coleman came to Mr. Bailey's
2 house and picked you up and the dirt bike?

3 A. Yes, ma'am.

4 Q. Nobody else in that truck besides you
5 and Mr. Coleman?

6 A. Yes, ma'am.

7 Q. Yes, that's correct?

8 A. Yes.

9 Q. Okay. Sorry. And when you got -- did
10 Mr. Coleman know how to get to your house?

11 A. No, ma'am.

12 Q. Okay. So how did you get there?

13 A. I directed him there.

14 Q. Okay. What was the route if you
15 recall?

16 A. I'm pretty sure we went back to
17 Eutawville and came down 45 and hit the roundabout
18 and come down Rail Cross Road (phonetic) back down
19 176.

20 Q. Okay. Would that be the normal way
21 that you go from Mr. Bailey's house back to your
22 house?

23 A. I mean, there's numerous different ways
24 you can go there. You can go down Highway 6
25 through Vance or you cut through Eutawville, like I

1 said, or hit the dirt road.

2 Q. Okay. Let me ask it this way. You
3 weren't in your mind trying to make an unusual
4 route?

5 A. What you mean?

6 Q. You weren't trying to take Mr. Coleman
7 a way that he wouldn't be able to remember or
8 anything; right?

9 A. I mean, I ain't thought about it like
10 that.

11 Q. Okay. And did y'all chat on the way?

12 A. Yeah, I talked to him a little bit.

13 Q. Okay. That was the first time you had
14 ever met him?

15 A. Yes, ma'am.

16 Q. And when y'all got to your house, did
17 he pull in the driveway or did he stay out front?

18 A. He pulled on the side of the house and
19 I snatched the dirt bike out myself.

20 Q. Okay. So he never even got out the
21 truck?

22 A. No, ma'am.

23 Q. All right. And then he left?

24 A. Yes, ma'am.

25 Q. Didn't talk to anybody or --

1 A. No, ma'am.

2 Q. Okay. Do you recall about what time
3 that was? I know it's hard to remember, but was it
4 early in the day?

5 A. I don't know. It should be around 4 or
6 5 o'clock in the afternoon.

7 Q. Okay. 4 or 5 o'clock in the afternoon?

8 A. Yes.

9 Q. Okay. And you left shortly thereafter,
10 you left the property?

11 A. Yes.

12 Q. Okay. And well, I'll show you those
13 pictures in a minute. I want to ask about your
14 conversations with Mr. Bailey for -- about the dirt
15 bike; right?

16 A. Yes.

17 Q. And before that, how often do you think
18 you communicated with Mr. Bailey?

19 A. I talked to him the day before about
20 the dirt bike.

21 Q. July 14th?

22 A. Yes.

23 Q. Okay.

24 A. And I talked to him -- I talked to him
25 twice that day, I think when he called me. Then I

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 called him, he meet me at Vance store, I talked to
2 him again. And I talked to him one more time when
3 he bring the truck. Beside that, I ain't talk to
4 him in months. The last time I saw him.

5 Q. That's where I was going. I'm sorry.
6 And I didn't mean for you to have to go through
7 that whole July stuff. I meant before that. So
8 when was the last time before the 14th that you
9 recall talking to him?

10 A. Months. Months. It was probably
11 months ago. We talked about my motorcycle one day
12 at the gas station. He asked me about it.

13 Q. Okay. Do you recall Father's Day in
14 June of 2015?

15 A. I don't know.

16 Q. Okay. Do you recall sending and
17 receiving texts with Mr. Bailey him telling you
18 Happy Father's Day and you telling him Happy
19 Father's Day?

20 A. No.

21 Q. You don't recall that?

22 A. (Nodded)

23 Q. Okay. Do you recall talking to him on
24 the telephone in May?

25 A. No, ma'am.

1 Q. Don't recall that? Okay. And he is --
2 how is Mr. Bailey identified in your phone?

3 A. Pocket.

4 Q. Pocket. Okay. And then you said
5 T'Carra was identified as Sunshine; right?

6 A. Yes, ma'am.

7 Q. All right. So I want to talk about
8 your and T'Carra's communications on your personal
9 phone. Okay. You recall receiving a group of text
10 messages from T'Carra on the 14th, so the day
11 before this happened?

12 A. I can't recall what it say.

13 Q. Okay. Do you recall her talking about
14 -- asking you about all you're going to do is sell
15 coke. All her entire text messages were in capital
16 letters. She was -- said maybe somebody had stole
17 her phone or gotten her phone? Don't recall --

18 A. I don't remember, ma'am.

19 Q. Okay. Do you recall having any fight
20 with her on the 14th?

21 A. We ain't never fight each other. We
22 probably argue.

23 Q. Okay. And you said that she was fully
24 aware that you -- let me ask you just as an aside.
25 She was your fiancée, Krystal was your fiancée, you

1 can't marry them both in this state; right?

2 A. No.

3 Q. Okay. You weren't planning on moving
4 to Utah, were you?

5 A. No.

6 Q. Okay. Were -- what was your plan?

7 A. We had a neutral understanding.

8 Krystal agreed that I could talk to other women as
9 long as I don't tell my mother.

10 Q. Okay. And they were all fine with
11 that?

12 A. Yes.

13 Q. All right. Progressive. Let's stay on
14 your phone records for just a moment. Who is Hoop?

15 A. Hoop?

16 Q. Hoop.

17 A. Hoop is somebody I know from Summerton.

18 Q. Okay. Somebody you dealt drugs with a
19 lot?

20 A. Yes.

21 Q. And who is JJ? I know you've talked
22 about him, he's your friend; right?

23 A. Double J?

24 Q. Double J. What was Double J's real
25 name?

1 A. Huh?

2 Q. His real name?

3 A. I don't know, ma'am. I just call him

4 Double J.

5 Q. No clue what his real name is?

6 A. No, ma'am.

7 Q. Okay. So I want to talk about Hoop and
8 T'Carra for a moment. You were arrested on July
9 16th, so the day after for those 2013 trafficking
10 warrants; right?

11 A. Yes.

12 Q. And I want to talk about those for a
13 minute. So we talked about -- yesterday you talked
14 with Mr. Osborne how you had sold twice to an
15 undercover in 2013?

16 A. Yes.

17 Q. And it was monitored. They have video
18 and all of that; right?

19 A. Yes.

20 Q. Okay. And you were never arrested
21 until July of 2016 for that?

22 A. Yes.

23 Q. Okay. In between 2013 and 2016, had
24 you ever been stopped for a speeding ticket or
25 picked up anymore charges?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 A. Yes.

2 Q. Okay. And those warrants never came
3 up?

4 A. No, ma'am.

5 Q. Okay. The first time you heard about
6 them was when you got arrested on them?

7 A. Yes.

8 Q. Were you under any investigation at
9 that time, do you know of?

10 A. No, ma'am.

11 Q. Okay. Were you on the run?

12 A. No, ma'am.

13 Q. All right. He talked about June.

14 Okay. And I don't want anybody to get confused
15 because you have June in your phone, but that was
16 Krystal; right?

17 A. Yes.

18 Q. Okay. And she had one phone?

19 A. Yes.

20 Q. Okay. And then you have June who is
21 Mr. McFadden?

22 A. Yes.

23 Q. And those are two separate people;
24 right?

25 A. No. No, ma'am.

1 Q. June in your phone, Krystal, is
2 different than June, Mr. McFadden?

3 A. June used to call my phone from jail.
4 I send him money. So I put June up under it every
5 time it rings so I know it's him.

6 Q. All right. Tell me one more time.

7 A. He been up under my phone because I
8 send him money in prison.

9 Q. Okay. So you were sending money to
10 June in prison?

11 A. Yes.

12 Q. Okay. How was he listed in your phone?

13 A. June.

14 Q. All right. But also Krystal was listed
15 in your phone as June?

16 A. Yes.

17 Q. Okay. When was the last time you sent
18 June, Mr. McFadden, money? Was it jail or prison
19 that he was at?

20 A. Jail.

21 Q. Jail?

22 A. Yes.

23 Q. Okay. When was the last time you had
24 sent him money?

25 A. 2013, 2014, something like that.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And he was arrested -- he was
2 indicted actually under federal charges; right?

3 A. Yes.

4 Q. And I know that y'all touched on this a
5 little bit yesterday, but I want to make sure I
6 understand. Mr. McFadden, June, Jigger Man, a
7 whole group of people that you knew were arrested
8 under that federal indictment?

9 A. No, ma'am.

10 Q. No?

11 A. I ain't been arrested on no federal
12 indictments.

13 Q. Not you. Sorry. That's kind of my
14 point. Mr. McFadden, Jigger Man, all that group of
15 friends that you knew were all arrested?

16 A. Yes.

17 Q. But not you?

18 A. No, ma'am.

19 Q. And federal indictments are a little
20 bit different because feds rely heavily on what we
21 call snitches; right?

22 A. Yes.

23 Q. So what happens is, the feds pick up
24 somebody and they say, hey, we can send you to
25 federal prison for a long time with drugs. But if

1 you tell us who's dealing or who you're dealing to
2 then we'll cut you a break; right?

3 A. I guess.

4 Q. And, in fact, as Mr. Osborne pointed
5 out yesterday they thought that maybe you were
6 providing information because you didn't get swept
7 up in that federal indictment; right?

8 A. No, ma'am.

9 Q. But you did not provide information?

10 A. No, ma'am.

11 Q. But they were under the strong belief
12 that you were providing information; right?

13 A. Who was?

14 Q. The people that were under that
15 indictment, June and all his friends?

16 A. No, ma'am.

17 Q. Okay. So when did he go to federal
18 prison, June, Mr. McFadden?

19 A. I don't know, ma'am. It's 2013 that's
20 all I know.

21 Q. Okay. And so you had -- but the drugs
22 that you had trafficked in 2013, were -- you had
23 received from June, tell me how that worked?

24 A. That was my own drugs. They had him
25 under investigation. They had him on camera. And

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 he was pointing at me. That's all it was. That's
2 how I got locked up.

3 Q. And did he sell out of your house or
4 that house on Old State Road?

5 A. I did.

6 Q. You did?

7 A. Yes, ma'am.

8 Q. Nobody else?

9 A. No, ma'am. He just come and see me,
10 that's it.

11 Q. Okay. All right. I want to move on to
12 -- I want to show you some pictures. Ask you if
13 you recognize these --

14 THE COURT: Ms. Zmroczek, you've
15 already shown them to the State?

16 MS. ZMROCZEK: I have.

17 THE COURT: Okay. Good. I just wanted
18 to make sure.

19 MS. ZMROCZEK: I have.

20 THE COURT: And the other Defendants'
21 counsel as well?

22 MS. ZMROCZEK: Yes.

23 THE COURT: Okay. Just checking.

24 MS. ZMROCZEK: Thank you.

25 Q. I'm going to show you Defendants' 3.

1 Do you recognize that picture?

2 A. Yeah, that's a name.

3 Q. I'm sorry.

4 A. It's a name.

5 Q. And what's that name?

6 A. Lionell McFadden.

7 Q. Okay. And so -- and that's who June
8 is; right?

9 A. Yes, ma'am.

10 Q. All right.

11 THE COURT: Ms. Zmroczek, I couldn't
12 hear. Was it State's 3?

13 MS. ZMROCZEK: Defendants' 3.

14 THE COURT: Okay. Just wanted to make
15 sure. Thank you, ma'am.

16 Q. And so you know that when the police
17 executed a search warrant on your house, they took
18 pictures of the things that they found; right?

19 A. Yes, ma'am.

20 Q. And that this was one of them?

21 A. I didn't know that.

22 Q. Okay. That's fine. I want to show you
23 Defendants' 7. Do you recognize that picture?

24 A. Yes, ma'am.

25 Q. All right. And does that fairly and

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 accurately depict what you saw on that day?

2 A. Yes, ma'am.

3 Q. Okay.

4 MS. ZMROCZEK: And that's Defendants'
5 7, Your Honor. At this time we would move
6 Defendants' 7 in.

7 THE COURT: Any objection?

8 MR. OSBORNE: Judge, and I'm not going
9 to object to any of these exhibits.

10 THE COURT: You've already seen them?

11 MR. OSBORNE: I've already seen them.
12 Move them all in.

13 THE COURT: All right. So you want to
14 go ahead and put in 3 and 7?

15 MS. ZMROCZEK: It's 3 through 44.

16 THE COURT: Three through 44?

17 MS. ZMROCZEK: Yes.

18 THE COURT: Defendants' 3 -- well,
19 before -- let me ask and see. Mr. Leiendecker,
20 does your client have any objection to those
21 photographs?

22 MR. LEIENDECKER: No, Your Honor.

23 THE COURT: Okay. Mr. Johnson, does
24 your client have any objection to those
25 photographs?

1 MR. JOHNSON: No objection.

2 THE COURT: All right. So Defendants'
3 3 through 44 are in evidence without objection.

4 MS. ZMROCZEK: Thank you, Your Honor.

5 (WHEREUPON, Defendants' Exhibit Numbers
6 3 through 44 were entered)

7 Q. I'm going to show you Defendants' 8.

8 A. Yes, ma'am.

9 Q. And so this -- Defendants' 8 and I'm
10 going to just move this out, but I'll probably trip
11 anyway. All right. So we have -- that way
12 everybody can see what I'm talking about. We have
13 your Camero?

14 A. Yes, ma'am.

15 Q. We have -- this is the truck that you
16 were -- that was involved in the motorcycle trade?

17 A. Yes, ma'am.

18 Q. And then this is your BMW?

19 A. Yes, ma'am.

20 Q. So now it's facing what I like to call
21 emergency getaway position. So --

22 A. Yes, ma'am.

23 Q. -- is this different than how you
24 pulled in?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 Q. Okay. So explain to me how that
2 happens.

3 A. Well, when I pulled in, I pulled in
4 that way. And the first cop pulled up, they put me
5 in the car automatically. So whoever moved my car,
6 they backed it up.

7 Q. Oh, they moved your car?

8 A. Yes.

9 Q. Okay. So you didn't do that?

10 A. No. I got picked up by James Shumpert
11 they drive me out the yard.

12 Q. By James Shumpert?

13 A. Yes, and another officer.

14 Q. So he --

15 A. No, another officer picked me up and
16 meet me with him at the gas station.

17 MS. SPIRES: I didn't hear you, I'm
18 sorry.

19 THE COURT: Do you mind repeating what
20 you just said.

21 A. I say that another officer picked me up
22 and met me with James Shumpert. My car was parked
23 that way. Somebody turned it around.

24 Q. So when you left the house, the car was
25 left how you left it?

1 A. Yes.

2 Q. And then somebody got in and moved it,
3 you don't know who?

4 A. Probably been Her'Von. I left him in
5 the car.

6 Q. Oh, okay. You left Her'Von who is
7 T'Carra Woods's brother in the car?

8 A. Yes, ma'am.

9 Q. All right. And when did that other
10 officer pick you up to meet you at the gas station
11 with Mr. Shumpert here?

12 A. The second -- a black truck pull up
13 first, then a black car pulled up. I got in the
14 black car and they drove me 301 gas station.

15 Q. To the gas station at 301?

16 A. Yes.

17 Q. Okay. All right. And so there was
18 another vehicle in your yard. I'm going to show
19 you Defendants' 9.

20 A. That car be in the backyard.

21 Q. This is in the backyard?

22 A. Yes.

23 Q. Okay. And whose car is this?

24 A. My car too.

25 Q. That's your car as well?

1 A. Yes.

2 Q. And was it running and operational?

3 A. Yes.

4 Q. Okay. How many cars do you think you
5 had?

6 A. Five.

7 Q. Five. Okay. The green Mercedes that
8 -- okay. And I'm showing you Defendants' 11. So
9 is that kind of overall view of all the cars that
10 were at your location when you got there?

11 A. One car gone. The Mercedes is gone.

12 Q. The Mercedes is gone. And that was
13 gone when you got there; right?

14 A. Yes.

15 Q. Okay. So these are the -- so you had
16 the truck, the Camero, your white car?

17 A. Yes, ma'am.

18 Q. And then you pulled up?

19 A. Yes.

20 Q. Okay. And so -- then the Mercedes was
21 gone?

22 A. Yes, ma'am.

23 Q. And tell the jury what happened to that
24 Mercedes?

25 A. Well, somebody stole it and burned it

1 up.

2 Q. Somebody stole it and burned it up?

3 A. Yes, ma'am.

4 Q. Okay. I'm going to show you

5 Defendants' 12. Focusing on this little guy right

6 here. Who is this?

7 A. That's my dog.

8 Q. That's your dog. What kind of dog was

9 it?

10 A. A pit.

11 Q. A pit bull. You had how many?

12 A. Two at the moment.

13 Q. Okay. So you had a dark one and then a
14 white one?

15 A. Yes, ma'am.

16 Q. And then, in fact, if I recall, you
17 said yesterday that when you pulled up to the house
18 and you saw your friend of 20 years, Mr. Butler on
19 the ground, you thought perhaps one of the dogs
20 attacked him?

21 A. Yes, ma'am.

22 Q. And they knew him; right?

23 A. Yes, ma'am, but they still attack him.

24 Q. Right. Even though they knew him?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 Q. How did they feel about people they
2 didn't know?

3 A. What you mean? They still bark and
4 growled at them too.

5 Q. Bark and growl; right? In fact, I
6 believe when the police first got there, they asked
7 you to put them in the pen because they were
8 running loose when you got there; right?

9 A. No, ma'am. That black dog was tied on
10 the whole time.

11 Q. I'm sorry.

12 A. The black dog was tied on the whole
13 time. The only dog that was loose was the white
14 one.

15 Q. So the white one was loose?

16 A. Yes, ma'am.

17 Q. When you got there that morning?

18 A. Yes, ma'am.

19 Q. Okay. And was that normal?

20 A. No, I didn't even saw the white dog at
21 all to be honest.

22 Q. I'm sorry.

23 A. I only saw the black dog.

24 Q. So you didn't even see the white dog?

25 A. No, ma'am.

1 Q. Do we know where the white dog is?

2 A. He ain't nowhere in the pictures.

3 Q. I know. I know he's not in the
4 pictures. Was he at the house?

5 A. I don't know. I didn't really pay
6 attention to the dog if been out there or not. I
7 thought the dog had attacked him.

8 Q. Okay. Which one would have been likely
9 to attack Mr. Butler?

10 A. The white one.

11 Q. The white one?

12 A. Yes, ma'am.

13 Q. Do we have any idea where that white
14 dog is now?

15 A. The white dog now is dead.

16 Q. That's awful. Was he there that
17 morning though?

18 A. No, ma'am, he wasn't there that morning
19 when I pull up.

20 Q. Did somebody take him?

21 A. I don't know.

22 Q. Okay. How did you find out he was
23 dead?

24 A. Well, he died while I was in prison.

25 Q. Okay. So even -- and that was after

1 the 15th?

2 A. Yes.

3 Q. Okay. So -- and I want to talk about
4 that for a minute before we go back to the
5 pictures. You went to prison, you received a
6 sentence of ten years; right?

7 A. Yes, ma'am.

8 Q. For those trafficking charges from
9 2013?

10 A. Yes, ma'am.

11 Q. And then I think you pled to maybe one
12 or two of the child endangerment charges related to
13 this incident?

14 A. Yes, ma'am.

15 Q. Okay. And then as a plea deal, the
16 State dismissed some of those?

17 A. Yes, ma'am.

18 Q. And so those ten years were nonviolent,
19 so you only had to do 65 percent; right?

20 A. Yes, ma'am.

21 Q. Okay. So you also have an obstruction
22 of justice charge for lying to the police about
23 what you knew about this case; right?

24 A. Yes, ma'am.

25 Q. Okay. What happened to that charge?

1 A. I think it got dismissed.

2 Q. Okay. That got dismissed as part of a
3 plea deal?

4 A. Yes, ma'am.

5 Q. Okay. And so you didn't have to do any
6 time on that?

7 A. No, ma'am.

8 Q. Okay. What lies did you tell to the
9 police about this case?

10 A. I told them I wasn't a drug dealer.

11 Q. You told them you were not a drug
12 dealer?

13 A. Yes.

14 Q. Okay. Yesterday you talked about -- or
15 you were asked about the money that was in the
16 lockbox at your house; right?

17 A. Yes, ma'am.

18 Q. And I'm going to show you Defendants'
19 47. Is this the lockbox?

20 A. No, ma'am.

21 Q. Okay. So what's this box?

22 A. That's a box that had a bunch of
23 bullets in.

24 Q. Okay. So Defendants' 47 is a box that
25 had a bunch of bullets in it from your house?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. ZMROCZEK: And, Your Honor, at this
4 time, we would move Defendants' 47 into evidence.

5 MR. OSBORNE: No objection.

6 THE COURT: Mr. Leiendecker, any
7 objection on behalf of your client?

8 MR. LEIENDECKER: No.

9 THE COURT: Mr. Johnson, any objection
10 on behalf of your client?

11 MR. JOHNSON: No objection.

12 Q. Now, I want to talk about those bullets
13 --

14 THE COURT: Defendants' 47 is in
15 evidence without objection. I'm sorry, Ms.
16 Zmroczek.

17 MS. ZMROCZEK: I'm sorry, Judge.

18 (WHEREUPON, Defendants' Exhibit Number
19 47 was entered)

20 Q. I want to talk about those bullets in a
21 moment. So I'll show you Defendants' 14. Is this
22 the lockbox that we're talking about?

23 A. Yes, ma'am.

24 Q. So this lockbox that was in your house
25 had approximately \$4500?

1 A. Yes, ma'am.

2 Q. And what denominations was that money?

3 A. What you mean?

4 Q. Like hundreds? Twenties? Ones?

5 A. Some of everything.

6 Q. Okay. A little bit of everything. Do
7 you know what this is right here in that picture?

8 A. A kitchen knife.

9 Q. This kitchen knife. Did this kitchen
10 knife come out of your kitchen?

11 A. It could be.

12 Q. Okay. Was this lockbox locked?

13 A. Yes, ma'am.

14 Q. And I think yesterday you said there
15 were two keys; right?

16 A. Yes, ma'am.

17 Q. Your key?

18 A. Yes, ma'am.

19 Q. And where did you keep your key?

20 A. In my pocket.

21 Q. Okay. And who else had a key?

22 A. A key be in the house in the drawer.

23 Q. In the drawer?

24 A. Yes, ma'am.

25 Q. Okay. Was that common knowledge?

1 A. Yes.

2 Q. Okay. And it's possible that this
3 knife came from your kitchen?

4 A. Yes, ma'am, possible.

5 Q. Okay. We talked about some bullets
6 that they found in your house. We've this box
7 right here already in evidence, Number 47,
8 Defendants' 47. I want to show you Defendants' 48
9 and Defendants' 49. Do you recognize these?

10 A. Yes, ma'am.

11 Q. And are these -- what are these?

12 A. .40 caliber bullets.

13 Q. Okay. And that's Defendants' 49;
14 right?

15 A. Yes.

16 Q. .40 caliber bullets?

17 A. Yes, ma'am.

18 Q. And what are these inside?

19 A. Clips.

20 Q. Clips. And they go inside of guns;
21 right?

22 A. Yes, ma'am.

23 Q. That shoot .40 caliber bullets?

24 A. Yes, ma'am.

25 Q. And these bullets are a little bit

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 different because they have a little fancier color
2 on top. Does that mean they're hollow points?

3 A. Yes, ma'am.

4 Q. Okay. And hollow points are used
5 because --

6 MS. ZMROCZEK: And, Your Honor, I don't
7 know if I moved Defendants' 49 in, but I would like
8 to at this time.

9 THE COURT: Okay. The 49 is the .40
10 caliber bullets?

11 MS. ZMROCZEK: Yes, sir. And
12 magazines.

13 THE COURT: I'm sorry. And what?

14 MS. ZMROCZEK: And magazines.

15 THE COURT: And magazines?

16 MS. ZMROCZEK: Uh-huh. And then 48
17 which I'm about to move in or I'll just go ahead
18 and move it in now. Are the other bullets he
19 identified.

20 THE COURT: Okay. And he identified
21 both of them?

22 MS. ZMROCZEK: Yes.

23 MR. OSBORNE: No objection.

24 THE COURT: Any objection, Mr.
25 Leiendecker?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 MR. LEIENDECKER: None.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No objection.

4 THE COURT: Defendants' 48 and 49 are
5 in evidence without objection.

6 (WHEREUPON, Defendants' Exhibit Number
7 48 and 49 were entered)

8 Q. Hollow point bullets are used to stop
9 people; right? You don't use them for hunting, do
10 you?

11 A. Who me? I just had the bullets. I
12 ain't tried to stop nobody.

13 Q. Okay. And then 48 which I'm going to
14 show you, these are a different -- these are
15 different calibers; right?

16 A. Yes, ma'am.

17 Q. Okay. So we have .380's?

18 A. Yes, ma'am.

19 Q. And we have .22 longs; right?

20 A. Yes, ma'am.

21 Q. And I believe that you were asked by
22 Mr. Shumpert on the interview that morning when was
23 the last time you had shot a gun; right?

24 A. I can't recall.

25 Q. Okay. Do you recall telling him that

1 the last gun you shot was a .22?

2 A. Yeah, I do have a .22 rifle in there.

3 Q. Okay. All right. And all of those
4 were located in your house?

5 A. Yes, ma'am.

6 Q. In addition to that, Defendants' 46.

7 Do you recognize this?

8 A. Yes, ma'am.

9 Q. And what is Defendants' 46?

10 A. That's a .40 cal box.

11 Q. A .40 cal box?

12 A. Yes, ma'am.

13 Q. For a gun?

14 A. Yes, ma'am.

15 Q. And this was also located inside your
16 house?

17 A. Yes, ma'am. Not that gun though.

18 Q. But not with the gun; right?

19 A. Yes, ma'am.

20 Q. Just the box?

21 A. Just the box.

22 Q. Okay.

23 MS. ZMROCEK: And, Your Honor, at this
24 time, we move Defendants' 46 in.

25 THE COURT: Any objection?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 MR. OSBORNE: No.

2 THE COURT: Mr. Leiendecker?

3 MR. LEIENDECKER: No.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: No objection.

6 THE COURT: In evidence without
7 objection.

8 (WHEREUPON, Defendants' Exhibit Number
9 46 was entered)

10 Q. There was no gun located in here, but
11 this is the gun box for the Smith & Wesson; right?

12 A. Yes, ma'am.

13 Q. And what did the Smith & Wesson shoot.

14 A. .40 cal.

15 Q. .40 caliber. I'm going to show you
16 Defendants' --

17 MS. ZMROCZEK: Beg the Court's
18 indulgence. There were two exhibit stickers, Your
19 Honor, so I was trying not to confuse it.

20 THE COURT: So which one are you going
21 to use?

22 MS. ZMROCZEK: Defendants'.

23 MR. OSBORNE: I bow down to let her use
24 her exhibit.

25 Q. So now I'm going to show you what's

1 marked as Defendants' 45. And I'm going to open it
2 for you. Show you Defendants' 45.

3 A. Yes, ma'am.

4 Q. Do you recognize this?

5 A. Yes, ma'am.

6 Q. And what is this?

7 A. That's my gun holster.

8 Q. Your gun holster; right?

9 A. Yes, ma'am.

10 Q. And that was located inside your house
11 as well?

12 A. Yes, ma'am.

13 MS. ZMROCZEK: And, Your Honor, at this
14 time we move Defendants' 45 into evidence.

15 THE COURT: Any objection from the
16 State?

17 MR. OSBORNE: No, Your Honor.

18 THE COURT: Any objection, Mr.
19 Leiendecker?

20 MR. LEIENDECKER: No.

21 THE COURT: Mr. Johnson?

22 MR. JOHNSON: No objection, Your Honor.

23 THE COURT: Defendants' 45 is in
24 evidence without objection.

25 MS. ZMROCZEK: Thank you, Your Honor.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 (WHEREUPON, Defendants' Exhibit Number
2 45 was entered)

3 Q. I want to go back to talking about your
4 house a little bit. You said that when you got
5 there and you saw Mr. Butler and then you took --
6 you went in the front door?

7 A. Yes, ma'am -- the back door. It's on
8 the back. It's up under the garage the back door
9 and the porch.

10 Q. Okay. So you went under the garage and
11 then the back door?

12 A. Yes, ma'am.

13 Q. And that opens into the kitchen area, I
14 think?

15 A. Yes, ma'am.

16 Q. And that's when you noticed that the
17 house was in disarray?

18 A. Yes, ma'am.

19 Q. Okay. I think you said ramsacked?

20 A. Ramsacked.

21 Q. Yes. All right. I'm going to show you
22 Defendants' 15 which is in evidence. So is this --
23 how many bathrooms did you have in there?

24 A. Two.

25 Q. Two bathrooms. Was this the master or

1 the regular?

2 A. The master.

3 Q. This was the master bath. So did you
4 have the top of the --

5 A. No, ma'am.

6 Q. Okay. So this is -- the last time you
7 saw this bathroom it didn't look this way?

8 A. No, ma'am.

9 Q. Okay. So somebody had taken off the
10 top of the toilet?

11 A. Yes, ma'am.

12 Q. Was the toilet working?

13 A. Yes, ma'am.

14 Q. Okay. So to your knowledge, the toilet
15 was working there was no reason for the top of it
16 to be on the ground?

17 A. No, ma'am.

18 Q. Defendants' 16, what's that?

19 A. That's the attic.

20 Q. That's the attic. Was that the actual
21 entrance to the attic, I guess, is the word I'm
22 looking for?

23 A. Yes, ma'am. Only one way in.

24 Q. I'm sorry.

25 A. There's only one way.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Only one way to get in. Did it have a
2 ladder in there?

3 A. No, ma'am.

4 Q. Okay. Did it have a cover?

5 A. Yes, ma'am.

6 Q. All right. Was the cover generally on?

7 A. Yes, ma'am.

8 Q. Okay. How -- did you go up there
9 often?

10 A. No, ma'am.

11 Q. Okay. Did you ever go up there?

12 A. No, ma'am. Not like that, no.

13 Q. Okay. And then Defendants' 17. Your
14 closet?

15 A. Yes, ma'am.

16 Q. Okay. And is this closet in the same
17 room as the bathroom? I mean, same general area,
18 the master?

19 A. Yes. You walk through that first then
20 go to the bathroom.

21 Q. Okay. So you had a walk through a
22 closet to get to the bathroom?

23 A. No. You walk past the closet and go to
24 the bathroom.

25 Q. Okay. And these were, I think, your

1 clothes; right?

2 A. Yes, ma'am.

3 Q. And some of your hats?

4 A. Yes, ma'am.

5 Q. And you had moved out, but still had
6 stuff there?

7 A. Yes, I was staying in two places.

8 Q. Staying in two places. With the
9 ladies. Got it. This Defendants' 18. Is this the
10 master bedroom or -- how many bedrooms were in your
11 house?

12 A. Three.

13 Q. There were three bedrooms?

14 A. Yes, ma'am.

15 Q. Which bedroom is Defendants' 18?

16 A. That's the master bedroom.

17 Q. Master bedroom as well?

18 A. Yes, ma'am.

19 Q. All right. Is this how it looked the
20 day before the last time you saw it?

21 A. No, ma'am.

22 Q. Okay. So when you saw it, all the
23 drawers were in there?

24 A. Yes, ma'am.

25 Q. The clothes?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. And it wasn't broken?

3 A. No, ma'am.

4 Q. Okay. Defendants' 19. Is this the
5 door that you came in?

6 A. Yes, ma'am.

7 Q. Okay. Did you -- you said you noticed
8 it was ramsacked is the word you used, but did you
9 see the blood on the floor when you went in there?

10 A. No, ma'am, I didn't look at the floor.

11 Q. Okay. How far -- can you point to on
12 this Defendants' 19, can you put a finger as to how
13 far you got into the house?

14 A. Probably right here by the door. I
15 didn't make it past the carpet.

16 Q. Didn't make it past the carpet; right?

17 A. Yes, ma'am.

18 Q. Okay. And just so -- I've not been in
19 the house, so how -- orient me. So when you walk
20 in, what is it that you see when you walk in the
21 door?

22 A. I mean, you see like a little closet in
23 the front, the living room.

24 Q. Okay. So the living room. Where's the
25 kitchen?

1 A. To the left.

2 Q. And that's where you saw the biggest, I
3 guess, mess?

4 A. Yes, ma'am.

5 Q. Okay. And that's how you noticed there
6 was a problem?

7 A. Yes, ma'am.

8 Q. Okay. And then can you see the
9 entrance to any of the bedrooms from this vantage
10 point?

11 A. No, ma'am. You can see a door, but you
12 can't see what's in the inside.

13 Q. Okay. How many doors could you see?

14 A. Like one, two.

15 Q. Okay. So I'll show you. Defendants'
16 20. Is that one of the doors you can see?

17 A. Yes, ma'am.

18 Q. Okay. So Defendants' 20 is one of the
19 doors you can see. What door -- what room does
20 Defendants' 20 lead to?

21 A. That's the master bedroom.

22 Q. So this leads to the master bedroom?

23 A. Yes, ma'am.

24 Q. Okay. And this attic stuff. Sorry, I
25 can't think of the word now.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Insulation.

2 Q. Thank you. Insulation is on the
3 ground?

4 A. Yes, ma'am.

5 Q. But that wasn't there the last time you
6 were in the house, was it?

7 A. No, ma'am.

8 Q. Okay. Defendants' 21. Okay. So this
9 is also a good orientation. So like you said you
10 could see the living room and the kitchen and one
11 of the doors; right?

12 A. Yes, ma'am.

13 Q. Okay. So this is kind of a vantage
14 point of what you can see?

15 A. You can't see the floor, but you can
16 see the door open.

17 Q. Okay. Were all the doors -- did you
18 see -- so you said your kids were there, three of
19 your children?

20 A. Yes, ma'am.

21 Q. Did -- what rooms did they -- did they
22 all stay in one room?

23 A. They sleep in the back room. On the
24 right side in the back.

25 Q. Okay. And they all three of them

1 stayed in one room?

2 A. No, ma'am.

3 Q. Okay.

4 A. There's two girls stay in the same
5 room.

6 Q. The two girls stayed in the same room.

7 And --

8 A. D.N. liked to sleep on the couch.

9 Q. D.N. slept on the couch. Okay.

10 A. Yes, he liked to sleep on the couch and
11 watch TV.

12 Q. Okay. So the bedroom that the girls
13 slept in, they shared one bed?

14 A. Yes, ma'am.

15 Q. Okay. And did they have a closet in
16 their room?

17 A. Yes, ma'am.

18 Q. Okay. I'm going to show you
19 Defendants' 22. Now, could you see all of this
20 openness from your vantage point?

21 A. From the kitchen?

22 Q. Correct -- no, from the door when you
23 walked in?

24 A. Yes, you just look like that.

25 Q. Okay.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 A. Look to your left.

2 Q. Look to your left. Okay. And the last
3 time you were in this house was the 14th; right?

4 A. The day before.

5 Q. The day before. And did it look like
6 this?

7 A. No, ma'am.

8 Q. Okay. What is all over the floor here
9 on Defendants' 22?

10 A. Probably -- what do you call it?
11 Flour.

12 Q. Flour.

13 A. It's got to be.

14 Q. Okay. And what are we using this flour
15 for?

16 A. Cook chicken for --

17 Q. Cooking chicken. All right. Right
18 next to the flour, what's this?

19 A. I can't see, your hand in the way.
20 What you mean, the blue thing right here?

21 Q. That blue thing right there?

22 A. That's a compressor.

23 Q. Okay. Do you use that for chicken?

24 A. No, you don't use that for chicken.

25 Q. What do you use that for?

1 A. Compressing.

2 Q. For pressing what?

3 A. Cocaine.

4 Q. Okay. And --

5 THE COURT: Ms. Zmroczek, which number
6 is that?

7 MS. ZMROCZEK: 22. Oh, you're still on
8 22?

9 MS. ZMROCZEK: Yes.

10 THE COURT: Okay. Sorry. Just wanted
11 to make sure.

12 Q. And so 22, we got the right next to the
13 flour we have the press for the cocaine; right?

14 A. Yes, ma'am.

15 Q. Okay. How did that operation work?
16 You get cocaine; right?

17 A. Yes.

18 Q. All right. How do you get it? When it
19 comes to you what form is it in?

20 A. Powder.

21 Q. Powder. Is it in a shopping bag? Is
22 it wrapped up? Is it in a shape? Tell me a little
23 bit about that.

24 A. I don't know. It all depends how you
25 get it.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Well, I don't get it, so I'm
2 asking you.

3 A. I get it in a bag.

4 Q. Okay. How much would you get at a
5 time?

6 A. I don't know. Probably about 500 grams
7 or something like that.

8 Q. 500 grams. Can you make a fist to show
9 the jury about how much that would be? I don't
10 know how much that is.

11 MR. OSBORNE: Your Honor, I'm just
12 going to object to these line of questions. I
13 think she can get there, just phrase it back then.
14 Since he has pending charges, I don't want him to
15 set himself up for a problem now. So back then I
16 think is okay.

17 THE COURT: You're clarifying that?

18 MS. ZMROCZEK: I will clarify that.

19 THE COURT: Thank you, ma'am.

20 Q. All of my questions from when I started
21 to there deal with 2015 forward -- or like before
22 -- 2015 and before, not after, okay?

23 A. Yes, ma'am.

24 Q. Okay. And I'm not trying to get you in
25 anymore trouble. But that actually is a good

1 point. So you do have pending drug charges still?

2 A. Yes, ma'am.

3 Q. But those are new?

4 A. Yes, ma'am.

5 Q. Okay. And they're trafficking as well;
6 right?

7 A. No, ma'am.

8 Q. Okay. What are they?

9 A. Possession.

10 Q. Possession. Okay. Let me ask you
11 this, Mr. Wright. And understand when I ask these
12 questions, it's just simply information gathering.
13 Not judgement or anything. Did you or do you have
14 a problem with cocaine?

15 A. Yes, ma'am.

16 Q. Okay. Do you use it and sell it?

17 A. Yes, ma'am.

18 Q. Okay. And when you get past a certain
19 weight it goes to trafficking; right?

20 A. Yes, ma'am.

21 Q. Okay. So you were actually in that
22 trafficking weight back in 2015?

23 A. Yes, ma'am.

24 Q. And before. What's the most that you
25 would have cocaine on hand in your house at Old

1 State Road at any given time?

2 A. Probably about two ounces.

3 Q. Two ounces?

4 A. Yes, ma'am.

5 Q. All right. Let me ask this in a less
6 broad question. On July 14, 2015, how much cocaine
7 did you have at Old State Road?

8 A. I would say none.

9 Q. None. So on 2014, when you left that
10 day, no cocaine in the house?

11 A. (Nodded)

12 Q. Okay. And I'm sorry, she can't get
13 head shakes.

14 A. No, ma'am.

15 Q. Okay. It's just we have to have a
16 record of it. Okay. So no cocaine in the house
17 that day?

18 A. No, ma'am.

19 Q. In fact, I think you had made a couple
20 of sales that day; right?

21 A. Yes, ma'am.

22 Q. To a Mr. -- I know one of them was
23 Mr. William D'Barillo (phonetic) or something?

24 A. I can't remember.

25 Q. Okay. But when people would buy from

1 you, how much would they buy from you?

2 A. \$10. \$20.

3 Q. Okay. So ounces? Small amounts?

4 A. Yes, ounces.

5 Q. Okay. And so when you made the last

6 sale of that day, to your knowledge there was no

7 more cocaine in the house?

8 A. Yes, ma'am.

9 Q. And there was none hidden in the attic?

10 A. No, ma'am.

11 Q. And none in the toilet?

12 A. No, ma'am.

13 Q. None in any tires?

14 A. No, ma'am.

15 Q. Okay. Because if you had it what would

16 you have done with it?

17 A. Took it with me.

18 Q. Exactly, right? Because either you

19 were going to use it or sell it; right?

20 A. Yes, ma'am.

21 Q. Okay. Defendants' 24. Do you

22 recognize this?

23 A. Yes, ma'am.

24 Q. Okay. And that's an envelope; right?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. That you got in the mail?

2 A. Yes, ma'am.

3 Q. From New Jersey?

4 A. From New Jersey? I don't know where I
5 got it from.

6 Q. You don't know where you got it from.

7 A. Let me see it again.

8 Q. Sure.

9 A. And it came to me?

10 Q. That's what I'm asking.

11 A. I don't know.

12 Q. Okay. Do you recognize 25?

13 A. Yes, ma'am.

14 Q. What's that?

15 A. A title.

16 Q. The title to what?

17 A. I don't know which car. My BMW.

18 Q. Okay. So you only had one BMW; right?

19 A. Yes, ma'am.

20 Q. The silver one?

21 A. Yes, ma'am.

22 Q. Okay. And did you -- when did you get
23 the Mercedes?

24 A. Probably about a year after I had the
25 BMW.

1 Q. Okay. Let me rephrase that.

2 A. Probably 2014.

3 Q. Thank you. So you had it for almost a
4 year?

5 A. Yes.

6 Q. And when did you title it?

7 A. Same day I got it.

8 Q. And where did you get it from? From
9 where did you get it? I'm sorry.

10 A. I got it from Rob.

11 Q. You got --

12 A. From Rob. I think he got it from New
13 Jersey.

14 Q. Okay. And who's Rob?

15 A. Rob is a mechanic. He sell cars.

16 Q. Okay. And is he from New Jersey or do
17 you have connections to New Jersey?

18 A. No, ma'am.

19 Q. But he, Rob, knows people from New
20 Jersey?

21 A. Yes, ma'am.

22 Q. Okay. So if that envelope has a New
23 Jersey address and a title for the Mercedes, would
24 have come in that address, would you have then
25 registered it?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes. I think he had a title in it, in
2 the thing.

3 Q. Okay. Defendants' 27, I think those
4 are the -- those are the magazines that we've
5 already put into evidence?

6 A. Yes, ma'am.

7 Q. All right. And do you recall why those
8 magazines were kept under the bed?

9 A. No, ma'am. I would never keep them
10 there anyway.

11 Q. Where do you usually -- so where was
12 this?

13 A. I don't know who put them there.

14 Q. You don't know who put those there?

15 A. No, ma'am. I wouldn't have them up
16 under the bed.

17 Q. Okay. Where would you usually keep
18 them?

19 A. I would keep them in the dresser right
20 beside me or something.

21 Q. Okay. So that you could use it when
22 you needed it?

23 A. Yes, ma'am.

24 Q. Okay. 28 also just a closer up picture
25 of that same magazine; right?

1 A. Yes, ma'am.

2 Q. But we have no idea how those got under
3 a bed?

4 A. No, ma'am.

5 Q. Okay. 29. Do you recognize 29?

6 A. Yes, ma'am.

7 Q. What is 29?

8 A. That's the phone that Krystal had.

9 Q. This is Krystal's phone?

10 A. Yes, ma'am.

11 Q. Okay. When you got there that morning,
12 did you see Krystal's phone?

13 A. No, ma'am.

14 Q. Okay. But you know that for sure this
15 was her phone?

16 A. It was blue like that.

17 Q. Blue like that and that was her only
18 phone; right?

19 A. Yes, ma'am.

20 Q. Okay. And we already discussed, when
21 you woke up on the 15th sometime around 6-ish in
22 the morning and I'm not trying to trick you because
23 obviously you don't know exactly what time, but it
24 was before 7; right?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. And you saw that you had a missed call
2 from Krystal, your fiancée?

3 A. Yes, ma'am.

4 Q. And that call was at what time
5 approximately?

6 A. In the middle of the night, something
7 like that. Early in the morning.

8 Q. Around one in the morning?

9 A. Yes, ma'am.

10 Q. Okay. And I believe yesterday there
11 was some discussion that was it typical for her to
12 call you at one in the morning?

13 A. No, ma'am.

14 Q. No. Now, you and Krystal did -- she
15 facilitated and by facilitated, I mean, helped or
16 sold, she helped sell the product, the drugs;
17 right?

18 A. No, ma'am.

19 Q. She did not help sell the drugs?

20 A. No, ma'am. Her do her own drugs.

21 Q. Okay. So she -- did she ever sell
22 drugs herself?

23 A. No, ma'am.

24 Q. Okay. So -- and her name in your phone
25 is June; right?

1 A. Yes, ma'am.

2 Q. And so if June in your phone is asking
3 you about how much you're charging for things, were
4 you selling other things out of your house?

5 A. What you mean?

6 Q. Okay. I'll give you an example. If
7 you were asked how much you -- something for the
8 hard?

9 A. How much would I want for some hard?

10 Q. How much would you want for some hard?
11 What are we talking about there?

12 A. Somebody probably asked her about
13 something and she asking me how much I would charge
14 them.

15 Q. For? Like what's hard?

16 A. Crack.

17 Q. Okay. So crack. So I'll ask again,
18 did she assist you in the selling of the drugs?

19 A. Yes.

20 Q. Okay. Thank you. Because otherwise
21 we're going to go through a lot of text messages.
22 But she would -- and I think I can understand where
23 you're going. She did not have her own drug
24 enterprise?

25 A. No, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. I mean, so everything was -- had
2 to be cleared through you?

3 A. Yes, ma'am.

4 Q. Okay. Because she was also an addict;
5 right?

6 A. Yes, ma'am.

7 Q. And it's not very good business to have
8 a severe addict be able to just have access to all
9 your drugs; right?

10 A. Yes, ma'am.

11 Q. Because what would happen to those
12 drugs?

13 A. She'll use them.

14 Q. She would use them. If she had them,
15 would she use them?

16 A. Yes, ma'am.

17 Q. Okay. Is that another reason why you
18 didn't leave the drugs at your house when you left?

19 A. Yes, ma'am.

20 Q. Okay. 30. We've already put the gun
21 box into evidence, but do you recognize that as
22 being the gun box?

23 A. What box? Oh, up under there?

24 Q. Up under there.

25 A. I don't what is that. I can't see it

1 that good.

2 Q. Okay. All right. Where did you --
3 better question. Where did you store your gun box?

4 A. Probably be in the dresser -- under the
5 dresser.

6 Q. Under the dresser. Okay. That's kind
7 of a harder picture, but this is a little closer
8 up.

9 A. Yes, ma'am, that's the gun box.

10 Q. Okay. That's the gun box. Okay. And
11 is that the dresser you're talking about where you
12 would usually --

13 A. Yes, ma'am.

14 Q. Okay.

15 THE COURT: And, Ms. Zmroczek, did you
16 identify the numbers?

17 MS. ZMROCZEK: 30 and 31. Sorry.

18 THE COURT: 30 is the --

19 MS. ZMROCZEK: Was the box farther away
20 and 31 is a closer with it opened.

21 THE COURT: Okay. Thank you, ma'am.

22 MS. ZMROCZEK: Certainly.

23 Q. Now, the silver BMW, that was the car
24 that you drove kind of on a regular -- not kind of,
25 that's the car you drove on a regular basis; right?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 A. Yes, ma'am.

2 Q. And they, the police, secured that from
3 you?

4 A. Yes, ma'am.

5 Q. Okay. And then they executed a search
6 warrant?

7 A. Yes, ma'am.

8 Q. Okay. So I want to talk about some of
9 the things that they found in there. Okay. I'm
10 going to show you Defendants' 32 and 33 because
11 it's just a close-up picture of 32 in case it's
12 hard to see.

13 A. I mean, what is it, a drawing?

14 Q. It's a drawing; right. But you have no
15 idea about this drawing?

16 A. It's a jacket and truck top. I don't
17 know.

18 Q. Okay. So you have no idea why this
19 would be folded up in your vehicle?

20 A. No.

21 Q. All right. 35. Do you recognize that
22 as the back of your BMW?

23 A. Yes, ma'am.

24 Q. Okay. The backseat, I mean. Sorry.

25 A. Yes, ma'am.

1 Q. And they were CD's?

2 A. Yes, ma'am.

3 Q. Okay. And those were kept in this
4 little -- the sleeve pocket of the vehicle?

5 A. Yes, ma'am.

6 Q. Okay. And did anybody else drive your
7 vehicle?

8 A. Sometimes Krystal might drive it.

9 Q. Sometimes Krystal did. Any other
10 people?

11 A. No, ma'am.

12 Q. Okay. And then 36. We're going back
13 to the house now. I'm sorry I'm bouncing around on
14 you. Defendants' 36. Do you recognize that phone?

15 A. Yes, ma'am.

16 Q. Whose phone is that?

17 A. Mine.

18 Q. That's your phone?

19 A. Yes, ma'am.

20 Q. Your personal phone or your business
21 phone?

22 A. That probably my personal phone.

23 Q. Okay. Your personal phone. And that
24 was located at the house; right?

25 A. Yes, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 Q. Tell the jury where at the house that
2 was located?

3 A. Under the garage on the speaker box.

4 Q. Okay. How did it get there?

5 A. I think I sit it down there.

6 Q. I'm sorry.

7 A. I think I sit it down there.

8 Q. Okay. So is that the phone that you
9 used to call 9-1-1 or did you use a different
10 phone?

11 A. I don't know what phone I used.

12 Q. Okay. Defendants' 37. And, I'm sorry
13 I want to ask you one more question about 36. The
14 speaker box was under the carport garage area?

15 A. Yes, ma'am.

16 Q. Okay. Okay. 37. What room is this
17 door leading to?

18 A. To the master bedroom.

19 Q. So this is the door that leads to the
20 master bedroom?

21 A. Yes, ma'am.

22 Q. And when you left on that day before
23 July 14th in the evening, you -- was there a hole
24 in the ceiling?

25 A. No, ma'am.

1 Q. Okay. Master bedroom again,
2 Defendants' 38?

3 A. Yes, ma'am.

4 Q. Okay. And it's a better view because
5 then we can see the gun box under here?

6 A. Yes, ma'am.

7 Q. But when you left on the 14th, were the
8 drawers in the --

9 A. Yes, ma'am.

10 Q. -- in the dresser?

11 A. Yes, ma'am.

12 Q. Okay. Defendants' 39. Master bath or
13 guest bath?

14 A. That's the master bath. That's the
15 closet in the sink area.

16 Q. Okay. Of the master bath?

17 A. Yes, ma'am.

18 Q. And were you able to walk through it
19 when you left on the 14th?

20 A. Yes, ma'am.

21 Q. Okay. Same as 40?

22 A. Yes, ma'am.

23 Q. And the insulation wasn't there when
24 you left?

25 A. No, ma'am.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Defendants' 41. Do you
2 recognize which bedroom this is?

3 A. That's the still the master bedroom.
4 Let me see it again. No, ma'am, that's not the
5 master bedroom.

6 Q. Okay. Which bedroom is this?

7 A. That been my daughters sleep in that
8 room.

9 Q. Okay. This is the room that your
10 daughters were sleeping in; right?

11 A. Yes, ma'am.

12 Q. And this is Defendants' 41. Now, on
13 the 14th, what was your recollection of how the
14 mattress was in that room? Was it against -- up
15 against the wall?

16 A. No, ma'am. It wasn't like that.

17 Q. It was not like this?

18 A. No, ma'am.

19 Q. It was --

20 A. You could sleep on it.

21 Q. Just a normal bed? You could sleep on
22 it?

23 A. Yes, ma'am.

24 Q. Okay. Defendants' 42. Did the girls'
25 room, they had a closet in it; right?

1 A. Yes, ma'am.

2 Q. And that's the closet?

3 A. Yes, ma'am.

4 Q. Okay. And then Defendants' 44. We're
5 going back to the kitchen.

6 A. Yes, ma'am. That's a scale.

7 Q. A scale that they found in the drawer
8 in the kitchen?

9 A. Yes, ma'am.

10 Q. Is this the same drawer that you kept
11 the key to the lockbox in?

12 A. No, ma'am.

13 Q. And was this the same drawer that you
14 kept the key to the Mercedes in?

15 A. No, ma'am.

16 Q. Okay. And when you left, was the
17 drawers open or shut?

18 A. Shut.

19 Q. Okay. But this is one of the things
20 that you saw when you walked in that all the
21 drawers were pulled open?

22 A. I seen the kitchen how the cabinets
23 been pulled out and all the stuff on the floor.

24 Q. Okay. All right. With the chicken
25 flour?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 A. Yeah.

2 Q. Okay. I want to switch back now. You
3 got arrested on July 16th, but you were just
4 arrested on those two old drug warrants?

5 A. Yes, ma'am.

6 Q. You went to bond court?

7 A. Yes.

8 Q. And did you get a bond?

9 A. Yes, ma'am.

10 Q. And when did you bond out for the drug
11 charges?

12 A. Same day probably.

13 Q. Same day. And then about a week later,
14 August 6th of 2015, you were rearrested; right?

15 A. About a month later.

16 Q. About a month later. Okay. Yeah,
17 sorry. About a month later -- half a month later.
18 July 16th to August 6th, however long that is. On
19 August 6th you were rearrested; right?

20 A. Yes.

21 Q. And that was for the unlawful conduct
22 to -- the cruelty to children or whatever the child
23 charge that you had; right?

24 A. Yes, ma'am.

25 Q. Okay. And you received multiple

1 charges for that?

2 A. Yes, ma'am.

3 Q. But then only pled to one or two;

4 right?

5 A. Yes, ma'am.

6 Q. And you got put back in jail in August?

7 A. Yes, ma'am.

8 Q. Did you get to get out that time?

9 A. No, they denied my bond.

10 Q. They denied your bond, so you were

11 stuck in there?

12 A. Yes.

13 Q. When you're stuck in jail, how do you
14 communicate with the people on the outside?

15 A. By phone.

16 Q. There's a phone and you make a phone
17 call; right?

18 A. Yes, ma'am.

19 Q. And you know that those phone calls are
20 recorded; right?

21 A. Yes, ma'am.

22 Q. Because it tells you when you call this
23 is being recorded?

24 A. Yes, ma'am.

25 Q. Okay. You recall making several phone

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 calls to T'Carra right after you were in jail the
2 second time?

3 A. Yes, ma'am.

4 Q. Okay. And have you had an opportunity
5 to listen to those calls?

6 A. No, ma'am.

7 Q. Okay. I'm going to ask you some
8 questions, if you don't remember then we can play
9 them for you, okay. I want to ask you about a
10 conversation that you had on August 14th of 2015.
11 Okay. I know it's a very specific date. I'll ask
12 you about the contents of it and see if it
13 refreshes your recollection, okay.

14 Do you remember -- did you talk to
15 multiple people while you were in jail on the phone
16 or mostly T'Carra?

17 A. Mostly T'Carra.

18 Q. Okay. And you were angry, I guess, or
19 frustrated that you were arrested for the charges
20 related to the children; right?

21 A. Yes, ma'am.

22 Q. And you recall saying to her that if
23 they were arresting you because you didn't have
24 possession of no kids that they should arrest the
25 mommas; right?

1 A. Yes, ma'am.

2 Q. Okay. But you had the -- you had the
3 children for the whole summer or how long were they
4 in your possession -- or not in your possession,
5 but how long did you have them?

6 A. A couple of months.

7 Q. Okay. Did you -- was that kind of --
8 you just had them in the summer?

9 A. Yes, ma'am.

10 Q. Okay. And then that same day you were
11 really worried about getting the charges dropped
12 and getting a bond; right?

13 A. Yes, ma'am.

14 Q. Okay. And then you recall later on
15 that same day saying that if they found drugs in
16 the house I wasn't even home; right?

17 A. Yes, ma'am.

18 Q. But do you know if they found drugs in
19 the house?

20 A. There wasn't no drugs in the house to
21 be found. But they charged me with it anyway.

22 Q. Okay. So the day that you -- you know
23 that on July 14th when you left sometime around 5
24 o'clock or so, I'm not holding you to that time,
25 that you had either no drugs or had taken them with

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCK

1 you; right?

2 A. Yes, ma'am.

3 Q. Okay. Do you know Brandon Dickson?

4 A. No, ma'am.

5 Q. Do you remember being in jail and

6 asking someone to call T'Carra for you?

7 A. Yes, ma'am.

8 Q. Okay. And did you ask that person to

9 tell T'Carra to get some drugs for you?

10 A. Yes, ma'am.

11 Q. Okay. Where were those drugs?

12 A. In Summerton.

13 Q. In Sumter?

14 A. Summerton.

15 Q. Summerton, excuse me.

16 A. Yes.

17 Q. Okay. And that was at, I think, [REDACTED]

18 Parson Street, the house that we just saw and the

19 Walmart that you were trying to fill up with stuff;

20 right?

21 A. Yes, ma'am.

22 Q. Okay. I can't think of the word right

23 now. So you asked -- I know you don't remember who

24 it was, but you asked somebody to call her,

25 T'Carra, to get the drugs out of the Summerton

1 house; right?

2 A. Yes.

3 Q. And where were you storing those drugs?

4 A. In a vent.

5 Q. In a vent?

6 A. Yes.

7 Q. And what kind of container? Was it a
8 Pringle's can?

9 A. Yes, ma'am.

10 Q. Okay. How much drugs were you storing
11 in the Pringle's can at the Summerton house?

12 A. About four and a half ounces.

13 Q. About four and a half ounces. And I'm
14 assuming it's cocaine; right? Was it cocaine?

15 A. Yes, ma'am.

16 Q. And so for those of us who don't know,
17 what's the difference between cocaine and crack?

18 A. One chemical made and one not.

19 Q. I'm sorry?

20 A. One chemical made and one not.

21 Q. Okay. So you make crack from cocaine;
22 right?

23 A. Yes, ma'am.

24 Q. And how do you do that?

25 A. Water, microwave.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Do you mix anything in there?

2 A. Water and microwave, baking soda.

3 Q. Water, microwave, and baking soda is
4 all you need to take cocaine and make it to crack?

5 A. Yes.

6 Q. Okay. What -- had the police already
7 executed a search warrant on your house in
8 Summerton?

9 A. Yes, ma'am.

10 Q. They had already been there; right?

11 A. Yes, ma'am.

12 Q. So were those drugs in the vent and
13 they missed them or did they come there afterwards?

14 A. They locked me up before I even got the
15 drugs out. I was in jail.

16 Q. I'm sorry?

17 A. I was in jail when they got the drugs.
18 So they had searched the house before that, they
19 missed them.

20 Q. They missed them. Okay. That's what
21 I'm saying. Do you recall talking to T'Carra about
22 people stealing your stuff, is not the word you
23 used, but people stealing your stuff?

24 A. Yes, that's what she told me.

25 Q. Okay. From where was your stuff being

1 stolen?

2 A. Well, somebody break in the house that
3 we had over there when I got arrested.

4 Q. Somebody had broken into the Old State
5 Road house?

6 A. No, the Summerton.

7 Q. The Summerton house?

8 A. Yes.

9 Q. When did somebody break into the
10 Summerton house?

11 A. I don't know, when I was arrested.
12 Probably about a week -- same week I been arrested,
13 something like that.

14 Q. Okay. Arrested on the 16th or arrested
15 on the 6th?

16 A. Between the 16th and 20th something.

17 Q. Okay. So sometime there somebody broke
18 into your house?

19 A. Yes.

20 Q. Did you file a police report?

21 A. I was in jail.

22 Q. Okay. Did T'Carra file a police
23 report?

24 A. Yes.

25 Q. Okay. And was she home at the time?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCEK

1 A. No.

2 Q. All right. Do you know what time of
3 the day it took place?

4 A. No.

5 Q. What was stolen?

6 A. Some clothes of mine.

7 Q. Some clothes?

8 A. Yes. Jewelry. Belts.

9 Q. Okay. Did she -- did she arrive to
10 notice that somebody had broken in?

11 A. I guess so, yes.

12 Q. Okay. Did y'all talk about that?

13 A. Yes.

14 Q. Okay. Was stuff -- was the house
15 ramsacked again?

16 A. I don't know, I couldn't see. I was in
17 prison -- I mean, jail.

18 Q. What did she -- how did -- I'll
19 rephrase. I'll ask the question differently. Was
20 anybody ever arrested for that?

21 A. No.

22 Q. Okay. So -- and this was just a few
23 weeks after four people were -- five people were
24 shot at your other house; right?

25 A. Yes.

1 Q. Okay. And to your knowledge, nobody
2 has ever been arrested for that either?

3 A. No, ma'am.

4 Q. Okay. You recall talking to her about
5 moving to Atlanta, her, T'Carra, about moving to
6 Atlanta?

7 A. Yes.

8 Q. Okay. With what money were you going
9 to use?

10 A. My drug money.

11 Q. Okay. Your drug money. Were you also
12 anticipating receiving money from the death of your
13 children?

14 A. No, ma'am.

15 Q. You don't recall?

16 A. Yes, ma'am.

17 Q. Okay. Because you were going to sue
18 the state; right? Or sue somebody?

19 A. Yes.

20 Q. Okay. And you were also expecting to
21 receive money from their deaths?

22 A. Yes, ma'am.

23 Q. Okay. Did you ever receive any money?

24 A. No, ma'am.

25 Q. Okay. Did anybody ever receive any

1 money?

2 A. No, ma'am. A couple of lawyers came
3 that --

4 Q. I'm sorry?

5 A. A couple of lawyers came to see me in
6 jail about that, but, no.

7 Q. But it never went any further?

8 A. No, ma'am.

9 Q. All right. You so your fiancées, did
10 they each have rings? Did you buy them engagement
11 rings?

12 A. From what?

13 Q. Okay. Well, did you buy Krystal one?

14 A. Yes.

15 Q. And what did she do with her engagement
16 ring?

17 A. Pawn it.

18 Q. For?

19 A. Drugs.

20 Q. So she pawned the engagement ring that
21 you gave her for drugs?

22 A. Yes.

23 Q. Okay. I thank you for your patience.
24 I'm trying to move through this quickly. The only
25 thing missing from Old State Road on the 20 -- on

1 the 15th, sorry, was your green Mercedes; right?

2 To your knowledge?

3 A. Yes.

4 Q. Let me ask the question this way. Were
5 any dirt bikes or motorcycles stolen from your
6 house on the 15th?

7 A. No, ma'am.

8 Q. Okay. In fact, all of those things
9 were still there or at your aunt's house; right?

10 A. They was there when I been there.

11 Q. They was there; right?

12 A. Yes, ma'am.

13 Q. Okay.

14 MS. ZMROCZEK: Beg the Court's
15 indulgence. Sorry. I'm just trying to read my
16 handwriting to be honest.

17 Q. So the white dog, let's say I walked up
18 to your house and that dog didn't know me, what
19 would that dog do?

20 A. It would have got to barking.

21 Q. It would what?

22 A. It would have got to barking.

23 Q. Okay. What made you think that a dog
24 had attacked Jerome?

25 A. Every time you walk in the yard they

1 attack him.

2 Q. They attacked him?

3 A. Yes.

4 Q. Okay. They were guard dogs; right?

5 A. Yes.

6 Q. And the girls had their own phones?

7 A. Yes.

8 Q. And, in fact, I think we saw some
9 pictures that they had taken that night on their
10 phones; right?

11 A. Yes.

12 Q. Okay. Did they sleep -- did Tamara
13 sleep in her glasses or did she take those off when
14 she would go to sleep?

15 A. I think she would take them off.

16 Q. Okay. And she had a phone in her room,
17 that blue phone, I think we saw a picture of it
18 yesterday; right?

19 A. Yes.

20 Q. That was Tamara's phone?

21 A. Uh-huh.

22 Q. And it was right there in her room with
23 her; right?

24 A. I don't know.

25 Q. Okay. Was it working?

1 A. Yes, ma'am.

2 Q. Okay. Did Krystal have people over
3 when you weren't around?

4 A. Yes.

5 Q. Okay. Did she always tell you about
6 that?

7 A. Yes.

8 Q. Okay. And would she -- in fact, she
9 would tell you if she was just going to play with
10 the kids and go to sleep; right?

11 A. No.

12 Q. Okay. Or -- so, did she have people
13 over that night or do you know?

14 A. No, ma'am. I don't know.

15 Q. You don't know?

16 A. No.

17 Q. Okay. But she was allowed to and did
18 have people over when you weren't there?

19 A. I mean, Krystal can't drive. When she
20 drive she wreck the car. So if her go anywhere
21 somebody got to take her. So basically like
22 somebody going to come there and take her.

23 Q. Okay. All right. And then would she
24 -- did she have friends?

25 A. Yes.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And so would she hang out with
2 those friends?

3 A. No, ma'am.

4 Q. Okay.

5 A. Yes, she would go to their house and
6 hang out. Yes.

7 Q. Okay. Did anybody ever come hang out
8 at her house?

9 A. Yes.

10 Q. Okay. At the Old State Road house?

11 A. Yes.

12 Q. All right. And so the dogs were
13 familiar with those people?

14 A. Yes.

15 Q. All right. The whole transactions with
16 the motorcycles and all of that was completed
17 before you left for Summerton? So by 5 p.m. all of
18 that transaction had taken place?

19 A. Before I left from Holly Hill?

20 Q. Yeah. From when you left from Holly
21 Hill to go to Summerton it was all finished by 5
22 o'clock?

23 A. Yes.

24 Q. Okay. People coming, people taking
25 pictures, you making the trades, you going to

1 Mr. Bailey's house, Mr. Coleman dropping you off,
2 all that was done before 5?

3 A. Yes.

4 Q. Okay. And I think you talked about
5 yesterday, obviously, you downplayed your -- not
6 downplayed, you denied that you were -- you denied
7 that you were still dealing drugs; right?

8 A. Yes, ma'am.

9 Q. Because you didn't want to get in
10 trouble; right?

11 A. Yes.

12 Q. We established that you knew Mr. Bailey
13 even if you didn't talk to him all the time; right?

14 A. Yes.

15 Q. If there were text messages between
16 someone named Pocket on your phone and you, would
17 that have -- would there be any reason to suspect
18 that it was anybody else other than you and
19 Mr. Bailey talking?

20 A. I mean, like I say, I talked to him the
21 day before.

22 Q. Right. Right. Right.

23 A. And the day before and then in the
24 afternoon.

25 Q. Okay. But even if y'all didn't talk,

1 he knew your family; right?

2 A. Yeah.

3 Q. Okay.

4 A. He should have.

5 Q. He had children?

6 A. Yes.

7 Q. Has children. But had children around
8 the same age as your children; right?

9 A. I don't know how old his kids is.

10 Q. Okay. Did D.N. ever play with his
11 children?

12 A. Yeah, I had them over there before.

13 Q. Yeah. You had D.N. at Mr. Bailey's
14 house before; right?

15 A. Yes, but D.N. stayed behind them.

16 Q. Okay. Oh, yeah, stays behind them, so
17 he is very familiar with who Mr. Bailey is; right?

18 A. Yes, ma'am.

19 Q. Okay. Did -- and I think that we
20 talked about -- you were asked yesterday how much
21 conversation or communication have you had with
22 D.N. since all of this happened?

23 A. I come sit with him, but I ain't never
24 talked to him about the case at all.

25 Q. Never talked to him about the case?

1 A. No, ma'am.

2 Q. Never asked him what happened?

3 A. No, ma'am. His momma didn't want me
4 to.

5 Q. His mom didn't want you to?

6 A. Yes, ma'am.

7 Q. Okay. He was in the hospital for some
8 time?

9 A. Yes, ma'am.

10 Q. Did you ever go visit him in the
11 hospital or you were locked up? I can't remember.

12 A. Yes, I went to see him in the hospital.

13 Q. You did go see him in the hospital?

14 A. Yes.

15 Q. And how was he when you saw him when he
16 was in the hospital?

17 A. Just laying in the hospital. What you
18 mean? He was in bad shape.

19 Q. He was in bad shape?

20 A. Yeah.

21 Q. Okay. And I guess that's kind of the
22 leading question that I was trying to get to. How
23 is he now?

24 A. He's getting better.

25 Q. He's still getting better?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. Okay. But not how he was before he got
3 shot?

4 A. Yes, ma'am.

5 Q. Yes, meaning he's not the same?

6 A. No, he's not the same.

7 Q. Okay. At what point in his recovery
8 did he at least get as back to as close to getting
9 better that he --

10 A. I mean, he walking now. He riding a
11 bike now. You know, he moving better.

12 Q. He's moving better?

13 A. Yes.

14 Q. Okay. And do you know about how long
15 that took to happen?

16 A. No, ma'am.

17 Q. Okay. Mr. Wright, I know I've asked
18 you a ton of questions and I have bounced all over
19 the place. I just have a few more and I promise
20 I'm done. Hopefully.

21 There was -- so the Camero; right, the
22 red Camero in your yard?

23 A. Yes.

24 Q. That's yours?

25 A. Yes.

1 Q. Did it run?

2 A. Yes.

3 Q. So it was functional?

4 A. Yes.

5 Q. Did anybody drive it ever?

6 A. I did.

7 Q. When was the last time you drove it?

8 A. I drove it about two weeks when I first
9 got it.

10 Q. Okay. And there was a phone that was
11 found inside that car. Were you familiar with
12 that?

13 A. No, ma'am.

14 Q. Okay. So if I read you this telephone
15 number -- if I read you this telephone number
16 [REDACTED] 1105, do you know whose phone number that
17 is?

18 A. Sound like one of my old phones.

19 Q. I'm sorry?

20 A. It sound like it would be one of my old
21 phones.

22 Q. One of your old phones; right?

23 A. Yes.

24 Q. Would it surprise you to learn that
25 that phone was found in the Camero?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. I don't know.

2 Q. Okay. Was that phone working?

3 A. No, ma'am. It should not be.

4 Q. It shouldn't -- it shouldn't have been
5 working on July 15th of 2015?

6 A. What you mean? Cut on? Active?

7 Q. Active?

8 A. No, it shouldn't.

9 Q. So if a phone call was made to your
10 phone, your business phone from that number on the
11 14th and early morning hours into the 15th, you --
12 what would be the explanation for that?

13 A. I don't know.

14 Q. Okay. Do you recall -- did Jerome use
15 that phone?

16 A. I don't know.

17 Q. You don't know if he did or not?

18 A. No, ma'am.

19 Q. Was he allowed to hang out in the
20 Camero?

21 A. No, ma'am.

22 Q. He was not --

23 A. I think Jerome probably came there late
24 -- late that afternoon or something. He wasn't
25 there when I been there.

1 Q. Okay.

2 A. I didn't left him there.

3 Q. Right. Right. When you left around 5
4 o'clock or so, I'm not trying to hold you to that
5 time, but we know you were at Walmart at 7. But
6 before you left, Jerome wasn't there?

7 A. No, ma'am.

8 Q. Do you know when he got there?

9 A. No, ma'am.

10 Q. How he got there?

11 A. How?

12 Q. You don't know how?

13 A. How?

14 Q. And you don't know how long he was
15 there?

16 A. (Nodded)

17 Q. Was he friends with Krystal?

18 A. Yeah, I could say he come sit with her.
19 Yeah, he speak to her, yes.

20 Q. Okay. Were you surprised when you
21 pulled -- obviously, you were surprised he was on
22 the ground, but were you surprised that he was at
23 your house when you got there on the 17th?

24 A. Well, I didn't look at it like that. I
25 look at it and see he was on the ground.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And I think that you said this
2 yesterday, but you do not know Luther Joseph Smith?

3 A. I don't know him.

4 Q. Thank you.

5 MS. ZMROCZEK: Thank you, Your Honor.

6 THE COURT: Thank you, ma'am. All
7 right. Ladies and gentlemen, we're going to take a
8 short break. We're going to take our mid-morning
9 break now. Remember, you cannot talk about
10 anything you've heard so far in this trial. And
11 I'll get y'all back in here in just a few minutes,
12 okay. All right. Thank you.

13 (WHEREUPON, the jury left the courtroom
14 at 11:45 a.m.)

15 THE COURT: Mr. Wright, we're going to
16 take a break. You can get up and go to restroom if
17 you need to and like that. But, again, I'm going
18 to remind you like I told you yesterday, you can't
19 talk to anybody for a few minutes about your
20 testimony while we're in the break, okay?

21 MR. WRIGHT: All right.

22 THE COURT: Okay. Thank you, sir. All
23 right. Ten minutes. We're taking a break.

24 MS. ZMROCZEK: Thank you.

25 (WHEREUPON, there was a short break)

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MR. JOHNSON

1 THE COURT: Would you mind getting the
2 jury?

3 THE BAILIFF: Yes, sir, Your Honor.

4 (WHEREUPON, the jury entered the
5 courtroom at 12:04 p.m.)

6 THE COURT: All right. Ladies and
7 gentlemen, we are going to continue with
8 Mr. Wright's testimony. Mr. Wright, remember
9 you're still under oath, okay.

10 MR. WRIGHT: Yes, sir.

11 THE COURT: Thank you, sir.

12 Mr. Johnson, are you going to go next?

13 MR. JOHNSON: Yes, sir.

14 THE COURT: All right. Mr. Johnson?

15 MR. JOHNSON: Thank you, Your Honor.

16 THE COURT: All right. Mr. Johnson, he
17 is your witness.

18 MR. JOHNSON: Thank you, Judge.

19 CROSS EXAMINATION BY MR. JOHNSON:

20 Q. Mr. Wright, how are you doing?

21 A. I'm doing okay.

22 Q. All right, Mr. Wright. Mr. Wright,
23 where did you buy your cocaine from or who did you
24 buy it from exactly?

25 A. June.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MR. JOHNSON

1 Q. You bought your cocaine from June?

2 A. Uh-huh.

3 Q. What's his real name again?

4 A. Lionell McFadden.

5 Q. Did you buy from anybody else?

6 A. No.

7 Q. Did you ever give him counterfeit
8 money?

9 A. No.

10 Q. Do you recall Krystal being arrested
11 for passing counterfeit money in April of 2015?

12 A. No.

13 Q. Do you know Justin Ferguson?

14 A. Yes.

15 Q. Did you sell him cocaine?

16 A. Yes.

17 Q. Todd Dukes, do you know him?

18 A. Yes.

19 Q. Did you sell him cocaine?

20 A. Yes.

21 Q. Ramseses Hughes, do you know him?

22 A. Yes.

23 Q. Did you sell him cocaine?

24 A. No.

25 Q. Did you buy cocaine from him?

1 A. No.

2 Q. Michael Smith, do you know him?

3 A. No, not by the name.

4 Q. Do you know him by another name?

5 A. No.

6 Q. Byron Canty, do you know him?

7 A. No.

8 Q. How about Ryan Fuller?

9 A. Who?

10 Q. Ryan Fuller, street name "Nino"?

11 A. Yeah.

12 Q. You know him?

13 A. Yeah.

14 Q. Did you sell him cocaine?

15 A. No.

16 Q. Sell him any drugs?

17 A. No.

18 Q. How about Steven Singletary.

19 A. No.

20 Q. How about Brian McMillian?

21 A. No.

22 Q. Don't know him?

23 A. No. What do you call him? He got a

24 nickname or something like that?

25 Q. Debo?

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MR. JOHNSON

1 A. Who?

2 Q. Debo?

3 A. No, I don't know no Debo.

4 Q. Keshawn Franklin, do you know him?

5 A. I don't know. I don't know people by
6 their real names.

7 Q. Okay. Dominique Washington?

8 A. Yes.

9 Q. Did you sell him drugs?

10 A. Yes.

11 Q. Did you cut the drugs you sold?

12 A. Yes.

13 Q. Now, what about a William Cokely?

14 A. Ain't no street name?

15 Q. How about a Shamori Diane Davis?

16 A. No.

17 Q. Barnshack?

18 A. No. I don't know who that is.

19 Q. How about Shyheim Lippman?

20 A. I don't know who that is.

21 Q. Now, you said -- who's Lionell
22 McFadden?

23 A. June.

24 Q. Okay. And do you know Dwayne Stafford
25 Smalls known as "Killa"?

1 A. Yeah.

2 Q. Did you sell him drugs?

3 A. No.

4 Q. Did he sell you drugs?

5 A. No.

6 Q. How many times did Killa come over to
7 your house?

8 A. A few times.

9 Q. Starting when?

10 A. What you mean?

11 Q. Like what year? Before this incident
12 in 2015?

13 A. Me and Killa went to school together.

14 Q. Okay. Lorenzo Markie Ragin, "Biz" or
15 "Ragu," do you know him?

16 A. No.

17 Q. Terrell Lawson?

18 A. No.

19 Q. Lamont Darby?

20 A. No.

21 Q. Don't know Lamont. And how about Ron
22 Davis?

23 A. No.

24 Q. Damien Elmore?

25 A. Yes.

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MR. JOHNSON

1 Q. Did you sell him drugs?

2 A. No.

3 Q. Did he sell you drugs?

4 A. No.

5 Q. Now -- oh, Carlton Blanding, do you

6 know Carlton Blanding?

7 A. No.

8 Q. How about Harold Anthony Bradley?

9 A. No.

10 Q. Who's Pat-Pat?

11 A. My friend.

12 Q. What's his real name?

13 A. I don't know.

14 Q. Did you sell him drugs?

15 A. Yeah.

16 Q. Did he sell you drugs?

17 A. No.

18 Q. What about Walker Moore?

19 A. No.

20 Q. Detrell Brown?

21 A. No.

22 Q. How about Hooper Double J, did you sell

23 him drugs?

24 A. Yes.

25 Q. You cut it?

1 A. Yes.

2 Q. Now, how old are you now?

3 A. Forty-two.

4 Q. Forty-two?

5 A. Yes.

6 Q. What age did you start selling drugs?

7 A. About 16.

8 Q. Okay. So roughly starting date of 16,
9 of course just referring to the incident date 2015
10 and before, is what I'm referring to, how many
11 times a day would you sell drugs?

12 A. What you mean?

13 Q. How many times a day would you sell
14 drugs?

15 A. What you mean, every day? Would be one
16 day.

17 Q. Like how many people would buy drugs
18 from you in a day average you think?

19 A. I don't know. I can't say.

20 Q. Probably more than one?

21 A. Yes.

22 Q. Okay. So seven years ago you were 35,
23 roughly?

24 A. Yeah.

25 Q. Okay. And so from the age of 16 to 35

CHRISTOPHER WRIGHT - CROSS EXAMINATION BY MR. JOHNSON

1 is about 19 years?

2 A. Yeah.

3 Q. Of you selling drugs?

4 A. Yeah.

5 Q. Couple of people a day?

6 A. Some days I might not sell no drugs.

7 Q. Okay. But you did for 19 years?

8 A. Off and on, yeah. Off and on.

9 Q. Did you always cut your drugs?

10 A. No.

11 Q. When you got drugs or you bought drugs,

12 did you sometimes -- you said you used counterfeit

13 money or you didn't use counterfeit money?

14 A. I never used no counterfeit money.

15 Q. Did you always pay for your cocaine or

16 did you rip anybody off?

17 A. I paid for it.

18 Q. Okay. What happens if you don't?

19 A. I won't get it.

20 Q. Oh. Well, you had -- you had gun. Are

21 you scared of the people who maybe you buy drugs

22 from?

23 A. No.

24 Q. Well, if you owe somebody money for

25 drugs and you don't pay, what happens?

1 A. I won't have to owe nobody for no
2 money.

3 Q. Oh.

4 MR. JOHNSON: No more questions, Your
5 Honor.

6 THE COURT: Mr. Leiendecker, anything
7 on cross?

8 MR. LEIENDECKER: Yes, sir.

9 CROSS EXAMINATION BY MR. LEIENDECKER:

10 Q. Now, Mr. Wright, I'm Mark Leiendecker.
11 I'm a defense attorney representing Mr. Bailey.
12 You've already acknowledged to the Court today that
13 you've known Mr. Bailey for a long time; correct?

14 A. Yes, sir.

15 Q. And that you and Mr. Bailey would
16 communicate with each other, but that you didn't
17 think you communicated much before July of 2015 for
18 the few months before that; correct?

19 A. Yes, sir.

20 Q. Okay. Was that unusual for you guys to
21 go stretches where you didn't communicate with each
22 other and then you'd pick up communicating again?

23 A. I mean, I might see him and yell at
24 him, keep going. Or I might see him and not speak
25 to him.

1 Q. Okay. And your suggestion was that you
2 had had some ongoing discussions with him for a day
3 or two before the 14th about a motorcycle
4 transaction or swap; correct?

5 A. Yes, sir.

6 Q. Okay. And that was the motorcycle
7 transaction or swap that you described that brought
8 the truck and a small dirt bike, a red and white
9 dirt bike, to your house; correct?

10 A. Yes, sir.

11 Q. And you exchanged a motorcycle -- not a
12 dirt bike, but a motorcycle?

13 A. Two motorcycles.

14 Q. Gray in color, one of them?

15 A. Yeah, gray and red and orange.

16 Q. And the orange one was also a
17 motorcycle?

18 A. Yes.

19 Q. Okay. Did you swap any dirt bike to
20 him?

21 A. No.

22 Q. Okay. And I don't want to discuss the
23 case, but you're currently facing pending charges
24 for drugs and the Solicitor already talked to you
25 about that; correct?

1 A. Yes.

2 Q. And I think you answered Defense
3 counsel saying that they were possession charges
4 not trafficking charges; is that correct?

5 A. Yes.

6 Q. Okay. And, in fact, they are
7 possession charges with enough weight that they
8 could be possession with intent to distribute;
9 correct?

10 A. Yes, sir.

11 Q. But not trafficking?

12 A. Yes.

13 Q. And for the juries' understanding those
14 are weight issues. If the drugs are within a
15 certain frame, they're possession, just simple
16 possession; correct?

17 A. Yes.

18 Q. If they're over a certain weight then
19 it's presumed that you have those drugs for the
20 intent to distribute them; correct?

21 A. Yes.

22 Q. And if they're over a greater weight,
23 it's assumed that you're actually a trafficker in
24 the drugs because it's not just a small amount,
25 it's a large amount; correct?

1 A. Yes.

2 Q. Okay. And those charges that are
3 pending are actually for something other than
4 cocaine. It's for crack or meth; is that correct?

5 A. Yes.

6 Q. On the day in question, you've
7 testified a few times that all of your transactions
8 with Mr. Bailey regarding the motorcycle and the
9 people that came with him to drop the truck and
10 pick up the motorcycles were normal?

11 A. Yes, sir.

12 Q. You didn't think anything out of the
13 ordinary about them?

14 A. Yes, sir.

15 Q. And you rode back over to Mr. Bailey's
16 house because there were two motorcycles and you
17 guys had to go slow and hope them not fall or fall
18 off; correct?

19 A. No. I rode back over there because he
20 was going to give me the dirt bike. So I went to
21 see the dirt bike. If I didn't, I was going to
22 have to take the motorcycle and go.

23 Q. Okay. So the second motorcycle is part
24 of the transaction. If you didn't like the dirt
25 bike, you were going to take it back?

1 A. I rode my motorcycle back.

2 Q. But you liked the dirt bike enough to
3 leave the second motorcycle and then you guys had
4 to arrange transportation to get the dirt bike
5 back?

6 A. Yes.

7 Q. Okay. And that's how Mr. Coleman came
8 into play because he was called and brought a truck
9 that you could take the dirt bike back?

10 A. Yes.

11 Q. All right. That was all normal?

12 A. Yes, sir.

13 Q. No animosity between anybody?

14 A. No, sir.

15 Q. Okay. No difference, difficulties, or
16 discussions; correct?

17 A. No, sir.

18 Q. Okay. You also testified that if
19 people were going to buy drugs from you at the
20 house on Old State Road in Holly Hill that you had
21 to be there; correct?

22 A. Yes, sir.

23 Q. That you were the one that sold the
24 drugs; correct?

25 A. Yes, sir.

1 Q. No one else was dealing out of that
2 house; correct?

3 A. No, sir.

4 Q. And that if you weren't there people
5 knew they weren't going to get drugs from that
6 house; correct?

7 A. Yes, sir.

8 Q. And that when you left that house,
9 people who knew that you were dealing drugs out of
10 that house knew that you took the drugs with you?

11 A. I don't know what they knew.

12 Q. But that's what you did?

13 A. Yes, I would take them with me. But I
14 don't know what they know.

15 Q. Okay. But did people come to the house
16 seeking drugs when you weren't there?

17 A. Yes, a few times.

18 Q. Okay. Did that happen all the time or
19 just occasionally?

20 A. Just a few times.

21 Q. And what would happen then? Would
22 Krystal text you and say somebody wants --

23 A. Yes.

24 Q. And you would make arrangements to do
25 the deal at a later time?

1 A. Yes, I would meet them at a later time
2 or meet them somewhere.

3 Q. Okay. So they didn't get the drugs
4 from Krystal, they knew they had to get the drugs
5 from you?

6 A. Yes.

7 Q. Okay. Just a minute. When you arrived
8 at the house on the morning of the 15th and you
9 found Mr. Butler and, ultimately, you talked about
10 being transported by another Orangeburg County
11 deputy to meet Lieutenant Shumpert; is that
12 correct?

13 A. Yes, sir.

14 Q. Did you go with Lieutenant Shumpert
15 somewhere to talk?

16 A. He went to question me.

17 Q. Where?

18 A. I guess to his office.

19 Q. Okay. Did he read you your rights?

20 A. No, sir.

21 Q. He didn't read you any Miranda
22 warnings?

23 A. I mean, he probably did. I don't
24 remember.

25 Q. Okay. When he asked you what you knew

1 about this and if anything weird or suspicious had
2 happened, you told him about the motorcycle deal
3 the day before; right?

4 A. Yes, sir.

5 Q. Because that was unusual?

6 A. Yes, sir.

7 Q. Okay. Did you have any other evidence
8 or suspicions concerning what happened that day
9 being related to what happened the morning of the
10 15th?

11 A. No.

12 Q. Just those guys had been over to your
13 house and so you linked that; correct?

14 A. Yes. From the incident that happened
15 and what happened the day before, if really not
16 bought the motorcycle nothing would have happened.

17 Q. Lieutenant Shumpert isn't the only
18 person you've told that you think Mr. Bailey did
19 this, is it?

20 A. No, sir.

21 Q. You've told a lot of people you think
22 Robert Bailey did this, haven't you?

23 A. Yes, sir.

24 Q. And you've made it common knowledge to
25 your friends that Robert Bailey did this?

1 A. I ain't made it common knowledge to my
2 friends. I talked to the police officers.

3 Q. But you've told other people that you
4 think Robert Bailey did this? You told [REDACTED]'s
5 momma, Ms. Shuler?

6 A. Yeah. She asked me what happened and I
7 told her what happened the day before.

8 Q. And you told her Bailey did it you
9 think?

10 A. Yeah, I sure did.

11 Q. And you've told other members of your
12 family that you think Bailey did it?

13 A. No, I ain't told other people in my
14 family that.

15 Q. You never told anybody else?

16 A. No, I told Peanut what happened. I
17 mean, I told her what happened the day before. You
18 know what I'm saying. She asked me what happened
19 the day before and I told her what happened. I
20 sold a motorcycle to people.

21 Q. It's been six years?

22 A. Yep.

23 Q. You've told a number of people, not
24 just police officers, that you think Robert Bailey
25 did this?

1 A. I can't pinpoint who did it because I
2 wasn't at the house that night. They asked me what
3 happened the day before then, yes, I explained my
4 story to my baby momma. What I did the day before.

5 Q. And you told the police that you
6 thought Robert Bailey did it because of that
7 motorcycle deal?

8 A. They asked me what happened the day
9 before. I tell them what all I did that day
10 before.

11 Q. And you told the police you suspected
12 Robert Bailey because of the motorcycle deal?

13 A. Yes. It's my gut feeling that he did
14 it.

15 Q. And you told Ms. Shuler it's your gut
16 feeling he did it?

17 A. Yes.

18 Q. And you've told other people it's your
19 gut feeling he did it?

20 A. I mean, if you say I did, yes.

21 MR. LEIENDECKER: I don't have any
22 further questions.

23 THE COURT: Anything on redirect?

24 MR. OSBORNE: Yes, Your Honor.

25 REDIRECT EXAMINATION BY MR. OSBORNE:

1 Q. Who is the only survivor from that
2 night?

3 A. My son D.N. .

4 Q. Who was watching D.N. ? Like who had
5 custody of D.N. ?

6 A. Who had custody of him?

7 Q. Yeah.

8 A. His mother.

9 Q. Yeah.

10 A. She got custody of him.

11 Q. And so you told his mother who you
12 suspected?

13 A. She asked me what happened the day
14 before that incident happened and I told her what
15 happened all that day. I wouldn't lie to her.

16 Q. Right. All right. So if I heard Mr.
17 Johnson correctly, he asked, so is it correct to
18 say that when you first started selling drugs you
19 didn't cut it, but as you got a little bit more
20 experience, you're like, I can make a little bit
21 more money if I cut it?

22 A. Yes.

23 Q. Is that common amongst drug dealers or
24 is it more common to say one hundred percent --

25 MS. ZMROCZEK: Objection, Your Honor.

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Well, hold -- we got an
2 objection. You said --

3 MS. ZMROCZEK: He asked if it's common.
4 I don't know that Mr. Wright is qualified to say
5 what's common -- I mean, maybe for him, but I don't
6 know what the foundation is for...

7 MR. OSBORNE: They have laid a ton of
8 foundation that he is a drug dealer. If anyone in
9 this world would know what is common amongst drug
10 dealing practices, I think we've certainly
11 established it.

12 THE COURT: I'm going to note your
13 objection, but I'm going to overrule it and I'll
14 allow you to ask the question.

15 Q. Through your experience talking to
16 people and everything, is that common that drug
17 dealers cut it or do they sell the pure stuff?

18 A. I can't say what somebody else would
19 do. You know, I can say what I did.

20 Q. Okay. So there was some talk about the
21 white dog. When you got there, the black dog was
22 there; correct?

23 A. Yes, it was tied on.

24 Q. He was tied up?

25 A. Yes.

1 Q. And the white dog was gone?

2 A. I didn't even saw it.

3 Q. Okay. Did you find out -- and you said
4 later on you heard that the white dog had died?

5 A. Yes, when I was locked up.

6 Q. Okay. What happened to the dog? Did
7 someone steal it?

8 A. No, it popped loose and bit somebody.
9 I don't know. And then later it got old.

10 Q. Okay. But, I mean, I guess what I'm
11 saying is after it ran away, did it come back to
12 the house?

13 A. Oh, I got the dog afterwards.

14 Q. How did you get the dog afterwards?

15 A. It was in impound -- I mean, in the
16 pound, in the veterinary right down the road from
17 the jail.

18 Q. Okay. So someone found the dog and
19 then it got impounded?

20 A. Yes.

21 Q. Do you know if it was the cops that
22 found --

23 A. I think the police had take the dog so
24 they could come in the yard.

25 Q. Okay. There was some talk about the

1 phone on the speaker.

2 MR. OSBORNE: Your Honor, may I
3 approach?

4 THE COURT: You may.

5 Q. I'm showing you State's 394. Can you
6 take a look at that and tell me if you recognize
7 that?

8 A. Yes.

9 Q. Is that the phone that was on the
10 speaker?

11 A. Yes.

12 Q. The police got that?

13 A. Yes, it's my phone.

14 Q. Okay. All right. Next we had some
15 talk about -- all right. The plea deal that you
16 were given. Let's just talk about how good this
17 deal was. You pled to trafficking cocaine base; is
18 that correct?

19 A. Yes.

20 Q. Two counts?

21 A. Yes.

22 Q. And that carries three to ten years?

23 A. Yes.

24 Q. Then you also pled to unlawful conduct
25 toward a child?

1 A. Yes.

2 Q. And that carries up to ten years?

3 A. Yes.

4 Q. Do you remember what your sentence was?

5 A. Ten years.

6 Q. The max?

7 A. Yes.

8 Q. Okay. And they dismissed some other
9 charges as part of the plea?

10 A. Yes.

11 Q. Okay. Next. So just to make sure that
12 because it got a little bit muddled. I want to
13 make sure we understand. Krystal had a phone. The
14 phone that you identified in the field. Krystal
15 had a phone. And when June was locked up, June
16 would call that phone and then Krystal would
17 forward the call to you; is that correct?

18 A. Yes.

19 Q. Okay. So we're not talking about two
20 numbers, it's just one number, one phone?

21 A. Yes.

22 Q. And as a result of receiving all of
23 those calls, in the beginning when June was locked
24 up, you saved the contact as June?

25 A. Yes.

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Some talk about a .40 caliber.

2 You did own a .40 caliber at some time; is that

3 correct?

4 A. Yes.

5 Q. Who took it from you?

6 A. Lieutenant Shumpert.

7 MS. ZMROCZEK: I didn't hear the

8 answer.

9 A. The SLED took it from me one day. They
10 pulled me over in Orangeburg and find it in my car.

11 Q. Okay. That's what I was getting at.

12 So Orangeburg County Sheriff's Office pulled you

13 over and they took the .40 from you?

14 A. Yes.

15 Q. And that was before the murders?

16 A. Yes, way before the murders.

17 Q. Way before the murders. So at the time

18 of the murders, this .40 caliber that we heard so

19 much talk about was in the custody of the

20 Orangeburg County Sheriff's Office?

21 A. About a year ago. About a year before
22 the incident even happened.

23 Q. Okay. So I'm going to show you State's

24 154. This has already been marked and entered.

25 What is that? Do you recognize that?

1 A. That's the attic.

2 Q. The attic. The attic to your house.

3 Does this house has an air-condition unit?

4 A. Yes.

5 Q. Is this common -- is this a house
6 common like other houses that the ac handler is up
7 in the attic?

8 A. No, sir.

9 Q. Where is the handler in this?

10 A. On the side of the house.

11 Q. Okay. If I wanted to get up into this
12 attic, how do I get up into the attic?

13 A. Well, you got to get your little ladder
14 and climb up through the closet.

15 Q. Through the closet. Is there any other
16 way to access that?

17 A. No.

18 Q. That's the only way?

19 A. Yep.

20 Q. Did you recently have this house
21 reinsulated?

22 A. No. It came like that.

23 Q. Are you sure about that?

24 A. It probably got reinsulated as the
25 years that went by, but I didn't insulate it. I

1 think Krystal did it. She had it did.

2 Q. Okay. Do you remember telling us that
3 Krystal did in fact have it reinsulated recently?

4 A. Yes.

5 Q. Okay. So there was some talk about
6 things that were missing from the house and you
7 said the Mercedes was missing?

8 A. Yes.

9 Q. When you got there the next day, money
10 was missing too?

11 A. Yes.

12 Q. Out of the safe?

13 A. Yes.

14 Q. And how much was that again?

15 A. About \$4500, something like that.

16 Q. Okay. Now, is it fair to say that
17 sometimes you would give all these girls, you know,
18 that you were asked about all these girls that you
19 had, is it fair to say that sometimes you would
20 give them cocaine?

21 A. Nobody but Anna. T'Carra didn't do no
22 drugs. Hope didn't do no cocaine.

23 Q. What about Krystal?

24 A. Yes.

25 Q. Okay. And isn't it also fair to say

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 that -- well, let me -- isn't it fair to say this
2 happened that --

3 MS. ZMROCZEK: Your Honor, I would
4 object to the leading.

5 THE COURT: Can you rephrase the
6 question?

7 MR. OSBORNE: I'll rephrase it.

8 Q. Did these girls ever steal cocaine from
9 you?

10 A. Anna did.

11 Q. Okay. Did you get mad at Krystal one
12 time because --

13 THE COURT: Mr. Osborne, would you mind
14 speaking up a little louder?

15 MR. OSBORNE: Yes, sir.

16 THE COURT: Okay.

17 Q. Isn't it true that you got mad at
18 Krystal one time because you had suspected that she
19 stole cocaine from you?

20 A. Yes.

21 MS. ZMROCZEK: And, Your Honor, isn't
22 it true is a cross examination question. I would
23 ask that he not lead.

24 THE COURT: All right. If you'd just
25 rephrase your question, Mr. Osborne.

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Well, I'm actually sort
2 of impeaching him now because he denied what I
3 first asked him. So now I'm moving on to
4 impeachment.

5 THE COURT: All right. Now that we're
6 impeaching, go forward.

7 MR. OSBORNE: Okay.

8 Q. So isn't it true that you got mad at
9 Krystal one time when you suspected that she had
10 stole cocaine from you?

11 A. Yes.

12 Q. Okay. And I think the question was
13 asked, there was no cocaine in the house and then
14 you -- and I think your answer was, I would say
15 there was no cocaine in the house?

16 A. Yes.

17 Q. Okay. And then on the jail call, I
18 think you said something like, if they found drugs
19 in the house; is that correct?

20 A. Yes.

21 Q. And you're going to have to speak up
22 just a little bit.

23 A. Yes.

24 Q. Now, back then and I don't mean -- I'm
25 not trying to sound just like insulting or anything

1 like that, but, I mean, back then, isn't it -- you
2 hid drugs in some pretty creative places; is that
3 fair to say?

4 A. Yes, sir.

5 Q. Cars?

6 A. Yes.

7 Q. Ac vents?

8 A. Yes.

9 Q. I mean, what other places -- walls?

10 A. Not in the house.

11 Q. Okay. But in other houses?

12 A. Yes.

13 Q. Okay. Toilets? Inside of toilets?

14 A. No, sir.

15 Q. Okay. You said D.N. is not the
16 same. Can he -- does he walk the same?

17 A. No, sir.

18 Q. Does he have movement of his hands the
19 same?

20 A. No, sir.

21 Q. Okay. Is that what you were talking
22 about when you said not the same?

23 A. Yes, sir.

24 Q. Okay. When you talk to him, is he
25 still your son?

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. Does he have any problems communicating
3 with you?

4 A. He barely talk. He already kind of
5 shy, but he speak.

6 Q. Do you notice anything about him that's
7 a little different than before like biting his
8 nails?

9 A. Yes, sir.

10 Q. A little bit more nervous nowadays?

11 A. Yes, sir.

12 Q. Not quite as outgoing?

13 A. Yep.

14 Q. Krystal Hutto, she was -- she had an
15 addiction; correct?

16 A. Yes, sir.

17 Q. And she would have people over to the
18 house that you weren't familiar -- or that you
19 weren't aware of?

20 A. Yes, sir.

21 Q. All right. And so I think Ms. Zmroczek
22 asked you if you were familiar with 803-974-1105
23 and you said you thought that was an old number?

24 A. Yes, sir.

25 Q. And she said something like would it

CHRISTOPHER WRIGHT - REDIRECT EXAMINATION BY MR. OSBORNE

1 surprise you that there was a call on that phone to
2 your phone 3863 on the night of the murders?

3 A. Yes.

4 Q. And you said that would surprise you?

5 A. Yes, it would.

6 Q. Would it also surprise you that phone
7 had been downloaded? That the police downloaded
8 that phone, would that surprise you?

9 A. No.

10 Q. Would it surprise you that that phone
11 wasn't being used on the night of the murders?

12 A. What you mean? Say it again.

13 Q. Would it surprise you that that phone
14 was not used on the night of the murders?

15 A. Yeah.

16 Q. I mean, that wouldn't surprise you;
17 right?

18 A. Yeah, it wouldn't surprise me.

19 Q. And would it surprise you that the only
20 number that appears with your old number
21 803-410-3863 appears buried in some old calls that
22 don't even have times or dates attached to them?
23 Would that surprise you?

24 A. Yeah.

25 Q. Stuck right in the middle. Okay. All

1 right. Mr. Wright, back then that house at [REDACTED]
2 Old State Road, that was your stash house; right?
3 I mean, that's what people call it; right?

4 A. Yes.

5 Q. And did you like the police to come by
6 your house and show up?

7 A. No, sir.

8 Q. Have you -- let me ask you -- let me
9 ask you this way. Is it common that stash houses
10 often get hit or burglarized?

11 A. Yes.

12 Q. And is that why you kept the guns or
13 the gun and the bullets for protection?

14 A. Yes.

15 Q. If that house had been burglarized,
16 would you have called the police?

17 A. If I had of been there?

18 Q. No. I'm saying if no one there. Let's
19 say no one was there and the home had been
20 burglarized and you show up and no one is there,
21 and you say, man, somebody broke into my house and
22 stole my dope, would you have called the police?

23 A. Nope.

24 Q. Right. Because drug dealers don't call
25 the police?

1 A. Nope.

2 Q. And that's why you keep guns?

3 A. Yep.

4 Q. All right.

5 MR. OSBORNE: No further questions.

6 THE COURT: Anything on recross?

7 MS. ZMROCZEK: Just very briefly.

8 RECROSS EXAMINATION BY MS. ZMROCZEK:

9 Q. Mr. Osborne asked you about the deal
10 that you got and he said that you got the max;
11 right?

12 A. Yes.

13 Q. The max would actually be 50 years for
14 those charges; right?

15 A. They run them all concurrent.

16 Q. Right. But the max you could have
17 gotten is ten plus ten for the drug charges, ten
18 plus ten plus ten for the child neglect charges,
19 that's 50; right?

20 A. That's consecutive.

21 Q. Right. Right. And that happens
22 sometimes?

23 A. Yes.

24 Q. So you didn't get the max, you got ten?

25 A. Yes.

CHRISTOPHER WRIGHT - RECROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. He asked you about the .40
2 caliber that Orangeburg had the gun, the actual gun
3 of the gun box that we saw, that Orangeburg
4 actually had that gun; right?

5 A. Yes.

6 Q. And you said that they had arrested or
7 taken it from you at sometime before then; right?

8 A. Yes.

9 Q. And I think you said a long time
10 before; right?

11 A. Yes.

12 Q. When was that?

13 A. Probably about a year before.

14 Q. About a year before?

15 A. Yes.

16 Q. So maybe 2014?

17 A. Yes.

18 Q. Okay. And did that .40 caliber that
19 they took shoot .380's?

20 A. No, shoot .40 cal.

21 Q. And did it shoot .22 longs?

22 A. No.

23 Q. Okay. He said, would it surprise you
24 to show up -- would it surprise you about the
25 telephone in the Camero about your number showing

1 up on it, but with no date or time; right?

2 A. Yes.

3 Q. Would it surprise you to know that the
4 government did a tower dump for all the phone calls
5 that were made?

6 MR. OSBORNE: Objection, Your Honor.
7 This is beyond his personal knowledge.

8 MS. ZMROCZEK: I will move on.

9 THE COURT: All right.

10 Q. You said guns, bullets, dogs, all of
11 those things are used to protect stash houses;
12 right?

13 A. I keep my dogs in my yard, you know.

14 Q. Okay. And that you wouldn't call the
15 police if someone had broken into your home?

16 A. No, I wouldn't.

17 Q. But that you have guns to protect
18 yourself because people like to rob drug dealers;
19 right?

20 A. Yes.

21 Q. Okay. And that was common knowledge;
22 right?

23 A. Yes.

24 Q. Okay. He asked you about -- he asked
25 you about the cut that you used; right?

1 A. Yes.

2 Q. Okay. And you said that you had
3 started using that -- you started doing that later
4 on in your career?

5 A. Yes.

6 Q. Okay.

7 MS. ZMROCZEK: No further questions,
8 Your Honor.

9 THE COURT: Mr. Johnson, any questions
10 on recross?

11 MR. JOHNSON: No, sir.

12 THE COURT: Mr. Leiendecker, any
13 questions on recross?

14 MR. LEIENDECKER: Just very briefly I
15 sure hope.

16 RECROSS EXAMINATION BY MR. LEIENDECKER:

17 Q. You define the stash house, I'm not
18 sure I understood that. A stash house is where you
19 keep your drugs?

20 A. Yes.

21 Q. But you told us you didn't keep drugs
22 at the Holly Hill house you took them with you.
23 And, in fact, the drugs you had hidden were at the
24 Summerton house; is that correct?

25 A. Yes.

1 Q. So it's more appropriate --

2 A. I done had drugs in the house way
3 before, way before my kids even came there.

4 Q. Way before your kids ever came?

5 A. Yeah, 2013 I was selling drugs out that
6 house.

7 Q. Okay. But you hadn't been doing that
8 --

9 A. My kids wasn't living there.

10 Q. I'm sorry. But you hadn't been doing
11 that for years at the Holly Hill house?

12 A. Yes, sir, I quit.

13 Q. So it wasn't your stash house,
14 Summerton was your stash house?

15 A. No. If I had drugs there, I take it
16 with me. But I wasn't selling out that house.

17 Q. You weren't selling out of --

18 A. I would take the drugs with me just in
19 case I want to use it.

20 Q. Okay. You had four and a half ounces
21 of drugs in the Summerton house hidden in an
22 air-condition vent; right?

23 A. Yes.

24 Q. How long would it take you to use that?

25 A. I don't know. I might have a party and

1 might do it all in one night.

2 Q. You might.

3 MR. LEIENDECKER: No further questions.

4 THE COURT: Thank you, Mr. Leiendecker.

5 All right. Ladies and gentlemen, it is now into my
6 lunchtime. It's going to be your lunchtime as
7 well. Remember, you cannot talk about any of the
8 evidence that you've heard. Don't have any
9 conversations with anybody. Don't check anything
10 on the Internet. Don't read anything. Enjoy lunch
11 and if y'all could get back here a little bit after
12 two, that would be great. Okay. That gives you --
13 if you get back at ten minutes after two, it will
14 be an hour and a half for lunch. All right. Thank
15 y'all. Be safe. Appreciate it.

16 (WHEREUPON, the jury left the courtroom
17 at 12:42 p.m.)

18 MR. OSBORNE: Just one quick thing. I
19 would just ask that Mr. Wright just be advised he's
20 still under subpoena and he may be subject to
21 recall.

22 THE COURT: Okay. And, Mr. Wright, you
23 understand that?

24 MR. WRIGHT: Yes.

25 THE COURT: You're still under

1 subpoena. You can leave now, okay, but if they
2 call you back, you're going to have to come under
3 the subpoena, okay?

4 MR. WRIGHT: Okay.

5 THE COURT: Any questions?

6 MR. WRIGHT: Yes. I mean, well, I can
7 leave and go home and come back or stay here?

8 THE COURT: Well, I thought --

9 MR. OSBORNE: No, you can leave and go
10 home. I just wanted to in an abundance of caution
11 that the sequestration order would still be in
12 affect in case we need to call him back.

13 THE COURT: Yeah. You understand that?

14 MR. WRIGHT: Uh-huh.

15 THE COURT: You can leave -- you can go
16 home, but if they call you and say come back, you
17 need to come back.

18 MR. WRIGHT: Yeah.

19 THE COURT: Any questions?

20 MR. WRIGHT: No, sir.

21 THE COURT: All right.

22 MR. OSBORNE: You just can't watch --

23 THE COURT: Oh, yeah. You remember
24 what I told the jury?

25 MR. WRIGHT: Yeah.

1 THE COURT: The same thing goes for
2 you, okay. You can't read anything in the paper,
3 try and watch anything. All right.

4 MR. WRIGHT: Okay.

5 THE COURT: Okay. Thank you, sir. All
6 right. We'll see y'all at ten minutes after two or
7 before.

8 (Lunch break)

9 THE COURT: State ready to begin?

10 MR. OSBORNE: We are, Your Honor.

11 THE COURT: Okay. As I understand it,
12 we've got D.N. [REDACTED] already on the stand?

13 MR. OSBORNE: Yes, Your Honor, D.N. [REDACTED]

14 [REDACTED].

15 THE COURT: Okay. And this is a
16 competency hearing?

17 MR. OSBORNE: Yes, Your Honor.

18 THE COURT: And has he been sworn in?

19 MR. OSBORNE: He has not.

20 THE COURT: Okay.

21 D.N. [REDACTED],

22 being first duly sworn, was examined and testified
23 as follows:

24 THE COURT: Thank you. Appreciate it.

25 THE CLERK: Please say your name for

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 the Court -- for the record.

2 MR. NELSON: D.N. .

3 THE CLERK: Thank you.

4 THE COURT: Your witness. I'm sorry,
5 Mr. Osborne.

6 MR. OSBORNE: Thank you, Judge.

7 DIRECT EXAMINATION BY MR. OSBORNE:

8 Q. Okay. D.N. , can you -- well, how
9 old are you?

10 A. Fourteen.

11 Q. Fourteen. What grade are you in?

12 A. Eighth.

13 Q. Are you a little bit nervous or are you
14 okay?

15 A. I'm okay.

16 Q. Okay.

17 MS. ZMROCZEK: Your Honor, I can't hear
18 him. I'm sorry.

19 THE COURT: I'm sorry. You're having a
20 hard time hearing him?

21 MS. ZMROCZEK: I can't hear.

22 THE COURT: Okay.

23 MR. NELSON: My bad.

24 THE COURT: Good answer, D.N. .

25 D.N. , yeah, if you don't mind sitting like

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 you're doing right now sitting up close to the --
2 can you help make sure that desk -- that chair gets
3 up.

4 MR. NELSON: I'm good.

5 THE COURT: As long as you speak in
6 there I think we'll be okay. You like doing that
7 better?

8 MR. NELSON: Yes, sir.

9 THE COURT: Okay. Continue,
10 Mr. Osborne.

11 MR. OSBORNE: Thank you, Judge.

12 Q. D.N., who do you live with now?

13 A. My momma.

14 Q. Any other sisters or brothers?

15 A. Yeah, two.

16 Q. Two what? Are they brothers or
17 sisters?

18 A. Sisters.

19 Q. What are their names?

20 A. Amari and Diamonique.

21 Q. Okay. What's your momma's name?

22 A. Donsha Shuler.

23 Q. And your dad?

24 A. Christopher Wright.

25 Q. Okay. Does your dad, Christopher, does

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 he go by any nicknames?

2 A. Preddy.

3 Q. Okay. Now, D.N., I'm going to ask
4 you a couple of questions. I know it's going to be
5 a little dumb, okay, but I got to ask them. All
6 right?

7 A. Yes, sir.

8 Q. D.N., if I told you that I'm wearing
9 a pink jacket right now, would that be the truth or
10 would that be a lie?

11 A. That's a lie.

12 Q. Okay. Now, here in the courtroom, are
13 you supposed to tell a lie or are you supposed to
14 tell the truth?

15 A. The truth.

16 Q. And what happens if you come in here in
17 the courtroom and you tell a lie?

18 A. They get like false information.

19 Q. Okay. You going to tell the truth
20 today?

21 A. Yes, sir.

22 Q. Okay. Has anyone asked you to come in
23 here and lie?

24 A. No, sir.

25 Q. Okay. All right. D.N., I'm just

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 going to skip right into the night of the
2 shootings, okay?

3 A. Yes, sir.

4 Q. Back in the summer when this happened,
5 were you living with your dad or were you visiting
6 him?

7 A. Just visiting.

8 Q. Okay. On the night that you were shot,
9 who all was at your dad's house?

10 A. Well, Shamekia, me, Tamara, and --

11 Q. Krystal?

12 A. Yeah, Krystal. Krystal.

13 Q. Do you remember what happened that
14 night?

15 A. Kind of.

16 Q. Okay.

17 MS. ZMROCZEK: I'm sorry, did he say
18 kind of?

19 THE COURT: That's what he said, kind
20 of.

21 MR. OSBORNE: Yeah, kind of.

22 Q. Okay. Please tell the Judge what
23 happened -- well, let me ask it to you like this.
24 Just prior to the incident, just prior to the
25 shooting, do you remember what you were doing?

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. What were you doing?

3 A. We was watching a movie.

4 Q. Just watching a movie?

5 A. Yeah, in the living room.

6 Q. All right. Tell the Judge what
7 happened while you, Tamara, Shamekia, and Krystal
8 were all watching a movie?

9 A. We was actually in the living room, a
10 movie in the living room. We heard a car noise, a
11 car outside. So Krystal took a look and it was not
12 my dad. And so we heard -- I heard something --
13 somebody coming up the back porch. And then it was
14 banging at the door and Krystal told us to go in
15 our room. And then we hide in the closet. And
16 then he kicked the door down. And then they
17 searched. I don't know for what.

18 And then we heard a noise, someone told
19 us to get out of the closet. And then -- and he
20 pulled us off by one, told us to get on the floor.
21 And then we all -- Krystal was taken to her room
22 and I just blacked out.

23 Q. Okay. When you were pulled -- well,
24 did you see who pulled you from the closet?

25 A. Yes, sir.

██████████ - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. And who was that?

2 A. Pocket.

3 Q. Did you know Pocket?

4 A. Yes, sir.

5 Q. Had you seen Pocket before?

6 A. Yes, sir.

7 Q. Obviously, I have more questions that
8 I'll ask you about that night, okay?

9 A. Yes, sir.

10 Q. But -- well, do you see Pocket in the
11 courtroom?

12 A. Yes, sir.

13 Q. Can you point him out or describe what
14 he's wearing?

15 A. Blue shirt, a tie, and some -- looks
16 like some kakis.

17 Q. Okay.

18 MR. OSBORNE: Your Honor, at this time
19 for the purposes of this hearing, the competence
20 hearing, I certainly think we've established a rule
21 to show that this witness is competent to testify.

22 THE COURT: Okay. Mr. Leiendecker?

23 MR. LEIENDECKER: Thank you, Your
24 Honor.

25 CROSS EXAMINATION BY MR. LEIENDECKER:

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. D.N., my name is Mark Leiendecker,
2 I'm one of the attorneys in the case, okay?

3 A. Yes, sir.

4 Q. And I'm going to have a few questions
5 for you and talk to you about a few things
6 regarding this hearing; all right?

7 A. Yes, sir.

8 Q. All right. That night in question,
9 something dramatic and terrible happened; right?

10 A. Yes, sir.

11 Q. And it happened to you; right?

12 A. Yes, sir.

13 Q. Tell the Court what happened.

14 A. I got shot in the head.

15 Q. Okay. You really don't remember
16 anything about that, someone's told you you were
17 shot in the head when you woke up in the hospital;
18 right?

19 A. No, sir.

20 Q. You remember being shot in the head?

21 A. Yes, sir.

22 Q. Tell me what you remember.

23 A. I got shot in the head and I just
24 blacked out. All I saw was black.

25 Q. When you woke up in the hospital, do

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 you remember that?

2 A. Yes, sir.

3 Q. Okay. Do you remember how long you
4 were in the hospital?

5 A. Like a few -- month.

6 MR. OSBORNE: Your Honor, I'm just
7 going to object to where we're going here. The
8 competency rule under 601 is a very low standard.
9 All witnesses are presumed to be competent. The
10 only thing that we need to show is that he is
11 capable of expressing himself concerning the matter
12 to be understood by a judge or a jury either
13 directly or through interpretation and that he is
14 capable of understanding the truth. He has relayed
15 what happened that night and he certainly indicated
16 that he understands the truth. Under Rule 601,
17 we've satisfied that -- D.N. has satisfied that.

18 THE COURT: I'm assuming he's -- are
19 you going to go somewhere else -- what else are you
20 trying to do, Mr. Leiendecker?

21 MR. LEIENDECKER: I'm just trying to
22 establish that he may think that he's competent,
23 but he's not. This is a witness who had no memory
24 for an extended period of time following being in
25 the hospital. They had to identify family members

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 to him. And the State's provided us nothing to
2 show that his memory has been restored.

3 MR. OSBORNE: D.N. has already
4 demonstrated that.

5 THE COURT: I mean, as far -- I mean, I
6 think they've done a pretty good showing of
7 competency already. But now --

8 MR. LEIENDECKER: If Your Honor is not
9 going to let us investigate the fact that he didn't
10 have his memory and that he lost his memory --

11 THE COURT: I haven't said that.

12 MR. LEIENDECKER: -- and that he's now
13 been given that memory recovery by the help of the
14 State and other people, then the fact -- if all
15 we're looking at as the State suggests is that he
16 sat on the witness stand and said that Solicitor is
17 not wearing a pink jacket and that it's important
18 to tell the truth, then I can't beat that standard,
19 Your Honor.

20 THE COURT: Well, what I was going to
21 say before I was stopped, was that I'm going to
22 allow you to go ahead and ask some other questions.
23 But what I want you to emphasize is just whether or
24 not, you know, he can remember things. You're
25 asking -- well, give it a shot.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 MR. LEIENDECKER: I don't know that I
2 asked him anybody else remembered anything other
3 than himself. And that's where I am.

4 THE COURT: Ask me that -- say that
5 again.

6 MR. LEIENDECKER: I haven't asked him
7 if anybody else remembers. I've asked him what he
8 remembers.

9 THE COURT: Okay.

10 Q. Did you wake up in the hospital and
11 what do you remember?

12 A. Everything.

13 Q. Pardon?

14 A. Everything.

15 Q. Everything?

16 A. Yes, sir.

17 Q. From the moment you woke up in the
18 hospital, you remember everything that happened
19 till today?

20 A. Yes, sir.

21 Q. Okay.

22 THE COURT: Did you want to go over any
23 of the finer points than that?

24 MR. LEIENDECKER: No.

25 THE COURT: Ms. Zmroczek, any

D.N. - CROSS EXAMINATION BY MS. ZMROCZEK

1 questions?

2 MS. ZMROCZEK: Not for this portion,
3 Your Honor. I will, but just to establish
4 competency, I'm not going to...

5 THE COURT: Mr. Johnson?

6 MR. JOHNSON: No, Your Honor. But if
7 you're going to call in the jury and have
8 testimony, I was going to have a motion before
9 that.

10 MS. ZMROCZEK: I challenge it as well,
11 but I just -- I don't think that my questions
12 wouldn't be any different -- actually, I can make
13 it easier. I'll ask two questions. Yeah, I just
14 think it's probably cleaner that way.

15 THE COURT: Okay. Go ahead.

16 CROSS EXAMINATION BY MS. ZMROCZEK:

17 Q. Hey, D.N. .

18 A. Hi.

19 Q. My name is Aimee. And I just have a
20 few questions for you. Okay. So I just want to
21 make sure I understood what you said.

22 When you woke up in the hospital, you
23 remember -- when you woke up in the hospital, you
24 remembered everything that happened; right?

25 A. Yes, ma'am.

D.N. - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Before you got to the hospital?

2 A. Yes, ma'am.

3 Q. And so everything that you remember
4 from -- everything that you remember today is what
5 you had a memory of when you woke up in the
6 hospital?

7 A. Yes, ma'am.

8 MS. ZMROCZEK: Nothing further.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Can I just address my
11 motions, Your Honor?

12 THE COURT: Sure.

13 MR. JOHNSON: At this point as stated
14 before, under Rule 5, I object to the State going
15 forward and offering testimony without giving us
16 all documentation they have or statements or
17 summaries of statements for this witness.

18 THE COURT: Okay. Do you have
19 statement summaries?

20 MR. OSBORNE: I do.

21 THE COURT: Okay. Well, we'll take
22 care of that right now if y'all need time to look
23 them over.

24 MR. JOHNSON: Yes, sir. And my other
25 would be a motion to suppress any in court

1 identifications of my client if there have been a
2 showing of a photograph of my client or a lineup to
3 this witness. I was told there's no lineups that
4 were going to be involved in this trial.

5 THE COURT: That's what I was told too.

6 MR. OSBORNE: That's correct. And
7 thank you for reminding me, Mr. Johnson. So there
8 is something. During our meeting with D.N. , we
9 asked D.N. to -- and I know he gave like a quick
10 little summary, he said one of the individuals that
11 came out and escorted --

12 MS. ZMROCZEK: Your Honor, and I'm so
13 sorry to interrupt, but can we make these arguments
14 while the witness is not on the stand?

15 MR. OSBORNE: Yeah. Yeah.

16 THE COURT: Thank you, Ms. Zmroczek.
17 D.N. , you can just put that down and we're going
18 to let you go back out in the hall, okay?

19 MR. D.N. : Yes, sir.

20 THE COURT: Okay. We'll get you back
21 out here in a minute if we need to, okay?

22 MR. D.N. : Yes, sir.

23 THE COURT: Thank you, sir. If you
24 just...

25 MR. LEIENDECKER: And Ms. Shuler as

1 well.

2 MR. OSBORNE: Ms. Shuler as the Court
3 has ordered has been in the observation room with
4 earplugs on.

5 THE COURT: Okay.

6 MR. LEIENDECKER: But at this point,
7 we'd ask her to -- at this point, we'd ask her to
8 be removed from the courtroom.

9 THE COURT: Oh, okay. I mean, that's
10 fine. If both of them need to go out in the hall.

11 MR. LEIENDECKER: Right.

12 THE COURT: Wait until they get out
13 before you say anything. And, Ms. Zmroczek,
14 thanks.

15 MS. ZMROCZEK: I'm sorry. Every once
16 in a while I have a flash. All right.

17 MR. OSBORNE: Okay.

18 THE COURT: Yes, sir.

19 MR. OSBORNE: And this is all included
20 in the summary, also is included in the summary
21 that is going to be under court order seal. During
22 our last meeting, the date's on the summary with
23 D.N. , D.N. stated and he said this before,
24 but he had stated that after he was pulled out of
25 the closet by Pocket, Pocket called out and a black

1 male entered the room. He described him as being a
2 larger black male with kind of poofy hair, dark
3 complexion. He said he had some weight on him is
4 the way he described him.

5 THE COURT: Had what?

6 MR. OSBORNE: Had some weight on him.
7 And he said that individual came into the room and
8 then escorted Krystal out of the room. Pocket then
9 put an old-timey gun to his head and then
10 everything went black. You know, our thought was,
11 because I've had this happen during trial before,
12 that all of a sudden you have an impromptu in court
13 ID.

14 And so -- and there's really no easy
15 way to get around this from a prosecutor's point of
16 view, so we just made the decision. We showed a
17 photograph that was on the news of Antly Scott.
18 And he looked at Antly and he said, yeah, that
19 looks like the guy. That's an out-of-court
20 identification. It's certainly suggestive. We do
21 not plan on doing any in court ID's.

22 So I wanted to bring this to
23 Mr. Johnson's attention as well as everyone else.
24 You stand him up and you say, do you recognize him?
25 You might not like your answer. We don't plan on

1 doing any in court ID's. The only in court ID
2 would be Pocket. I'm simply going to ask him for a
3 description and that's it.

4 THE COURT: Does that answer your
5 question, Mr. Johnson?

6 MR. JOHNSON: Well, was the description
7 -- well, the description actually is not in here in
8 the summary. It doesn't -- it says these/them
9 entered the room. It doesn't say anything besides
10 that. Is there another portion of this summary
11 that has a description?

12 MR. OSBORNE: I think if you keep
13 reading.

14 MR. JOHNSON: Your Honor, the
15 description -- was that given -- since none of this
16 was provided, I guess we just have to go through it
17 on the record. Was that given by this witness -- I
18 want to know if it was given prior to him being
19 shown that photograph of my client?

20 MR. OSBORNE: He described that before
21 we showed him the photograph of your client, yes.

22 MR. JOHNSON: Was it right before or
23 was it a different day?

24 MR. OSBORNE: No, it was the same day,
25 January 28th.

1 MR. JOHNSON: January 20th you said?

2 MR. OSBORNE: January 28th. It's the
3 last summary.

4 MR. JOHNSON: Okay. And, well, Your
5 Honor, if they're not going to use any in court
6 identification --

7 MR. OSBORNE: Your Honor, just for the
8 record. I'm so sorry to interrupt. It's on page
9 3.

10 MR. JOHNSON: Page 3. Thank you.

11 MR. OSBORNE: The description that is.

12 THE COURT: Oh, it is. Okay.

13 MR. OSBORNE: Okay. So I put it in the
14 summary as, the black male, not like twist, but it
15 was just out poofy. He was tall. He had a little
16 weight to him. Dark skin. And then he also added
17 and this is in the summary, he might have seen him
18 before Pocket, but he's not sure.

19 MR. JOHNSON: Okay. What you just
20 read, that's on page 3?

21 MR. OSBORNE: Yeah. It's on page 3
22 right in the middle. Dead in the middle.

23 MR. JOHNSON: Judge, I just want to
24 make sure I have the right summary here. Because
25 I'm looking at -- and the date was the 20 --

1 December 20, 2021. Judge, if I can compare notes
2 with the Solicitor real quick.

3 THE COURT: Oh, yeah.

4 MR. OSBORNE: This is on January 28th.

5 MR. JOHNSON: Oh, it's the 28th?

6 MR. OSBORNE: Yeah, January 28th.

7 THE COURT: Well, we don't have a
8 January 28th.

9 MR. LEIENDECKER: It might be on -- it
10 might start renumbering.

11 MR. OSBORNE: It renumbers.

12 MR. LEIENDECKER: It's page 3 of the
13 second group. Because we're looking at page 3 in
14 the first group.

15 MR. OSBORNE: It's the second group.
16 And just for the record, Judge, and this is all in
17 the --

18 THE COURT: Do you have a copy for us
19 that might be up-to-date?

20 MR. OSBORNE: Yes, Your Honor.

21 THE COURT: Thank you.

22 MR. JOHNSON: Judge, I found that and I
23 just want to confirm, there's no other recordings,
24 audio video or written statements?

25 MR. OSBORNE: No. The only people in

1 the room at that time was my investigator, Ray
2 Haupt, Chelsea Glover, and myself.

3 THE COURT: Okay.

4 MR. JOHNSON: Judge, if there's no in
5 court identification being offered by the State,
6 then -- other than my renewing my objection
7 regarding the competence issue with the motion I
8 filed to suppress, the request renewing that,
9 that's all I have.

10 THE COURT: Okay. Ms. Zmroczek?

11 MS. ZMROCZEK: And, Your Honor, so
12 already, obviously, we just got this and I haven't
13 gotten through all the pages yet.

14 THE COURT: I mean --

15 MS. ZMROCZEK: I already see some
16 inconsistencies. And so since this isn't a written
17 statement, I need to know on each of these dates
18 who was in the room in case -- so if we have to
19 call them to impeach. You see what I'm saying?
20 Because I can't say, well, don't you remember?
21 Well, here's your statement. Because it's not --
22 this is just a summary.

23 THE COURT: Right.

24 MS. ZMROCZEK: So I need to know who
25 was all in the rooms those dates.

1 MR. OSBORNE: Well, obviously, if I
2 wasn't there, I can't answer that question. But
3 what I can say is I can attest that is a summary of
4 what D.N. said during his prior
5 interviews. That's why I gave that to you. That's
6 why you can certainly impeach him on it.

7 MS. ZMROCZEK: But you understand, I
8 can't say, well, here, it says you were here and
9 then it says you were here because he didn't
10 generate this document. You see what I'm saying?
11 Like I can't -- it's just a summary. He didn't
12 write it. I can't show him this to impeach him.

13 MR. OSBORNE: Well, you would never be
14 able to do that.

15 MS. ZMROCZEK: If it was his statement
16 and handwritten I would, yes.

17 MR. OSBORNE: But you wouldn't take a
18 handwritten statement from a 5 year old and 8 year
19 old, but you can still impeach him on it.

20 THE COURT: That's not what she's
21 asking. I think I'm missing -- either -- I don't
22 mean to be interrupting you, but I think what she
23 was -- the simple thing she was asking was, when --
24 for example --

25 MR. LEIENDECKER: Who was in the room

1 in 6/25/19?

2 MR. OSBORNE: I was not even employed
3 here in 6/25/19. The only thing I can do is tell
4 you what the summary says of who was present during
5 that time.

6 THE COURT: Well --

7 MR. OSBORNE: I mean, that's why we
8 provided it.

9 MR. LEIENDECKER: But it's your office;
10 right? I mean, who took these notes and can we ask
11 them?

12 MR. OSBORNE: I thought for sure I put
13 names at the top, did I not do that?

14 THE COURT: No. Unless we're missing
15 it.

16 MS. ZMROCZEK: No.

17 MR. LEIENDECKER: Prosecutor's notes.

18 MR. OSBORNE: Okay. Well --

19 MR. LEIENDECKER: Don Sorenson and the
20 investigator were there, then we need to know.

21 MR. OSBORNE: You're right, Don
22 Sorenson. Don Sorenson did some of this. Ashley
23 Cornwell, she was involved in this. David Pascoe
24 was involved in this. Catherine Mubarak was
25 involved in this. Some of these notes we --

1 there's no names associated with it. It literally
2 just has meeting with D.N. .

3 THE COURT: Okay. Well, then let me
4 ask you a question. How about this -- since you
5 have been involved in this case, you would know
6 which meetings you were at; right?

7 MR. OSBORNE: And those are labeled.

8 THE COURT: Oh, they are labeled?

9 MR. OSBORNE: Those are labeled. And I
10 never had a conversation with D.N. without my
11 investigator present.

12 THE COURT: Okay.

13 MR. OSBORNE: And he's on the witness
14 list.

15 THE COURT: Okay. Other than you and
16 your investigator, was anybody else in the room
17 when you had -- when y'all had conversations with
18 him?

19 MR. OSBORNE: Ms. Glover.

20 THE COURT: Oh, yeah, Ms. Glover. I'm
21 sorry. When you said Ms. Glover I went, who?
22 Okay. So the three of y'all were always in the
23 meetings. Was there anybody else that was in a
24 meeting?

25 MR. OSBORNE: And I think I'm pretty

1 sure I put that on there or Mr. -- Investigator
2 Haupt did. Our first interview with [REDACTED], it
3 was me, Investigator Haupt, [REDACTED], and Donsha
4 Shuler and that was at their house.

5 THE COURT: And that was December 20,
6 2021?

7 MR. OSBORNE: That sounds right.

8 THE COURT: Well, that's according to
9 your notes.

10 MR. OSBORNE: Well --

11 THE COURT: Meeting with [REDACTED]
12 present with his mother and -- it just has present
13 with his mother and you, but you said Investigator
14 Haupt was there too?

15 MR. OSBORNE: He was there.

16 THE COURT: Okay. All right. Anybody
17 else -- anybody else you didn't name on this?

18 MR. OSBORNE: I don't think so. I
19 mean, maybe a sister was walking by. We were at
20 their house. I was really talking to [REDACTED].

21 THE COURT: You've had two meetings
22 with him?

23 MR. OSBORNE: Well, yes, two meetings
24 of substance. Investigator Haupt met with him and
25 went over his questions which didn't change and

1 that was Friday.

2 THE COURT: Okay. If y'all need --

3 MR. LEIENDECKER: Can we take a recess
4 to go through all this and discuss it, Your Honor?

5 THE COURT: Yeah. And if y'all need to
6 go -- well, the jury is not in there, are they?

7 THE BAILIFF: Yes.

8 THE COURT: They are in there. Okay.
9 Then you can go ahead and use there. I can go out
10 that way.

11 MR. LEIENDECKER: Use the back chambers
12 --

13 THE COURT: Yeah, y'all use in there
14 and I'll walk out the other way.

15 MR. OSBORNE: And, Your Honor, if I can
16 add one other thing and I think this might help.
17 For the record, at least clarify any concerns.
18 This document that I have prepared represents
19 meetings that the First Circuit Solicitor's Office
20 had with D.N. . If D.N. denies and
21 really I think where you're heading if you want to
22 impeach him with extrinsic evidence, I will not
23 oppose this being extrinsic evidence which
24 represents a statement made by D.N. .

25 THE COURT: Okay. I'll let them --

1 y'all talk about it and --

2 MR. LEIENDECKER: Yes, sir. Thank you.

3 MR. JOHNSON: Your Honor, I hate to
4 complicate things a little more, but the additional
5 notes talking about other witnesses in here that
6 were under that seal, they're not listing who was
7 present. So it says Amari Nelson, Diamonique
8 Nelson.

9 MR. OSBORNE: I mean, I can answer
10 those questions.

11 THE COURT: You want to go ahead and
12 answer it now?

13 MR. JOHNSON: Well, if we want to go
14 through it, then Amari Nelson, Diamonique Nelson,
15 and Donsha Shuler listed as those meetings, but it
16 doesn't give a date. It says meeting with and then
17 it gives a name and a phone number, so I don't know
18 when it was and I don't know who was there.

19 THE COURT: Like a meeting with Amari
20 Nelson, is that what you're talking about?

21 MR. OSBORNE: Judge, you know, I don't
22 want to be part of the powwow, but I'll answer all
23 their questions if we just want to go off -- I
24 mean, I'll tell you everything you want to know.

25 MR. LEIENDECKER: Are there summaries

1 under seal for those witnesses?

2 MR. OSBORNE: Yes. But they have not
3 been called yet. I think I just gave you D.N.
4 .

5 MR. LEIENDECKER: Right.

6 MR. JOHNSON: Well, this has summaries
7 --

8 THE COURT: Well, then you must have
9 handed me the ones --

10 MR. OSBORNE: With everything?

11 THE COURT: Yeah. I thought they had
12 that too. Here, I'll give you this back. Thanks.
13 Okay. Y'all go take your time. Well -- okay. If
14 it's going to take more than just -- let me know
15 because it's 3 o'clock right now. Well, y'all go
16 back there and talk.

17 (WHEREUPON, off the record)

18 THE COURT: All right. Ms. Zmroczek,
19 you were mentioning something and then Mr. Osborne
20 was agreeing with you that whatever you were saying
21 and we need to put something on the record because
22 I need to understand what's going on.

23 MS. ZMROCZEK: Okay. And, Your Honor,
24 I was just advised that our clients' phone
25 communications were going to be cut off and that

1 they were only going to be allowed to have
2 telephone conversations with their attorneys and I
3 object to that. Probably at this point,
4 Mr. Osborne -- and I heard it from a third party,
5 so if Mr. Osborne should probably put on the record
6 just so I'm not guessing and then I can respond to
7 that. I think we all want to.

8 THE COURT: Okay. So -- yes, sir.

9 MR. OSBORNE: The only thing I would
10 just say, Your Honor, yes, that is true -- well, we
11 were presented, you know, obviously, we could go
12 forward now, give the Defense time to look at it.
13 And my thought was -- my first thought which has
14 always been a big thought of mine, a big concern of
15 mine was the safety of D.N. . And that's why we
16 filed the ex parte motion. The cat's out the bag
17 now. D.N. has already testified in court. All
18 the Defendants were here.

19 So my initial thought was we need to
20 get him up here, let's get the testimony done. If
21 we need to stay late, we need to stay late.
22 Because then the safety concern is no longer a
23 problem. But then we started talking some more and
24 the real issue came with the phone calls. Because
25 that's really my real concern. So we made some

1 inquiries and we are able to curtail the
2 Defendants' ability through access to the phones
3 tonight and tonight only with the exception of
4 their attorneys. Obviously, they can still contact
5 their attorneys. Tomorrow morning they will
6 continue to have access to the phones.

7 And it wasn't just the summaries that
8 was a concern because they were in here and they
9 observed the testimony of D.N. . So, you know,
10 our position would be one night of not getting to
11 talk to their loved ones is certainly worth it
12 considering the major risk that -- of danger to the
13 one survivor in this brutal incident.

14 THE COURT: Okay. And, Ms. Zmroczek?

15 MS. ZMROCZEK: I'm going to let
16 Mr. Leiendecker go first.

17 THE COURT: Oh, Mr. Leiendecker?

18 MR. LEIENDECKER: First of all, Your
19 Honor, since early in 2019, this defense team has
20 been aware that D.N. intended to testify
21 and intended to identify my client, Robert Bailey,
22 as the individual who shot him. And that
23 information came directly from Mr. Sorenson in the
24 solicitor's office.

25 So it's not been an issue for him to

1 use the telephone all that time and I don't believe
2 it now is a super issue because he sat up on the
3 stand and said the few words that he said today.
4 And I think the State is trying to dramatize, I
5 don't always get that word out, the situation and
6 make the Court sense this fear that's unfounded.

7 And they have the ability and even
8 Mr. Wright when he was on the stand today noted
9 that, yes, I understand that when I'm in jail, all
10 my calls are being recorded and monitored. I do
11 not believe it's an issue. If the State believes
12 it's an issue for one night, then the possible less
13 intrusive thing is they could have someone watch
14 the house. But --

15 MR. OSBORNE: We're definitely doing
16 that.

17 MR. LEIENDECKER: Once you listen in on
18 the phone calls and you've got somebody watching
19 the house, I think -- I think we've reached the
20 level of protection necessary.

21 MS. ZMROCZEK: And, secondly, Your
22 Honor, on the stand and, I mean, I haven't even
23 made it all the way through. I mean, maybe
24 something will change, but my client is not ever
25 identified. He is not -- I mean, he doesn't know

1 him. Doesn't -- it's like the only white -- the
2 only white person, white male that's identified
3 throughout that is burned up man.

4 THE COURT: Right.

5 MS. ZMROCZEK: And so not my guy. And
6 his brother has already been arrested I understand
7 because he -- yeah, that was the bench warrant.

8 THE COURT: Who's brother?

9 MS. ZMROCZEK: My client's brother was
10 arrested. That was the bench warrant that was
11 issued on Monday. So, you know, I mean, they're
12 just continuing to, I think, put this unnecessary
13 -- I mean, everybody knows from day one that this
14 was the sole survivor of this attack and now all of
15 a sudden -- I mean, here on the eve -- I mean, not
16 even on the eve, while we're in trial it becomes a
17 safety issue.

18 I think it's just over dramatic and
19 what it does is it then increases the stress,
20 anxiety, and the frustration on our clients and
21 maybe he wouldn't even call anybody. I don't even
22 know if he talks on the phone. For him not to be
23 able to call his mother when she's sequestered, you
24 know, she's on our witness list. She's
25 sequestered. It's just to me it's starting to rise

1 to some 1983 or due process violation. You know,
2 or not really due process, but just extreme and
3 unusual punishment to continue to just make an
4 issue especially when my guy's not even identified
5 at all.

6 THE COURT: Well, and I certainly
7 understand your argument better, I think, from your
8 standpoint.

9 MS. ZMROCZEK: Right.

10 THE COURT: But let me ask you, tell me
11 this, not being able to call the family for the
12 evening, tell me how that is such a terrible thing.
13 I'm just kind of missing that. I mean, is anybody
14 in the family -- I mean, anybody sick? Anybody --

15 MS. ZMROCZEK: His mother broke her
16 foot on Sunday and, you know, so I know -- but
17 that's the only because he's obviously been
18 instructed not to have any conversations about the
19 trial because he can't.

20 THE COURT: Right. Mr. Leiendecker,
21 tell me how, you know, it's not 24 hours, it's just
22 tonight.

23 MR. LEIENDECKER: My client's wife and
24 family are not able to be here and so their only
25 communication regarding where we are and what's

1 happening is talking to her husband, son, and the
2 likes. And I'm always a little reluctant to couch
3 arguments and, you know, what if we take away your
4 civil rights, but just for a short time. You know,
5 what if we deny you something that otherwise you're
6 entitled to, but we're only going to do it for a
7 short time. And I don't think that's the standard.
8 I don't think that's ever the standard that the
9 State should consider. If it's wrong, it's wrong
10 for 20 minutes just like it's wrong for 20 years.
11 And I think it's wrong.

12 THE COURT: Right. Okay. Mr. Johnson,
13 did you want to jump on?

14 MR. JOHNSON: Well, Judge, I join in
15 the argument and agree with codefendants' counsel,
16 it doesn't seem like over the years this has really
17 been an issue since it's clear who the witnesses
18 were for several years in this case.

19 THE COURT: All right. And I
20 understand that. But let me ask you a question.
21 Tell me what actual harm from your client not being
22 able to call family tonight would actually halt
23 would be.

24 MR. JOHNSON: Well, I don't have any
25 medical emergency information, Judge, that I could

1 give the Court, but I'll just join in the argument.

2 THE COURT: I mean, I agree with
3 Mr. Leiendecker's statement taking away anybody's
4 rights for even a short period of time. Here's my
5 problem with where we are right now. Until this
6 testimony came up in court right now, it was always
7 they could -- he is going to testify, but is always
8 the thought that he might not testify. He might
9 not remember. Because, you know, you remember the
10 remember part that you're going to be arguing
11 tomorrow?

12 MR. LEIENDECKER: If I don't, I'm sure
13 you will remind me.

14 THE COURT: I'll help you with that.
15 Okay. You know, they're going to be able to call
16 y'all. If they need to get some message to their
17 family or something like that, you know, you can
18 tell them, you know, if something comes up that's
19 an emergency, you know. I'll give you my cell
20 phone numbers and you can call me. Okay. But
21 right now I'm inclined to say they're not going to
22 have any telephone conversations tonight. Okay.
23 Because it is a safety -- I think there is a safety
24 issue. I mean, we've just had -- well, not just
25 had -- excuse me. I started to say we just had

1 four people killed, but it was a lot longer than
2 that. But I just -- out of abundance of caution,
3 I'm going to go with the safety issue. And I'm
4 going to note your objection to my ruling.

5 MR. LEIENDECKER: I hope, although we
6 haven't heard on the record, we're not extending
7 that to now allowing them to record the attorney
8 conversations for tonight only because it's
9 dangerous and we don't want them to relay a message
10 through their counsel.

11 THE COURT: Would you like for me to
12 rule on that before they ask about it?

13 MR. LEIENDECKER: Sure.

14 THE COURT: Okay. They can't do that.

15 MR. LEIENDECKER: Thank you.

16 THE COURT: Okay. You get free rein,
17 you know. Okay.

18 MR. LEIENDECKER: Carte blanche.

19 THE COURT: Carte blanche. That's
20 right. Okay. So that's where we are. Okay. But
21 now -- anyway, that's it. Okay. Thank y'all. And
22 9:30 in the morning.

23 (WHEREUPON, court was adjourned)

24

25

1 (February 11, 2022)

2 THE COURT: Are y'all ready?

3 MR. LEIENDECKER: I believe so.

4 THE COURT: Ms. Zmroczek?

5 MS. ZMROCZEK: Yes, sir.

6 THE COURT: All right. I'm going to go
7 ahead and bring the jury in, ladies and gentlemen,
8 unless I hear from -- otherwise. Bring the jury
9 in.

10 (WHEREUPON, the jury entered the
11 courtroom at 9:47 a.m.)

12 THE COURT: Good morning, ladies and
13 gentlemen. How are y'all?

14 THE JURY: Good morning.

15 THE COURT: You know, when y'all came
16 into -- when I watched y'all come in with your
17 notepads and like that, it reminded me of when I
18 was teaching school, you know. And kids would come
19 in and I would go, we're both looking at each
20 other, how bad is today going to be, you know. So
21 I've got to ask y'all again some of the questions
22 that I've been asking you.

23 Has anybody read anything about this
24 trial? I know T&D is carrying daily reports on it.
25 Anybody read anything from T&D? Again, if you need

1 to respond to any of my questions, I need for you
2 to raise your hand or stand.

3 Nobody is standing.

4 Has anybody done any research,
5 computer, smartphone, or anything like that to find
6 out anything about this case? If so, if y'all
7 would either stand or raise your hand.

8 No one is doing that.

9 Has anybody tried to contact y'all
10 about this case?

11 (No response)

12 Okay. And, finally, have y'all had any
13 conversations with anyone or among yourselves about
14 the case? If so, I need for y'all to stand.

15 (No response)

16 All right. Ladies and gentlemen, we
17 are now going to continue with the case. And I
18 think the State is ready to call its next witness.

19 MR. OSBORNE: Yes, Your Honor.

20 THE COURT: All right.

21 MR. OSBORNE: State calls, D.N.

22 .

23 THE COURT: All right. D.N., before
24 you sit down, do you mind pulling your mask down
25 all the way? Thank you, sir. Appreciate it. Then

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 I need for you to put your left hand on the bible,
2 please, sir, and the clerk is going to swear you
3 in. Okay.

4 D.N.,
5 being first duly sworn was examined and testified
6 as follows:

7 THE COURT: Okay. All right. Now, you
8 going to hold the microphone and speak into it so
9 we can hear you, okay?

10 MR. NELSON: Yes, sir.

11 THE COURT: Okay. Very good. Thank
12 you, sir. All right. Mr. Osborne he's your
13 witness.

14 MR. OSBORNE: Thank you, Judge.

15 DIRECT EXAMINATION BY MR. OSBORNE:

16 Q. D.N., what's your full name?

17 A. D.N.

18 Q. Okay. And how old are you?

19 A. Fourteen.

20 Q. And what grade are you in?

21 A. Eighth.

22 Q. All right. Who do you live with now?

23 A. My momma and my two sisters.

24 Q. All right. And what are your two
25 sisters' name?

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 A. Amari and Diamonique.

2 Q. Are they older or younger than you?

3 A. Older.

4 Q. Okay. And what's your momma's name?

5 A. Donsha Shuler.

6 Q. Donsha?

7 A. Donsha Shuler, yeah.

8 Q. Okay. And your dad's name?

9 A. Christopher Wright.

10 Q. Does he go by any nicknames?

11 A. Preddy.

12 Q. Okay. Your other two sisters that are
13 deceased, what were their names?

14 A. Tamara and Shamekia.

15 Q. Okay. Do you remember about how old
16 they were when they died?

17 A. Tamara was 14 and Shamekia was 17.

18 Q. Okay. Your dad, Christopher Wright,
19 was he also Tamara and Shamekia's dad?

20 A. Yes, sir.

21 Q. Did Tamara or Shamekia wear glasses?

22 A. Tamara.

23 Q. Okay. Did you get along with your
24 sisters or were they like typical older sisters,
25 kind of got on your nerves a little?

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 A. We got along.

2 Q. Okay. Ask you some other questions.

3 Okay. You like sports?

4 A. Yes, sir.

5 Q. What do you like?

6 A. Football.

7 Q. You got a favorite team?

8 A. No, sir.

9 Q. Okay. You got a favorite subject in
10 school?

11 A. Yes, sir.

12 Q. What is that?

13 A. Math.

14 Q. Math?

15 A. Yes, sir.

16 Q. You doing pretty good in school?

17 A. Yes, sir.

18 Q. All right. I know you're still young,
19 but you've had anytime to think what you want to be
20 when you grow up?

21 A. No, sir, not yet.

22 Q. Okay. You've got plenty of time. All
23 right. D.N., I want to ask you some questions.

24 Okay. Before you were shot, did you know someone
25 named Pocket?

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. Before you were shot, did you see

3 Pocket a little bit or a lot?

4 A. A lot.

5 Q. I guess that's kind of a weird

6 question. Did you see Pocket before you were shot?

7 A. Yes, sir.

8 Q. Okay. Where is the first time you

9 remember seeing him?

10 A. It was at a game.

11 Q. Okay. And where did your -- did you

12 have a grandma -- well, you do have grandma. Where

13 did your grandma live?

14 A. Behind Pocket.

15 Q. Behind Pocket's house?

16 A. Yes, sir.

17 Q. Okay. Back before you were shot, did

18 you visit your dad's house in Holly Hill sometimes?

19 A. Yes, sir.

20 Q. Did you have -- well, I guess -- did

21 you go there for the weekends?

22 A. Yes, sir.

23 Q. And how often did you go there for the

24 weekends?

25 A. Most of the time.

1 Q. Okay. Did you like to spend time with
2 your dad?

3 A. Yes, sir.

4 Q. And who would normally be there at your
5 dad's house in Holly Hill when you went there?

6 A. It was me, him, and his wife.

7 Q. What was her name?

8 A. Krystal.

9 Q. Okay. What about Hayden, was she
10 there?

11 A. Yes, sir.

12 Q. Who is Hayden?

13 A. Krystal's daughter.

14 Q. Little daughter?

15 A. Yes, sir.

16 Q. Okay. Was that Christopher's kid too?

17 A. No, sir.

18 Q. Okay. Was there anybody else there
19 like maybe a man that might be there sometimes?

20 A. Yes, sir.

21 Q. And did you even know his name?

22 A. No, sir.

23 Q. I'm sorry.

24 A. But they called him Butler though.

25 Q. They called him Butler?

D.N. [REDACTED] - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. Do you know any kind of work that he
3 did?

4 A. Like he worked on cars.

5 Q. Okay. When you were at your dad's
6 house, what kind of things did you normally do?

7 A. I just I went outside and I watched TV.

8 Q. Okay. Did Pocket ever come to your
9 dad's house while you were there?

10 A. Yes, sir.

11 Q. Okay. Did Shamekia or Tamara know
12 Pocket?

13 A. Yes, sir.

14 Q. Did they both know him or just one?

15 A. They both.

16 Q. Okay. Did you --

17 MR. LEIENDECKER: I'm sorry, Your
18 Honor. The only objection I would make, the last
19 question is, he asked what Tamara and Shamekia knew
20 and I don't think this witness can testify to what
21 the sisters knew.

22 THE COURT: Well, that's true. If you
23 want to rephrase the question.

24 MR. OSBORNE: No.

25 THE COURT: All right.

1 MR. LEIENDECKER: Then I move to
2 strike.

3 THE COURT: Yeah. Ladies and
4 gentlemen, if you would strike from your memory the
5 last question that the Solicitor asked about what
6 his sisters knew. He wouldn't be able to
7 accurately respond to that. So if you would just
8 -- I'm telling you to disregard both the question
9 and the answer. Okay. Thank you, sir.

10 MR. OSBORNE: Upon further thinking,
11 I'm just going to ask one other question. In
12 reference to that and rephrase it.

13 THE COURT: Yeah. Okay.

14 Q. Were you ever playing with your sisters
15 when Pocket came around?

16 A. Yes, sir.

17 Q. Okay. Did your dad have a dirt bike?

18 A. Yes, sir.

19 Q. What kind of dirt bike did your dad
20 have?

21 A. A blue one.

22 Q. Okay. And where did your dad keep that
23 blue dirt bike?

24 A. It was by the table. It was by the
25 table and the shelf.

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Inside the house?

2 A. Yes, sir.

3 Q. Okay. Let's talk about the house a
4 little bit. When you went into that house in Holly
5 Hill, did you go in through the front door or did
6 you go in through the back door?

7 A. The back door.

8 Q. All right. Let me ask you this. Has
9 any detective or anyone from my office or me ever
10 shown you any photographs of the house?

11 A. No, sir.

12 Q. Okay. Once you walked into the back
13 door into that house, just tell the jury like when
14 you walked through that back door, what do you see?
15 What are you looking at?

16 A. All right. The first thing you look at
17 when you walk in the house is it's a living room.
18 All right. And you look over to the left, that's a
19 kitchen. And the right, that's the table and the
20 back rooms.

21 Q. Okay. Kitchen to the left, back rooms
22 to the right?

23 A. Yes, sir.

24 Q. Okay. Just some other questions about
25 the house. Did you all play any board games when

1 you were there?

2 A. Yes, sir.

3 Q. What kind of board games?

4 A. We had Trouble, Uno, and Operation.

5 Q. A lot of people play Monopoly, did

6 y'all ever play Monopoly?

7 A. Yes, sir.

8 Q. I didn't hear, what was the first one

9 you said?

10 A. Trouble.

11 Q. Trouble. Okay. How about Sorry, did

12 you ever play that one?

13 A. Yes, sir.

14 Q. Okay. Uno, that's a card game?

15 A. Yes, sir.

16 Q. Did you sometimes play Uno in Shamekia

17 and Tamara's room?

18 A. Yes, sir.

19 Q. And where were those games kept?

20 A. On the shelf.

21 Q. Is that in the -- was it in a shelf in
22 a bedroom or in a shelf in the living room or where
23 was the shelf?

24 A. By the table.

25 Q. By the table?

D.N. [REDACTED] - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. Did y'all all have any sort of gaming
3 systems in the house?

4 A. Yes, sir.

5 Q. What type of gaming system did you
6 have?

7 A. We had an Xbox, a Wii, and a Nintendo.

8 Q. Was this one of these old Nintendos or
9 was this like a newer Nintendo?

10 A. Older.

11 Q. Okay. Whose Nintendo was that?

12 A. My dad's.

13 Q. Your dad's?

14 A. Yes, sir.

15 Q. Did anyone in the house -- was anyone
16 in the house like a fan of Hello Kitty?

17 A. Yes, sir.

18 Q. Who was that?

19 A. Hayden's.

20 Q. And that's Krystal's daughter?

21 A. Yes, sir.

22 Q. Did Tamara or Shamekia have a phone?

23 A. Yes, sir.

24 Q. All right. What kind of phones did
25 they have? If you remember.

1 A. I don't remember.

2 Q. Okay. Do you remember -- well, did
3 anyone have a blue phone?

4 A. Yes, sir.

5 Q. Was that you?

6 A. No, sir.

7 Q. Who had a blue phone?

8 A. I think it was Shamekia's.

9 Q. Okay. Was Shamekia, did she leave it
10 to where you could get up to the phone and you
11 could open it and play with it or was it locked in
12 some way?

13 A. It was locked in some way.

14 Q. Do you remember if you -- did you ever
15 try to get into it like did you have to punch in
16 numbers or did you use a pattern to get into it?

17 A. A pattern.

18 Q. Do you remember what the pattern was?
19 If you don't, that's okay.

20 A. No, sir.

21 Q. Did Shamekia or Tamara smoke?

22 A. No, sir.

23 Q. Did Krystal?

24 A. Yes, sir.

25 Q. What did she smoke?

D.N. [REDACTED] - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Newport's.

2 Q. Did Krystal sometimes smoke in Tamara
3 and Shamekia's room?

4 A. Yes, sir.

5 Q. All right. Let's get into the night of
6 the murders. Back when you were shot in the summer
7 of 2015, and I think we kind of covered this, were
8 you living or were you visiting your dad?

9 A. Visiting.

10 Q. Okay. On the night you were shot, on
11 the night you were shot, who all was at your dad's
12 house that night?

13 A. It was me, Shamekia, Tamara, and
14 Krystal.

15 Q. Okay. All right. Do you remember what
16 happened that night?

17 A. Yes, sir.

18 Q. Did all of this happen early in the
19 night or later in the night?

20 A. I think it was at 6 or 7.

21 Q. Okay. What were you doing that night
22 just prior to this all happening?

23 A. We was watching a movie.

24 Q. Well, let me ask you. When you say 6
25 or 7, are you talking about like --

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 A. No, it was 12 actually. It was 12. 12
2 o'clock.

3 Q. You think it was 12?

4 A. Yes, sir.

5 Q. Okay. Do you know that like is that
6 what you're guessing it to be or did you actually
7 look at a clock or something?

8 A. The clock.

9 Q. Okay. Were you watching TV alone or
10 with someone else?

11 A. With someone else.

12 Q. And who was with you?

13 A. It was Shamekia, Hayden -- I mean, not
14 Hayden. Krystal and Tamara.

15 Q. Okay. And what room were you all
16 watching TV in?

17 A. In the living room.

18 Q. Okay. Were y'all like -- were you
19 sitting down? What were you --

20 A. Yes, sir, we was sitting down.

21 Q. On what?

22 A. On the couch.

23 Q. Okay. All right, D.N. . Please tell
24 the jury what happened while you Krystal, Shamekia,
25 and Tamara were all watching TV.

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir. We was watching the TV. We
2 heard a car pull up. And we heard -- well, I heard
3 someone was going up to the porch and somebody was
4 walking on the porch. And I heard -- we heard a
5 banging. Krystal told us to get in the room. We
6 hiding in the closet. And then they kicked open
7 the door. We think somebody -- Pocket pulled us
8 one by one out of the closet. And Krystal got out
9 of the room that we was in. It was just three of
10 us and I just blacked out.

11 Q. Okay. You said that someone pulled you
12 out of the closet?

13 A. Yes, sir.

14 Q. Who pulled you out of the closet?

15 A. Pocket.

16 Q. And is it the same Pocket that you were
17 talking about before?

18 A. Yes, sir.

19 Q. While you were inside the closet
20 hiding, could you hear anything that was going on
21 inside the house?

22 A. No, sir.

23 Q. Okay. And you said that they had --
24 you said that you had heard some banging outside?

25 A. Yes, sir.

1 Q. Did Krystal ever go outside at any
2 point or to the front door to check on it?

3 A. Yes, sir, she did.

4 Q. And did she say anything once she
5 checked on it?

6 A. Yes, sir.

7 Q. What did she say?

8 A. She said go in the room.

9 Q. Go in the room?

10 A. Yes, sir.

11 Q. Did she follow y'all into the room?

12 A. Yes, sir.

13 Q. All right. And when you said that
14 Pocket pulled you out of the closet and then you
15 said Krystal left the room?

16 A. Yes, sir.

17 Q. Why did she leave the room? What
18 happened? Did she walk out on her own?

19 A. No, sir.

20 Q. How did she walk out?

21 A. Pocket told somebody to come get her.

22 Q. So then someone else came into the
23 room?

24 A. Yes, sir.

25 Q. And was that a white guy? Black guy?

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 A. White guy.

2 Q. Okay. When you were brought out of the
3 closet just prior to everything going black, did
4 you see if Pocket had a gun?

5 A. Yes, sir.

6 Q. And what did it look like?

7 A. It was an old-timey revolver.

8 Q. An old-timey revolver?

9 A. Yes, sir.

10 Q. Just prior to everything going black,
11 where were your sisters at?

12 A. We was laying beside each other.

13 Q. Y'all were beside each other?

14 A. Yes, sir.

15 Q. You were in the middle and your sisters
16 on the ends or vice versa?

17 A. I was in the middle.

18 Q. You were in the middle?

19 A. Yes, sir.

20 Q. Did you see -- was there anybody else
21 in the room other than you, your sisters, and
22 Pocket when you first came out of the closet?

23 A. No, sir. It was just us and Pocket.

24 Q. Okay. And then you said a white guy
25 came in and took Krystal out?

1 A. Yes, sir.

2 Q. And then everything went black?

3 A. Yes, sir.

4 Q. Did you -- you said that you saw Pocket
5 with an old-timey revolver. Prior to -- I know
6 this is a tough question. Prior to things going
7 black, did you see what he did with the gun? Did
8 he point the gun at you? If you didn't see that,
9 that's fine.

10 A. Yeah, he pointed the gun at me.

11 Q. Okay. And this Pocket is the same
12 Pocket that has been to your dad's house?

13 A. Yes, sir.

14 Q. Did you get a good look at him?

15 A. Yes, sir.

16 Q. Are you certain that Pocket is the
17 person that put the gun to your head?

18 A. Yes, sir.

19 Q. Now, you said there was a white guy
20 that came into the room, what did he look like? If
21 you saw him at all.

22 A. I didn't see him.

23 Q. Okay. After you blacked out, what is
24 the next thing that you remember?

25 A. I woke up in the hospital.

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And who was all at the hospital
2 with you when you woke up?

3 A. Amari and my momma.

4 Q. Amari?

5 A. Yes, sir.

6 Q. That's your sister Amari?

7 A. Yes, sir.

8 Q. Okay. While at the hospital, did you
9 talk to doctors and nurses, did they take good care
10 of you?

11 A. Yes, sir.

12 Q. When you got out of the hospital, did
13 you have any problems remembering people?

14 A. No, sir.

15 Q. Did you know who your mom was?

16 A. Yes, sir.

17 Q. Did you know who your sisters were?

18 A. Yes, sir.

19 Q. Did you remember what happened when you
20 were shot?

21 A. Yes, sir.

22 Q. Did you tell anyone right away that you
23 saw Pocket in that room?

24 A. No, sir.

25 Q. And why not?

1 A. We was scared.

2 Q. We were scared?

3 A. Yes.

4 Q. Who is we?

5 A. My momma.

6 Q. Who was the first person that you told
7 you remembered what happened when you were shot?

8 A. My momma.

9 Q. And what caused you to tell that to
10 your mom? Like what happened that would make you
11 say that to her?

12 A. Because she was talking on the phone
13 with Red and she said I didn't remember it.

14 Q. Talking on the phone with Red?

15 A. Yes, sir.

16 Q. And you heard her say that you didn't
17 remember?

18 A. Yes, sir.

19 Q. Who is Red again?

20 A. My auntie.

21 Q. Okay. And what did you say then?

22 A. I said I know who shot me.

23 Q. That's the first time that you told
24 your mom?

25 A. Yes, sir.

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Up until that time, had your mother or
2 anyone been asking you about what happened that
3 night?

4 A. No, sir.

5 Q. Did you ever tell your dad?

6 A. No, sir.

7 Q. Did he ever ask you?

8 A. No, sir.

9 Q. Now, D.N., after you told your mom
10 that -- well, did you tell your mom that Pocket
11 shot you at that time?

12 A. Yes, sir.

13 Q. After you told your mom that Pocket
14 shot you, you were taken to Dr. Allison Foster and
15 interviewed a couple of times, do you remember
16 that?

17 A. Yes, sir.

18 Q. Now, during those interviews, they were
19 -- the first one in February of 2016, did you tell
20 Dr. Foster who shot you then?

21 A. No, sir.

22 Q. And why not?

23 A. I was scared still.

24 Q. During that second interview, I think
25 that was on September 20th of 2016, do you remember

1 Dr. Foster then showing you a picture of Pocket?

2 A. Yes, sir.

3 Q. So why did you tell Dr. Foster that you
4 didn't even know Pocket?

5 A. We was scared.

6 Q. All right.

7 A. I was scared.

8 Q. Okay. I want to go, move into the
9 summer, the summer of 2016. Did you happen to go
10 to a softball game then and see Pocket?

11 A. Yes, sir.

12 Q. All right. And who was with you at
13 that time?

14 A. My sister.

15 Q. And who was that?

16 A. Amari and Diamonique.

17 Q. Okay. Now, at that time in your
18 recovery, were you wearing anything?

19 A. Yes, sir.

20 Q. What were you wearing?

21 A. A blue helmet.

22 Q. A helmet?

23 A. Yes, sir.

24 Q. And why were you wearing that?

25 A. To help me not -- help me from falling

D.N.

- DIRECT EXAMINATION BY MR. OSBORNE

1 if I fall.

2 Q. Okay. And did you see Pocket at the
3 game?

4 A. Yes, sir.

5 Q. And what was he doing when you saw him?

6 A. He was talking.

7 Q. Okay. Did you see who he was talking
8 to?

9 A. Yes, sir.

10 Q. Who was he talking to?

11 A. The burned up guy.

12 Q. Okay. Did Pocket come up to you and
13 talk to you at all?

14 A. I don't remember.

15 Q. You don't remember?

16 A. Yes, sir.

17 Q. Did you tell anyone that you saw Pocket
18 at the game?

19 A. Yes, sir.

20 Q. Who did you tell?

21 A. My momma.

22 Q. Okay. And when was that? When did you
23 tell your mom that you saw Pocket at the game? Was
24 it the same day or days later?

25 A. It was the same day.

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. When you were walking in I
2 noticed that you had a slight limp. Did you have
3 that before you were shot?

4 A. No, sir.

5 Q. Okay. Would you feel okay telling the
6 jury where you were shot?

7 A. Yes, sir.

8 Q. Could you point that out to them?

9 A. It was right here. (Pointing)

10 Q. In the head?

11 A. Yes, sir.

12 Q. You said that Pocket was the one that
13 had the old-timey gun?

14 A. Yes, sir.

15 Q. D.N., has anyone told you that you
16 should say that Pocket was the one that did it or
17 even suggest that you need to say that Pocket did
18 it?

19 A. No, sir.

20 Q. Now, are you guessing that it was
21 Pocket?

22 A. No, sir.

23 Q. Are you sure?

24 A. No, sir.

25 Q. I mean, are you sure that it was Pocket

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 or are you guessing?

2 A. Say that again, please.

3 Q. Are you sure that it was Pocket that
4 had the gun?

5 A. Yes, sir.

6 Q. Okay. Did you see the person that had
7 the gun in the courtroom here today? Do you see
8 Pocket in the courtroom here today?

9 A. Yes, sir.

10 Q. Can you describe what he's wearing?

11 A. A light blue t-shirt, a red tie, and
12 some kakis.

13 Q. Red tie and some kakis?

14 A. Yes, sir.

15 Q. D.N., would you feel comfortable
16 stepping down and pointing out Pocket or would you
17 prefer to do it from your seat there?

18 A. I'll --

19 Q. It's up to you.

20 A. I'll stay right here and point him out.

21 Q. Okay. Can you point him out?

22 A. Yes, sir. (Pointing) He's right there.

23 MR. OSBORNE: Your Honor, let the
24 record reflect that D.N. has identified
25 the Defendant, Robert Bailey as Pocket, the

D.N. - DIRECT EXAMINATION BY MR. OSBORNE

1 individual that was in his room and armed with an
2 old-timey gun on the night of the murders.

3 THE COURT: The record will reflect
4 that. Anything else?

5 MR. OSBORNE: No further questions.

6 THE COURT: Who wants to go first? Mr.
7 Leiendecker?

8 MR. LEIENDECKER: Yes, sir.

9 MS. ZMROCZEK: Your Honor, may we just
10 have a minute?

11 MR. LEIENDECKER: Might not be a bad
12 idea, Your Honor.

13 THE COURT: Ladies and gentlemen I
14 don't know if y'all have trouble with y'all's TV or
15 computer like that. Rather than you watch them try
16 and get this thing going, I'm going to let y'all go
17 back into the jury room for a second again.

18 Remember, you cannot talk about
19 anything you've heard so far in this case, but
20 y'all can talk about the super bowl or why you
21 don't want to watch the super bowl, whatever. If
22 y'all would go on back in the jury room for a few
23 minutes, we'll get you out here as soon as we can
24 get the TV going.

25 (WHEREUPON, the jury left the courtroom

1 at 10:17 a.m.)

2 THE COURT: All right. We'll take
3 about a ten minute recess. So if anybody needs to
4 -- got to go to the restroom or do anything, now is
5 the time I would suggest you do it.

6 (WHEREUPON, there was a short break)

7 THE COURT: Ms. Zmroczek, were you able
8 to get the TV going?

9 (Ms. Zmroczek gave a thumbs up)

10 THE COURT: Is the State ready?

11 MR. OSBORNE: Yes, Your Honor.

12 THE COURT: Mr. Leiendecker, are you
13 ready?

14 MR. LEIENDECKER: Yes.

15 THE COURT: Ms. Zmroczek, are you
16 ready?

17 MS. ZMROCZEK: Yes.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: Yes, sir.

20 THE COURT: Thank you, sir. All right.
21 I'm going to get the jury to come on in.

22 (WHEREUPON, the jury entered the
23 courtroom at 10:30 a.m.)

24 THE COURT: All right. Ladies and
25 gentlemen, we are getting ready to continue with

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 D.N.'s testimony. D.N., remember you are
2 still under oath, okay?

3 MR. NELSON: Yes, sir.

4 THE COURT: All right. And that was
5 the other thing I was going to tell you, make sure
6 you talk into the microphone so everybody can hear
7 you.

8 MR. NELSON: Yes, sir.

9 THE COURT: And if you need to take a
10 break, I don't know how long we're going to be
11 going, but if you need to take a break, let us know
12 and we'll stop after a little while, okay?

13 MR. D.N.: Yes, sir.

14 THE COURT: All right. Mr.
15 Leiendecker, he's your witness.

16 MR. LEIENDECKER: Thank you, Your
17 Honor.

18 CROSS EXAMINATION BY MR. LEIENDECKER:

19 Q. D.N., my name is Mark Leiendecker.
20 I'm one of the attorneys in the case, okay.

21 A. Yes, sir.

22 Q. I have some questions to ask you about
23 what you've talked about today, about what
24 happened, and I also have some summaries of
25 meetings that you've had with the solicitor's

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 office over the last couple of years. I want to
2 talk with you about what you told them at that time
3 as well, okay?

4 A. Yes, sir.

5 MR. LEIENDECKER: I'm sorry, Your
6 Honor, did a juror just come in.

7 THE COURT: That's what I was just
8 seeing. I did not realize that -- who just came
9 in?

10 MR. LEIENDECKER: Can we get an answer?

11 THE COURT: I'm sorry. Who is the last
12 person to come in?

13 THE JUROR: I was.

14 THE COURT: Okay. And, ma'am, you
15 didn't come in with the rest of the jury?

16 THE JUROR: I went to the restroom and
17 I came back and they walked out the room.

18 THE COURT: Okay. All right. Madam
19 clerk, I need for y'all to make sure that everybody
20 is in before we start court. Okay?

21 THE CLERK: Yes, Your Honor.

22 THE COURT: And, ma'am, I need to make
23 sure everybody gets in at the same time. Just let
24 me ask you a question and if we need to take it up,
25 okay. But let me just ask you a question. Were

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 you able to hear me say that they're going to begin
2 asking D.N., continue with his testimony?

3 THE JUROR: No, sir.

4 THE COURT: You didn't hear that?

5 THE JUROR: No, sir, I just walked in.

6 THE COURT: All right. I'm going to
7 repeat it and we'll deal with this. I reminded
8 D.N. that he was still under oath. That we're
9 going to continue with his testimony. If he needed
10 to take a break we would. And that he needed to
11 make sure he spoke into the microphone so everybody
12 could hear. Okay. Could you hear Mr. Leiendecker
13 when he came in and introduced himself and said
14 what he was going to ask D.N. about.

15 THE JUROR: No, I didn't.

16 THE COURT: Do you mind repeating that?

17 MR. LEIENDECKER: No.

18 Q. D.N., my name is Mark Leiendecker.
19 I'm one of the attorneys in this case and I'm going
20 to talk to you about what you have spoken to the
21 State about today and also about some separate
22 meetings you've had with the solicitor's office
23 when you talked about the incident, okay?

24 A. Yes, sir.

25 Q. Okay.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 MR. LEIENDECKER: Thank you, Your
2 Honor.

3 THE COURT: Thank you, Mr. Leiendecker.

4 Q. D.N., I have notes that were made on
5 the meetings you had with the Solicitors in their
6 office. Do you remember meeting with them at your
7 house and at their office on a few occasions?

8 A. Yes, sir.

9 Q. And at those meetings and there were
10 different people present at the meetings; is that
11 correct?

12 A. No, sir.

13 Q. The same people were at every meeting?

14 A. Yes, sir.

15 Q. I'm not trying to confuse or trick you,
16 but I want to understand your answer, okay. There
17 were four meetings, do you remember that?

18 A. Yes, sir.

19 Q. And were the same people at all four of
20 the meetings?

21 A. I can't remember.

22 Q. Okay. Was your mom at every one of the
23 meetings?

24 A. Yes, sir.

25 Q. Did she sit in to the discussions in

1 every one of the meetings?

2 A. No, sir.

3 Q. Okay. So she brought you every time?

4 A. Yes, sir.

5 Q. All right. Or the meetings sometimes

6 were at your house; right?

7 A. Yes, sir.

8 Q. All right. The first time that you met

9 with the Solicitor was in 2019, that's a while ago.

10 Do you remember that first time you met with them?

11 A. I can't remember.

12 Q. Okay. Were you meeting with the

13 Solicitors to get ready to prepare your testimony

14 for court for trial?

15 A. I can't remember.

16 Q. Did the Solicitors tell you anything

17 about why they wanted to talk to you?

18 A. I can't remember.

19 Q. Okay. That's fine. In the first time

20 that you guys met with the Solicitors, the note

21 suggests that you were 12 years old. How old are

22 you now?

23 A. Fourteen.

24 Q. So that would have been a couple of

25 years ago; correct?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. Yes, sir.

2 Q. Do you remember telling the Solicitors
3 that guys came over to your dad's house to look at
4 motorcycles?

5 A. Yes, sir.

6 Q. Okay. Do you remember telling them
7 that you saw the guys when they came over to look
8 at and do the motorcycle deal?

9 A. Yes, sir.

10 Q. Do you remember telling the guys that
11 on the night in question when the shooting happened
12 that you were watching TV?

13 A. Yes, sir.

14 Q. Do you remember telling them that in
15 fact all the people that were at the house were
16 watching TV, but you were watching it in the
17 bedroom?

18 A. No, sir. We was watching in the living
19 room.

20 Q. Okay. You don't remember telling them
21 that?

22 A. No, sir.

23 THE COURT: Mr. Leiendecker, I --

24 MR. LEIENDECKER: The Court's
25 indulgence, can I approach the bench with the

1 Solicitor?

2 THE COURT: Okay.

3 (WHEREUPON, there was a bench
4 conference)

5 THE COURT: All right. Mr.
6 Leiendecker, you can continue.

7 Q. All right. I think I'm back on track
8 now.

9 A. Yes, sir.

10 Q. I apologize for that.

11 A. That's okay.

12 Q. D.N., don't you remember telling the
13 Solicitor at a meeting you had the first time you
14 met with them in June 26, 2019, now mind you, I
15 don't expect you to remember that date. I'm just
16 telling you that's when the first meeting was.
17 Don't you remember telling them that y'all were
18 watching TV in the bedroom?

19 A. No, sir.

20 Q. Okay. Do you remember telling them
21 that the door to the bedroom was open?

22 A. Yes, sir.

23 Q. Okay. Do you remember telling them
24 that y'all hid in the closet and the person who
25 pulled you out of the closet was an individual that

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 you described by description who had short hair, a
2 fade which is a type of haircut, and light skin,
3 which I assume means he was a black man?

4 A. Yes, sir.

5 Q. Do you remember telling the Solicitors
6 that?

7 A. Yes, sir.

8 Q. You also remember telling them at that
9 meeting that you know Pocket because you played
10 with his kids at his house on their trampoline?

11 A. Yes, sir.

12 Q. Okay. The next time that notes reflect
13 you met with the Solicitor, it suggests that you
14 met with them just about three weeks later right
15 after the Fourth of July on July 11, 2019. Do you
16 remember meeting with them a second time to talk
17 about your testimony very close in time?

18 A. Yes, sir.

19 Q. Okay. And this time when they talked
20 with you about what happened, do you remember
21 telling them that the night of the shooting you
22 were in bed with Tamara, Shamekia, and Krystal and
23 that you were all watching TV?

24 A. Yes, in the living room.

25 Q. No. Is there a bed in the living room?

1 A. No, sir.

2 Q. Well, you told them that you -- do you
3 remember telling them that day that you guys were
4 watching TV in bed just like you had said in June?

5 A. No, sir, we was in the living room.

6 Q. So you don't remember telling them
7 that?

8 A. No, sir.

9 Q. Okay. Do you remember telling them
10 that all four of you got into the closet?

11 A. Yes, sir.

12 Q. Okay. Do you remember telling them
13 that -- excuse me. That you have remembered these
14 details for a long time? Remember this is 2019, so
15 this is just two and a half years ago.

16 A. Say that question again, please.

17 Q. Do you remember telling them in that
18 meeting in July of 2019 that you had remembered the
19 details of what happened that night for a long
20 time?

21 A. Yes, sir.

22 Q. Okay. Do you remember telling them
23 that you really had remembered this since you got
24 out of the hospital?

25 A. Yes, sir.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. And do you remember telling them that
2 you had told your mom?

3 A. Yes, sir.

4 Q. Okay. On that date in question in July
5 when asked how you knew Pocket, do you remember
6 telling them that you met him at a baseball game?

7 A. Yes, sir, it was a softball game.

8 Q. Okay. The time before you mentioned
9 that you actually knew him from jumping on a
10 trampoline with his kids; right?

11 A. Before the softball game.

12 Q. So you actually met him before the ball
13 game; correct?

14 A. I can't remember. Say the question
15 again.

16 Q. You actually met him with the --
17 jumping on the trampoline at his house before you
18 ever saw him at a baseball game or softball game;
19 correct?

20 A. No, sir.

21 Q. Okay. When was this baseball or
22 softball game?

23 A. It was like -- it was in the summer.
24 Softball season started.

25 Q. Okay. And this was before the

1 shooting?

2 A. Yes, sir.

3 Q. Okay.

4 A. Before.

5 Q. Which?

6 A. Before.

7 Q. This isn't the softball game you're
8 talking about you saw him when you were wearing the
9 helmet?

10 A. Say that question again.

11 Q. Are you sure this isn't the softball
12 game when you were wearing the helmet that you told
13 us about when you saw him at the softball game?

14 A. That's before. No, that's after the
15 shooting.

16 Q. Right. So you been to a softball game
17 with him before the shooting?

18 A. Yes, sir.

19 Q. That's what I'm asking.

20 A. Yes, sir.

21 Q. Okay. Do you remember telling the
22 Solicitors that you had been to Mr. Bailey's house
23 five or more times?

24 A. No, sir.

25 Q. You don't remember telling them that?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. No, sir.

2 Q. Do you remember them asking you why you
3 didn't tell Dr. Allison Foster during the forensic
4 interview that Pocket did it? Do you remember them
5 asking you that?

6 A. Yes, sir.

7 Q. Do you remember that what you told them
8 was, you didn't tell her because you forgot?

9 A. No, because I was scared.

10 Q. Were you afraid of the Solicitors when
11 you met with them?

12 A. No, sir.

13 Q. Okay. More recently, D.N., you've
14 met with Mr. Osborne, this Solicitor, and people
15 from his office at the end of this year and the
16 beginning of -- at the end of last year and the
17 beginning of this year; correct?

18 A. Yes, sir.

19 Q. And you met with them at least two
20 times that we have notes; correct?

21 A. Yes, sir.

22 Q. Do you remember those meetings?

23 A. Yes, sir.

24 Q. Okay. I believe the first meeting in
25 December which was just a few days before

1 Christmas, December 20, 2021, they actually came to
2 your house to talk, do you remember that?

3 A. Yes, sir.

4 Q. Who was there for that? Do you
5 remember?

6 A. It was me, my cousins, and them. It
7 was him and Ray.

8 Q. Mr. Osborne and their investigator, Mr.
9 Ray Haupt, who's hiding behind the mask over here,
10 is that who we're talking about?

11 A. Yes, sir.

12 Q. Okay. And was your mom there?

13 A. Yes, sir.

14 Q. All right. In that meeting, do you
15 remember telling them or them asking you about your
16 sisters' ages, Tamara and Shamekia?

17 A. Yes, sir.

18 Q. Do you remember not being able to
19 remember back in December how old they were?

20 A. I did.

21 Q. You don't remember having trouble
22 remembering that; is that correct?

23 A. Say that again, please.

24 Q. Yeah, even I couldn't answer that
25 question. It was pretty confusing. Isn't it true

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 that at that meeting you could not call your
2 sisters' ages out, you didn't remember?

3 A. No, sir.

4 Q. Okay. Do you remember at this meeting
5 you told them that you were watching TV on the
6 couch not in the bedroom?

7 A. Yes, sir.

8 Q. And that's in the living room?

9 A. Yes, sir.

10 Q. Do you remember telling them that you
11 heard a vehicle pull up in the driveway, but that
12 there were no headlights that you saw?

13 A. No, sir.

14 Q. You don't remember telling them that?

15 A. Yes, sir, but it was some kind of
16 lights.

17 Q. Okay. Let me break the compound
18 question down then. You remember telling them a
19 vehicle pulled up in the driveway; correct?

20 A. Yes, sir.

21 Q. But you -- do you remember telling them
22 that it didn't have headlights on?

23 A. There was some headlights on though.

24 Q. Okay. So if their notes say no
25 headlights, you don't remember that is what I'm

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 asking?

2 A. (No response)

3 Q. All right. That's fine. Do you
4 remember telling them that minutes after that there
5 was a sound at the back door, it was more like
6 someone kicking the door verses knocking on the
7 door?

8 A. Yes, sir.

9 Q. Do you remember telling them that
10 Krystal asked everybody to move to the back
11 bedroom?

12 A. Yes, sir.

13 THE COURT: Mr. Leiendecker, could I
14 see y'all over here for just one second.

15 MR. LEIENDECKER: Yes, sir.

16 (WHEREUPON, there was a bench
17 conference)

18 THE COURT: You can continue, Mr.
19 Leiendecker.

20 MR. LEIENDECKER: Thank you, Your
21 Honor.

22 Q. Are you ready, D.N.?

23 A. Yes, sir.

24 Q. Me too, I think. Isn't it true on that
25 meeting in December of 2019, you told them no one

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 went outside to look when the car arrived?

2 A. Say that again, please.

3 Q. Isn't it true on that meeting in
4 December 2021, you told them no one went outside to
5 check what was going on when the car pulled up?

6 A. No, sir.

7 Q. Do you remember telling them that the
8 bedroom door where you hid in the closet was open
9 and left open?

10 A. Yes, sir.

11 Q. Do you remember telling them that it
12 was not kicked in?

13 A. The house door or the bedroom door?

14 Q. The bedroom door.

15 A. It was open.

16 Q. Okay. Do you remember telling them at
17 that meeting that you could actually hear the
18 people when they came inside and that there were
19 multiple people because they split up?

20 A. Yes, sir.

21 Q. Do you remember telling them that when
22 you came from the closet you saw Pocket?

23 A. Yes, sir.

24 Q. Do you remember telling them you saw a
25 white girl?

1 A. Yes, sir.

2 Q. Do you remember telling them that you
3 saw a burned up man?

4 A. Yes, sir.

5 Q. And that you saw a black male?

6 A. Yes, sir.

7 Q. All in the bedroom; correct?

8 A. Yes, sir.

9 Q. And when you saw them --

10 A. No, it was just Pocket. It was just
11 Pocket. It was just Pocket. It was just Pocket.

12 Q. Okay. Do you remember telling them
13 more than one occasion in that interview that there
14 was a white girl and a burned up man?

15 A. Yes, sir.

16 Q. At the house?

17 A. Yes, sir.

18 Q. And that you saw them at the house?

19 A. Yes, sir.

20 Q. And that you could hear them and other
21 people at the house?

22 A. Yes, sir.

23 Q. And do you remember telling them that
24 the man who came and took Krystal from the room was
25 a black man?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. No, sir.

2 Q. Do you remember telling them that you
3 knew Pocket so you recognized him?

4 A. Yes, sir.

5 Q. Do you remember telling them that you
6 didn't hear any gunshots that night?

7 A. No, sir.

8 Q. You don't remember telling them that?

9 A. I don't know. Say it again, please.

10 Q. Do you remember telling them, the
11 Solicitors, that you did not hear any gunshots that
12 night?

13 A. No, sir.

14 Q. You don't remember saying that?

15 A. Oh, yes, sir.

16 Q. Okay. At risk of standing on thin ice,
17 did you hear any gunshots that night before it went
18 black as you described it?

19 A. I can't tell you, but I don't know.

20 Q. You don't remember hearing any
21 gunshots?

22 A. No.

23 Q. Okay. Thank you. D.N., the last
24 meeting that I have record of that you met with the
25 Solicitors happened just a few weeks ago in the end

1 of January, do you remember that?

2 A. Yes, sir.

3 Q. And that was at the solicitor's office;
4 is that right?

5 A. Yes, sir.

6 Q. Okay. And they asked you at that
7 meeting if you had known of or knew any of the four
8 Defendants in this case before the shooting, do you
9 remember that?

10 A. Yes, sir.

11 Q. They asked you about a Mr. Luther
12 Joseph Smith and you had never heard of him, do you
13 remember that?

14 A. No, sir.

15 Q. No, you don't or -- let me ask an
16 open-ended question. Have you ever heard of him?

17 A. No, sir.

18 Q. Okay. They asked you about a Mr. Antly
19 Scott. Had you ever heard of him?

20 A. No, sir.

21 Q. They asked you about a Mr. Derrick
22 Coleman. Did you know of or heard of him?

23 A. No, sir.

24 Q. But you did know Mr. Bailey because you
25 had played with his kids, seen him at ball games,

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 and he came over to your dad's house; right?

2 A. Yes, sir.

3 Q. Did he come to your mom's house?

4 A. Yes, sir.

5 Q. Do you remember telling them that on
6 that day that he didn't come to your mom's house?

7 A. Say that again.

8 Q. Do you remember on that day in January
9 telling them that he didn't come to your mom's
10 house, Pocket?

11 A. No, sir. No, sir.

12 Q. Okay. You did tell them that he would
13 come to visit your dad at the Holly Hill house with
14 Krystal; right?

15 A. Yes, sir.

16 Q. Do you remember telling them that you
17 would see Pocket at your dad's house when you
18 visited not too often, not every day, but often?

19 A. Yes, sir.

20 Q. Do you remember telling them that you
21 would see him over there 20 times or so?

22 A. No, sir.

23 Q. You don't remember saying that?

24 A. No, sir.

25 Q. Do you remember telling them that

1 Pocket was at your dad's house every time you went
2 to see him for the weekend?

3 A. No, sir.

4 Q. You don't remember saying that?

5 A. No, sir.

6 Q. Do you remember telling them when asked
7 whether your sisters knew that you couldn't give
8 them an answer -- I'm going to withdraw that
9 question.

10 Do you remember telling them that in
11 2015 when this incident occurred and you were asked
12 who was there, you told them that Krystal was
13 there, do you remember that?

14 A. Yes, sir.

15 Q. You told them that a black man was
16 there?

17 A. Yes, sir.

18 Q. Is that the man you called Butler?

19 A. Yes, sir.

20 Q. You told them that your dad was there?

21 A. No, sir.

22 Q. You don't remember that?

23 A. No, sir.

24 Q. You told them that Hayden was there?

25 A. Yes, sir.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. You told them that Shamekia was there?

2 A. Wait, say that again.

3 MR. OSBORNE: Your Honor, I'm going to
4 object. This is a mischaracterization. May we
5 approach?

6 THE COURT: Sure.

7 (WHEREUPON, there was a bench
8 conference)

9 THE COURT: All right. Mr.
10 Leiendecker, if you would please continue.

11 MR. LEIENDECKER: Yes, sir.

12 Q. Do you remember telling them that the
13 people I just described were there in 2015, but not
14 necessarily the night in question?

15 A. Yes, sir.

16 Q. Okay. Do you remember telling them
17 that your sisters' ages Tamara was 18 and Shamekia
18 was 16?

19 A. No, sir.

20 MR. LEIENDECKER: Your Honor, can we
21 take a break?

22 THE COURT: All right. Ladies and
23 gentlemen, we're going to take about a ten minute
24 break so I can find out what's going on. Remember,
25 you cannot talk among yourselves about anything

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 going on. Okay. And I'll let y'all go back to the
2 jury room for just a second. Okay. Thank you.
3 Can y'all come in here for a second back in my
4 office?

5 (WHEREUPON, the jury left the courtroom
6 at 11:13 a.m.)

7 (WHEREUPON, off the record)

8 THE COURT: If anybody needs to take a
9 break, now is the time to do it. Can I see the
10 attorneys for just one second before we go back on
11 the record?

12 Mr. Leiendecker, I was going to note --
13 we want to note on the record your motion for a
14 mistrial?

15 MR. LEIENDECKER: Yeah.

16 THE COURT: Okay. When we took a
17 break, Mr. Leiendecker informed me that he wished
18 to make a motion for a mistrial. And we are
19 postponing -- it's a timely motion, but what we're
20 doing is we're postponing arguing that until we
21 complete the questioning of the witness at this
22 time; is that adequately...

23 MR. LEIENDECKER: Yes.

24 THE COURT: Okay. All right. Thank
25 you, sir. All right. Is the State ready to go?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 MR. OSBORNE: Yes, Your Honor.

2 THE COURT: Mr. Leiendecker, are you
3 ready to continue with your cross?

4 MR. LEIENDECKER: Yes.

5 THE COURT: Ms. Zmroczek?

6 MS. ZMROCZEK: And we would join in.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: Yes, sir. We join in
9 that motion as well.

10 THE COURT: Okay. Thank you, sir. All
11 right. Would you bring the jury on back out. I
12 need to make sure everybody gets in at the same
13 time. Thank you.

14 D.N., are you doing okay?

15 MR. NELSON: Yes, sir.

16 THE COURT: All right. You're doing
17 good. Thank you, sir.

18 (WHEREUPON, the jury entered the
19 courtroom at 11:26 a.m.)

20 THE COURT: We got everyone here?

21 THE BAILIFF: Yes, Your Honor.

22 THE COURT: All right. Ladies and
23 gentlemen, we are going to continue with the
24 examination of D.N. D.N., are you ready?

25 MR. NELSON: Yes, sir.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 THE COURT: All right. Mr.
2 Leiendecker?

3 MR. LEIENDECKER: Thank you, Your
4 Honor.

5 CONTINUED CROSS EXAMINATION BY MR. LEIENDECKER:

6 Q. D.N., at the January meeting with
7 the Solicitor at his office, you -- do you remember
8 telling them that before the door was opened, the
9 back door to the house, you heard someone walking
10 on the porch and talking?

11 A. Yes, sir.

12 Q. Do you remember telling them that you
13 heard loud noises like someone was kicking the door
14 in?

15 A. Yes, sir.

16 Q. Do you remember telling them that
17 Krystal told you all to go to the back bedroom and
18 hide in the closet in the girls' room?

19 A. Yes, sir.

20 Q. That Krystal followed you to the girls'
21 room?

22 A. Yes, sir.

23 Q. Do you remember tell them that Tamara
24 hid under the bed?

25 A. No, we was all in the closet.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. Do you remember telling them that when
2 you came out of the closet, the burned up man was
3 there?

4 A. No, sir.

5 Q. Do you remember telling them that
6 Pocket called a black man to come take Krystal out
7 of the room?

8 A. No, sir. It was a white guy.

9 Q. Do you remember telling them that a
10 white woman was also in the room?

11 A. No, sir.

12 Q. Do you remember even describing her by
13 saying she had kind of black and burgundy hair that
14 went to her neck?

15 A. Yes, sir.

16 Q. So you do remember the white woman?

17 A. Yes, sir, but she was not in the room.

18 Q. Do you remember telling them that
19 before you were shot you had never seen the burned
20 up guy before that night?

21 A. No, sir.

22 Q. Do you remember telling them that after
23 you woke up in the hospital you never had any
24 problems remembering people?

25 A. Yes, sir. Yes, sir.

1 Q. Do you remember telling them that you
2 were afraid to tell anyone not even your dad?

3 A. He didn't ask.

4 Q. He never asked what happened and you
5 never told him what happened?

6 A. No, sir.

7 Q. Do you remember telling them that in
8 the interview with Dr. Foster that has been alluded
9 to that you didn't tell the doctor who shot you
10 because you were scared your mom wouldn't let you?

11 A. No, sir.

12 Q. Do you remember telling them that you
13 didn't identify any of the photos because you were
14 afraid to say you recognized Pocket?

15 A. Say that again.

16 Q. Do you remember telling them that in
17 the interview with Dr. Foster, you didn't identify
18 any of the photos because you were afraid to say
19 you recognized Pocket?

20 A. Say that one more time.

21 Q. I'll do my best.

22 THE COURT: Mr. Leiendecker, can you
23 break it into maybe smaller questions?

24 Q. Do you remember the interview with Dr.
25 Foster?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. Yes, sir.

2 Q. Do you remember the Solicitor talking
3 about pictures that were shown to you in the
4 interview with Dr. Foster?

5 A. Yes, sir.

6 Q. Do you remember telling them that you
7 didn't pick Pocket out in the pictures?

8 A. Yes, sir.

9 Q. Do you remember telling them that you
10 didn't do that because you were afraid?

11 A. Yes, sir.

12 Q. So much better.

13 THE COURT: Thanks for listening to me.

14 Q. Do you remember telling the Solicitor
15 that your aunt had told you Pocket was a bad man?

16 A. No, sir. Wait, say that question
17 again.

18 Q. Do you remember telling them that your
19 Aunt Veronica said Pocket was a bad man?

20 A. No, sir.

21 MR. LEIENDECKER: Take a moment to
22 pause, Your Honor, if I could.

23 THE COURT: Take your time.

24 MR. LEIENDECKER: If it please the
25 Court, I would like to show D.N. clips from the

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 forensic interview with Dr. Foster and ask him if
2 he remembers that meeting.

3 MR. OSBORNE: Absolutely not. That is
4 hearsay all day long. If you want to impeach him
5 then you can impeach him. That's out of court
6 statements.

7 THE COURT: All right. Well, I'm going
8 to sustain the objection. Okay.

9 Q. Do you remember having meetings with
10 Dr. Foster?

11 A. Yes, sir.

12 Q. The therapist at MUSC?

13 A. Yes, sir.

14 Q. Do you remember -- how old were you
15 when you're having these meetings?

16 A. Eight.

17 Q. Going on nine; right?

18 A. Yes, sir.

19 Q. Do you remember having trouble when Dr.
20 Foster asked you how old you were at the meetings?

21 A. No, sir.

22 Q. Saying how old you were?

23 A. No, sir.

24 MR. LEIENDECKER: At this time, Your
25 Honor, I'd like to show him a clip to refresh his

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 memory to impeach his answer concerning having
2 trouble.

3 THE COURT: Okay.

4 MR. LEIENDECKER: Clip one, please.

5 THE COURT: And, D.N., can you see
6 the screen?

7 MR. NELSON: Yes, sir.

8 Q. D.N., you will be able to see it on
9 that screen beside you.

10 (Playing the clip)

11 Q. Do you remember that conversation now?

12 A. Yes, sir.

13 Q. You had just a little trouble telling
14 her; right?

15 A. Yes, sir.

16 Q. But she helped you and you got there;
17 right?

18 A. Yes, sir.

19 Q. Do you remember in the course of that
20 same interview Dr. Foster talking to you about the
21 importance when you're talking with her about tell
22 the truth and not telling her lies?

23 A. Yes, sir.

24 Q. And you told her that you wouldn't tell
25 her any lies; right?

1 A. Yes, sir.

2 Q. And you told her that you would answer
3 the questions to the very best of your ability;
4 right?

5 A. Yes, sir.

6 Q. Okay. Do you remember telling Dr.
7 Foster in that interview that in the night in
8 question you were asleep in the bed and that the
9 first thing you did when you waked up was your
10 sister drug you out of the bed waking you up. Do
11 you remember that?

12 A. No, sir.

13 Q. Okay. No further questions regarding
14 that. Do you remember telling Dr. Foster that
15 there was a shootout on that night?

16 A. No, sir.

17 Q. Do you remember telling the doctor that
18 you said Krystal, Tamara, and Hayden were there
19 that night?

20 A. No, sir.

21 THE COURT: Mr. Leiendecker, you might
22 want to wait a second, she needs to make sure that
23 the camera's on and the streaming is going okay.
24 If you don't mind. We're trying send this to the
25 auditorium. I just didn't want her to interrupt

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 you while you were asking questions.

2 Mr. Leiendecker, would it bother you
3 for her to continue to work on that while you are
4 asking questions or you want me to just tell her to
5 stop?

6 MR. LEIENDECKER: It's not bothering me
7 if it doesn't bother the jury.

8 THE COURT: Does it bother y'all if she
9 tries to do that? Everybody is shaking their
10 heads. D.N., does it bother for you to be down
11 there working on that while you're answering
12 questions?

13 MR. NELSON: No, sir.

14 THE COURT: All right. If you'd just
15 please continue then, Mr. Leiendecker.

16 MR. LEIENDECKER: One second.

17 Q. All right. We're back on. Moving
18 along, D.N. You answered Dr. Foster's question
19 about who Shamekia was with, she's a tall teenage
20 girl; right?

21 A. Yes, sir.

22 Q. You didn't identify her as your sister;
23 right? Do you remember?

24 A. I can't remember.

25 MR. LEIENDECKER: I'd like to play clip

1 7 from the interview.

2 (Playing the clip)

3 Q. In the course of the interview, you
4 told Dr. Foster that your dad, Christopher Wright,
5 doesn't have any other children other than you. Do
6 you remember that?

7 A. No, sir.

8 MR. LEIENDECKER: If we could play clip
9 13 to see.

10 (Playing the clip)

11 Q. Do you remember that now?

12 A. Yes, sir.

13 Q. Dr. Foster showed you some pictures of
14 persons and asked you if you remembered any of
15 these people regarding the shooting and one of the
16 pictures she showed you was Mr. Bailey, Pocket's
17 picture. Do you remember that?

18 A. Yes, sir.

19 Q. Do you remember that you didn't
20 identify him?

21 A. Yes, sir.

22 Q. Do you remember telling that Dr. Foster
23 asked you if you remembered what happened at
24 daddy's house that night?

25 A. Yes, sir.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. And you told her, nope, you don't
2 remember?

3 A. Yes, sir. Because I was scared. We
4 was scared.

5 Q. And because your mom had told you not
6 to tell her; correct?

7 A. Yes, sir.

8 Q. Do you remember her asking if you were
9 worried about talking about the shootout as you
10 called it?

11 A. Say that again, please.

12 Q. Do you remember telling Dr. Foster you
13 were not worried about talking about the shootout?

14 A. Say that again one more time.

15 Q. Dr. Foster asked you, are you afraid,
16 worried, or scared about talking about the shooting
17 at your dad's house. Do you remember saying, no?

18 A. No, sir.

19 MR. LEIENDECKER: Play clip 23.

20 (Playing the clip)

21 Q. D.N., do you remember Dr. Foster
22 showing you pictures of individuals and you
23 identified the man who came to dad's house to swap
24 dirt bikes or deal with dirt bikes?

25 A. Yes, sir.

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. Pardon?

2 A. Yes, sir.

3 Q. You do remember that?

4 MR. LEIENDECKER: I'd like to have this
5 marked as Defendants' Exhibit 2 for ID.

6 (WHEREUPON, Defendants' Exhibit Number
7 2 was marked for ID)

8 MR. LEIENDECKER: May I approach the
9 witness?

10 THE COURT: You may.

11 Q. D.N., I'm going to show you a
12 picture. Have you seen that picture before?

13 A. I can't -- I can't remember.

14 Q. Okay. You don't remember being shown
15 this by Dr. Foster?

16 A. I can't remember.

17 Q. Okay.

18 MR. LEIENDECKER: Could we see clip 29
19 of the interview?

20 (Playing the clip)

21 MR. LEIENDECKER: May I approach the
22 witness again?

23 THE COURT: You may.

24 Q. D.N., looking again at this exhibit,
25 is this the one that Doctor Foster showed you?

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. I can't remember.

2 Q. What does it say on it? Can you read
3 what's written on there?

4 A. Yes, sir.

5 Q. Would you read it for us? Read it so
6 the jury can hear. Hold the mic up.

7 A. "Guy came to the house sell dirt
8 bikes."

9 Q. And that's what we just saw Dr. Foster
10 say; correct?

11 A. Yes, sir.

12 Q. You identified a guy who came to dad's
13 house selling dirt bikes?

14 A. Yes, sir.

15 Q. Is this person Mr. Bailey?

16 A. No, sir.

17 Q. You've already told us that you told
18 Dr. Foster you didn't know who shot you; right?

19 A. Yes, sir.

20 Q. Do you remember telling Dr. Foster that
21 when she asked what your dad said that your mom
22 said to keep it a secret and not to say anything.
23 Do you remember telling her that?

24 A. Say that again.

25 Q. Do you remember telling Dr. Foster your

D.N. - CROSS EXAMINATION BY MR. LEIENDECKER

1 mom said keep it a secret, don't tell anything --
2 don't say anything?

3 A. Yes, sir.

4 Q. Okay. Do you remember telling Dr.
5 Foster that your dad said not to talk about it?

6 A. Yes, sir.

7 Q. Do you remember telling Dr. Foster you
8 didn't know the robbers?

9 A. Yes, sir.

10 MR. LEIENDECKER: One minute, Your
11 Honor. That's all I have, Your Honor. I would
12 move for Defendants' Exhibit 2 be admitted into
13 evidence.

14 THE COURT: Any objection from the
15 State?

16 MR. OSBORNE: None.

17 MS. ZMROCZEK: No objection from the
18 defense.

19 THE COURT: Anything from your
20 Defendant?

21 MS. ZMROCZEK: I just have a very few
22 questions.

23 THE COURT: No, I mean, that --

24 MS. ZMROCZEK: Oh, no objection to that
25 one.

D.N. - CROSS EXAMINATION BY MS. ZMROCZEK

1 THE COURT: Mr. Johnson?

2 MR. JOHNSON: No objection.

3 THE COURT: Defendants' 2 is in
4 evidence without objection.

5 (WHEREUPON, Defendants' Exhibit Number
6 2 was entered)

7 THE COURT: Are you through with this
8 witness?

9 MR. LEIENDECKER: No. Thank you,
10 D.N. .

11 THE COURT: All right. Thank you, Mr.
12 Leiendecker. Ms. Zmroczek, any questions of this
13 witness?

14 MS. ZMROCZEK: Briefly.

15 THE COURT: Okay.

16 CROSS EXAMINATION BY MS. ZMROCZEK:

17 Q. Hi, D.N. .

18 A. Hi.

19 Q. We met yesterday. Remember, my name is
20 Aimee?

21 A. Yes, ma'am.

22 Q. Was that you on those pictures, little
23 you?

24 A. Yes, ma'am.

25 Q. But you've grown up now; right?

1 A. Yes, ma'am.

2 Q. And you're 14?

3 A. Yes, ma'am.

4 Q. And do you remember when you stayed at
5 your dad's house?

6 A. Basically. But, yes, ma'am.

7 Q. I'm getting to a very specific point.
8 Did y'all have puppies there?

9 A. We had dogs.

10 Q. Had dogs?

11 A. Yes, ma'am.

12 Q. How many dogs did you have?

13 A. Three.

14 Q. You had three?

15 A. Yes, ma'am.

16 Q. And were -- you remember that day that
17 we're talking about in July, I know it's sometimes
18 hard to remember, but do you remember -- were the
19 dogs there that day?

20 A. Yes, ma'am.

21 Q. Were they mean to people they didn't
22 know?

23 A. I don't know.

24 Q. Were they -- did they like to protect
25 you?

D.N.

- CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. They were nice to you; right?

3 A. Yes, ma'am.

4 Q. And they were there that night; right?

5 A. Yes, ma'am.

6 Q. Did they sleep inside or did they sleep
7 outside?

8 A. Outside.

9 Q. They slept outside?

10 A. Yes, ma'am.

11 Q. Mine sleep in the bed with me
12 sometimes, so, sometimes I like to ask. What I
13 want to know is -- so I know Mr. Leiendecker asked
14 you a lot, a lot of questions, and Mr. Osborne did,
15 but I just have a few. I want to talk to you about
16 the white guy that you kept talking about.

17 A. Yes, ma'am.

18 Q. That's the burned up white guy; right?
19 Is that how you described him?

20 A. No, ma'am.

21 Q. Okay. How did you describe him?

22 A. Say that again.

23 Q. The first part or the second part? Let
24 me ask it this way. Do you remember talking about
25 a white guy?

1 A. Yes, ma'am.

2 Q. And then you later on described him as
3 a burned up white guy. Are those your words or did
4 somebody else say that?

5 MR. OSBORNE: Objection, Your Honor.
6 Compound question.

7 MS. ZMROCZEK: Yeah, I'll ask it
8 differently.

9 THE COURT: If you wouldn't mind
10 breaking it down.

11 Q. Sorry, asking to many questions at
12 once. Do you remember talking about the white guy?

13 A. Yes, ma'am.

14 Q. And how would -- how did you describe
15 that white guy? Do you understand what I'm saying
16 when I say describe?

17 A. Yes, ma'am. He was skinny.

18 Q. He was skinny?

19 A. Yeah, he was skinny. He was not short,
20 but not tall.

21 Q. Not short, but not tall?

22 A. Yes, ma'am.

23 Q. Did he have hair on his face or no hair
24 on his face?

25 A. No hair.

D.N.

- CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. No hair on his face?

2 A. Yes, ma'am.

3 Q. Okay. And do you remember what color
4 his hair was?

5 A. I think black.

6 Q. It was what?

7 A. Black.

8 Q. Black hair?

9 A. Yes, ma'am.

10 Q. Okay. And was this the same white guy
11 that you saw at the ball game with Mr. Pocket?

12 A. No, ma'am.

13 Q. It's a different white guy?

14 A. Yes, ma'am.

15 Q. Okay. So then I just have a few more
16 questions for you. And I'm not going to go through
17 all the interviews, but Mr. Leiendecker asked you,
18 do you remember meeting with the solicitor's
19 office; right.

20 A. Yes, ma'am.

21 Q. And do you remember telling them on
22 July 11th of 2019, when they asked you about what
23 the guy looked like and you just said white guy;
24 right?

25 A. Yes, ma'am.

1 Q. Okay. And that's probably on there.
2 They probably forgot to ask you some details. But
3 then later on, do you remember meeting with them on
4 December 20th of 2021, so just last month?

5 A. Yes, ma'am.

6 Q. Okay. And they asked you a bunch of
7 questions like we're doing today; right?

8 A. Yes, ma'am.

9 Q. And then you said that you saw a white
10 girl, Pocket, the burned up guy, and the black
11 male. Do you remember that?

12 A. Yes, ma'am.

13 Q. Okay. And the burned up guy was the
14 white guy that you had mentioned earlier to the
15 Prosecutors; right?

16 A. Say that again --

17 Q. Sure.

18 A. -- please.

19 Q. I have a squeaky voice and sometimes
20 it's hard to hear me. The burned up guy was the
21 white guy that you mentioned earlier to the
22 Prosecutors. And when I say, Prosecutors, I mean,
23 Mr. Osborne.

24 A. No, ma'am.

25 Q. Okay. You don't remember saying that?

D.N. - CROSS EXAMINATION BY MS. ZMROCZEK

1 MR. OSBORNE: Objection, Your Honor.
2 That's a mischaracterization. Asked and answered.
3 It's getting into badgering.

4 MS. ZMROCZEK: Okay.

5 Q. Let me ask you this. When you saw --
6 did you tell them on -- do you remember telling
7 them on December 20th of 2021, so just this past
8 December, do you remember telling the prosecutors
9 that when you saw Pocket -- or, excuse me. That
10 when you saw -- at the softball game when you were
11 with Diamonique and Amari?

12 A. Yes, ma'am.

13 Q. Do you remember that?

14 A. Yes, ma'am.

15 Q. Okay. And that the burned up man came
16 to you -- came up to you at the game and asked you
17 some questions?

18 A. No, ma'am.

19 Q. Okay. And then do you remember telling
20 them on that same day in November -- excuse me, in
21 December, just at the end of last year, that you
22 know the burned up guy was there?

23 THE COURT: Just -- you mean at the
24 house that night not the softball game?

25 MS. ZMROCZEK: Right. Right. Right.

1 Sorry.

2 THE COURT: Would you just clarify that
3 to him?

4 MS. ZMROCZEK: Oh, okay.

5 Q. Do you remember December telling them
6 at the end of the interview that you knew in July
7 that the burned up white guy was there?

8 A. Yes, ma'am.

9 Q. Okay. And that when you were in, I
10 think, that you also told them -- and tell me if
11 I'm wrong. Do you remember telling them in
12 December that when your mom said you don't remember
13 anything that you said you told your mom about the
14 burned up guy at that same time?

15 A. Say that again.

16 Q. Sure. You remember your mom saying you
17 don't remember anything; right?

18 A. Yes, ma'am.

19 Q. And then you were like -- then you told
20 her at that time that, no, you remembered things
21 and then you specifically told her that you --
22 about the burned up guy at the same time?

23 A. No, ma'am.

24 Q. Okay. And then you just met with them
25 I think last month in January; right?

D.N.

- CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. And you talked with them again?

3 A. Yes, ma'am.

4 Q. And then they -- they were somebody
5 taking notes; right?

6 A. Yes, ma'am.

7 Q. Okay. And they asked you about this
8 incident again in July; right?

9 A. Yes, ma'am.

10 Q. Okay. You've done a lot of talking
11 about this, huh?

12 A. Yes, ma'am.

13 Q. And they -- and then you said that,
14 again, you saw the burned up guy there that night?

15 A. Yes, ma'am.

16 Q. Okay. And that the burned up man and
17 this is again in the January meeting, just a few
18 weeks ago?

19 A. Yes, ma'am.

20 Q. That the burned up man was there and
21 Pocket called the black guy over to get Krystal.
22 Do you remember telling them that?

23 A. No, ma'am.

24 Q. Okay. And do you remember telling them
25 that before you were shot you had never seen the

1 burned up guy?

2 A. Yes, ma'am.

3 Q. Do you remember telling them that?

4 A. Yes, ma'am.

5 Q. Okay. And do you remember telling them
6 the burned up man, you think the left side of his
7 face was burned up?

8 A. I don't remember.

9 Q. Okay.

10 MS. ZMROCZEK: Your Honor, I think
11 those are all the questions I have. D.N., thank
12 you for answering my questions.

13 THE COURT: Thank you, Ms. Zmroczek.
14 Mr. Johnson, any questions of this witness?

15 MR. JOHNSON: No questions, Your Honor.

16 THE COURT: All right. Anything on
17 redirect?

18 MR. OSBORNE: Yes, Your Honor.

19 REDIRECT EXAMINATION BY MR. OSBORNE:

20 Q. Mr. Leiendecker and Ms. Zmroczek asked
21 you a number of times, do you remember something
22 that you said six years ago; right? They phrased
23 it that way; correct, do you remember saying
24 something?

25 A. Yes, ma'am -- yes, sir.

D.N.

- REDIRECT EXAMINATION BY MR. OSBORNE

1 Q. It's all right. So instead of saying
2 do you remember saying something six years ago, let
3 me just ask you point blank. Did Veronica ever
4 tell you that Pocket was a bad man?

5 A. No.

6 Q. You never heard her say that to you?

7 A. Not to me.

8 Q. How about to your mom?

9 A. Yes, sir.

10 Q. Okay. There was some conversation
11 about the bed that, you know, you were in. You
12 said years ago that you were in your bed, did you
13 sleep on the couch when you were at that house?

14 A. Yes, sir.

15 Q. So that was like your bed?

16 A. Yes, sir.

17 Q. Well, I mean, ask you point blank. At
18 anytime during the incident, did you ever see a
19 white woman in there that shouldn't have been
20 there?

21 A. Yes, sir.

22 Q. At any point during the incident, did
23 you ever see the burned up man in the house, ever?

24 A. Yes, sir.

25 Q. Okay. And then you had mentioned you

D.N. - REDIRECT EXAMINATION BY MR. OSBORNE

1 saw another white guy. Okay. Oh. Oh. I'm sorry.
2 Showing you State's Exhibit Number 2. Do you
3 remember when Dr. Foster showed you that picture?

4 A. Yes, sir.

5 Q. It looks like a guy that was there
6 during the vehicle swap. Do you remember that?

7 A. Yes, sir.

8 Q. Then you also said it looks like a guy
9 in the movies. Do you remember that?

10 MR. LEIENDECKER: Objection, Your
11 Honor. Mischaracterizing the testimony. That was
12 a different exhibit. Be happy to show it to the
13 State.

14 THE COURT: I don't know what the other
15 exhibits were, but I have no idea where y'all are
16 going with this.

17 MR. LEIENDECKER: It's outside the
18 scope of what was asked.

19 THE COURT: Is that Dr. Foster's
20 picture?

21 MR. OSBORNE: Your Honor, I heard
22 testimony and I think it came out and we saw it in
23 the clip that Dr. Foster says that looks like
24 somebody in the movies.

25 MR. LEIENDECKER: No. Mischaracterizes

D.N.

- REDIRECT EXAMINATION BY MR. OSBORNE

1 it. It was in relation to this exhibit.

2 THE COURT: I could not see the clips
3 that clearly, so --

4 MR. LEIENDECKER: Yeah.

5 MR. OSBORNE: And these bled together.

6 All right. Whatever.

7 THE COURT: Okay.

8 Q. Do you remember saying somebody looked
9 like Martin Lawrence?

10 A. No, sir.

11 Q. Okay. So we talked a lot about --
12 well, you were shown a lot of clips. Do you
13 remember during the second interview, Dr. Foster
14 gave you a break and you were left alone?

15 A. Yes, sir.

16 Q. Do you remember singing a song, "Why Do
17 Bad Things Happen To Good People"?

18 A. No, sir.

19 MR. OSBORNE: Can we flip this open?

20 A. Can I use the restroom real quick?

21 MR. OSBORNE: Can he take a quick break
22 to use the restroom?

23 THE COURT: Oh, yes. That will be
24 good. Ladies and gentlemen, while he takes a
25 break, I'm going to let y'all take a break too.

D.N.

- REDIRECT EXAMINATION BY MR. OSBORNE

1 Remember, you cannot talk about anything we've
2 heard so far. Y'all can go and I'll get you back
3 in here as soon as we can. You want to come here?
4 You come this way and I'll just let you go back in
5 the room back here. Okay.

6 MR. NELSON: Yes, sir.

7 (WHEREUPON, the jury left the courtroom
8 at 12:16 p.m.)

9 (WHEREUPON, there was a short break)

10 THE COURT: Mr. Osborne, are you ready?

11 MR. OSBORNE: Yes, Your Honor.

12 THE COURT: Mr. Leiendecker, are you
13 ready?

14 MR. LEIENDECKER: Yes.

15 THE COURT: Ms. Zmroczek?

16 MS. ZMROCZEK: Yes, Your Honor.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: Yes, Your Honor.

19 THE COURT: Bring your clients on out.

20 All right. Let's have the jury, please.

21 (WHEREUPON, the jury entered the
22 courtroom at 12:26 p.m.)

23 THE COURT: All right. Ladies and
24 gentlemen, we will continue with D.N.'s
25 testimony. Mr. Osborne, I believe I interrupted

D.N. - REDIRECT EXAMINATION BY MR. OSBORNE

1 you for a moment.

2 MR. OSBORNE: Thank you, Your Honor.

3 THE COURT: Thank you.

4 Q. D.N. , I'm just going to play a quick
5 clip from your second interview with Dr. Foster,
6 okay?

7 A. Yes, sir.

8 MR. OSBORNE: Beg the Court's
9 indulgence.

10 (Playing the clip)

11 Q. D.N. , when you were doing pow, pow,
12 pow, pow, pow, against the picture that you had
13 just drawn, do you remember what you drew?

14 MS. ZMROCZEK: Your Honor, I can't hear
15 a word Mr. Osborne is saying. I'm sorry.

16 THE COURT: I couldn't hear it either.

17 Q. When you were saying, pow, pow, pow,
18 pow, pow, and touching the picture with your red
19 marker, do you remember what picture you had just
20 drawn?

21 A. Yes, sir.

22 MR. OSBORNE: Your Honor, at this time,
23 we would seek to admit 395 into evidence, I think
24 without objection.

25 THE COURT: Is that correct?

D.N. - REDIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: Without objection.

2 THE COURT: Mr. Leiendecker?

3 MR. LEIENDECKER: Without objection as
4 soon as he identifies it.

5 Q. Is this the picture, 395 that you drew?

6 A. Yes, sir.

7 THE COURT: Any objection? Mr.
8 Leiendecker?

9 MR. LEIENDECKER: No.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: No objection.

12 THE COURT: All right. State's 395 is
13 in evidence without objection.

14 (WHEREUPON, State's Exhibit Number 395
15 was entered)

16 Q. D.N., you were nine at the time --
17 I'm showing you 395. D.N., you were nine at the
18 time; is that correct?

19 A. Yes, sir.

20 Q. This is your mom, Diamonique your
21 sister, then Amari your sister?

22 A. Yes, sir.

23 Q. And who is this fellow right here?

24 A. I don't know.

25 Q. Were you drawing a picture of yourself?

D.N.

- REDIRECT EXAMINATION BY MR. OSBORNE

1 A. I don't know.

2 MR. LEIENDECKER: Objection. Leading.

3 THE COURT: Well, he was asking if he
4 was drawing a picture of himself, he said, no.

5 Q. You don't remember?

6 MR. LEIENDECKER: He's already asked
7 and answered he didn't know who the guy was.

8 Q. Are these two letters right here D. R.?

9 A. Yes, sir.

10 Q. Okay. Were you wearing a helmet back
11 then?

12 A. Yes, sir.

13 Q. Okay.

14 MR. OSBORNE: No further questions.

15 THE COURT: Mr. Leiendecker, anything
16 on recross?

17 MR. LEIENDECKER: Nothing, thank you.

18 THE COURT: Okay. Ms. Zmroczek?

19 MS. ZMROCZEK: Nothing.

20 THE COURT: Anything on recross?

21 MR. JOHNSON: No, sir.

22 THE COURT: All right. All right.

23 Thank you, D.N. . You may step down. Okay. You
24 are excused.

25 MR. NELSON: You're welcome.

1 THE COURT: Thank you, sir. Ladies and
2 gentlemen, we are going to take a break for lunch.
3 I'm going to ask y'all to come back in at 2
4 o'clock. That will give you about an hour and a
5 half to get some lunch. Remember, you can't talk
6 among yourselves about the case. Can't talk with
7 anybody else about the case. Can't do any
8 research. Don't read anything. And with those
9 simple guidelines, go out, it's a pretty day today,
10 if y'all will be back at 2, we'll keep on going.
11 Thank y'all.

12 (WHEREUPON, the jury left the courtroom
13 at 12:38 p.m.)

14 THE COURT: We're not through yet.
15 Okay. Y'all sit down. All right. Mr.
16 Leiendecker, I think you and I think Mr. Johnson
17 indicated he wanted to join in a motion for a
18 mistrial?

19 MR. LEIENDECKER: Thank you, Your
20 Honor. If it please the Court. The Defendant
21 Mr. Bailey would move for a mistrial based on the
22 emotional outburst of the mother which was right
23 behind the jury, disrupted the court enough that we
24 actually had to take a break, upset the witness
25 enough that he was actually put in an emotional

1 spin and crying over it, and I believe has now
2 prejudiced the jury pool regarding this matter.
3 This is a follow-up to a motion that we had to
4 begin with where we objected to Ms. Shuler being
5 allowed in in violation of the sequestration order.
6 Your Honor decided that that was appropriate. She
7 was supposedly in the back with earplugs in not
8 able to hear, but it appears to me that whether she
9 could hear or not, it was an intentional
10 demonstration meant to disrupt the trial, meant to
11 upset the flow of what was happening, and meant to
12 prejudice the jury. So I would ask the Court to
13 mistry this case regarding Mr. Bailey.

14 THE COURT: All right. Ms. Zmroczek?

15 MS. ZMROCZEK: I would join in on that
16 as well.

17 THE COURT: And, Mr. Johnson?

18 MR. JOHNSON: Be the same argument,
19 Your Honor, we move for a mistrial.

20 THE COURT: All right. Any response
21 from the State?

22 MR. OSBORNE: I guess the only thing I
23 would say in response, I thought we had broke
24 because we wanted to discuss one of the jurors. I
25 didn't -- honestly, I'm sitting closer than Mr.

1 Leiendecker, although, I wasn't questioning the
2 witness, I heard something back there, but I didn't
3 see anything. And I certainly don't think just for
4 the record that D.N. had started crying until
5 the jury had left. I didn't even notice he had
6 cried until we came back after our meeting.

7 THE COURT: Well, the reason we did
8 break because I wanted to talk about the juror.
9 Okay. At the time that we broke, I heard some
10 noise in the back and did not know what was going
11 on. I didn't recall it being an emotional outburst
12 or anything like that. But retrospect apparently
13 it was, you know.

14 MR. LEIENDECKER: It was enough for
15 jurors to actually turn and see what was going on
16 behind them, Your Honor. And then she was removed
17 while the jury was still in here.

18 THE COURT: And because of where she
19 needed to leave the courtroom at that time?

20 MR. LEIENDECKER: Yes.

21 THE COURT: Yeah. But as to whether or
22 not it rises to the occasion that I believe the
23 jury is so emotionally involved in this or anything
24 like that that I should mistry it, I'm not going to
25 do that now. It didn't appear to me, the jury

1 might have -- some of the jurors might have turned,
2 they might have all turned and looked, and I don't
3 recall that, all of them turning. But then they
4 turned back. They had been -- this jury has been
5 consistent in paying attention. They do not seem
6 to be emotionally involved. I'm pleased with the
7 way they are listening to this matter and like that
8 and so I'm not going to mistry it at this time.
9 I'm going to note your objections to my ruling so
10 that they are preserved for a later date.

11 MR. LEIENDECKER: Thank you, Your
12 Honor.

13 THE COURT: But, I mean, right now I'm
14 not going to do it. Yes, ma'am.

15 MS. ZMROCZEK: Thank you, Your Honor.
16 I respect that. My concern is I believe that Ms.
17 Shuler is probably going to testify this afternoon.

18 THE COURT: Well, now whether Ms.
19 Shuler testifies or not that's going to be a whole
20 other argument.

21 MS. ZMROCZEK: Yes, sir.

22 THE COURT: Okay. Because I'm going to
23 have to think about that. I expected that was
24 going to come.

25 MR. LEIENDECKER: And I understand the

1 Court's ruling on that and, obviously, we'll deal
2 with that at the time. But the issue will then
3 become that she did obviously, you know, break
4 sequestration and abused it for the purpose for
5 which she was supposed to be here.

6 THE COURT: I don't know what kind of
7 knowledge she has about this incident. I don't
8 know the purpose of her being called as a witness.
9 But I'm sure we will talk about that. Okay.

10 MR. LEIENDECKER: Thank you.

11 MR. OSBORNE: And the only thing I
12 would say for the record, Ms. Shuler is a live
13 wire. So an outburst with hearing nothing wouldn't
14 be that surprising.

15 THE COURT: Well, we're going to have
16 to talk about whether or not she's going to
17 testify. Okay.

18 MR. OSBORNE: Yep.

19 THE COURT: All right. Okay. Enjoy
20 lunch, I will see y'all at two. Thank you.

21 (Lunch break)

22 THE COURT: I'm going to go ahead and
23 bring the jury out unless somebody says, no. Bring
24 the jury on in.

25 (WHEREUPON, the jury entered the

1 courtroom at 2:19 p.m.)

2 THE COURT: We will continue now with
3 the State's case. Mr. Osborne, are you ready to
4 call the next witness?

5 MR. OSBORNE: Yes, Your Honor.

6 THE COURT: All right.

7 MR. OSBORNE: State calls Amari Nelson.

8 AMARI NELSON,

9 being first duly sworn, was examined and testified
10 as follows:

11 THE CLERK: You may be seated.

12 THE COURT: Ms. Nelson, do you feel
13 comfortable pulling your mask down so we can see
14 your face? Thank you, ma'am. Okay. Appreciate
15 it.

16 THE CLERK: Please state your first and
17 last name for the record.

18 MS. NELSON: Amari Nelson.

19 THE COURT: And, Ms. Nelson, if it's
20 easier for you, you can hold the microphone in your
21 hand if that's easier for you. Is that easier?

22 MS. NELSON: Yes, sir.

23 THE COURT: That's good. We can hear
24 you, that's exactly what we need to do. Thank you,
25 ma'am. All right. She's your witness,

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 Mr. Osborne.

2 MR. OSBORNE: Thank you, Judge.

3 DIRECT EXAMINATION BY MR. OSBORNE:

4 Q. Good afternoon, Amari.

5 A. Good afternoon.

6 Q. We're just going to start by
7 introducing yourself a little bit to the jury. How
8 old are you?

9 A. I'm 18.

10 Q. And you're still in high school?

11 A. Yes, sir.

12 Q. What grade are you in?

13 A. Twelfth grade.

14 Q. About to graduate?

15 A. Yes, sir.

16 Q. Congratulations. Are you looking at
17 any colleges?

18 A. Yes, sir.

19 Q. Which one?

20 A. Benedict and Lander University.

21 Q. All right. What are you looking to
22 study?

23 A. I want to study to be a preschool
24 teacher.

25 Q. All right. Who do you live with now?

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 A. I live with my mom, my brother, and my
2 sister.

3 Q. All right. And your mom is?

4 A. Donsha Shuler.

5 Q. Okay. And your sister?

6 A. Her name is Diamonique Nelson.

7 Q. Okay. And your brother?

8 A. D.N. .

9 Q. All right. Who is your dad?

10 A. His name is Terrance Nelson.

11 Q. Okay. Terrance is not involved in this
12 in any way?

13 A. No, sir.

14 Q. Okay. Do you and Diamonique have the
15 same dad?

16 A. Yes, sir.

17 Q. Okay. And D.N. 's dad is Christopher
18 Wright?

19 A. Yes, sir.

20 Q. All right. I want to start off by
21 talking about Pocket. Do you know Pocket?

22 A. Yes, sir.

23 Q. And how many times have you seen him
24 around or how do you know him?

25 A. I would see him around like at stores

1 and stuff.

2 Q. And how did you know that the person
3 you saw was Pocket?

4 A. My mom would point him out all the time
5 when she saw him.

6 Q. Okay. Was this before the shooting?

7 A. Yes.

8 Q. Or after the shooting?

9 A. Before.

10 Q. Okay. Do you see Pocket in the
11 courtroom?

12 A. Yes, sir.

13 Q. Can you point him out and describe what
14 he's wearing?

15 A. He has on a blue shirt and a red tie.

16 Q. Okay.

17 MR. OSBORNE: Your Honor, let the
18 record reflect Amari's identified the Defendant
19 Bailey as Pocket.

20 THE COURT: The record will so note.

21 Q. All right. During the timeframe of the
22 shooting, where was D.N. staying at the time of
23 the shooting?

24 A. He was staying at his dad's house.

25 Q. Okay. Did he live there or was he just

1 visiting for the summer?

2 A. He was just visiting for the summer.

3 Q. All right. How did you first hear
4 about the shooting?

5 A. Well, me and Diamonique were staying at
6 my dad's house for the summer and my mom had called
7 us while she was on the way to the hospital.

8 Q. Okay. And what was the information
9 that y'all had first received about D.N. and his
10 condition?

11 A. The information I first received was
12 that he was shot and that he was not alive. That's
13 what I first heard.

14 Q. Okay. Did you visit your brother while
15 he was in the hospital?

16 A. Yes, sir.

17 Q. Okay. A lot or just once?

18 A. It was a couple of times. I even tried
19 to stay the night, but they said I wasn't old
20 enough.

21 Q. Okay. When you first saw D.N. at
22 the hospital, was he able to talk?

23 A. No, sir.

24 Q. Did y'all try to communicate with him?

25 A. Yes, sir.

1 Q. When was it that you were first able to
2 communicate with D.N.?

3 A. It was when we had brought my mom back
4 up to the hospital and the first thing I heard her
5 say D.N. say was that he didn't want my momma to
6 leave.

7 Q. Okay. When you first started talking
8 to him at the very beginning, did you find that he
9 had like a little bit of trouble communicating?

10 A. Yes, sir.

11 Q. Has that improved over time?

12 A. Yes, sir.

13 Q. Does he have any problems now speaking
14 or communicating --

15 A. No, sir.

16 Q. -- with you or your family members?
17 Okay. Since the shooting, has D.N. ever told
18 you something that happened in the past that you
19 knew wasn't correct that was wrong like it was a
20 false memory?

21 A. No, sir.

22 Q. Right after he got out of the hospital,
23 did he have to wear anything to protect his
24 injuries?

25 A. Yeah. He had to wear a blue helmet.

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. All right. Did [D.N.] ever
2 tell you who shot him?

3 A. Yes, sir.

4 Q. And who was around you when he said
5 that?

6 A. It was just him, my mom, and me.

7 Q. Okay. And where were you all at?

8 A. We were in her room.

9 Q. And you don't have to give an address,
10 but whereabouts did y'all live then?

11 A. In Cross.

12 Q. Okay. What -- how did that
13 conversation come about?

14 A. Well, my mom was on the phone with
15 someone discussing what had happened and she had
16 thought that [D.N.] was asleep. So that's what
17 she told the person on the phone that he was asleep
18 --

19 MR. LEIENDECKER: Objection, Your
20 Honor, hearsay.

21 THE COURT: Well, right now she just
22 said she told the person on the phone --

23 MR. LEIENDECKER: She's telling us she
24 told the person on the phone [D.N.] was asleep.

25 MS. ZMROCZEK: What the mom told her.

1 THE COURT: Right.

2 MR. LEIENDECKER: That's what the mom
3 said. That's hearsay.

4 THE COURT: Okay. All right. Can you
5 rephrase the question?

6 Q. Did you hear -- just, yes or no, did
7 you hear your mom on the phone?

8 A. Yes.

9 Q. And was she talking about the night of
10 the incident?

11 A. Yes.

12 Q. And did -- and when did this
13 conversation happen? Was it around February 2016?

14 A. Yes, sir.

15 MR. LEIENDECKER: Objection, leading.

16 Q. Do you remember?

17 A. Yes, sir.

18 Q. Okay. When was it?

19 A. In February of 2016.

20 Q. Okay. Don't say what D.N. said.

21 Did D.N. then make a comment that seemed to
22 indicate that he heard what your mom was saying on
23 the phone?

24 A. Yes, sir.

25 Q. And did he make that comment right

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 after hearing what your mom said on the phone?

2 A. Yes, sir.

3 Q. Okay. And did his comment relate to
4 what your mom was talking about on the phone?

5 A. Yes, sir.

6 Q. All right. What did [D.N.] say?

7 MR. LEIENDECKER: Objection, hearsay.

8 MR. OSBORNE: Present sense impression.

9 MR. LEIENDECKER: It's not a present
10 sense impression.

11 MS. ZMROCZEK: May we have a sidebar,
12 Your Honor?

13 THE COURT: Huh? Yeah, everybody join
14 in. No, go ahead. Okay. Can you rephrase the
15 question in any way?

16 Q. [D.N.]'s comment related to what he
17 had just heard his mom say?

18 A. Yes.

19 MR. OSBORNE: I think that establishes
20 a present sense impression, Your Honor.

21 MS. ZMROCZEK: Your Honor, may we meet
22 over here real quick?

23 THE COURT: Sure.

24 (WHEREUPON, there was a bench
25 conference)

1 THE COURT: Please continue,
2 Mr. Osborne.

3 Q. How did your mom react to what D.N.
4 said?

5 A. She told him not to say that anymore.

6 Q. Okay. To keep it quite?

7 A. Uh-huh. Yes, sir.

8 Q. All right. When you heard this, why
9 didn't you call the police?

10 A. Because we were all scared that, you
11 know --

12 MR. LEIENDECKER: Objection. She can
13 only speak to her own state or condition and not to
14 the mental state or condition of others.

15 A. I didn't call the police because I was
16 scared.

17 Q. What were you afraid of?

18 A. Something could happen to us -- or to
19 D.N. again or to us as a family.

20 Q. Based on what he just told y'all?

21 A. Yes, sir.

22 Q. Okay. All right. Now, I want to move
23 to a time after that. Did you, Diamonique, and

24 D.N. go to a softball game?

25 A. Yes, sir.

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. And where was that game?

2 A. It was at a Eutawville field called
3 Riverside.

4 Q. Okay. In Eutawville?

5 A. Yes, sir.

6 Q. And how far was this ball field from
7 your home?

8 A. We lived right down a dirt road, so it
9 wasn't that long of a walk. Probably a five minute
10 walk.

11 Q. Okay. Walking distance?

12 A. Uh-huh.

13 Q. Okay. And who all was at the ball
14 field again?

15 A. Like with me?

16 Q. Yeah, with you. I'm sorry.

17 A. D.N. and Diamonique.

18 Q. Okay. Did you, Diamonique, and D.N.
19 abruptly have to leave the game?

20 A. Yes, sir.

21 Q. Again, I'm going to ask you some
22 preceding questions, okay. Don't say what
23 Diamonique said yet. All right. But did
24 Diamonique say something to you -- did Diamonique
25 say something to you that caused you all to leave

1 the game?

2 A. Yes, sir.

3 Q. Again, don't say what she said yet.

4 But how did it come about -- prior to her making

5 this statement, were you separated at any point

6 from Diamonique and D.N. ?

7 A. Yes, sir.

8 Q. Okay. How did that come about?

9 A. They went to the concession stand to
10 get something to eat.

11 Q. Okay. Now, after they left to the
12 concession stand, did they come back?

13 A. Yes, sir.

14 Q. And can you describe to the jury
15 Diamonique's like how she was behaving when she
16 came back? Was she calm? Was she upset?

17 A. She was upset.

18 Q. Did Diamonique relay to you why she was
19 upset?

20 A. Yes, sir.

21 Q. Had the event that had made her upset
22 something that just happened or was it something
23 that had happened long ago?

24 A. It had just happened.

25 Q. Did what Diamonique say next relay to

AMARI NELSON - DIRECT EXAMINATION BY MR. OSBORNE

1 what had just happened that upset her?

2 A. Yes, sir.

3 Q. Okay. What did Diamonique say?

4 MR. LEIENDECKER: Objection, Your
5 Honor. Hearsay.

6 THE COURT: I'm going -- tell me --
7 well --

8 MR. OSBORNE: That has every box to
9 excited utterance has been checked.

10 MR. LEIENDECKER: It's not an excited
11 utterance.

12 THE COURT: Okay. I'm going to
13 overrule the objection. I'm going to let them
14 respond. Okay. All right. Go ahead.

15 Q. While she was upset, what did
16 Diamonique say?

17 A. That she had seen Pocket and the burned
18 up man.

19 Q. And what were they doing?

20 A. Just standing around.

21 Q. And were they near anyone?

22 A. I don't know.

23 Q. Okay. But seeing them made them upset?

24 A. Yes, sir.

25 Q. Okay.

AMARI NELSON - CROSS EXAMINATION BY MR. LEIENDECKER

1 MR. OSBORNE: All right. No further
2 questions.

3 THE COURT: All right. Who wants to go
4 next?

5 MR. LEIENDECKER: I will.

6 THE COURT: Okay. Mr. Leiendecker?

7 CROSS EXAMINATION BY MR. LEIENDECKER:

8 Q. The phone conversation that the
9 Solicitor described your mom was having that phone
10 conversation in the house; correct?

11 A. Yes, sir.

12 Q. And it related to the events at the
13 Holly Hill shooting; correct?

14 A. Yes, sir.

15 Q. And you testified that your brother
16 overheard what your mom was saying; correct?

17 A. Yes, sir.

18 MR. LEIENDECKER: I have no further
19 questions. Thank you.

20 MS. ZMROCZEK: No questions.

21 THE COURT: Mr. Johnson?

22 MR. JOHNSON: No questions, Your Honor.

23 THE COURT: Okay. Anything on
24 redirect?

25 MR. OSBORNE: I'm sorry. Can we

AMARI NELSON - CROSS EXAMINATION BY MR. LEIENDECKER

1 approach just real quick? I think the answer is
2 no. I mean, I can say it right here, I just feel
3 like the door has been opened to what is it that
4 her mom said.

5 THE COURT: Okay.

6 MR. OSBORNE: If the answer is no, then
7 I have nothing.

8 THE COURT: No.

9 MR. OSBORNE: Okay. No further
10 questions, Judge.

11 THE COURT: All right. You may step
12 down. Thank you, ma'am. Is the State prepared to
13 call its next witness?

14 MR. OSBORNE: We have that little
15 issue.

16 THE COURT: Okay. We need to let the
17 jury go. All right. Ladies and gentlemen, we need
18 to take a short break, okay, to take up a matter of
19 law. I'm going to let y'all go back in the jury
20 room. Remember, you cannot talk about anything
21 you've heard so far. Okay. Thanks.

22 (WHEREUPON, the jury left the courtroom
23 at 2:36 p.m.)

24 THE COURT: Are we ready? The State
25 has indicated that they're ready to go. Have --

1 y'all have gone over the pictures; right?

2 MR. OSBORNE: Yes.

3 MR. LEIENDECKER: Yes.

4 MR. OSBORNE: We've got the
5 battleground here, there's only a few of them. How
6 would you like to do it? Would you like me to show
7 them to you? Would you like me to put it up over
8 the overhead?

9 THE COURT: No, show them to me.

10 MS. ZMROCZEK: Yeah, I think if we just
11 identify the numbers, show them to the Judge.

12 THE COURT: Yeah.

13 MR. OSBORNE: If we could, Judge, 34,
14 35, and 36 and then let me pull them up real quick
15 and I will tell you what our position would be
16 regarding the relevance of those three.

17 Starting with 34. All right. And for
18 the record, 34 depicts Jerome Butler lying on the
19 ground with a bullet hole which appears to be
20 literally in the center of his head. It's relevant
21 to us for a couple of different reasons. First of
22 all, obviously, we have to prove malice. This
23 shows that Mr. Butler was in a defenseless
24 situation unless, you know, obviously, unless he
25 was shot by giant. I mean, he was shot while he

1 was on the ground on the top of his head.

2 Not only that, the projectile which was
3 recovered was recovered right next to his head
4 which shows once again that he was in a defenseless
5 situation or in position. A shell casing was
6 recovered the next day which was fired off to the
7 right. This becomes really relevant to us in the
8 sense that he was shot first, our position is going
9 to be. He was shot first while he was sat in the
10 passenger seat of the Camero, twice. The shell
11 casings kicked to the right while he was there.
12 Shell casing recovered at the front of the Camero
13 which is what you would expect them to be. And
14 then this last shot.

15 And the other thing this photograph
16 does show, if you look carefully, we are contending
17 this is a robbery. And if you look at Mr. Butler's
18 left pant's pocket, it is turned out.

19 MS. ZMROCZEK: Your Honor, I take an
20 issue because our clients are not charged with
21 armed robbery. I think we're hearing burg first,
22 so I think that that's a big difference. So if
23 we're going to talk about robberies then I'm going
24 to have an issue. Because I think robbery came up
25 once in D.N.'s testimony. I didn't object

1 because I understand I was just letting it flow.
2 But our clients are not or at least my client is
3 not charged with robbery. He's not been indicted
4 for that and that's a completely separate matter
5 than burg first. And so I would take issue with
6 the characterization of robbery.

7 THE COURT: Okay. And they're not
8 charged with robbery; right?

9 MR. OSBORNE: No, but it's a crime
10 therein. You know, and, obviously, burglary and
11 they're armed with weapons, they could have been
12 charged with robbery clearly --

13 MS. ZMROCZEK: But they weren't.

14 MR. OSBORNE: But at a certain point
15 you do have to prove that there was a crime that
16 occurred therein.

17 MS. ZMROCZEK: Therein, which is --

18 MR. OSBORNE: We had charged --

19 MS. ZMROCZEK: Therein.

20 MR. OSBORNE: I was still talking.

21 THE COURT: Okay.

22 MR. OSBORNE: There was a lot of
23 charges they could have been charged here. But to
24 prove that a crime occurred therein and the crime
25 here is clearly an armed theft which is a robbery.

1 THE COURT: Okay. Just tell me, I
2 guess I'm just kind of -- these are the only
3 pictures we have of Mr. Butler that you're trying
4 to introduce?

5 MR. OSBORNE: 34, 35, and 36. I mean,
6 there may be more, but these are the three that
7 were objected to.

8 THE COURT: Okay.

9 MR. LEIENDECKER: Here's the three if
10 the State wants to also look at these that were not
11 objected to; correct, David? 32, 33, and 37 which
12 also depict Mr. Butler.

13 THE COURT: Okay. Can I just see
14 those?

15 MR. LEIENDECKER: Yes, sir. And I
16 might add 33 is already in evidence.

17 THE COURT: 33 is already in evidence?

18 MR. LEIENDECKER: Yes, sir.

19 THE COURT: Okay. All right. Going
20 back to -- tell me how 35 is different from 34?

21 MR. OSBORNE: Well, if you -- if we're
22 wanting to take out 35, that's fine. 36 is the
23 other one that we do need in. Because 36 is the
24 best photograph that shows the empty knife pouch.
25 There is a -- and then you can tell from the pouch

1 that is a folded knife pouch. Then there is an
2 opened knife inside the Camero.

3 THE COURT: Okay.

4 MR. OSBORNE: Mr. Butler clearly saw
5 the danger coming, took out his knife. Bring a
6 knife to a gunfight.

7 THE COURT: And as far as -- and since
8 I haven't seen it, but the knife was recovered?

9 MR. OSBORNE: Inside the Camero where
10 Mr. Butler was seated when he was first shot.

11 THE COURT: Okay. All right.

12 MR. OSBORNE: I can do black and white
13 on any of these photographs.

14 THE COURT: Huh?

15 MR. OSBORNE: I can do black and white
16 on any of these.

17 THE COURT: You can do black and white
18 on these?

19 MR. OSBORNE: Yes, sir.

20 THE COURT: Okay. I'm sorry. Go
21 ahead, Mr. Leiendecker?

22 MR. LEIENDECKER: First point is, the
23 -- and I don't have any sense what the State's
24 argument is, but and if they've now expressed that
25 they need to be able to show that Mr. Butler

1 brought a knife to a gunfight, I think was the
2 phrase, which is a cool turn of phrase, the knife
3 was inside the car where Mr. Butler was, certainly
4 they've checked the knife to see that that's
5 Mr. Butler's fingerprints on it. And you don't
6 need a bloody photograph to show that he had a
7 holster to carry the knife in. So I think it makes
8 me hearken back to the start of the case kind of a
9 red herring to suggest.

10 THE COURT: But if we do it in black
11 and white, it's not nearly as offensive.

12 MR. LEIENDECKER: It's still offensive,
13 yes. I mean, I don't think anybody thinks that
14 that's not his blood that is spilled on the ground
15 and is pooled in such large quantities around him.

16 THE COURT: I mean, one of the reasons
17 -- I mean, if we do it in black and white just to
18 show that it was out of that and don't put in --
19 because you can see the -- everything in this one
20 that they need and you don't need 33 and 34. You
21 can do that in black and white.

22 MR. OSBORNE: Okay. Your Honor, just
23 so I understand the ruling, 35 is out and 36 is
24 black and white?

25 THE COURT: Right.

1 MR. OSBORNE: Okay. All right. The
2 next one is 160 --

3 THE COURT: That's going to be black
4 and white.

5 MR. LEIENDECKER: Okay.

6 THE COURT: All right.

7 MR. LEIENDECKER: Yes. They will be in
8 if they're not in yet.

9 THE COURT: Yeah, okay. All right.

10 MR. OSBORNE: 35 is out and 36 is black
11 and white.

12 THE COURT: Yeah. And 34 is going to
13 be --

14 MR. LEIENDECKER: 34 is out.

15 THE COURT: 34 is out too. I think you
16 can get everything you need -- you've got the other
17 three pictures with him stationed there and 36 you
18 can see the pocket was out that you were concerned
19 about.

20 MR. OSBORNE: Yes, sir.

21 THE COURT: Okay.

22 MR. OSBORNE: Okay. 34 is out. Okay.
23 34, 35 out, 36 black and white?

24 THE COURT: Right.

25 MR. OSBORNE: Okay. Your next ones are

1 166, 169, 172, and 173.

2 THE COURT: All right. Now, do y'all
3 have any pictures -- this is Krystal?

4 MR. OSBORNE: These are Krystal Hutto.

5 THE COURT: And Krystal's pictures,
6 have y'all already agreed to some pictures of
7 Krystal?

8 MS. ZMROCZEK: We have those, Your
9 Honor.

10 THE COURT: Could I see the ones that
11 were already agreed to?

12 MS. ZMROCZEK: Oh, you mean, are they
13 already in?

14 THE COURT: Yeah.

15 MS. ZMROCZEK: No, there are none of
16 her in.

17 MR. LEIENDECKER: That we didn't object
18 to, you mean, Your Honor?

19 THE COURT: Yeah. Could I see the ones
20 that y'all didn't object to?

21 MR. LEIENDECKER: 164, 64, 67, 68, and
22 70 we're not objected to just for your record.

23 THE COURT: All right. Let me see.

24 MR. OSBORNE: All right. Your Honor, I
25 might be able to get -- well -- all right. So

1 there -- obviously, there was a lot of cross
2 examination on [D.N.] regarding what [D.N.]
3 remembered. What [D.N.] testified to was that,
4 you know, Krystal was escorted out of the room and
5 in -- out of the room. This photograph shows that
6 Krystal is in another room.

7 Now, what we see right here in this
8 photograph of 166 is what you don't -- it's not
9 only what you do see, it's what you don't see. And
10 what you don't see is any evidence of blood, of
11 drag marks, or anything like that. This is
12 consistent with what [D.N.] said. If Krystal had
13 been shot in another room, what you would expect to
14 see then is drag marks of blood at Krystal's feet
15 going into the room. You don't see anything like
16 that. The only blood that you see is pooled right
17 next to Krystal's head. Which again would be
18 consistent with Krystal being brought into that
19 room, not being shot in another room, and then
20 being dragged into that room.

21 THE COURT: Is there a difference
22 between 166 and 169 in the State's case?

23 MS. ZMROCZEK: And, Your Honor, while
24 he's looking that up, on behalf of the Defendant
25 Smith, we will stipulate that she was shot in

1 another room. We have no problem with that.

2 MR. OSBORNE: Okay. So it's only
3 Mr. Bailey, I guess, that's objecting to this
4 photograph?

5 MR. LEIENDECKER: You're not objecting
6 to that photograph?

7 MS. ZMROCZEK: I'm objecting to the
8 photograph. But that's what I'm saying, if his
9 point is that she was shot in another room then
10 that's why he has to show that picture. We
11 stipulate all day long that she was shot in another
12 room. We're not challenging that. But I don't
13 think we need a picture -- I object to the picture.
14 I don't object to saying that she was -- he said
15 that he had to show that picture to show that she
16 was shot in another room and that was the purpose
17 and we'll stipulate that she was shot in another
18 room.

19 THE COURT: My question to him right
20 now was just the difference between 169 and 166
21 such that you need to put both of them in?

22 MR. OSBORNE: I can work with 169.

23 THE COURT: 169?

24 MR. OSBORNE: Yeah.

25 THE COURT: Okay. As of right now, 166

1 is out. Okay.

2 MR. LEIENDECKER: I'm sorry, 169 is?

3 THE COURT: This is 169 and 166.

4 That's out for now, 169, for purposes of us talking
5 about it.

6 MR. LEIENDECKER: Now we're talking
7 about that one, 169?

8 THE COURT: Yeah. And Ms. Zmroczek
9 said that she would stipulate to the fact that she
10 was killed in another room, but --

11 MR. OSBORNE: Your Honor, I'm not
12 interested in that stipulation. As you know,
13 Judge, we're not required to accept stipulations to
14 any elements of the crime, we want to prove them.

15 THE COURT: Now, let me ask you another
16 question. 172 and 173, you've got pictures of her
17 arms, what is the purpose of those?

18 MR. OSBORNE: I can live without 172.
19 173 is pretty important to us though.

20 THE COURT: Okay. Well, tell us why
21 173 is important.

22 MR. LEIENDECKER: I'm just going to
23 collect 172 so I can keep this organized.

24 THE COURT: 172 is out.

25 MR. OSBORNE: If you look at 173,

1 Judge.

2 THE COURT: Yes, sir.

3 MR. OSBORNE: What you're looking at is
4 the right arm to Krystal. And then when you see
5 her right arm, what you will notice is that there
6 is a straight line of blood. There is an absence
7 of blood on one side of the forearm and then
8 there's blood on the other side of the forearm.

9 Your Honor, if you look at the wound to
10 Krystal in 169, she's literally shot dead center of
11 her forehead. The blood trail that is going
12 through with her arm is consistent, Your Honor,
13 with her putting her hand -- her forehead across
14 her eyes when she was shot. And they can certainly
15 argue and explain that however they would like, but
16 that is clearly what she was told to do, cover your
17 eyes.

18 THE COURT: All right.

19 MS. ZMROCZEK: Your Honor?

20 THE COURT: Ms. Zmroczek?

21 MS. ZMROCZEK: I mean, Your Honor, A,
22 the State can have as any theories as they want
23 about what occurred in that room. But there is not
24 going to be one person to testify that she was told
25 to cover her eyes, that she did cover her eyes,

1 that's speculation. I could argue just the same,
2 but I shouldn't have to, you know, that when she
3 fell that's how her arm flopped.

4 But all of that is beyond the scope of,
5 I think, what we're talking about is clearly these
6 pictures especially the ones close-up are to
7 inflame the passions of the jury which is exactly
8 why we had y'all watch that argument last night
9 because --

10 THE COURT: And I did listen to the
11 argument in the --

12 MS. ZMROCZEK: *State v. Tim Jones*, the
13 capital case.

14 THE COURT: -- *State v. Tim Jones*, and
15 of course that was the case that Judge Griffith
16 tried that lasted three or four weeks or something
17 like that and that's where the father killed those
18 really cute children and then tried to --

19 MS. ZMROCZEK: Tried to dismember them,
20 yes.

21 THE COURT: Yeah, tried to dismember
22 them and like that. And I as a general rule, I
23 mean, you know, autopsy type photographs I
24 understand they don't go in and that seemed to be
25 what they were mostly talking about and they didn't

1 get into -- Justice Kittredge did not want autopsy
2 photographs at all.

3 MS. ZMROCZEK: And it wasn't just the
4 autopsy ones. So there were -- only because I'm
5 intimately familiar with this case, unfortunately,
6 Your Honor, those bodies of the children were
7 tossed on the side of a road in a black trash bag
8 and so those pictures are also some of the pictures
9 that they were arguing about were the uncleaned,
10 you know, not autopsy ones, the ones that were on
11 the side of the road that depicted how they were
12 found when they were on the side of the road. And
13 so, again, you know, I understand that there --

14 THE COURT: These aren't as bad as
15 those.

16 MS. ZMROCZEK: Oh, absolutely. Nothing
17 is ever going to be as bad as those. But for the
18 State to -- my concern is that the State says, and
19 if I misspoke I'm sure I will be corrected, but
20 what I understood the State saying is clearly she
21 was told to put her arm up and cover her eyes. And
22 that's, A, I have a problem with that even if that
23 picture doesn't come in.

24 THE COURT: Yeah. Well, I'm sure
25 unless -- I'm really surprised that somebody will

1 testify to that. I don't know how they're going to
2 be able to argue that. But 169 -- I mean, it's not
3 too much of a close-up, it's far enough away, it
4 shows how the body was left in the room and whereas
5 it's always disturbing to see a dead body, I'm
6 going to let 169 in and I'm going to let 173 in.
7 And I'm going to note y'all's objections to those.
8 Okay.

9 MR. OSBORNE: Okay. So for that group,
10 Your Honor, I have 166 as being out?

11 THE COURT: Yeah, 166 is out and 172.

12 MR. OSBORNE: Okay.

13 MR. LEIENDECKER: Would the State
14 entertain these being published in black and white?

15 MR. OSBORNE: Can we talk about that?
16 I want to see how they look. Because the trail is
17 really what, you know, I just want to see how it
18 looks. I will entertain that.

19 THE COURT: Okay. All right.

20 MR. LEIENDECKER: So 73 and 69 are in
21 right now in discussing --

22 MR. OSBORNE: Yes, in black and white.
23 The last group is -- last group is 203, 204, 205,
24 and 200.

25 THE COURT: Tell me -- okay. Tell me

1 the purposes of -- is it just to show where they
2 were in the room? What are you trying to get at?

3 MR. OSBORNE: Well, starting with 203,
4 what I'm trying to get at here is, there are two
5 shell -- well, three shell casings that were found
6 in the room. One was a .40 and two were 380 shell
7 casings. I think when you look at the crime scene,
8 our position would be that the room was tossed and
9 things move when a room is tossed. And there's
10 also, I think, a pretty decent argument that you
11 have the walker that's off to the left there. That
12 walker then positioned -- you get a good
13 prospective here of where the children are next to
14 the walker. So, you know, obviously, everyone is
15 free to argue their position. Our position would
16 be they barricaded themselves in some way into that
17 room. So that's 203.

18 MS. ZMROCZEK: And, Your Honor --

19 THE COURT: Yes, ma'am.

20 MS. ZMROCZEK: Sorry.

21 THE COURT: I'm sorry.

22 MS. ZMROCZEK: No, you're fine. And
23 so, Your Honor, that -- what the State just said is
24 it's clear that they barricaded themselves into the
25 room. Yet we just had testimony from the one

1 person who survived in that room who not -- I mean,
2 and the State had all day to question him and
3 redirect and never asked about a barricade, never
4 -- I mean, they can't now say that they were
5 clearly barricaded in the room when the one person
6 who was in that room never even mentioned that.

7 MR. OSBORNE: Your Honor, I will also
8 just point out, you know, there are many, many more
9 photographs. These are the only three from that
10 room that I'm seeking to introduce.

11 THE COURT: Are they any other pictures
12 of this room?

13 MR. OSBORNE: No.

14 MR. LEIENDECKER: Yes.

15 THE COURT: Oh, there are?

16 MR. OSBORNE: Tell me the numbers.

17 MR. LEIENDECKER: 187.

18 MR. OSBORNE: 187. Okay.

19 THE COURT: You got them handy so I can
20 see them?

21 MR. LEIENDECKER: 188, 189, then there
22 are close-ups of the shell casings and we'll go
23 through all of those.

24 MR. OSBORNE: You're right. So those
25 three right there, I think, are okay.

1 MR. LEIENDECKER: Yes.

2 MR. OSBORNE: Okay. I think I can do
3 without 203.

4 THE COURT: You can do without 203?

5 MR. OSBORNE: Yes, Your Honor.

6 THE COURT: All right. Well, then,
7 tell me, 203 and 205 look similar?

8 MR. OSBORNE: Okay. 205 is a different
9 photograph. And the reason why 205 is so important
10 to our case -- well, there is a number of reasons.
11 One, these questions which seem kind of silly at
12 the time I thought would show or at least our
13 position would be to show that D.N. does
14 remember. He remembers quite a bit. The first
15 thing and I will just kind of go off the top. I
16 asked him, was anyone a fan of Hello Kitty and he
17 said that Hayden was. If you look off to the top
18 on the top of the dresser there is a Hello Kitty
19 doll up there.

20 Off to the right, still talking about
21 the dresser, there is a blue phone there. This
22 blue phone, we heard some testimony that it
23 belonged to Tamara. We are going to -- well, we
24 anticipate that we're going to be able to show that
25 there was an attempted phone call from Tamara to

1 her dad. Attempted.

2 THE COURT: That's the blue phone that
3 you can see in 205 and 200?

4 MR. OSBORNE: 205.

5 THE COURT: Right?

6 MR. OSBORNE: And 200; right.

7 THE COURT: Okay.

8 MR. OSBORNE: The other thing that you
9 get out of 205 which is clearly -- the most
10 important thing that you get out of 205 is you get
11 the -- well, there's a few things. I'll start from
12 the right. This is the shot of Tamara. This is
13 coupled with the autopsy you can see from this
14 position right here that Tamara shot, on the left
15 side of her cheek and it is at an upward angle. An
16 upward angle. The way Tamara is positioned right
17 there would be consistent with her being shot as
18 she's laying right there on the ground. That's how
19 you get an -- there's two ways to get the upward
20 angle. Either your shooter is on the ground or
21 Tamara is on the ground. Tamara is on the ground.
22 And she's lying just like that.

23 The next thing you see is Shamekia off
24 to the left. What you can see from this photograph
25 right here, you cannot see the wound that's on

1 Tamekia's (verbatim) -- the back of Tamekia's head.
2 But what you can see right here is a wound to
3 Tamekia's left hand. Dr. Ross is going to say that
4 that is consistent with a gunshot wound. Tamekia
5 was shot one time. So how does Shamekia get shot
6 one time with her hand and her head? Is because
7 she had her hand down with her hand on top of her
8 head when she was shot. The bullet went through
9 her hand and then through her head.

10 Next, D.N. testified that when the
11 gun was put to his head by Pocket, everything
12 blacked out. At that moment, he said that he was
13 positioned on the ground between his sisters. And
14 that is exactly what this photograph shows. That
15 he is on the ground between his sisters when he was
16 pulled from EMS.

17 And, lastly -- well, I think that
18 proves relevance right there, Your Honor.

19 THE COURT: Okay. Do you need 200 when
20 you have -- if -- oh, go ahead, Mr. Leiendecker?

21 MR. LEIENDECKER: No. No. I'm just
22 trying to -- can I look at 203? Has 203 already
23 been pulled?

24 MS. ZMROCZEK: Yeah. 203 is out.

25 MR. LEIENDECKER: Okay. 200 is the one

1 I wanted to look at, Your Honor.

2 MR. OSBORNE: And, Your Honor, in going
3 back to 200, I see -- I put 200 in because it had a
4 better image of Hello Kitty. I can get that
5 testimony in through Captain Carter and then I can
6 pull 200.

7 MR. LEIENDECKER: Yeah. And I would
8 also point -- but I don't need to since he's
9 pulling 200. But there are several other pictures
10 which have Hello Kitty things within the room.

11 MR. OSBORNE: Okay. I'll pull 200.

12 MR. LEIENDECKER: 187, 188, and 189.

13 THE COURT: So we're down to 205 is the
14 only picture that has them --

15 MR. OSBORNE: I'm sorry. 200 also has
16 the Wii in there.

17 THE COURT: Has the what?

18 MR. OSBORNE: It has the Wii which is
19 what D.N. said they had. They had a console, a
20 Wii console. And can I just check real quick and
21 make sure that's depicted in the other photographs?
22 Okay. No, I got it in 193. Okay. 200 can go.

23 THE COURT: 200 is out. Okay. So tell
24 me what 204 does --

25 MR. OSBORNE: I'm fine with 204 being

1 out.

2 THE COURT: Huh?

3 MR. OSBORNE: I'm fine with 204 being
4 out.

5 THE COURT: Okay. All right. Well,
6 205 is going to go in and 204 is out. 200 is out.

7 MR. OSBORNE: Can I just take a quick
8 look over the weekend --

9 THE COURT: Oh, yeah. Okay. So we're
10 not going to go with these -- we're not putting
11 anymore evidence on the record today or what?

12 MR. OSBORNE: In reference to the rest
13 of the photographs, I think everything else is
14 good. Those were the only battlegrounds on that.

15 THE COURT: So, I've got a jury sitting
16 in there, you want me to bring them out and knock
17 some out?

18 MR. OSBORNE: I'm good either way.
19 Carter is here, we can go for 45 minutes or we can
20 call it a day. I'm good either way.

21 THE COURT: Mr. Leiendecker, y'all want
22 to go ahead and do about 45 minutes worth of --

23 MR. LEIENDECKER: Yeah. I'm happy to
24 do that, but I don't want to get to these pictures
25 that we're going to change up or that we might go

1 black and white on. I mean, if he does anything
2 other than that --

3 THE COURT: Right.

4 MR. OSBORNE: I'll stop short on that.

5 THE COURT: Okay. Yeah, or skip over
6 those and we'll come back to them. Okay. All
7 right. If you would bring the jury back -- if you
8 would bring the jury in. Thank you.

9 (WHEREUPON, the jury entered the
10 courtroom at 3:17 p.m.)

11 THE COURT: We had to take a few
12 minutes to try and take up some -- some other
13 issues that we had. What we're going to try and do
14 is there are a number of exhibits that need to be
15 introduced in this trial and we're going to go
16 through -- they are going to begin going through a
17 lot of those exhibits right now, but we're only
18 going to do that until four o'clock and at four
19 o'clock we're going to stop. Okay. And then we'll
20 come back Monday morning at 9:30 and do that.

21 But I need for y'all to pay attention
22 to what exhibits that are going into evidence right
23 now. You'll be able to look at them. Some of them
24 you will be able to look at on the screen right now
25 and then when it finally -- case finally goes to

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 you for determination, you'll have this evidence
2 back in the jury room with you. Okay.

3 Mr. Osborne, are you ready to --

4 MR. OSBORNE: Yes, Your Honor.

5 THE COURT: Who is the State going to
6 call?

7 MR. OSBORNE: Captain Gerald Carter.

8 GERALD CARTER,

9 being first duly sworn, was examined and testified
10 as follows:

11 THE CLERK: Thank you. You may be
12 seated.

13 THE COURT: He's your witness,
14 Mr. Osborne.

15 THE CLERK: Please state your first and
16 last name for the record.

17 MR. CARTER: Gerald Carter.

18 DIRECT EXAMINATION BY MR. OSBORNE:

19 Q. And, Captain Carter, if you feel
20 comfortable, you can remove your mask. All right,
21 sir. Where do you currently work?

22 A. At the Orangeburg County Sheriff's
23 Office.

24 Q. All right. And how long have you been
25 there?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. I've worked there for -- well, March
2 18th this year is 29 years.

3 Q. And if you could just move that mic up
4 just a little bit so they can hear you in the back.

5 A. Okay.

6 THE COURT: Do you feel more
7 comfortable just taking it out and holding it in
8 your hand so we can make sure you can hear us -- we
9 can hear you?

10 MR. CARTER: I think I'll be good.
11 I'll just pay attention to the mic and be sure I'm
12 talking into the mic.

13 THE COURT: All right. Thank you, sir.

14 MR. CARTER: Yes, sir. Yes, Judge.

15 Q. You said 29 years. Have you worked for
16 any other law enforcement agencies?

17 A. No, sir, I have not.

18 Q. Okay. Entire career with the sheriff's
19 department?

20 A. Yes, sir.

21 Q. All right. What had been some of your
22 various assignments while you've been with the
23 sheriff's department?

24 A. I started in patrol. I worked patrol.
25 I worked up to lieutenant in patrol. I ran a

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 shift. From there, I went into investigations. I
2 worked up to sergeant in major crimes. Then I
3 moved into crime scene. I made -- I worked up to
4 lieutenant in crime scene. I ran a division until
5 I was promoted to division captain.

6 Q. Okay. So how long have you been
7 working crime scenes?

8 A. I worked crime scenes for approximately
9 12 years.

10 Q. Okay. What's your educational
11 background?

12 A. I have a bachelor's degree in sociology
13 and criminal justice from Claflin University. I
14 have a master's degree in criminal justice from
15 Troy University. I'm a graduate of the National
16 Forensic Academy at the University of Tennessee.
17 I'm certified as a crime scene investigator through
18 the International Association For Identification.
19 And I have approximately a thousand classroom and
20 laboratory hours in various fields of forensic
21 investigation including fingerprints, footwear
22 impressions, blood pattern recognition, to name a
23 few.

24 Q. Okay. All right. As a crime scene
25 investigator, just generally speaking, what are

1 your primary duties and responsibilities?

2 A. As a crime scene investigator, I was
3 responsible for collection, preservation, and
4 documentation of all and any evidence I could
5 discover at a crime scene.

6 Q. Okay. Now, a lot of times and we're
7 going to be talking about this term a lot through
8 you and Investigator Ketcherside, what do we mean
9 when we say "crime scene"?

10 A. Crime scene would be an area which can
11 be defined where a crime has been committed. Any
12 crime. Within the scope of that area, we would
13 process for evidence. All types of evidence within
14 that area.

15 Q. Okay. And sometimes is it fair to say
16 that it's not just where a crime was committed, but
17 maybe where you're collecting evidence related to
18 the crime?

19 A. Correct. If it comes to our attention
20 that there's evidence related to the particular
21 crime of working on it, it may not be at the
22 primary scene and we would go and treat it as a
23 separate scene that we would process.

24 Q. Okay. All right. Let's get into this.
25 Were you working on the morning of July 15th of

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 2015?

2 A. Yes, I was.

3 Q. And did you have the occasion to
4 respond to [REDACTED] Old State Road in Holly Hill?

5 A. Yes, sir, I did.

6 Q. All right. Now, I guess we're going to
7 back up a little bit. Generally speaking when you
8 respond to the scene of a murder or crime scene,
9 just walk the jury through how you go about your
10 standard police practices of responding to the
11 crime scene and what do you do when you first get
12 there.

13 A. When I respond to any crime scene
14 regardless of the severity, the first thing you
15 want to do is survey the scene. See what it is you
16 are dealing with. Once you've surveyed the scene
17 then you would go about the business of identifying
18 particular pieces of evidence, documenting this
19 evidence, and then collecting this evidence.

20 Q. Okay. And did you do that in this
21 case?

22 A. Yes, I did.

23 Q. Okay. Now, after getting this initial
24 assessment of the scene, did you recognize any
25 particular challenges with this investigation that

1 you might, you know, have to deal with?

2 A. Upon first arriving and, again,
3 surveying the scene, the primary scene, there were
4 several things that had to be taken care of. I
5 think I had to factor in, one, was multiple
6 victims. You don't see that all the time. I had
7 multiple victims. Also, the primary scene was
8 divided between evidence and processing had to be
9 done outside and then on the inside of the
10 residence. So it's the same scene, but it was
11 basically divided separately into two parts.

12 Q. Okay. With your initial assessment,
13 did you think you were going to be able to wrap
14 this one up pretty quick?

15 A. No, sir. Based on my experience and at
16 that time, I had been doing crime scene work for
17 quite a while and I knew what was going to be
18 required to process this scene properly and I
19 figured I was already thinking ahead that we would
20 have to secure the scene probably for the night and
21 then return.

22 Q. Okay. What were your first steps in
23 processing this scene?

24 A. Again, as I said earlier, I processed
25 it like I would any scene. You would start on the

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 outside. I took general photographs of the entire
2 scene which includes the yard. It basically places
3 the residence involved in the yard so you can see
4 what it looked like. Once I did the general photos
5 then I focused on the first victim and the
6 immediate scene around this victim.

7 Q. And the first victim was whom?

8 A. The first victim would be Jerome Butler
9 and he was number one because he was outside.

10 Q. Okay. Now, we're going to go through
11 some photographs and whatnot, but we're going to
12 see some placards. Can you just kind of tell the
13 jury what are these placards and what are they
14 designed to do for you?

15 A. They are yellow placards. They stand
16 out. They're high visibility and they have one
17 function. That is to identify evidence. We have
18 part of the documentation is placing the evidence
19 in the scene so some of the photos will give
20 context to whoever needs to see these photos as to
21 where the evidence was in relationship to the whole
22 scene. And then, secondly, it helps to identify
23 each specific piece of evidence. That's what the
24 placard does.

25 Q. Okay.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Beg the Court's
2 indulgence.

3 THE COURT: Yes, sir.

4 Q. Okay. Captain Carter, at this time,
5 I'm showing you State's 19 through 208. And these
6 are just the numbers, not the alphanumeric
7 associated with them. Minus 64, 92, 196, 197, 34,
8 35, 166, 172, 200, and 203. Can you just generally
9 take a look at those and tell me if you recognize
10 those? Just kind of keep them down if you could.

11 A. Yes, I do recognize these. These are
12 my photographs from the crime scene.

13 Q. Okay.

14 MR. OSBORNE: Your Honor, at this time,
15 we would seek to admit 19 through 208 into
16 evidence, minus 64, 92, 196, and 197. And also
17 removing 34 and 35, 166, 172, 200 and 203.

18 MS. ZMROCZEK: And, Your Honor, I
19 believe at this time before we move into evidence
20 169, 173, and 205, I think that we need to withhold
21 those for now until they're altered.

22 THE COURT: Until you double check
23 about the black and white.

24 MR. OSBORNE: Altering. Yes, Your
25 Honor. Yes.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: So I would just ask that
2 those be withheld from being moved in so there's no
3 confusion.

4 MR. OSBORNE: We're not going to
5 publish anything.

6 THE COURT: You're not publishing
7 anything today?

8 MR. OSBORNE: No, Your Honor, not
9 those. Some of the others.

10 THE COURT: All right. Other than
11 that, Mr. Leiendecker, you're in agreement?

12 MR. LEIENDECKER: Mr. Chisholm.

13 THE COURT: Mr. Chisholm, you're in
14 agreement?

15 MR. CHISHOLM: I am.

16 THE COURT: Okay. Thank you. Ms.
17 Zmroczek, with the exception --

18 MS. ZMROCZEK: Subject to the previous
19 objection.

20 THE COURT: Right. Mr. Johnson?

21 MR. JOHNSON: We agree, Your Honor.

22 THE COURT: Okay. All right. Those
23 numbers -- I mean, those photographs are all in
24 evidence without objection subject to those issues
25 we have with about three or four of the pictures

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 that are going to be changed possibly to black and
2 white.

3 MR. OSBORNE: That's right, Your Honor.
4 Just out of abundance of caution, 36 is the one
5 that we would be getting to, but I'm not going to
6 publish right now. The other ones will have to be
7 on Monday.

8 THE COURT: Okay. All right.

9 (WHEREUPON, State's Exhibit Numbers
10 19-33, 36-91, 93-165, 167-171, 173-195, 198-199,
11 201-202, 204-208 were entered)

12 Q. Okay. Captain Carter, I'm going to
13 start by showing you State's 19. Can you just tell
14 us, you know, what we're looking at here?

15 A. Yes. This was a photograph of a dry
16 board that I used for all my crime scenes just to
17 mark the photographs, you know, where they were at,
18 the case number, the date and time I arrived.

19 Q. Okay. State's 20?

20 A. This is just a general photograph
21 starting all the way from Old State Road, 176, and
22 I started from there to work into the property.

23 Q. Okay. 21?

24 A. Again, this is part of the way of the
25 driveway and a step-by-step progression into the

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 property, document the property by photograph.

2 Q. 22?

3 A. This would be the border of the yard as
4 I basically left the driveway and I'm standing at
5 the corner of the yard with the house in the
6 picture.

7 Q. Okay. I know this is a little
8 redundant. State's 23?

9 A. Again, picture of the front yard.
10 General picture of the front yard of the residence.

11 Q. Okay. 24?

12 A. A general picture from the side of the
13 house.

14 Q. 25?

15 A. As you're facing the house, this would
16 be a general picture from the back left corner of
17 the yard towards the house.

18 Q. 26?

19 A. Same direction, but it's a closer view
20 so you can see better.

21 Q. 27?

22 A. Looking from the front of the house,
23 this was coming from part the way be the right-hand
24 corner of the backyard towards the house.

25 Q. 28?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Side of the house -- the driveway side
2 of the house. A view of the vehicles and just the
3 general shot from that side of the house.

4 Q. Okay.

5 MR. OSBORNE: Beg the Court's
6 indulgence.

7 Q. All right. So 29?

8 A. Another general shot from the side
9 showing a silver BMW and the pickup truck that was
10 parked there.

11 Q. Okay. Let's go back to 28 for a
12 second. And this individual lying on the ground,
13 is this Mr. Butler?

14 A. Yes. I'm sorry. It is a general shot.
15 It basically gives the first victim Jerome Butler,
16 it gives him prospective within the crime scene.
17 You see him there on the ground next to the red
18 Camero.

19 Q. Yes, sir. Okay. Now, we're on to 30?

20 A. Different angle. And based on this
21 shot is placement, you have the carport, the silver
22 BMW, the red Camero and pickup truck. It's a
23 different angle so you can get a better idea of how
24 the vehicles were parked in reference to the scene.

25 Q. Okay. 31?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. A shot along the side of the house and
2 the carport. Obviously, the vehicles are still
3 there and gives you a better prospective of the
4 victim, Jerome Butler, and his position in
5 relationship to the vehicles in particular the red
6 Camero.

7 Q. 32?

8 A. This what's known as a midrange
9 photograph. You can see better. Again, this is
10 narrowing the prospective for the victim Jerome
11 Butler and his relationship to the red Camero.

12 Q. Okay. And on the ground right here by
13 the passenger door of the Camero, what was that?

14 A. That's going to be the glass from the
15 passenger door window. It's bunched up like it is,
16 it didn't fall apart because it does have window
17 tinting on it which kept it pretty much together
18 laying on the ground.

19 Q. Okay. 33?

20 A. Another angle from the rear of the red
21 Camero. And the whole purpose is the relationship
22 of victim Jerome Butler and his proximity to the
23 red Camero.

24 Q. I don't want to zoom in, but can you
25 see his back pocket on his left side? Can you tell

1 what that is?

2 A. Yes, sir. My observation when I was
3 working the scene, this pocket was pulled out. It
4 was pulled out as if someone had reached in, you
5 know how you pull your pocket out?

6 MS. ZMROCZEK: Objection, Your Honor.

7 MR. LEIENDECKER: Objection.

8 THE COURT: It's good just saying the
9 pocket was out.

10 A. Pocket was out.

11 THE COURT: Okay. Thank you.

12 Q. And on his right side of his belt right
13 here. It looks like some sort of pouch maybe. Did
14 you make note of what that is without me having to
15 zoom it?

16 A. Yes, sir, that appeared to be a knife
17 pouch.

18 Q. Was there a knife in it?

19 A. No, sir, there was not.

20 Q. Okay. All right. So now we get to
21 these placards in 37. All right. So I guess just
22 sort of tell the jury and I know you kind of did
23 that already, is this just a good way of like
24 documenting to keeping track of where you're
25 collecting stuff?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes. Document the evidence and where
2 it was found.

3 Q. Okay. So we'll start with 38. What
4 are we looking at here?

5 A. Oh, placard number one?

6 Q. Yes.

7 A. It's a red BIC lighter. A red lighter.

8 Q. Okay. Other than just collecting this
9 lighter, did you swab the lighter for DNA?

10 A. Yes, I did.

11 Q. So I guess start by telling the jury
12 like what does that mean, swab the lighter for DNA?
13 How do you go about doing that?

14 A. What I did was swab the lighter for
15 what's known as contact DNA. In some circumstances
16 it's possible if someone touches an item they may
17 leave DNA on that item. There's a process using
18 sterile Q-tip swabs to try and collect this contact
19 DNA.

20 Q. Okay. So you literally just use a
21 Q-tip swab and swab it?

22 A. Yes. The technique for a dry surface
23 is usually use two Q-tips. First, you go over the
24 surface with a Q-tip which has been moistened with
25 sterile saline water and then you go over it again

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 with a dry Q-tip hoping to pick up any DNA that was
2 left by the moistened Q-tip.

3 Q. Okay. So, Captain Carter, as a
4 preliminary matter, did any of the swabs that you
5 took from the crime scene come back matching DNA
6 from any of the Defendants in this case?

7 A. No, sir, they did not.

8 Q. Okay. Well, kind of already here --

9 MR. OSBORNE: But, Your Honor, may I
10 approach?

11 THE COURT: You may.

12 Q. I'm showing you State's 209 and 209-A.
13 Can you take a look at that and tell me if you
14 recognize those?

15 A. May I open these?

16 Q. Sure.

17 A. Yes, I recognize these items.

18 Q. And what are they?

19 A. State's Exhibit 209, do I need to show?

20 Q. No, don't publish it.

21 A. Don't publish it. I got it. Okay.

22 Q. What's 209?

23 A. 209 is a red BIC lighter. It's labeled
24 as my number one, evidence. It is still inside the
25 plastic package that I sealed. The seals have my

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 initials on it.

2 Q. Okay. And that's the same lighter
3 we're looking at in 38 -- in State's 38?

4 A. Correct. This would be the same
5 lighter; correct.

6 Q. All right. And 209-A, what is that?

7 A. 209-A are going to be swabs from blood
8 from a gift bag inside the residence.

9 Q. No, 209-A?

10 A. I'm sorry. Oh, I'm sorry. I was going
11 in order. 209-A are swabs from the red lighter, my
12 item number one.

13 Q. Okay.

14 MR. OSBORNE: Your Honor, at this time,
15 we would seek to admit 209 and 209-A.

16 THE COURT: Any objection, Mr.
17 Leiendecker?

18 MR. CHISHOLM: None, Your Honor.

19 MS. ZMROCZEK: None.

20 THE COURT: And, Ms. Zmroczek, there's
21 no and, Mr. Johnson?

22 MR. JOHNSON: No objection.

23 THE COURT: All right. 209 and you
24 said 209-A?

25 MR. OSBORNE: Yes, Your Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: They're all in without
2 objection.

3 (WHEREUPON, State's Exhibit Numbers 209
4 and 209-A were entered)

5 Q. Okay. Moving on to State's 39. What
6 are we looking at here?

7 A. That would be my number two. It is a
8 fired shell casing.

9 Q. Okay. State's 40. What are we looking
10 at here?

11 A. That's going to be the same shell
12 casing. Item number two, that is the headstamp
13 which designates it as a federal firearms, a .40
14 caliber S&W.

15 Q. Okay. Did you swab these fired shell
16 casings?

17 A. Yes, I did.

18 Q. Now, in your 29 years of law
19 enforcement experience, have you ever recovered
20 contact DNA from a fired shell casing?

21 A. None that has been identified or
22 profile even developed.

23 Q. No profile. Okay. Well, I guess then
24 the next question is why do you even do it?

25 A. Because you never know. When you go on

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 a crime scene you have to be as thorough as
2 possible because you don't know where the evidence
3 may be. There's always the possibility the next
4 shell casing I swab might have DNA that's
5 identifiable on it, so you do it because it needs
6 to be done.

7 Q. Okay. Now, I'm showing you State's 2
8 and 2-A. Can you take a look at 2 and 2-A and
9 tell me if you recognize those?

10 A. Yes, sir, I do.

11 Q. All right. What is 2? State's 2?

12 A. State's 2 is going to be a fired shell
13 casing that I collected on scene.

14 Q. Okay. And then State's 2-A?

15 A. State's 2-A would be the swabs from
16 that casing.

17 Q. Okay.

18 MR. OSBORNE: Your Honor, at this time,
19 State seeks to admit 2 and 2-A into evidence.

20 THE COURT: Mr. Chisholm?

21 MR. CHISHOLM: None, Your Honor.

22 THE COURT: Ms. Zmroczek?

23 MS. ZMROCZEK: No objection.

24 THE COURT: Mr. Johnson?

25 MR. JOHNSON: No objection.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: State's 2 and 2-A are in
2 without objection.

3 (WHEREUPON, State's Exhibit Numbers 2
4 and 2-A were entered)

5 Q. Okay. State's 41, what are we looking
6 at here?

7 A. This would be my item number 31. This
8 is an actual projectile. This is the actual bullet
9 which is fired from a firearm.

10 Q. Okay. And 42, just a close-up?

11 A. Yes. This would be a close-up with a
12 scale for size.

13 Q. All right. I'm showing now what's been
14 marked as State's 7. Can you take a look at that
15 and tell me if you recognize that?

16 A. Yes, sir, I do.

17 Q. And what is State's 7?

18 A. State's 7 would be the bullet fragment
19 collected.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,
22 the State seeks to admit State's 7 into evidence.

23 THE COURT: Mr. Chisholm?

24 MR. CHISHOLM: No objection, Your
25 Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: No objection.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No objection.

4 THE COURT: State's 7 is in without
5 objection.

6 (WHEREUPON, State's Exhibit Number 7
7 was entered)

8 Q. 43, what are we looking at in State's
9 43?

10 A. That would be my item number 4. It is
11 a cigarette butt that was near the red Camero.

12 Q. Okay. I'm showing you State's 210.
13 Can you take a look at that and tell me if you
14 recognize that?

15 A. Yes, I do.

16 Q. Okay. And what is it?

17 A. That would be my item number 4, the
18 cigarette butt I collected.

19 Q. Okay.

20 MR. OSBORNE: Your Honor, at this time,
21 State seeks to admit 210 into evidence.

22 THE COURT: Mr. Chisholm?

23 MR. CHISHOLM: No objection, Your
24 Honor.

25 THE COURT: Ms. Zmroczek?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: No objection.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No objection.

4 THE COURT: State's 210 is in without
5 objection.

6 (WHEREUPON, State's Exhibit Number 210
7 was entered)

8 Q. All right. Now, we're looking at 44,
9 that's just the same cigarette?

10 A. Yes. It would be a close-up, again,
11 with a scale in it.

12 Q. After you collected it where was that
13 sent?

14 A. It would be sent to SLED to test for
15 DNA.

16 Q. Okay. 45, can you see what this is
17 over here?

18 A. Yes, sir. My item number five is
19 another fired shell casing.

20 Q. Okay. And then 46, what are we looking
21 at here?

22 A. A photograph of the headstamp on the
23 same shell casing. It's another federal firearms
24 .40 S&W cartridge.

25 Q. And did you attempt to swab that as

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 well?

2 A. Yes, sir, I did.

3 Q. All right. I'm showing you 3 and 3-A.

4 Can you take a look at those and tell me if you
5 recognize those?

6 A. Yes, sir, I do.

7 Q. Okay. And what are they? State's 3?

8 A. State's 3 is going to be the shell
9 casing, my item number 5. And 3-A is going to be
10 the swabs that I took from State's 3.

11 Q. Okay.

12 MR. OSBORNE: Your Honor, at this time,
13 State seeks to admit 3 and 3-A into evidence.

14 THE COURT: Any objection,
15 Mr. Chisholm?

16 MR. CHISHOLM: No, Your Honor.

17 THE COURT: Ms. Zmroczek?

18 MS. ZMROCZEK: No objection.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: No objection.

21 THE COURT: State's 3 and 3-A are in
22 without objection.

23 (WHEREUPON, State's Exhibit Numbers 3
24 and 3-A were entered)

25 Q. Moving along. 47, what are we looking

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 at here?

2 A. My item number 6, it is another
3 cigarette butt. It was found near the red Camero.

4 Q. All right. I'm showing you 211, can
5 you take a look at that?

6 A. Yes, I recognize it. State's 211 is
7 the cigarette butt that I collected, my item number
8 6.

9 Q. Okay.

10 MR. OSBORNE: Your Honor, at this time,
11 State seeks to admit 211 into evidence.

12 THE COURT: Mr. Chisholm?

13 MR. CHISHOLM: No objection, Your
14 Honor.

15 THE COURT: Ms. Zmroczek?

16 MS. ZMROCZEK: No objection.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: No objection.

19 THE COURT: State's Number 211 is in
20 without objection.

21 (WHEREUPON, State's Exhibit Number 211
22 was entered)

23 Q. All right. 48, what are we looking at
24 here?

25 A. My item number 7 is another cigarette

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 butt found in proximity to the red Camero.

2 THE COURT: That's photograph exhibit
3 number what?

4 MR. OSBORNE: 48.

5 THE COURT: Oh, 48. Gotcha.

6 Q. I'm showing you State's 212. Take a
7 look at that and tell me if you recognize it.

8 A. Yes, sir. This would be a cigarette
9 butt, my exhibit -- my item number 7.

10 Q. Okay.

11 MR. OSBORNE: Your Honor, at this time,
12 State seeks to admit 212 into evidence.

13 THE COURT: Mr. Chisholm?

14 MR. CHISHOLM: No objection.

15 THE COURT: Ms. Zmroczek?

16 MS. ZMROCZEK: No objection.

17 MR. JOHNSON: No objection.

18 MS. ZMROCZEK: And, Your Honor, maybe
19 just so it makes it move a little smoother, any of
20 the swabs connected with the photographs that are
21 shown, Mr. Smith has no objection to.

22 (WHEREUPON, State's Exhibit Number 212
23 was entered)

24 MR. CHISHOLM: I join in that, Your
25 Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Oh, thank you, Mr.

2 Chisholm. Mr. Johnson?

3 MR. JOHNSON: I agree, Judge.

4 THE COURT: Okay. That will help
5 things move along.

6 MR. OSBORNE: How about the exhibits
7 themselves, that would really move things along.
8 Okay.

9 Q. State's --

10 MS. ZMROCZEK: May we have a meeting?

11 Q. State's 49?

12 THE COURT: We'll have time in a
13 minute.

14 A. State's 49 is my exhibit, it's a
15 photograph of footwear on the ground. Again, near
16 the red Camero.

17 Q. Okay. And did you take a cast of this
18 one or any sort of impression?

19 A. To the best of my recollection I did.

20 Q. Okay. And we can circle back on some
21 of this. State's 50, what are we looking at here?

22 A. The same footwear with a scale in it.

23 Q. Okay. And 51?

24 A. A different footwear pattern impression
25 that was found near the red Camero.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. We may get to this on Monday. So your
2 8, your 9, if you did take impressions or casts or
3 whatnot, it would be documented under your 8, your
4 9?

5 A. Yes, sir.

6 Q. Okay. Your Orangeburg County Sheriff's
7 Department?

8 A. Right. Yes, sir.

9 Q. Okay. Now, you had mentioned earlier
10 that there was no DNA that was recovered that
11 placed any of the charged Defendants in this case
12 at the crime scene; that's correct?

13 A. No, sir -- I mean, that is correct.
14 None I collected.

15 Q. And that's true for shoes as well?
16 There's no shoes that place them there; is that
17 correct?

18 A. That is correct. None of the footwear
19 impressions matched the Defendants.

20 Q. Okay. Are you aware that it is true
21 that one of these shoes did come back to a or at
22 least consistent to shoes worn by one Christopher
23 Wright?

24 A. Yes, sir. It was consistent, yes, sir.

25 Q. And it was like sent to SLED, they

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 wrote their reports, submitted it back, and that
2 kind of stuff?

3 A. Yes, sir, that was per SLED analysis.

4 Q. Okay. Father of the victim,
5 Christopher Wright?

6 A. Yes, sir. That's my understanding,
7 yes, sir.

8 Q. Okay. And then we have one more over
9 here. Looking at 52, State's 52. Another footwear
10 impression?

11 A. Yes, sir. It's the same impression
12 with the scale in it, I believe.

13 Q. Okay. And then 53?

14 A. This would be another, a different
15 footwear impression.

16 Q. And breaking it back, this would be all
17 of, you know, in the dirt and whatnot that was
18 around Jerome Butler near the Camero?

19 A. Yes, it would be at the front right
20 corner of the Camero and very close proximity to
21 victim Jerome Butler.

22 Q. Okay. 54, another one?

23 A. Yes, sir.

24 Q. Okay. All right. So now we're
25 breaking it back a little bit. 55, what are we

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 looking at here?

2 A. It's a midrange photograph. I believe
3 my intention was to get a midrange of the glass
4 that was broken out of the passenger door window.

5 Q. Okay. And then 56, this is the glass?

6 A. Yes, sir, that would be a close-up,
7 more of a close-up shot.

8 Q. Same with 57?

9 A. Yes, sir.

10 Q. What are we looking at here in 58?

11 A. It was the only hole I could discover
12 through this and I believed it could important, so
13 I documented the fact that it was a hole which
14 perforated through the window.

15 Q. Okay. All right. 59, what are we
16 looking at?

17 A. Basically, into the interior of the red
18 Camero through the window which was broken out.

19 Q. Okay. Did you make any attempts to
20 process the outside of this exterior doorknob of
21 the Camero for contact DNA?

22 A. Yes, sir, I did.

23 Q. All right. I'm showing --

24 MR. OSBORNE: At this time, we'd seek
25 to move 32-A into evidence.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. JOHNSON: Without objection.

2 THE COURT: Any objection, Ms.

3 Zmroczek?

4 MS. ZMROCZEK: And that's what I mean,
5 Your Honor. I guess that's what I was trying to
6 say earlier is all the swabs that correspond to the
7 photos, we have no objection to.

8 THE COURT: Okay. Without objection.

9 So 32-A is in without objection; correct,
10 Mr. Johnson?

11 MR. JOHNSON: No objection.

12 (WHEREUPON, State's Exhibit Number 32-A
13 was entered)

14 Q. All right. State's 60, what are we
15 looking at here?

16 A. It's my item 15. There's multiple
17 piece of evidence, but number 15 is a bullet
18 fragment. A bullet projectile sitting in the seat,
19 passenger seat of the Camero.

20 Q. Okay. And 61?

21 A. It's a close-up of the bullet fragment.

22 Q. Okay. Now, lastly, I'm showing you
23 State's 8. Can you tell me if you recognize this?

24 A. Yes, sir, I do. State's 8 is going to
25 be the bullet fragment from the passenger seat of

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 the Camero.

2 Q. Okay.

3 MR. OSBORNE: Your Honor, at this time,
4 State seeks to admit 8 into evidence.

5 MR. CHISHOLM: No objection.

6 MR. JOHNSON: No objection.

7 THE COURT: Ms. Zmroczek?

8 MS. ZMROCZEK: Right.

9 THE COURT: Okay. Thank you. State's
10 8.

11 (WHEREUPON, State's Exhibit Number 8
12 was entered)

13 THE COURT: And on that high note,
14 we're going to stop for today. Okay.

15 All right. Ladies and gentlemen, you
16 can either blame me or take credit for stopping at
17 4 o'clock, however, y'all want to do it, but we are
18 going to stop now for the week. Again, let me
19 remind you that over the weekend, you are not to
20 read anything in the newspapers or anywhere else
21 about this case. You are not to do any research on
22 your smartphone, computer, or any -- a search
23 engine or computer. You are not to talk to anyone
24 about this case even among yourselves and if
25 somebody tries to contact you, I need to know who

1 they were and y'all either get their name or a good
2 description of them, something like that because I
3 want to know why they're bothering you. Okay.
4 Because nobody is supposed to do that.

5 I need for y'all to be back here ready
6 to go Monday morning because we're going to start
7 at 9:30. And I think that's it. Anything else
8 from the State that I need to remind --

9 MR. OSBORNE: No, Your Honor.

10 THE COURT: Anything else from the
11 Defense, Mr. Leiendecker? Mr. Chisholm? Either
12 one of y'all.

13 MR. LEIENDECKER: No, Your Honor.

14 THE COURT: Ms. Zmroczek?

15 MS. ZMROCZEK: No, Your Honor.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: Okay. Y'all have a good
19 weekend. Enjoy the Super Bowl if you're so
20 inclined. Okay. Y'all have a good evening. Thank
21 you. And a good weekend. See you Monday morning.
22 Y'all are doing good.

23 (WHEREUPON, the jury left the courtroom
24 at 4:02 p.m.)

25 THE COURT: Is there anything else we

1 need to take up before we break?

2 MR. OSBORNE: No, Your Honor.

3 MS. ZMROCZEK: And, Your Honor, I think
4 that maybe Mr. Osborne and I, like, if we can just
5 go through the numbers of the swabs, he can go
6 ahead and move them in in front of the jury on
7 Monday.

8 THE COURT: Okay. If y'all would do
9 that, that would be wonderful. If not, I'm going
10 to get a substitute judge to come in here while we
11 do this, you know. (Laughter) So they can get the
12 excitement of doing a murder trial and stuff. You
13 know, I forgot to mention -- never mind. Anyway,
14 all right. Y'all have a good evening. Stay safe.

15 MR. LEIENDECKER: Your Honor, just on
16 the record before we leave.

17 THE COURT: Yes, sir.

18 MR. LEIENDECKER: Can we confirm that
19 phone restrictions are -- or will be removed?

20 THE COURT: Oh, yeah. Phone
21 restrictions are removed. Yeah, I mean, it's just
22 supposed to be for last night.

23 MR. LEIENDECKER: And after last night,
24 I don't know if there's anything this Court can do
25 anything about it, but in the Dorchester County

1 Detention Center, my client was moved to solitary.

2 I don't know why.

3 MS. ZMROCZEK: As was mine, Your Honor.

4 So we'd ask that they be removed from solitary.

5 THE COURT: Well, I need to find out --

6 I mean, I need to find out -- I don't know if they

7 were doing something --

8 MR. LEIENDECKER: It wasn't anything

9 that was going on before, it hadn't happened until

10 they came home last night.

11 THE COURT: Okay. Well --

12 MR. LEIENDECKER: And my client was

13 told, which I know isn't accurate by the detention

14 center, it came from the Court. The instructions

15 put him in solitary.

16 MS. ZMROCZEK: As was my client was

17 told that, Your Honor.

18 THE COURT: Okay. Well, I mean, are

19 you aware of any reason they're in solitary?

20 MR. OSBORNE: I'm not -- you all have

21 my cell phone number, if there's any problem, call

22 me, I will make the phone calls.

23 THE COURT: And if y'all need, you

24 know, if y'all need -- y'all have Orders saying

25 take them out of solitary?

1 THE DEPUTY: They have a 14-day
2 quarantine at Lexington County.

3 THE COURT: Oh, so he's quarantined so
4 he wouldn't get sick? That was the reason?

5 THE DEPUTY: Because he was moved from
6 Lexington County to our jail, Your Honor.

7 THE COURT: Oh, that's why Mr. Smith
8 was doing it. Tell me why Mr. Bailey was.

9 THE DEPUTY: I don't know, he's at
10 Dorchester.

11 MR. LEIENDECKER: Is there a Dorchester
12 detention officer here?

13 THE DEPUTY: No, I'm just here from
14 Orangeburg.

15 THE COURT: If you want to do an Order
16 for me, I'll sign it. If you call me -- and if you
17 will send it to me and then you can send me a text
18 and say it's here, I can print it -- or, I mean, I
19 will do whatever I need to do to --

20 MR. LEIENDECKER: And fax it or forward
21 it to the jail?

22 THE COURT: Yeah. I mean, that will
23 give Ash something to do.

24 MR. LEIENDECKER: Yes, sir. Appreciate
25 it.

1 THE COURT: No, you know, get it to me.
2 Okay. If you got a number for the jail and get
3 them on the phone, I will be glad to talk to them.
4 I don't have the number. If that would be quicker.

5 (Off the record)

6 (WHEREUPON, court was adjourned)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (February 14, 2022)

2 THE COURT: When you got the jury, they
3 can come on in.

4 MR. OSBORNE: If I could just put
5 something on the record.

6 THE COURT: Wait a minute. Hold up.

7 MR. OSBORNE: I can do it later.

8 THE COURT: Okay. That will be great.
9 If they're ready, bring the jury on in, and,
10 Mr. Osborne, we will take that up later.

11 MR. OSBORNE: Okay.

12 (WHEREUPON, the jury entered the
13 courtroom at 10:39 a.m.)

14 THE COURT: We got everybody here?

15 THE BAILIFF: Yes, Your Honor.

16 THE COURT: All right. Ladies and
17 gentlemen of the jury, listen, I appreciate y'all
18 all getting back. I hope y'all had a good weekend.
19 I need to make sure, and, again, if you need to
20 respond to this, I'm going to ask y'all to either
21 stand or raise your hands.

22 Has anybody read anything in the
23 newspaper or online or anything else like that
24 about this case?

25 All right. No one is standing or

1 raising their hand.

2 Has anybody done any research by going
3 on the computer, smartphones, anything like that to
4 find out anything about this case? If so, please
5 stand.

6 Okay. No someone is standing.

7 Has anybody tried to contact you or
8 talk to you about this case?

9 Okay. No one, again, is standing.

10 And have y'all had any discussions with
11 anyone about this case? If so, please stand.

12 (No response)

13 All right. Ladies and gentlemen, thank
14 y'all for following my instructions. We're going
15 to continue now with Captain Carter's testimony.
16 Captain Carter, you remember that you are under
17 oath.

18 MR. CARTER: Yes, Your Honor.

19 THE COURT: Okay. Thank you, sir. Mr.
20 Osborne, your witness.

21 MR. OSBORNE: Thank you, Judge.

22 CONTINUED DIRECT EXAMINATION BY MR. OSBORNE:

23 Q. Captain, I'm going to start with a
24 jarring photograph, it's State's 36. Okay. What
25 are we looking at here?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. A photograph of Jerome Butler.

2 Q. Okay. And you had mentioned before
3 that you saw that a -- well, what's on his hip
4 here?

5 A. There's a knife case.

6 Q. Okay. And was there a knife in the
7 case?

8 A. No, sir, there was not.

9 Q. Okay. All right. Now, did you --
10 before we get into the house, did you have some
11 information that there was a vehicle missing from
12 the residence?

13 A. Yes, sir, I was informed that a vehicle
14 belonging to Christopher Wright was missing.

15 Q. Okay. And was that vehicle located
16 while you were processing the home on Old State
17 Road?

18 A. Yes, sir, it was located.

19 Q. And about how far if you were to drive
20 from Krystal's house to where the vehicle was
21 located, how long would it take you to get there?

22 A. It's a short distance. I mean, 15, 20
23 minutes, I think.

24 Q. Okay. And did you respond to the
25 location where Christopher's vehicle was found?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. No, sir, I did not. I remained at the
2 primary scene and instructed another crime scene
3 investigator to go to that scene and process it.

4 Q. Okay. And who was that?

5 A. That would be now Lieutenant William
6 Ketcherside.

7 Q. Okay. All right. Once you finished
8 the area outside around where Jerome was found,
9 where did you go next?

10 A. Then I focused on the carport. There
11 was a wheelchair ramp in the front porch. There
12 was evidence there to be processed and collected.

13 Q. Okay. All right. I'm showing you
14 what's already been marked and admitted as State's
15 62. And what are we looking at here?

16 A. A general photograph with the markers
17 designating items of evidence.

18 Q. Okay. And, well, just, I guess,
19 generally speaking, 17, 18, 19, 20, these placards
20 going up the ramp there, what are those placards
21 denoting?

22 A. Those were red stain droplets of what I
23 believed to be blood, a trail.

24 Q. And did you swab every single one of
25 those placards?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir, I did.

2 Q. Do you typically send every single swab
3 when you have a line or blood trail like this to
4 SLED to be analyzed for DNA?

5 A. No, sir. When you have what appears to
6 be a pattern or consistent pattern made by the same
7 source, you send a sampling. You send a few, but
8 you don't send them all.

9 Q. Okay. And the blood in this case came
10 back to the victims?

11 A. Yes, sir, it did.

12 Q. All right. So 17, you swabbed that?

13 A. Yes, sir, I did.

14 MR. OSBORNE: And, Your Honor, I think
15 without objection, 62-A is going to be denoted to
16 Orangeburg County Sheriff's Office 17, it's a swab.
17 We'd seek to move that into evidence.

18 THE COURT: Is that correct --

19 MR. CHISHOLM: No objection.

20 THE COURT: Thank you, Mr. Chisholm.

21 MS. ZMROCZEK: No objection.

22 THE COURT: So 62-A and 17 are in
23 evidence without objection, is that what you said?

24 MR. OSBORNE: No, 62-A is in evidence.

25 THE COURT: Oh, 62-A?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Yes, sir. And that
2 corresponds to placard 17.

3 THE COURT: Okay. 62-A is in without
4 objection. Ms. Zmroczek, no objection?

5 MS. ZMROCZEK: That's correct, no
6 objection.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: No objection.

9 THE COURT: Okay. Thank you.

10 (WHEREUPON, State's Exhibit Number 62-A
11 was entered)

12 Q. Okay. Now, we're just going to move
13 along. I'm showing you State's 63 now. I know
14 this is repetitive, but can you just tell us what
15 we're looking at here?

16 A. Which placard would that correspond to?

17 Q. Well, State's 63 is the photograph, so
18 can you just tell us in this photograph what we're
19 looking at?

20 A. Yes, sir. It's going to be another
21 general picture, a photograph, denoting evidence by
22 each of the placards. Everything on the wheelchair
23 ramp going up is going to be what appeared to be
24 blood droplets.

25 Q. Okay. And I just want to back up real

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 quick to State's 62. It looks like there's a door
2 where I have the cursor at right here.

3 A. Yes, sir.

4 Q. And was there any signs of forced entry
5 into that door?

6 A. No, sir, there was not.

7 Q. Okay. And then going back to State's
8 63, placard number 29, I think we can all see it,
9 but what is that on top of the speaker box there?

10 A. Yes, that's going to be a cell phone.

11 Q. Okay. Moving on now to State's 65.
12 What are we looking at here?

13 A. An exterior light for the porch. I
14 took the picture because the top was missing.

15 Q. Okay. And I think there's the top in
16 State's 66?

17 A. Yes, sir.

18 Q. Okay. All right. Now, what are we
19 looking at in State's 67?

20 A. The first general photograph entering
21 the residence at the side door, the porch door.

22 Q. Okay. And I think we can kind of see
23 here, but we have some other photographs. Where my
24 cursor is on the door frame right here, what are we
25 looking at?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. That was damage to the door frame
2 indicating it had been forced opened, damaging the
3 frame.

4 Q. Okay. And we have damage at the lock
5 and also at the dead bolt?

6 A. Yes, sir, we do.

7 Q. Okay. State's 68, here's another
8 photograph. What are we looking at?

9 A. Again, from another angle the damage to
10 the door frame where it had been forced open.

11 Q. And State's 69, what are we looking at?

12 A. We are looking at the dead bolt lock
13 which was engaged. The door was locked and the
14 damage to the door was split at the dead bolt when
15 it was forced open.

16 Q. Okay. State's 70?

17 A. A general photo of the interior of the
18 -- or exterior of the main door. The same door I
19 came in at the porch.

20 Q. 71?

21 A. It's another photograph, a general
22 photograph, but what it shows here is scale tape
23 where I marked various evidence on the door.

24 Q. Okay. 72?

25 A. It's a midrange shot showing multiple

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 items of evidence with the scale tape. It appears
2 to be blood droplets on the door.

3 Q. Okay. And just zooming in a little bit
4 on the scales tape. Number 35 and 36, is this your
5 way of keeping track of them? Those are your
6 numbers?

7 A. Yes, sir. I would have notes that
8 would correspond with the numbers. And sometimes
9 with tape as I did here, I make a notation exterior
10 back door so I can keep up with the evidence and
11 where it came from.

12 Q. Okay. All right. Moving on to State's
13 73, I guess we just have a close-up here?

14 A. Yes. It's a close-up of what appears
15 to be another blood droplet.

16 Q. 74?

17 A. Close-up of number 36. Again, it
18 appears to be a blood droplet or bloodstain on the
19 door.

20 Q. 75?

21 A. Again, appears to be some red stain
22 which I believed at the time and still to be blood,
23 bloodstain.

24 Q. All right. 76?

25 A. A general photograph and you can see

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 the black residue on the door is where I was
2 processing the door for footwear impression.

3 Q. 77?

4 A. It's a close-up of the scale of a
5 partial -- what appears to be partial footwear
6 impression.

7 Q. I'm sorry, let me ask you this. On 76,
8 did you attempt to get fingerprints on this back
9 door?

10 A. Yes, sir, I did.

11 Q. Any luck?

12 A. I don't think any of any value. There
13 may have been partials, I really can't remember,
14 but nothing of any value came off that door.

15 Q. Okay. Now, we're moving ahead to 78?

16 A. It's a partial finger or palm print.

17 Q. Okay. Anything good enough to compare
18 here?

19 A. No, sir.

20 Q. And 79, is this just another photo?

21 A. Right. Another general photo with the
22 glass storm door closed showing the damage to the
23 frame.

24 Q. Okay. And just a couple of
25 housekeeping matters here. Going back to 76, did

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 you make any attempts to get footwear impressions
2 from this or document that in any way?

3 A. Yes, sir, I did.

4 Q. And was there enough detail there to
5 get any footwear impressions?

6 A. Unfortunately, no, sir. There were
7 partials, but nothing we could identify.

8 Q. Okay. And while we're talking about
9 footwear, I just want to double back super quick
10 here. I'm showing you State's 49. Now, State's
11 49, what is that a photograph of?

12 A. Partial footwear.

13 Q. Okay. And now I'm showing you State's
14 396. Can you take a look at that and tell me if
15 you recognize that?

16 A. Yes, sir. This would be a casting. A
17 dental stone casting that I poured of the partial
18 footwear to collect it.

19 Q. Of placard 8?

20 A. Yes, sir. My number 8, yes, sir.

21 Q. Okay.

22 MR. OSBORNE: Your Honor, at this time,
23 State seeks to admit 396 into evidence.

24 THE COURT: Any objection?

25 MR. CHISHOLM: None, Your Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: No objection.

2 MR. JOHNSON: No objection.

3 THE COURT: Okay. And you said 396?

4 MR. OSBORNE: Yes, sir.

5 THE COURT: State's 396 is in evidence
6 without objection.

7 (WHEREUPON, State's Exhibit Number 396
8 was entered)

9 Q. Okay. And the next and last
10 impression, I'm showing you a photograph of State's
11 51, and what is that again?

12 A. Again, this is a footwear impression.
13 It's my item number 9.

14 Q. Okay. Now I'm showing you State's 397.
15 Can you take a look at that and tell me if you
16 recognize that?

17 A. Yes, sir, I do. This would be a dental
18 stone casting of the footwear impression which I've
19 labeled as number 9.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,
22 we'd seek to admit 397 into evidence.

23 THE COURT: Any objection,
24 Mr. Chisholm?

25 MR. CHISHOLM: None, Your Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: No objection.

2 MR. JOHNSON: No objection.

3 THE COURT: State's 397 is in without
4 objection.

5 (WHEREUPON, State's Exhibit Number 397
6 was entered)

7 Q. Okay. And those were the only two that
8 were even close enough to footwear impressions that
9 were even close enough to take a dental cast of?

10 A. Yes, sir.

11 Q. Okay. Now we're picking back up
12 State's 80. What are we looking at?

13 A. A general photograph of the interior of
14 the storm door at the porch. There's a stain there
15 that I wanted to document.

16 Q. Okay. 81?

17 A. A close-up of the red stain which I
18 believed to be blood on the glass storm door.

19 Q. Okay. And 82?

20 A. This would be a photograph of scale
21 tape actually marking the red stains I believed to
22 be blood.

23 Q. Okay. And did you swab those?

24 A. Yes, sir, I did.

25 Q. All right.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Your Honor, at this time,
2 I think without objection, State's seeks to admit
3 82-A which are swabs taken from photograph 82.

4 THE COURT: Mr. Chisholm?

5 MR. CHISHOLM: No objection.

6 MS. ZMROCZEK: No objection.

7 MR. JOHNSON: No objection.

8 THE COURT: 82-A is in without
9 objection.

10 (WHEREUPON, State's Exhibit Number 82-A
11 was entered)

12 Q. All right. Before we talk about the
13 residence, can you just give the jury a basic
14 understanding of the layout of the inside of the
15 house once you entered from that back door?

16 A. Yes, sir. As you enter the house from
17 the back door of the porch door, it's a very open
18 floor plan. You walk in to, I guess, basically,
19 what's part of the dining room and straight across
20 the room is the living room. It's fairly spacious,
21 open area. To your immediate left would be the
22 kitchen. And then as you travel through the
23 kitchen, you will travel to the laundry room. As
24 you step further into the house, to the left would
25 be the -- a little small opening, if you will, it

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 leads to the master bedroom which has an attached
2 master bathroom and closet with that.

3 To the right, you have two bedrooms
4 separated by a small hallway. One bedroom would be
5 to the right end of that hallway and the other
6 bedroom will be at the far left end of the hallway.
7 There is a bathroom in that hallway and I believe
8 two small closets.

9 Q. Okay. Three bedroom, two bath home?

10 A. Yes, sir.

11 Q. Okay. Showing you 83?

12 A. Yes, sir. These are what I believe to
13 be blood stains on the floor. They start at the
14 back door and they lead through -- through the
15 dining area.

16 Q. So we're kind of working backwards from
17 the ramp going into the house now?

18 A. Yes, we are.

19 Q. Okay. And State's 84?

20 A. Each of the placards is marking a red
21 stain I believed to be blood on the floor. And,
22 again, the trail seems to continue from the porch
23 across the room to the right side.

24 Q. Okay. And so State's -- or, I'm sorry,
25 your placard 38 to 50 are all denoting blood -- a

1 blood trail?

2 A. Yes, sir.

3 Q. Okay. And hammer in on some of these.

4 85?

5 A. 85 is my 44. It appears to be a blood
6 droplet on the floor.

7 Q. 86?

8 A. Another general. As you come in, this
9 would be to the right side of obviously against the
10 wall you can see there. And there was a small area
11 of what appeared to be blood droplets identified
12 right there.

13 Q. Okay. And 87? Just more blood?

14 A. Yes. More blood marked with scale tape
15 and numbered.

16 MR. OSBORNE: Your Honor, at this time,
17 State seeks to admit 87-A which are swabs which
18 would have been taken from the swabs depicted in
19 State's 87, I think without objection.

20 MS. ZMROCZEK: No objection.

21 MR. CHISHOLM: No objection.

22 THE COURT: Mr. Johnson?

23 MR. JOHNSON: No objection.

24 THE COURT: What was the number?

25 MR. OSBORNE: 87-A.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: 87-A is in without
2 objection.

3 (WHEREUPON, State's Exhibit Number 87-A
4 was entered)

5 Q. All right. What are we looking at in
6 88?

7 A. When you walk through the porch door to
8 the immediate right, this is the corner of the
9 dining area and this is the items that were sitting
10 in that corner.

11 Q. 89?

12 A. Again, it would be to the right of the
13 door in the dining area. This was a hutch that was
14 against the wall there.

15 Q. Okay. On this shelf, I guess we have
16 some various board games over here?

17 A. Yes, sir.

18 Q. 90?

19 A. A different angle. That's the same
20 corner of the dining room.

21 Q. 91?

22 A. This is a photograph from the kitchen
23 back into the dining area.

24 Q. 93?

25 A. Another general photograph of going

1 from the porch door where I entered towards the
2 right, off towards the right side of the room.

3 Q. Okay. And you had mentioned this
4 before, so we see where my cursor is, is that a
5 closet door that's open?

6 A. Yes, that was one that was right there
7 kind of between the living room area and the dining
8 room.

9 Q. And then if I were to take a right here
10 this is what leads to the two bedrooms back here?

11 A. Correct. That's where the opening to
12 the hallway is right in front of that closet.

13 Q. All right. State's 94?

14 A. This is further to the living room
15 area. I'm basically standing at the front of the
16 dining area, just a general photograph into the
17 living room.

18 Q. Okay. I see we see a glove on the
19 floor in 94 and I'm going to zoom in a little bit.
20 95, what is that?

21 A. That was a Wells Lamont glove that was
22 found right there on the floor up under that chair.

23 Q. Okay. I'm showing you now what has
24 been marked as 213. Can you take a look at that
25 and tell me if you recognize that?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir, I do. This would be my
2 labeled here as item 91. It is the Wells Lamont
3 black insulated glove.

4 Q. Okay.

5 MR. OSBORNE: Your Honor, at this time,
6 State seeks to admit 213 into evidence.

7 THE COURT: Any objection?

8 MR. CHISHOLM: None, Your Honor.

9 MS. ZMROCZEK: No objection.

10 MR. JOHNSON: No objection.

11 THE COURT: State's 213 is in evidence
12 without objection.

13 (WHEREUPON, State's Exhibit Number 213
14 was entered)

15 Q. Now we're showing you 96. What are we
16 looking at here?

17 A. Just a general photograph of the
18 kitchen counter.

19 Q. All right. State's 97, what is this?

20 A. State's 97 was marked as G-25, that's
21 my item number. It's a stainless steel bowl
22 containing a baggy with a white material in it.

23 Q. Okay. And that was swabbed?

24 A. Yes, sir, it was.

25 Q. And where was this found?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. On the counter, I believe, above the
2 dishwasher.

3 Q. Okay. Did this come back to cocaine?

4 A. No, sir, it did not.

5 Q. Maybe a cutting agent?

6 A. It's possible.

7 Q. All right. Well, before I move on to
8 that.

9 MR. OSBORNE: Your Honor, at this time,
10 the State seeks to admit 97-A which are swabs from
11 the baggy depicted in G-25 and State's 97, I think
12 without objection.

13 THE COURT: Mr. Chisholm?

14 MR. CHISHOLM: No objection.

15 MS. ZMROCZEK: No objection.

16 MR. JOHNSON: No objection.

17 THE COURT: 97-A is in without
18 objection.

19 (WHEREUPON, State's Exhibit Number 97-A
20 was entered)

21 Q. I think you've already explained 98.
22 Okay. 99?

23 A. That's a photograph of the kitchen
24 floor. It has a white powdery substance which I
25 believe to be flour.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. 100?

2 A. That's a photograph of a screw press
3 which came out of the cabinet space right behind
4 it.

5 Q. Okay.

6 MR. OSBORNE: Your Honor, at this time,
7 we would seek to admit 216-A which are swabs from
8 the screw press into evidence.

9 THE COURT: Any objection?

10 MR. CHISHOLM: None, Your Honor.

11 MS. ZMROCZEK: No objection.

12 MR. JOHNSON: No objection.

13 THE COURT: 216-A is in without
14 objection.

15 (WHEREUPON, State's Exhibit Number
16 216-A was entered)

17 Q. Okay. 101?

18 A. Again, it's showing the screw press,
19 just a different angle.

20 Q. Okay. 102?

21 A. That's the cabinet the screw press came
22 out of. It had powdery residue and the -- like a
23 food processor. A little small handheld food
24 processor in there.

25 Q. Okay. Is that what we're looking at in

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 103?

2 A. Yes, it is.

3 Q. Did you swab this for the presence of
4 cocaine?

5 A. Yes, sir, I did.

6 Q. How did it come back?

7 A. It was positive for cocaine.

8 Q. Okay. 104?

9 A. This is another part of the, I guess,
10 the coffee grinder, another part of that device.

11 Q. Okay. 105?

12 A. That's the top of that device if I'm
13 not mistaken.

14 Q. 106?

15 A. The drawer just above the cabinet next
16 to the stove.

17 Q. 107?

18 A. This again is just a general photograph
19 of the disarray and items around the kitchen.

20 Q. 108?

21 A. Depicting the open cabinets all along
22 the kitchen counter and under the sink.

23 Q. 109?

24 A. A general photograph of the countertop
25 including the sink and other items sitting on the

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 counter.

2 Q. 110?

3 A. Another general photograph of the
4 kitchen counter.

5 Q. 111?

6 A. A general photograph depicting all the
7 cabinets are opened in disarray.

8 Q. And this one, 111 kind of points to the
9 washroom in the back?

10 A. Actually, yes, sir, it does. That is
11 the washroom or the laundry room in the background.

12 Q. 112?

13 A. The open cabinets above the counter in
14 the kitchen.

15 Q. 113?

16 A. That's actually another photograph of
17 the drawer above the first cabinet next to the
18 stove.

19 Q. All right. 114?

20 A. That's my item G-26. It's depicting in
21 the middle of the drawer, a set of electronic
22 balance or electronic scales.

23 Q. Okay. So we've got scales, we've got
24 baggies, things of that nature?

25 A. Yes, sir.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Did you swab some of those for cocaine?

2 A. Yes, sir, I did.

3 Q. How did it come back?

4 A. I believe all the items in the drawer
5 came back positive for cocaine.

6 Q. 115, just a close-up? Baggies?

7 A. Yes, sir. A close-up of the baggies,
8 razor blades, small little green Ziplocs. Yes, a
9 picture of those items.

10 Q. 116?

11 A. A close-up of the scale.

12 Q. 117?

13 A. It's a close-up of a small white cup, a
14 white residue.

15 Q. Okay. Now we're out of that. 118?

16 A. It's a general photograph of to the
17 left when you come in, that's the entryway to the
18 master bedroom.

19 Q. Okay. 119?

20 A. A general photograph of the living room
21 area and the couches and chairs in that room.

22 Q. Okay. 120?

23 A. Again, it's in the living room. It's
24 showing the entertainment center and a small end
25 table which has been flipped upside down on the

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 floor beside the entertainment center.

2 Q. All right. So I want to zoom in a
3 little bit on 120. This door back here, is this
4 leading to -- I mean, well, tell me what door is
5 that?

6 A. That's a door on the other side of the
7 living room on the far side. I walked in one side
8 of the house, this door is an exit door on the
9 opposite side of the house.

10 Q. So this would be a front door?

11 A. Yes, sir, it would be.

12 Q. Any signs of forced entry through the
13 front door?

14 A. No, sir.

15 Q. This dead bolt, and you kind of see it
16 here in this photograph, but this dead bolt, was
17 this in the locked or unlocked position?

18 A. It was actually in the unlocked
19 position.

20 Q. Okay. 121?

21 A. A medium distant shot of the dining
22 room closet in front of the -- where you would go
23 into the other two bedrooms on the right side of
24 the house.

25 Q. Okay. All right. 122?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. A multicolored bag that had a red stain
2 on it I believed to be blood.

3 Q. And 123?

4 A. That's my item G-9, a scale photograph
5 of the stain I believed to be blood on that same
6 bag.

7 MR. OSBORNE: Your Honor, at this time,
8 the State seeks to admit 123-A which is a swab from
9 the bag depicted on 123.

10 THE COURT: Any objection,
11 Mr. Chisholm?

12 MR. CHISHOLM: No, Your Honor.

13 THE COURT: Ms. Zmroczek?

14 MS. ZMROCZEK: None, Your Honor.

15 THE COURT: Mr. Johnson?

16 MR. JOHNSON: No objection.

17 THE COURT: 123-A is in without
18 objection.

19 (WHEREUPON, State's Exhibit Number
20 123-A was entered)

21 Q. Okay. 124, which I kind of got to zoom
22 in a little bit. But next to this bag, what are we
23 looking at over here?

24 A. It's a shoe box. I believe it's a Nike
25 shoe box with red stains on it I believed to be

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 blood.

2 Q. Okay.

3 MR. OSBORNE: Your Honor, at this time,
4 the State seeks to admit 124-A and 124-B which
5 would be swabs of the blood on the Nike box.

6 THE COURT: Any objection?

7 MR. CHISHOLM: None, Your Honor.

8 MS. ZMROCZEK: No objection.

9 MR. JOHNSON: No objection.

10 THE COURT: State's 124-A and 124-B are
11 in without objection.

12 (WHEREUPON, State's Exhibit Numbers
13 124-A and 124-B were entered)

14 Q. Okay. Now we're looking at 125. What
15 are we looking at here?

16 A. The underside of an end table, a small
17 end table with stains on the underside that I
18 believed to be blood.

19 MR. OSBORNE: All right. Your Honor,
20 at this time, the State seeks to admit 125-A which
21 are swabs taken from the underside of the table.

22 THE COURT: Any objection?

23 MR. CHISHOLM: No, Your Honor.

24 MS. ZMROCZEK: No objection.

25 MR. JOHNSON: No objection.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: 125-A is also in without
2 objection.

3 (WHEREUPON, State's Exhibit Number
4 125-A was entered)

5 Q. Okay. 126?

6 A. That's the door which is open which
7 leads to the master bedroom showing insulation that
8 had fallen from the ceiling on the floor.

9 Q. 127?

10 A. A closer photograph of the insulation
11 which fell from a hole in the ceiling, insulation
12 fell through and was there on the floor.

13 Q. Okay. 128?

14 A. It's a black Wells Lamont insulated
15 glove which we found in the insulation leading into
16 the master bedroom.

17 Q. Okay. Now I'm showing you the second
18 half of that, 214. Can you take a look at that and
19 tell me if you recognize that?

20 A. Yes, sir. That's going to be my item
21 92, the Wells Lamont glove found on the floor next
22 to the bedroom.

23 Q. All right.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 214 into evidence.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Any objection?

2 MR. CHISHOLM: No, Your Honor.

3 MS. ZMROCZEK: No objection.

4 MR. JOHNSON: No objection.

5 THE COURT: State's 214 is in evidence
6 without objection.

7 (WHEREUPON, State's Exhibit Number 214
8 was entered)

9 Q. All right. 141?

10 A. A general photograph of the master
11 bedroom showing all the drawers and the disarray --
12 all the drawers are pulled out in a disarray in the
13 master bedroom.

14 Q. Okay. Now we're moving to 157?

15 A. A general --

16 Q. I'm sorry to interrupt you. Before we
17 move on to 157. In the master bedroom, did you
18 locate anything related to firearms in any of these
19 drawers?

20 A. There was an ammo can I did locate in
21 that -- in the bedroom that did have ammunition in
22 it.

23 Q. Okay. And were some of those rounds or
24 one of those rounds a 380?

25 A. Yes, sir.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Now moving on to 157. Sorry.

2 A. A general photograph of the master
3 bathroom.

4 Q. Okay. Did you finger process the lids
5 taken off the toilet, did you fingerprint it?

6 A. Yes.

7 Q. Okay. Okay. And, again, I know I've
8 asked this before, but did any of the finger --
9 this is a home, so you would expect to be
10 fingerprints, but did any of the fingerprints come
11 back to matching any of the Defendants in this
12 case?

13 A. No, sir, they did not.

14 Q. Okay. And then, you know, I forgot to
15 mention this. In regards to the ammo box, did you
16 swab it?

17 A. Yes, sir, I did.

18 Q. Ammo box that was found in the master
19 bedroom?

20 A. Yes, sir, I did.

21 MR. OSBORNE: Your Honor, at this time,
22 State seeks to admit 139-A into evidence.

23 THE COURT: Any objection?

24 MR. CHISHOLM: No, Your Honor.

25 MS. ZMROCZEK: No, Your Honor.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. JOHNSON: No objection.

2 THE COURT: State's 139-A is in
3 evidence without objection.

4 (WHEREUPON, State's Exhibit Number
5 139-A was entered)

6 Q. Okay. 159?

7 A. This is back in the kitchen and I
8 believe I'm photographing the entryway into the
9 laundry room.

10 Q. 160?

11 A. A general photograph in the laundry
12 room.

13 Q. And now we're back out, 161?

14 A. It's another general photograph in the
15 living room area of the couch.

16 Q. 162?

17 A. A general photograph of the
18 entertainment center in the living room showing the
19 drawers are open and the TVs cocked to one side a
20 little bit.

21 Q. 163?

22 A. This is showing one of the -- on the
23 right side of the house where there's two bedrooms
24 are either in the hallway, this is one of the
25 closets in that hallway.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Now we're going into the
2 hallway. 164?

3 A. Yes. It's showing the entryway into
4 the bedroom at the right end of the hallway.

5 Q. Okay. Now, I noticed in 164 we see a
6 knife on the ground; is that correct?

7 A. Yes, that's where it was found, right
8 in the doorway.

9 Q. I'm showing you 165?

10 A. Yes, sir. That's going to be a scaled
11 photograph of that same knife that was found in the
12 doorway to the bedroom at the right end of the
13 hall.

14 Q. Okay. I'm showing you now State's 217.
15 Can you take a look at that and tell me if you
16 recognize that?

17 A. This would be the container holding the
18 knife depicted in the photograph. It's my item
19 G-18, State's Exhibit 217.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,
22 the State seeks to admit 217 which Captain Carter
23 has identified as a knife and also the 214-A which
24 are swabs from the knife.

25 THE COURT: Any objection?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. CHISHOLM: No, Your Honor.

2 MS. ZMROCZEK: No objection.

3 MR. JOHNSON: No, Your Honor.

4 THE COURT: State's 217 and 217-A are
5 in without object.

6 (WHEREUPON, State's Exhibit Numbers 217
7 and 217-A were entered)

8 Q. Moving along to 167?

9 A. A general photograph as I entered the
10 bedroom at the right end of the hallway.

11 Q. Okay. Now, some of these photographs
12 are going to depict, some won't, there was no signs
13 of blood being trailed into or smear marks like
14 being dragged into the room; is that fair to say?

15 A. Yes, that would be fair to say. There
16 was no drag marks.

17 Q. All right. 168?

18 A. A general photograph of the closet in
19 this bedroom.

20 Q. And 169?

21 A. A general photograph of the victim,
22 Krystal Hutto, who was located in the bedroom at
23 the right end of the hall.

24 Q. 170?

25 A. A general photograph from inside the

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 room back towards the door to the bedroom, mainly
2 depicting the -- there's a safe strong box on the
3 floor and the knife we already discussed.

4 Q. 171?

5 A. It's a small Sentry model of strong box
6 or a little small personal little safe, if you
7 will.

8 Q. And you did collect this safe; correct?

9 A. Yes, sir.

10 Q. All right.

11 MR. OSBORNE: Your Honor, at this time,
12 State --

13 Q. And did you swab it?

14 A. Yes, sir, I did.

15 MR. OSBORNE: Your Honor, at this time,
16 State seeks to admit 171-A and 171-B which are
17 swabs from the safe.

18 THE COURT: Any objection to 171-A and
19 171-B?

20 MR. CHISHOLM: No objection.

21 MS. ZMROCZEK: No objection.

22 MR. JOHNSON: No objection.

23 THE COURT: State's 171-A and B are in
24 evidence without objection.

25 (WHEREUPON, State's Exhibit Numbers

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 171-A and 171-B were entered)

2 Q. Okay. 174, what are we looking at?

3 A. A general photograph of the interior of
4 the bedroom at the right end of the hallway.
5 Basically the outer wall.

6 Q. Okay. And it looks like when this
7 photograph was taken, Ms. Hutto's been removed?

8 A. Yes, sir, she had already been removed
9 from the room.

10 Q. Okay. 175?

11 A. This was a bullet impact to the upper
12 right corner of the window in that room.

13 Q. Okay. 176?

14 A. A scaled photograph of that same bullet
15 impact.

16 Q. Okay. And did you happen to retrieve
17 that bullet?

18 A. Yes, sir, I did. I retrieved a
19 projectile from that impact.

20 Q. Okay. I'm showing you State's 9 now.
21 Can you take a look at State's 9 and tell me if you
22 recognize it?

23 A. Yes, sir. That's going to be my G-27,
24 State's Exhibit 9 is a bullet fragment I recovered
25 from the window frame.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay.

2 MR. OSBORNE: Your Honor, at this time,
3 State seeks to admit 9 into evidence.

4 THE COURT: 9?

5 MR. OSBORNE: State's 9, yes, sir.

6 THE COURT: Any objection?

7 MR. CHISHOLM: No, Your Honor.

8 MS. ZMROCZEK: Without objection.

9 MR. JOHNSON: No objection.

10 THE COURT: State's Number 9 is in
11 without objection.

12 (WHEREUPON, State's Exhibit Number 9
13 was entered)

14 Q. All right. 177, what are we looking
15 at?

16 A. That's going to be a close-up, I
17 believe, of the hole in the ceiling where the
18 insulation fell out at the entrance to the master
19 bedroom.

20 Q. Okay. And this is actually G-27?

21 A. Yes, sir.

22 Q. And this is what you had identified
23 before as being the hole in the frame?

24 A. The bullet fragment from the window
25 frame.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Right. Okay. So -- and it looks like
2 you had to -- is it fair to say you had to pull
3 back the frame here to get to that?

4 A. Yes, sir, I had to cut the frame away
5 to get the bullet.

6 Q. Okay. So 177 is this just the bullet
7 that was recovered from that frame?

8 A. Yes, sir, I'm sorry. That is going to
9 be the bullet fragment.

10 Q. Okay. And then 178?

11 A. Is the general photograph of the
12 fragment once it's recovered.

13 Q. Okay. And these are just some of the
14 tools and whatnot you had to use to pull that frame
15 back?

16 A. Yes, sir.

17 Q. All right. 179, again, another
18 photograph of G-27?

19 A. Yes, sir. Just a close-up of the scale
20 in the photo.

21 Q. Okay. Now we're backing out and 180,
22 what are we looking at?

23 A. A general photograph down the same
24 hallway, but going to the left end.

25 Q. Okay. Before I move along. In dealing

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 with -- in looking at that room in which Ms. Hutto
2 was found, did you find any signs that -- a forced
3 entry into that room?

4 A. No, sir.

5 Q. Did you see where the door had been,
6 you know, forced off its frame or the frame had
7 been damaged in any way?

8 A. No, sir.

9 Q. Was that door handle locked or
10 unlocked?

11 A. It was unlocked.

12 Q. Okay. All right. You've identified
13 180. Okay. 181?

14 A. A general photograph of the door
15 entering the bedroom at the left end of the hall.

16 Q. And I think in 181 it looks like we do
17 have some damage on the door?

18 A. Yes, sir, this door was forced open.

19 Q. Okay. 182, what are we looking at?

20 A. That's going to be a small closet to
21 the left of the door which enters into the bedroom
22 at the left end of the hall.

23 Q. 183?

24 A. A general photograph of the bathroom in
25 the hallway between bedrooms.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. 184?

2 A. Another general photograph going into
3 the bedroom at the left end of the hall.

4 Q. Okay. You said this -- there was --
5 you saw evidence as that -- this door leading into
6 this room had been forced in. Had you seen any
7 evidence that this door had been kicked in?
8 Footprints? Anything like that like you saw on the
9 front door?

10 A. No, sir. I processed the door looking
11 for footwear impressions, but I didn't find any. I
12 didn't recover any.

13 Q. None?

14 A. No, sir, none.

15 Q. Showing you 185?

16 A. A close-up of the damage to the door.

17 Q. And 186?

18 A. From the end of the door, another
19 photograph of the damage to this door and doorknob.

20 Q. Okay. 187?

21 A. A general photograph as I entered the
22 bedroom.

23 Q. 188?

24 A. Just a closer view of the disarray and
25 the items that were all over the floor in the

1 bedroom.

2 Q. Okay. What are we looking at in 189?

3 A. A fired shell casing that was found up
4 under the walker. And this would be the bedroom to
5 the left.

6 Q. Okay. And is it fair to say this room
7 was in disarray like the rest of the house?

8 A. Yes, sir, very much so.

9 Q. And I know we can all read, but this
10 coloring pad right here, what character is that?
11 Maybe you don't know.

12 A. To be honest, I don't know. I see
13 kitty on the front of the pad, but I'm not sure. A
14 cartoon charter I'm assuming.

15 Q. Hello Kitty. Okay. 190?

16 A. A close-up of the fired shell casing
17 under the walker in the same bedroom.

18 Q. Okay. And 191? Is this just a
19 close-up of that fired shell casing?

20 A. It actually depicts the headstamp which
21 identifies the manufacturer as PMC and the caliber
22 as a 380 auto.

23 Q. Okay. I'm showing you State's 4 now.
24 Can you take a look at that and tell me if you
25 recognize that?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir. It's going to be my item 93,
2 State's Exhibit 4. It's going to be the fired
3 shell casing from under the walker, 380 caliber.

4 Q. Okay. Did you swab that as well?

5 A. Yes, sir, I did.

6 MR. OSBORNE: Your Honor, at this time,
7 State seeks to admit 4 and 4-A which are the swabs
8 from that into evidence.

9 THE COURT: Any objection to 4 and 4-A?

10 MR. CHISHOLM: No, Your Honor.

11 MS. ZMROCZEK: No objection.

12 MR. JOHNSON: No objection.

13 THE COURT: State's 4 and 4-A are in
14 without objection.

15 (WHEREUPON, State's Exhibit Numbers 4
16 and 4-A were entered)

17 Q. 192, what are we looking at?

18 A. A midrange photograph of the closet.

19 Q. Okay.

20 A. In that bedroom.

21 Q. This is the closet that's in that room?

22 A. Yes, sir.

23 Q. All right. 193, what are we looking
24 at?

25 A. It's a midrange photograph and it's

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 showing another shell casing behind the TV set.

2 Q. Right. Are you familiar with gaming
3 systems at all? Do you know what controller that
4 is too?

5 A. I know very little bit about gaming
6 systems. No, sir, I didn't recognize it.

7 Q. 194, what are we looking at here?

8 A. The shell casing. It's a little bit
9 closer shot of the shell casing.

10 Q. Two of them?

11 A. Yes, sir. Actually there are two in
12 that photograph, yes, sir.

13 Q. All right. And 195, what are we
14 looking at here?

15 A. Two fired shell casings. One is the
16 headstamp that identifies them. One is the PMC 380
17 auto and that's going to be on the left side as a
18 brass casing. And on the right side is a federal
19 .40 caliber Smith & Wesson depicting the
20 manufacturer.

21 Q. Okay. Do you or are you aware of any
22 signs that's able to timestamp when this fired
23 shell casing was fired or that bullet was fired
24 that produced that fired shell casing?

25 A. No, sir. Scientifically, there's no

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 way I can tell when those shell casings were
2 deposited in the scene.

3 Q. Okay. So I suppose then we would have
4 no way of knowing when the 380 was put there or the
5 .40 for that matter?

6 A. No, sir, we would not.

7 Q. Okay. All right. I'm showing you
8 State's 5. Can you take a look at -- well,
9 actually, 5 and 6 and see if you recognize those?

10 A. State's Exhibit Number 6 is my item
11 number 95. It is the .40 caliber Smith & Wesson
12 shell casing.

13 Q. Okay. And 6 -- or maybe that was 5?

14 A. No, this was 6.

15 Q. All right. Now 5?

16 A. Yes, sir. It's my item 94, State's
17 Exhibit 5. This is going to be the 380 auto
18 cartridge -- fired casing found by the TV set.

19 Q. Okay. Did you swab both of those as
20 well?

21 A. Yes, I did.

22 Q. All right.

23 MR. OSBORNE: Your Honor, at this time,
24 State seeks to admit 5, 380; 5-A, the swabs from
25 the 380; 6, the .40; and 6-A, swabs from the .40

1 into evidence.

2 THE COURT: 5, 5-A, 6, and 6-A?

3 MR. OSBORNE: Yes, sir.

4 THE COURT: Any objection?

5 MR. CHISHOLM: No, Your Honor.

6 MS. ZMROCZEK: No objection.

7 MR. JOHNSON: No objection.

8 THE COURT: State's 5, 5-A, 6, and 6-A
9 are in evidence without objection.

10 (WHEREUPON, State's Exhibit Numbers 5,
11 5-A, 6, and 6-A were entered)

12 Q. Okay. Getting into 198, what are we
13 looking at here?

14 A. This is a photograph of the ceiling
15 above the dresser in the same bedroom at the left
16 end of the hallway, stains on the ceiling.

17 Q. Okay. 199?

18 A. A close-up of these same stains. Red
19 stains which I believed to be blood.

20 Q. And did you -- did you swab these?

21 A. Swabs were taken from this pattern on
22 the ceiling, yes, sir.

23 Q. All right.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 199-A which would be the swabs

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 from the ceiling into evidence.

2 THE COURT: Any objection to 199-A?

3 MR. CHISHOLM: No, Your Honor.

4 MS. ZMROCZEK: No, Your Honor.

5 MR. JOHNSON: No objection.

6 THE COURT: 199-A is in without
7 objection.

8 (WHEREUPON, State's Exhibit Number
9 199-A was entered)

10 MR. OSBORNE: Beg the Court's
11 indulgence.

12 THE COURT: Yes, sir.

13 Q. All right. 201?

14 A. These were blood stains on the wall
15 located between the dresser and the doorway
16 underneath the light switch.

17 Q. I might be able to do it just
18 describing it. Did you collect a phone from that
19 room that was located on the dresser?

20 A. Actually, it's in my photographs on --
21 upon return the next day, then Sergeant Ketcherside
22 actually collected that phone.

23 Q. Okay. But you did see it?

24 A. Yes, I did.

25 Q. And I think you mentioned that before

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 that this -- it took a couple of days, this was an
2 interesting --

3 A. Yes, I was preoccupied with other
4 business on this case, so Sergeant Ketcherside went
5 ahead and came back and started back processing
6 again.

7 Q. Okay. All right. I'm showing you now
8 State's 325. Can you take a look at that and tell
9 me if you recognize that?

10 A. Yes, sir. This is the blue phone that
11 was located on the corner of the dresser depicted
12 in my photographs in the bedroom on the left.

13 Q. The dresser where the two kids were
14 located?

15 A. Sir?

16 Q. The dresser where the two kids were
17 located?

18 A. Yes, sir.

19 Q. Okay.

20 MR. OSBORNE: Your Honor, at this time,
21 State seeks to admit 325 into evidence.

22 THE COURT: Any objection to 325?

23 MS. ZMROCZEK: No objection.

24 MR. CHISHOLM: No, Your Honor.

25 MR. JOHNSON: No objection.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: State's 325 is in without
2 objection.

3 (WHEREUPON, State's Exhibit Number 325
4 was entered)

5 Q. Okay. So while we're -- okay. So
6 while we're talking about phones, in all, counting
7 the Camero and the home, how many phones did you
8 collect?

9 A. Eight phones were collected.

10 Q. Okay. Two from the car, does that
11 sound right?

12 A. I believe so.

13 Q. All right. Six in the home?

14 A. Yes, sir.

15 Q. Okay. Showing you 202?

16 A. A scaled close-up of the blood stains
17 on the wall in the room where the two victims were
18 found in the floor.

19 Q. Okay. Did you swab those as well?

20 A. Yes, sir, I did.

21 MR. OSBORNE: Your Honor, State seeks
22 to admit 202-A and 202-B which are the swabs
23 depicted in 202.

24 THE COURT: Any objection to 202-A and
25 202-B?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. CHISHOLM: No, Your Honor.

2 MS. ZMROCZEK: No objection.

3 MR. JOHNSON: No objection.

4 THE COURT: State's 202-A and 202-B are
5 in without objection.

6 (WHEREUPON, State's Exhibit Numbers
7 202-A and 202-B were entered)

8 Q. All right. 206, what are we looking
9 at?

10 A. The entertainment center and TV set in
11 the living room.

12 Q. Okay. Did you attempt to fingerprint
13 the TV itself?

14 A. Yes, sir, I did.

15 Q. Do you remember how many prints you
16 attempted to locate or recover from that TV?

17 A. Probably ten or a dozen viable
18 fingerprints.

19 Q. Would 66 surprise you?

20 A. From the whole entertainment center
21 maybe. It was a lot of fingerprints.

22 Q. But you said only about that many came
23 back as viable?

24 A. Yes, sir.

25 Q. Okay. 207?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. These are partial fingerprints that I
2 was able to develop on the top drawer of the
3 entertainment center.

4 Q. Okay. 208?

5 A. This is a photograph where when we left
6 the residence on the 16th, we sealed the doors with
7 evidence tape or tampered tape as it's sometimes
8 called, so if somebody did open the doors, we would
9 know.

10 Q. Okay. I'm jumping ahead of myself here
11 a little bit. I'm sorry. I'm going back to 207.
12 Can you take a look at 235 -- State's 235 and 236
13 and tell me if you recognize this?

14 A. Can I open this?

15 Q. Sure.

16 A. Because there's nothing on the
17 exterior.

18 Q. Okay.

19 A. Yes, sir. These are either going to be
20 latent lifts where you actually lift or attempt to
21 lift the fingerprint off the surface it's developed
22 on or photographs of these same lifts.

23 Q. And latent is just a fancy term, I
24 guess, for invisible?

25 A. Invisible or needs to be developed in

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 some way so you can actually see it. But,
2 basically, yes. You can't see them with the naked
3 eye.

4 Q. So you use chemicals or powder or
5 whatever to enhance it so we can see it?

6 A. Yes, sir.

7 Q. All right.

8 MR. OSBORNE: Your Honor --

9 Q. And you took those.

10 MR. OSBORNE: Your Honor, at this time,
11 State seeks to admit 235 and 236 into evidence.

12 THE COURT: Any objection to 235 and
13 236?

14 MR. CHISHOLM: No, Your Honor.

15 MS. ZMROCZEK: No, Your Honor.

16 MR. JOHNSON: No objection.

17 THE COURT: State's 235 and 236 are in
18 evidence without objection.

19 (WHEREUPON, State's Exhibit Numbers 235
20 and 236 were entered)

21 Q. And once those -- once you have these
22 prints and enhanced them or whatever you did to try
23 to get them to be observable, those prints are then
24 sent to a fingerprint examiner who then compares
25 them?

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir. Normally all the time, we
2 send ours to the latent print laboratory at SLED.

3 Q. Okay. And that was done in this case?

4 A. Yes, sir.

5 Q. Okay. Orangeburg County Sheriff's
6 Office item 66, are you aware that came back to
7 Krystal Hutto?

8 A. Yes, sir.

9 Q. Orangeburg County 67, that came back to
10 Krystal Hutto?

11 A. Yes, sir.

12 Q. 68 came back to a Todd Dukes?

13 A. Yes, I'm familiar.

14 Q. 69, Krystal Hutto?

15 A. Yes, sir.

16 Q. 70, T'Carra Woods?

17 A. Yes, sir.

18 Q. 72, T'Carra Woods?

19 A. Yes, sir.

20 Q. 74, T'Carra Woods?

21 A. Yes, sir.

22 Q. 75, Krystal Hutto?

23 A. Yes, sir.

24 Q. 76, Krystal Hutto?

25 A. Yes, sir.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. 80, Todd Dukes?

2 A. Yes, sir.

3 Q. Okay. And the rest of them you
4 couldn't compare them?

5 A. Most of them what was left were
6 partials that were not of any value for comparison.

7 Q. Okay. So what are we looking at in
8 208?

9 A. Again, this is whenever we left on the
10 16th and the tape is dated as such, we placed
11 evidence tape or some people call it tamper tape on
12 the doors so if somebody attempted to open the
13 doors, we would know.

14 Q. Okay. Okay. And we kind of already
15 covered this. A lot of items swabbed, a lot of
16 items fingerprinted, took multiple days?

17 A. Yes, sir.

18 Q. I've kind of presented it to you as one
19 day, but it's really -- this has happened over
20 days?

21 A. Yes, sir, it did.

22 Q. Okay. Now, while processing this
23 scene, did you receive information that sent you to
24 another location?

25 A. Yes, sir, I did.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. And was that off Caswell Road?

2 A. Yes, sir. Caswell, yes, sir.

3 Q. All right. So what brought you there
4 and how did that come about?

5 A. I was notified that -- I believe it was
6 SLED's tracking team. They have a group that
7 tracks phones. And they had located what they
8 believed to be Krystal Hutto's phone in a field off
9 that road.

10 Q. And did you respond to that location?

11 A. Yes, sir, I did.

12 Q. Okay. So about how far was Krystal's
13 home to the location in which that phone was
14 recovered?

15 A. A very short -- just a couple of
16 minutes. Two or three minute drive.

17 MR. OSBORNE: Beg the Court's
18 indulgence.

19 Q. Just a couple more questions. Okay.
20 I'm showing you 305 now.

21 A. Yes, sir.

22 Q. And what is that?

23 A. That's a GPS in my truck documenting
24 the GPS location where the phone was found that we
25 believed to belong to Krystal Hutto.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. 306?

2 A. A general photograph of the field where
3 Krystal Hutto's phone was found.

4 Q. Okay. So I'm looking -- I mean, I
5 think it's obvious, but this is a dirt road; right?

6 A. Yes, sir.

7 Q. Kind of a back road?

8 A. Yes, sir.

9 Q. 307?

10 A. Photograph of G-28 which was my item
11 number for the phone in the field.

12 Q. 308?

13 A. Close-up of the phone as we found it in
14 the field.

15 Q. And 309?

16 A. Just a general ID shot making sure you
17 see the phone and the G-28 markers.

18 Q. Okay. I'm showing you 219. Can you
19 take a look at that and tell me if you recognize
20 it?

21 A. Yes, sir. Appears to be the phone we
22 collected from the field off Caswell.

23 Q. Okay.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 219 into evidence.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Any objection?

2 MR. CHISHOLM: No, Your Honor.

3 MS. ZMROCZEK: No objection.

4 MR. JOHNSON: No objection.

5 THE COURT: State's 219 is in evidence
6 without objection.

7 (WHEREUPON, State's Exhibit Number 219
8 was entered)

9 Q. Okay. Last thing. Later on July 16th
10 of 2015, did you have the occasion to respond to
11 the autopsy for the victims in this case and
12 receive some items?

13 A. Yes, sir, I did.

14 Q. And who did you receive these items
15 from?

16 A. From Dr. Janice Ross. She's a
17 pathologist.

18 Q. Okay. And what did you do with those
19 items once you came into possession of them?

20 A. I delivered them or transported them to
21 the SLED forensic laboratory.

22 Q. Okay. I'm showing you now State's 11
23 through 18. Can you take a look at those and tell
24 me if you recognize those?

25 A. Yes, sir, I do.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And I guess going in order.

2 State's 11, what is that?

3 A. State's 11 are bullet fragments

4 recovered at autopsy from Tamara Perry.

5 Q. Okay. And State's 12?

6 A. Bullet fragments recovered at autopsy

7 from Shamekia Sanders.

8 Q. Okay. 13?

9 A. A bullet fragment recovered from

10 Krystal Hutto at autopsy.

11 Q. Okay. And now 14 through 18, what are

12 they?

13 A. These were all bullet fragments

14 recovered from Jerome Felder (Verbatim) during

15 autopsy.

16 Q. Okay. So Tamara Perry, Shamekia

17 Sanders, Krystal Hutto, all one bullet, Jerome

18 Butler 1, 2, 3, 4, 5 bullet fragments?

19 A. Yes, sir.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,

22 State seeks to admit 11 through 18 into evidence.

23 THE COURT: Any objection?

24 MR. CHISHOLM: No, Your Honor.

25 MS. ZMROCZEK: No objection.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. JOHNSON: No objection.

2 THE COURT: State's 11 through 18 are
3 in evidence without objection.

4 (WHEREUPON, State's Exhibit Numbers 11
5 through 18 were entered)

6 Q. Okay. I'm showing you now State's 215.
7 Do you recognize that?

8 A. Yes, sir.

9 Q. And what is that?

10 A. These are the Red Kap pants from Jerome
11 Butler.

12 Q. Okay.

13 MR. OSBORNE: Your Honor, at this time,
14 State seeks to admit 215 into evidence.

15 THE COURT: Any objection to 215?

16 MR. CHISHOLM: No, Your Honor.

17 MS. ZMROCZEK: No objection.

18 MR. JOHNSON: No objection.

19 THE COURT: State's 215 is in evidence
20 without objection.

21 (WHEREUPON, State's Exhibit Number 215
22 was entered)

23 Q. Okay. Last couple. 264, 266, 267, and
24 269. I'm just repeating, 264, 266, 267, and 269?

25 A. Yes, sir. I recognize them.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. All right. And we're just going
2 to go through again. 264, what is that?

3 A. 264 is a criminal sexual conduct
4 evidence collection kit for Shamekia Sanders.

5 Q. And 266?

6 A. A criminal sexual conduct evidence
7 collection kit from Krystal Hutto.

8 Q. 267?

9 A. A criminal sexual conduct evidence
10 collection kit for Tamara Perry.

11 Q. And 269?

12 A. These would be fingernail clippings
13 from Jerome Butler.

14 Q. Okay. And did you have the occasion to
15 recover some blood standards -- well, I guess I got
16 to move them in. Sorry.

17 MR. OSBORNE: At this time, the State
18 seeks to admit 264, 266, 267, and 269 into
19 evidence.

20 THE COURT: Any objection?

21 MR. CHISHOLM: No, Your Honor.

22 MS. ZMROCZEK: No objection.

23 MR. JOHNSON: No objection.

24 THE COURT: State's 264, 266, 267, and
25 269 are in evidence without objection.

GERALD CARTER - DIRECT EXAMINATION BY MR. OSBORNE

1 (WHEREUPON, State's Exhibit Numbers
2 264, 266, 267, and 269 were entered)

3 Q. Okay. And did you have the occasion to
4 take blood standards from the victims in this case
5 and transport them to SLED as well?

6 A. Yes, sir. They were collected at the
7 time of the autopsy and I transported to SLED.

8 Q. Okay. Fair to say blood doesn't do
9 well in room temperature, it needs to be kept cold?

10 A. Yes, sir.

11 Q. All right. We have some photographs
12 here. I'm showing you 379 to 386. Can you just
13 take a look at those and tell me if you recognize
14 those?

15 A. Yes, sir.

16 Q. And what are they?

17 A. They're photographs of the blood vials
18 that were collected at autopsy and then transported
19 to SLED giving documentation of them.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,
22 State seeks to admit 379 through 386 into evidence.

23 THE COURT: Any objection to 379
24 through 386?

25 MR. CHISHOLM: No, Your Honor.

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 MS. ZMROCZEK: No objection.

2 MR. JOHNSON: No objection.

3 THE COURT: State's 379 through 386 are
4 in evidence without objection.

5 (WHEREUPON, State's Exhibit Number 379
6 through 386 were entered)

7 Q. Okay.

8 MR. OSBORNE: No further questions,
9 Your Honor.

10 THE COURT: Okay. Mr. Chisholm, any
11 questions of this witness?

12 MR. CHISHOLM: Thank you, Your Honor.
13 May it please the Court.

14 THE COURT: Yes, sir.

15 CROSS EXAMINATION BY MR. CHISHOLM:

16 Q. It's still good morning --

17 A. Yes, sir. Good morning.

18 Q. -- Captain Carter. My name is Ash
19 Chisholm. I'm one of the attorneys for Robert
20 Bailey. I think we've probably actually met, but
21 it's been probably a decade or so ago we had some
22 cases together, so it's good to see you again.

23 A. Yes, sir.

24 Q. You've been in law enforcement for I
25 believe you said 29 years; is that what you said?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 A. 29 years this March 18th.

2 Q. Has this all been here in Orangeburg
3 County?

4 A. Yes, sir, it has.

5 Q. And how long have you been working as a
6 -- is it a crime scene tech? I forgot the title.

7 A. A forensic investigator, but I'll
8 answer to all of them.

9 Q. How long have you been doing that?

10 A. I've done it for almost 12 years.

11 Q. Okay. And I've got some questions for
12 you and I'll try to hopefully they'll make sense.
13 Some of them are out of order because I'm going to
14 ask you some questions that -- about things that
15 Mr. Osborne asked you about, okay?

16 A. Yes, sir.

17 Q. One of the things he asked you about is
18 shell casings and touch DNA and sending it off for
19 testing and he asked you, you haven't had any come
20 back in any of your cases; is that right? You
21 weren't able to match DNA from a shell casing to
22 anything that you've sent off for testing?

23 A. No, sir. Not for contact DNA on shell
24 casings, no, sir.

25 Q. Okay. I'm assuming other agencies have

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 been able to do that and that's why you send it
2 off; is that right?

3 A. Yes, sir. It is difficult for many
4 reasons when you have a fired shell casing. It's a
5 small surface area and it heats up when it's fired.
6 But there have been cases documented where others
7 were luckier than me and they were able to develop
8 a profile from a DNA from a shell casing, yes, sir.

9 Q. Gotcha. But you were unable to do that
10 in this case?

11 A. Yes, I was unable to do so.

12 Q. Okay. And earlier you testified, I
13 believe Mr. Osborne asked you, you have the main
14 Krystal Hutto, I guess you can say, the main crime
15 scene and also you talked about the scene where the
16 burning car was found. Do you recall that?

17 A. I was aware of the burnt car. I didn't
18 process it.

19 Q. Okay. I guess my question was more of
20 this. He had asked you how far away it was and I
21 think you testified 15 or 20 minutes?

22 A. I believe so.

23 Q. Did you ever drive out to that scene?

24 A. No, sir, I did not because I didn't
25 work it. Then Sergeant Ketcherside worked it and

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 once he worked the scene, he did -- the car was
2 removed from that area, I did not personally drive
3 it.

4 Q. Gotcha. So 15 or 20 minutes, is that
5 just --

6 A. Just an estimate. Trying to remember
7 where they found it, but I didn't drive it.

8 Q. I gotcha. Again, sorry this is a
9 little out of order.

10 A. No problem.

11 Q. Mr. Osborne showed you some pictures of
12 some board games that were in this house?

13 A. Yes, sir.

14 Q. Were these all stored or -- I didn't
15 get through all the pictures, were some of them
16 like out as though they were being played or were
17 they all stored or could you explain where they
18 were?

19 A. The photograph which showed them
20 stacked up on the hutch or that cabinet, that's
21 exactly where we found them.

22 Q. Okay. I noticed there was a lot of, I
23 think you said, what you assume was flour on the
24 floor --

25 A. Yes, sir.

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. -- in the kitchen?

2 A. Yes, sir.

3 Q. Were you able to get any footprints out
4 of that or did you try to?

5 A. I didn't actually document any
6 footprints in that.

7 Q. Okay. When we talk about doors,
8 Mr. Osborne asked you, some of these appeared to
9 have been busted, some of them weren't, in laymen's
10 terms?

11 A. Yes, sir.

12 Q. When you look at a case like this, are
13 you able to determine when that occurred if there's
14 damage to a door are you able to look at it and
15 kind of timestamp it or is that just -- you can
16 state the condition, but not when it happened?

17 A. Correct. I mean, there's no way I can
18 actually as you say timestamp when it happened.

19 Q. Okay. And in the room where Ms.
20 Sanders was found, there were -- I just want to
21 make sure I got this right, there was two 380
22 rounds and two .40 caliber shell casings; is that
23 right?

24 A. There was only one .40 caliber shell
25 casing. There was two 380 shell casings.

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. Okay. So two 380s and one .40?

2 A. Yes, sir.

3 Q. Okay. Now, when you go to a crime
4 scene as a forensic investigator, I'm assuming your
5 role is to basically look for any kind of evidence
6 that can be helpful in a case; is that right?

7 A. Yes, sir.

8 Q. So I think you said you start by doing
9 the outside looking in kind of view of the scene
10 itself; is that right?

11 A. What I'll do is in a case like this
12 where there's so much outside, just by nature it's
13 more at risk than evidence inside. So I would
14 start outside and complete all the outside work
15 before moving to the inside.

16 Q. Okay. And it appears that's what you
17 did in this case, the photographs you were showing
18 early on?

19 A. Yes, sir, that's what I did.

20 Q. This property, is there one driveway
21 into the house?

22 A. Yes, sir. To the best of my knowledge
23 it's the main driveway coming in.

24 Q. And from looking at the pictures, it
25 looks like the rest of the property is pretty well

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 surrounded by trees, there's not another road that
2 comes into it or anything; correct?

3 A. Nothing that comes into the property.
4 There's a dirt road that runs kind of behind the
5 property. But nothing that actually enters or
6 crosses the property.

7 Q. As far as getting to the house itself,
8 is it pretty much one way in and one way out; is
9 that fair to say?

10 A. If you're driving a vehicle, yes.

11 Q. Okay. And when you're only seeing
12 you're looking obviously, we've heard a lot about
13 what you've already testified what you are looking
14 for, fingerprints, DNA, blood, bullets, bullet
15 fragments, shell casings, you're looking for all
16 these kind of things that might be tied to a
17 particular crime; is that right?

18 A. Yes, sir.

19 Q. Okay. And here all again just to make
20 sure that anything that might have evidentiary
21 value is collected?

22 A. Correct. Part of what we do is try.
23 We make the attempt. We may not get the evidence
24 we're looking for, may not get any at all, but if
25 we believe there's a possibility then we want to

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 attempt to get whatever evidence we can find.

2 Q. Is it fair to say that you collect all
3 this stuff and you probably collect more than you
4 may need because you might not know what is going
5 to be important down the road as the investigation
6 goes on; is that right?

7 A. Correct.

8 Q. Okay. And some of this stuff you
9 collect, like take fingerprints, for example, do
10 you do some level of preliminary testing yourself
11 to identify whether there's a sufficient print that
12 should be sent off to SLED?

13 A. Normally, I do. I am schooled in
14 making those comparisons. But in this particular
15 case, I want the final word to come from SLED.
16 It's outside of our agency. They have a good
17 laboratory and good examiners and I sent
18 everything. So they would have the final word is
19 it usable or not.

20 Q. They have more equipment, laboratories,
21 all that kind of stuff when it comes to DNA, blood,
22 all this stuff we're talking about; right?

23 A. Correct. They have full laboratories,
24 yes, sir.

25 Q. And we're talking about SLED, I'm sure

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Mr. Osborne asked you, but in case I missed it,
2 what is SLED exactly?

3 A. State Law Enforcement Division. State
4 Law Enforcement. And they have their own forensic
5 laboratories.

6 Q. That's up in Columbia?

7 A. Yes, sir, it is.

8 Q. Okay. So when you have a case where
9 you get physical evidence, fingerprints, DNA,
10 whatever the case may be, and then suspects
11 whenever they're developed, you know, people you
12 might be looking at as being involved in a crime,
13 you want to get their standards to send to SLED as
14 well so that they have something to test against;
15 is that how that works?

16 A. Yes, sir.

17 Q. So in other words, if you get a
18 fingerprint off a desk, it doesn't do you much good
19 a lot of time unless you have somebody to check it
20 against; right, see if it's a match?

21 A. Correct.

22 Q. Okay. And that's when the you did in
23 this case; is that right?

24 A. Yes, sir.

25 Q. Okay. And that's the same as it goes

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 with DNA; is that right? I mean, you want to send
2 standards up so if you have an item like a gun, for
3 example, that you test for DNA, you want to be able
4 to send any possible suspects and their information
5 up to see if it's their DNA on the gun; is that
6 right?

7 A. Correct. We make every effort to
8 collect those standards.

9 Q. Okay. And I have a question about --
10 when this stuff gets sent to SLED, could you walk
11 me through that process a little bit as far as who
12 determines what gets sent to SLED for testing, is
13 that a decision you can make on your own?

14 A. Yes, sir. As the primary forensic
15 investigator, it would be my responsibility to send
16 anything I thought needed further analysis.

17 Q. Okay. And is that also -- is this kind
18 of a collaborative thing in that you can get input
19 from say the lead investigator or the solicitor
20 that's handling the case as well?

21 A. Correct. If there's a piece of
22 evidence they feel needs to be examined that I did
23 not send, we would send it.

24 Q. Okay. So at all levels of the case,
25 you have the ability to send stuff up later on if

1 needed? If somebody sees something that says, hey,
2 this might be important, I want to check this
3 suspect against this evidence, that can be done at
4 a later time, it can be brought to your attention
5 by the solicitor or other investigators; is that
6 right?

7 A. Correct.

8 Q. And when it's sent off to SLED in a
9 scenario like that, do they come to you and say,
10 hey, I'd also like to have this tested or do they
11 do that themselves? Can you tell me how that kind
12 of works?

13 A. We would transport it to SLED. They
14 have an evidence intake area with evidence
15 technicians, we would take it there. They would
16 receive the evidence and they would, you know,
17 designate it to be headed to whichever laboratory
18 it needs to go to.

19 Q. Okay. And how many scenes did you
20 process in this case? Did you -- you responded
21 obviously to the Hutto house?

22 A. Correct.

23 Q. You went to -- I think you said you did
24 not go to the scene of the burning car; is that
25 correct?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 A. No, sir, I didn't go there.

2 Q. Were there any other crime scenes that
3 you actually actively went out to?

4 A. The phone which we believed to be
5 Krystal Hutto's off of Caswell Street, I did
6 respond to that.

7 Q. That's the phone in the field?

8 A. Yes.

9 Q. Okay. And I guess I'll give you a
10 hypothetical of sorts. As far as what you
11 generally do when you determine what needs to be
12 sent off and what doesn't for testing, okay.

13 A. Yes, sir.

14 Q. Let's say you have a vehicle stop and
15 say there's a bag of cocaine that's in the car.
16 And you have two suspects in the car and you wanted
17 to test the bag for DNA to see if somebody's DNA is
18 on it; correct?

19 A. Correct. You could.

20 Q. In a scenario like that, you wouldn't
21 just randomly pick one person's DNA to send up
22 that's in the car to test against the bag; right?
23 You would send both people that are in the car?
24 Would you want to send both DNA standards from both
25 occupants of the vehicle up to test against the DNA

1 on the bag?

2 A. If they were -- I'll try to answer it
3 as best I can. When you send it up, if you have
4 viable suspects, then, yes, you're going to try and
5 get that DNA. In a case like that, if they would
6 consent to giving us DNA, obviously, we would
7 collect it. If they had a problem with it, in
8 which case it would take a court order, some other
9 method by which to collect the DNA, we would send
10 the DNA -- send the bags first, or the swabs from
11 the bags to see if they develop a profile. And,
12 okay, we've got a profile, we would try and develop
13 enough probable cause to get a search warrant or
14 some other court order to obtain the -- obtain a
15 sample from everybody that was in the car.

16 Q. Gotcha. I guess, is it fair to say in
17 an ideal situation you would send in that scenario
18 both people's DNA up?

19 A. An ideal situation, yes. And if they
20 would consent to it, at that point in time, we
21 would obviously take the DNA samples.

22 Q. Because if they were to consent to it
23 especially, I mean, you have a swab essentially?

24 A. Correct.

25 Q. And a swab again is a Q-tip tip

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 essentially?

2 A. Yes, sir.

3 Q. Okay. I'm going to ask you a question
4 you may not be able to answer. But this silver BMW
5 that's in one of the pictures we showed you a long
6 time ago that's parked in front of the Camero, are
7 you familiar with that?

8 A. Yes, sir, I am.

9 Q. Are you familiar with another officer
10 on the scene or anyone else moving it? Do you know
11 how it got there or would that be something you're
12 unaware of?

13 A. I'm unaware of it. I thought that
14 Christopher Wright had parked it there. Beyond
15 that, I don't know.

16 Q. Okay. And the Solicitor asked you a
17 bunch of questions about footwear, footwear
18 impressions. And, I believe, we got it in evidence
19 some of the castings that you took?

20 A. Yes, sir.

21 Q. And I guess if you could dumb this now
22 for me. The casting, is that -- do you pour some
23 kind of medium over a print and it kind of lifts it
24 off the ground or wherever the surfaces are?

25 A. If you have enough of an impression, it

1 will actually -- it's called dental stone because
2 that's used by the dentist to make castings of your
3 mouth. But it dries quickly. You can mix it and
4 it's in a liquid form, if you will, and it dries
5 quickly is why we like to use it and it will form
6 whatever impression you got, it will pick up that
7 impression. It gives you a hard, hard evidence
8 that you can look at.

9 Q. Okay. And I think you said you got two
10 dental stone impressions in this case?

11 A. Yes, sir.

12 Q. And you took photographs of a lot more
13 of them; is that right?

14 A. Of one more. I think it was one more.
15 One or two more that I took photographs of it which
16 again are used quite often in modern impression
17 examinations if the photographs are taken properly.
18 Sometimes we'll cast them, but a lot of times
19 they're just photographed.

20 Q. In a scenario where you're just are
21 able to get a photograph, I guess if you have like
22 a glass window with a footprint on it, that's not
23 ideal for casting?

24 A. No, sir, you couldn't cast that.

25 Q. It would just drip off or whatever?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 A. Yes, sir.

2 Q. So in that scenario you would want to
3 get a picture of it; is that right?

4 A. Yes, sir.

5 Q. And some of these pictures it looks
6 like you used scale tape or an actual ruler of
7 sorts?

8 A. Yes, sir.

9 Q. Why do you do that?

10 A. That's required for any type of
11 analysis or comparison. Because you could not tell
12 size and distance in a plain photo. There's no
13 way. You have to have something to give it scale
14 and that would be if you found a defect or
15 something in a footwear something that would help
16 identify the shoe, you would need to know the size
17 of the defect, it's exact location on the sole of
18 the shoe. But that's why it's done with most
19 evidence to give it exacting sizes so you can make
20 comparison.

21 Q. So I think what you're saying is, if
22 you just have a photograph of a print, you can't
23 tell if it's a child's size 2 or adult man size 12
24 without something to scale those; is that right?

25 A. Correct, you have to have scale and a

1 photo.

2 Q. And I'm assuming when you look at
3 footwear impressions, the size of the shoe that
4 made the print is pretty critical; is that right?

5 A. Oh, yes, sir.

6 Q. Okay. Because, again, use the same
7 dumb down example. If you find a print on a crime
8 scene and it's a child's toddler size 2, however
9 that works and then you have a suspect that's
10 wearing an adult man size 12, you can pretty easily
11 look and say, exclude that person as leaving the
12 size 2 toddler print; right?

13 A. If the scale is there. Because if I
14 take a photo of a child print and I fill the frame,
15 I want a close-up, you can't tell it's not an adult
16 shoe.

17 Q. No. In my scenario which was poorly
18 phrased. If you had the scale so you could say
19 this is the time and print, you could look and say,
20 obviously, he didn't leave this print?

21 A. Correct. That's the purpose, yes, sir.

22 Q. Size doesn't match up. And are you
23 aware that that's what happened in this case? You
24 said that Mr. Bailey in particular or all the
25 Defendants, I believe, were excluded as the

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 contributors to these prints?

2 A. No, sir. This particular case, it had
3 nothing to do with scale. Once we collected their
4 shoes, there was a -- from the time the crime was
5 committed until they were charged with this crime,
6 significant time had passed. The pattern of the
7 sole that they were wearing, the shoes they were
8 wearing when they were arrested just didn't match
9 the partials.

10 Q. No, I understand that. But over time
11 typically people's feet don't shrink or grow;
12 right?

13 A. Right. No.

14 Q. Adults anyway, as children grow all the
15 time.

16 A. Right.

17 Q. All right. So when you're talking
18 about adults, the measurements that you got from
19 your pictures were sent up to SLED; is that right,
20 with the scale?

21 A. Yes, sir.

22 Q. And obviously you sent off shoes for
23 comparison against the pictures and the cast;
24 right?

25 A. Yes, sir.