

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Aug 01 2023

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable William A. McKinnon, Circuit Court Judge

JARVIS STRIPLING,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000560

APPENDIX

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

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD NOVEMBER 6-8, 2018	1
APPLICATION FOR POST-CONVICTION RELIEF	326
RETURN.....	332
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	341
TRANSCRIPT OF EVIDENTIARY HEARING HELD JUNE 8, 2022	343
ORDER OF DISMISSAL	420
INDICTMENTS	433
SENTENCE SHEETS	443

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
APPLICANT’S EXHIBIT NO. 1 (PHOTOGRAPH); APPLICANT’S EXHIBIT NO. 2
(PHOTOGRAPH); APPLICANT’S EXHIBIT NO. 3 (PHOTOGRAPH)**

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

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Jarvis T. Stripling,) 2017-GS-42-3122-3125
6 Defendant.) 2018-GS-42-4083
7) November 6 - 8, 2018
8) Spartanburg, South Carolina
9

10 B E F O R E:

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

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

15 JAMES E. HUNTER, ESQUIRE
16 ALLISON MARGARET MABBS, ESQUIRE
17 Attorneys for the State

18 CHARLES W. SNYDER, III, ESQUIRE
19 Attorney for the Defendant
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

1

INDEX

2

WITNESSESPAGE

3

Direct examination by Mr. Hunter

60

4

Cross-examination by Mr. Snyder

67

5

SANDRA ADORNO (SW)

6

Direct examination by Ms. Mabbs

67

7

Cross-examination by Mr. Snyder

73

8

CHRISTY D. NORKETT (SW)

9

Direct examination by Mr. Hunter

75

10

Cross-examination by Mr. Snyder

85

11

SHAWN CLORAN (SW)

12

Direct examination by Mr. Hunter

85

13

Cross-examination by Mr. Snyder

96

14

CHRISTY NORKETT (SW)

15

Direct examination by Mr. Hunter

97

16

DIXIE WRIGHT (SW)

17

Direct examination by Mr. Hunter

99

18

Cross-examination by Mr. Snyder

122

19

Redirect examination by Mr. Hunter

132

20

ALICIA DANIELLE PILGRIM (SW)

21

Direct examination by Mr. Hunter

134

22

Cross-examination by Mr. Snyder

156

23

LOUIS MACEO NELSON (SW)

24

Direct examination by Ms. Mabbs

158

25

Cross-examination by Mr. Snyder

174

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	CHRIS TAYLOR (SW)	
4	Direct examination by Ms. Mabbs	175
5	Cross-examination by Mr. Snyder	183
6	SHAWN CLORAN (SW)	
7	Direct examination by Ms. Mabbs	184
8	DR. JOHN DAVID WREN (SW)	
9	Direct examination by Ms. Mabbs	186
10	SHARON STRIPLING (DW)	
11	Direct examination by Mr. Snyder	206
12	Cross-examination by Ms. Mabbs	210
13	JARVIS TREMAIN STRIPLING (DW)	
14	Direct examination by Mr. Snyder	215
15	Cross-examination by Mr. Hunter	216
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

4

1	Jury qualification	9
2	Jury sworn	45
3	Opening statements	53
4	Closing arguments	222
5	Jury charge	248
6	Verdict	315
7	Sentence	320

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-1	DVD of body worn camera	59	65
4	S-2	Photograph	74	88
5	S-3	Photograph	74	88
6	S-4	Photograph	74	88
7	S-5	Photograph	74	88
8	S-6	Photograph	74	88
9	S-7	Photograph	74	88
10	S-8	Photograph	74	88
11	S-9	X-ray photograph	74	82
12	S-10	X-ray photograph	74	
13	S-11	Photograph of bullet angle	74	
14	S-12	Photograph	74	
15	S-13	Photograph	74	82
16	S-14	Photograph	74	88
17	S-15	Photograph	74	95
18	S-16	Photograph	74	95
19	S-17	Bullet from victim	74	82
20	S-18	Drugs	74	85
21	S-19	Miscellaneous items from safe	75	85
22	S-20	Fired bullet	75	92
23	S-21	Bullet fragment	75	92
24	S-22	Fired bullet	75	92
25	S-23	DVD	75	94

6

1

EXHIBITS

2

NO. DESCRIPTION

ID. EV.

3

S-24 Bullet fragment from victim

97 97

4

S-25 Cap

179

5

S-26 Photograph

185

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Question		323
C-2	Question		324
C-3	Question		324
C-4	Question from the jury		324
C-5	Obituary printout		324
C-6	Obituary printout		324
C-7	Question from the jury		324
C-8	Question from the jury		324

1 (Proceedings November 6, 2018)

2 THE COURT: All right. Are we ready for the jury
3 selection in the case of the State vs. Stripling?

4 MR. SNYDER: Yes, sir.

5 MR. HUNTER: Yes, Your Honor.

6 THE COURT: Okay. Any matters that need to be
7 addressed prior to jury selection?

8 MR. SNYDER: No, sir.

9 MR. HUNTER: No, sir, Your Honor.

10 THE COURT: All right. Bring the jury around, please.
11 Are these your witnesses?

12 MR. SNYDER: These are family members.

13 THE COURT: They'll need to sit -- they can't sit with
14 the jury. They'll need to sit behind you. They can sit in
15 those chairs behind you. They're not witnesses?

16 MR. SNYDER: No, sir.

17 THE COURT: All right. Well, they'll sit in the
18 chairs for now, and then they'll go back to the audience
19 when -- after the jury selection.

20 We've got two -- two murder charges?

21 MR. HUNTER: It was amended at the grand jury. So the
22 one that just says murder --

23 THE COURT: Which one are we going on?

24 MR. HUNTER: The one with murder and possession of a
25 weapon.

1 THE COURT: This one is out?

2 MR. HUNTER: Yes. But it was amended into that one.

3 MR. SNYDER: I didn't give any voir dire questions,
4 but if you'll just ask about ties to law enforcement and
5 the solicitor's office, that'll be good.

6 (Bench conference held off the record.)

7 (The following takes place in the presence of the jury
8 venire.)

9 THE COURT: Good morning, ladies and gentlemen of the
10 jury panel. I'm not certain as to whether I was introduced
11 during your qualification yesterday.

12 So in the event I was not, my name is Derham Cole.
13 I'm a resident judge here in the Seventh Judicial Circuit,
14 which is made up of Spartanburg and Cherokee counties. And
15 I will be presiding over a term of criminal court this week
16 in this courtroom. And as you are here now, you may be
17 called upon to serve as jurors in the trial of cases in
18 this courtroom.

19 The first case that we have that's going to require
20 some of your participation is the case of the State vs.
21 Jarvis Stripling.

22 Mr. Stripling has been accused by the prosecutor by
23 way of these indictments. Indictments are charging papers.
24 It's like an arrest warrant. But any person who's brought
25 into this court for trial or disposition of a case is

10 Jury qualification

1 brought here by way of a document called the indictment.

2 The indictments in this case are five in number, but
3 they state six separate and distinct criminal offenses
4 against the defendant.

5 One indictment charges the defendant, Mr. Stripling,
6 with having committed the crime of murder and commission --
7 and possession of a weapon during the commission of a
8 violent crime.

9 A separate indictment charges Mr. Stripling with the
10 crime of burglary in the first degree.

11 The separate -- another separate indictment charges
12 Mr. Stripling with the crime of attempted armed robbery.

13 And the remaining two indictments charge Mr. Stripling
14 with the crimes of kidnapping.

15 Mr. Stripling has entered a plea of not guilty to the
16 charges, and a plea of not guilty places upon the state the
17 burden of proving the allegations that they have made by
18 way of these indictments, the burden of proving each of the
19 essential elements of the crimes that are alleged against
20 the defendant; and therefore the burden is upon the state
21 to establish the defendant's guilt to the satisfaction of
22 12 jurors beyond a reasonable doubt before any verdict of
23 guilty could be returned as to any of the separate charges
24 contained in these indictments.

25 And therefore we're going to be selecting a number of

1 you -- at least 12 and perhaps two alternate jurors -- to
2 participate in the trial of the case. And by way of your
3 participation you'll be called upon, if selected, to listen
4 to testimony that will come from witnesses testifying from
5 the witness stand and to consider other evidence that might
6 be introduced during the trial of the case.

7 The jury's duty is to consider all of that evidence
8 and, where you can, to determine the facts from that
9 evidence as it relates to the allegations made against the
10 defendant. And where you are able to decide the facts
11 relating to those allegations, you apply the law that I
12 will have provided you, and the jury determines whether or
13 not the defendant has been proven guilty of any crime
14 beyond a reasonable doubt.

15 If he has, then the verdict would be guilty as to that
16 charge; and if he has not, then the verdict would be not
17 guilty as to that particular charge.

18 Now, before we can begin with jury selection in the
19 case I've got some folks to introduce to you, and those are
20 the lawyers involved in the case, the defendant, any
21 potential witnesses that might be called during the trial.

22 The reason those folks are being introduced to you is
23 because I need to find out if you have any connection with
24 anybody involved in the trial of this case or any members
25 of their respective families, because I have to determine

12 Jury qualification

1 whether or not there's any reason why any one of you should
2 not be selected to participate in the trial of this
3 particular case because you have some reason why you could
4 not be fair and/or impartial as a juror.

5 So when these folks are introduced to you, I'm going
6 to ask that you please stand, and we'll determine what that
7 connection is, if you have one, and whether or not it would
8 affect your judgment.

9 Now, when I mention a connection with anybody, I mean
10 when someone is introduced do you know that person, or do
11 you know any members of their respective families, do you
12 go to school with them, do you attend church with them, do
13 you work at the same place that they work, do you socialize
14 with them, do you have any connection with them --
15 professional or social. In other words, do you know these
16 folks in any fashion whatsoever.

17 Should you have such a connection, then I'll ask that
18 you stand, identify the person that you have a connection
19 with, tell me what that connection is, and then we'll
20 determine if it would affect your judgment in the case.

21 Now, first of all, as I told you, the defendant is
22 Jarvis Stripling.

23 Mr. Stripling, if you will, please stand and face the
24 jury panel so that they may see who you are. You'll have
25 to turn and face so they can get a good look.

1 (Whereupon, the defendant stood.)

2 THE COURT: Okay. Thank you. You may be seated.

3 Seated with Mr. Stripling at the counsel table is Chad
4 Snyder. Mr. Snyder is Mr. Stripling's lawyer, and he'll be
5 assisting him in the trial of this case.

6 (Whereupon, Mr. Snyder stood.)

7 THE COURT: Presenting the case on behalf of the state
8 are Eddie Hunter and Ally Mabbs. They are both assistant
9 circuit solicitors for the Seventh Judicial Circuit. And
10 they'll be presenting the case on behalf of the state.

11 (Whereupon, Mr. Hunter and Ms. Mabbs stood.)

12 MR. HUNTER: Your Honor, if I may, Mr. Barnette may
13 take over if I fall ill.

14 THE COURT: Okay. And Mr. Barnette, Barry Barnette,
15 is the elected circuit solicitor for the Seventh Judicial
16 Circuit, and he may be participating during the course of
17 the trial.

18 Potential witnesses that might be called during the
19 trial include -- and the ones that I'm getting ready to
20 announce are all employed with the Spartanburg City Police
21 Department. They're all employed with the Spartanburg City
22 Police Department.

23 They include Cameron Adams; Joshua Sexton; William
24 Washington; Sandra Adorno; Jeff Kirby; Shawn Cloran;
25 Christy Norkett; Louis Nelson; Chris Taylor; Mark

14 Jury qualification

1 Norungolo; Za'kirra Smith; and Stacy Smith.

2 Additional witnesses include Simon Spicer who is a
3 resident of Chesnee, South Carolina; Dixie Wright who is
4 also a resident of Gaffney, South Carolina; Cathy Pilgrim
5 and Alicia Pilgrim who are residents of Inman, South
6 Carolina; Keith Lee who is employed with 9-1-1
7 communications; and John David Wren who's a pathologist
8 employed by Spartanburg Regional Medical Center.

9 Also, we have three residents of Inman. They include
10 Sharon Stripling; Jamyrah Stripling; and Jaaisa Stripling.

11 All right. So, now, does any juror know anybody who's
12 just been identified for your benefit or any members of
13 their respective families? If so, please stand.

14 All right. Is everybody standing that needs to
15 respond to the question about a connection with a potential
16 witness?

17 All right. I'll start on the front row and work my
18 way back. If you will, give me your name and juror number,
19 please, ma'am.

20 JUROR NO. 187: Suethella Williams, 187.

21 THE COURT: All right. And who is it that you know,
22 Ms. Williams?

23 JUROR NO. 187: My husband used to work with, I think,
24 his uncle that died.

25 THE COURT: With Mr. Stripling's uncle?

1 JUROR NO. 187: Yeah.

2 THE COURT: All right. And where was that?

3 JUROR NO. 187: Michelin Tire.

4 THE COURT: Okay. Is there anything about that
5 connection that would have any bearing in your decision in
6 the case if you were called upon to serve as a juror?

7 JUROR NO. 187: No.

8 THE COURT: All right. Thank you, ma'am.

9 You may be seated.

10 All right. Yes, ma'am. Your name and number, please.

11 JUROR NO. 68: Emily Garcia, 68. And Simon Spicer is
12 my brother-in-law's cousin.

13 THE COURT: Your brother-in-law's cousin?

14 JUROR NO. 68: Uh-huh.

15 THE COURT: All right. And would that have any
16 bearing in your decision in the case?

17 JUROR NO. 68: No.

18 THE COURT: Thank you. Be seated.

19 Yes, sir.

20 JUROR NO. 162: Matthew Stevens, 162. The -- the
21 witnesses for the police department, I'm an investigator
22 for Wal-Mart, and I work very closely with them,
23 particularly Jeff Kirby. Jeff Kirby, one of the witnesses,
24 and I are friends.

25 THE COURT: Okay. Is there anything about those

16 Jury qualification

1 connections that would have any bearing in your decision in
2 the case if you were selected?

3 JUROR NO. 162: No, no, Your Honor.

4 THE COURT: Okay. Thank you. Be seated.

5 As I told you, the Seventh Judicial circuit
6 solicitor's Office is the prosecuting agency here.

7 I've identified Mr. Barnette and Mr. Hunter and Ms.
8 Mabbs. But I need to find out if any juror knows anybody
9 else who is employed in the Seventh Judicial Circuit
10 solicitor's Office in any capacity. Do you know anybody
11 else employed in that agency? If so, please stand.

12 Yes, sir.

13 JUROR NO. 60: Robert Elliott, No. 60. I went to
14 school with Judge Hayes.

15 THE COURT: Okay. And would that have any bearing in
16 your decision?

17 JUROR NO. 60: No, sir.

18 THE COURT: All right. Thank you. Be seated.

19 As I've also stated, Mr. Snyder is employed in the
20 Seventh Judicial Circuit Public Defender's Office.

21 So I need to find out if any juror has any connection
22 with any other person who has not been introduced but who
23 is employed by the Seventh Judicial Circuit Public
24 Defender's Office. If so, please stand.

25 (No response.)

1 THE COURT: All right. Now, I'm going to read to you
2 the allegations contained in the indictments. These are
3 allegations that the defendant denies, but I'm going to
4 read the allegations to you because that's what the case is
5 based upon.

6 I need to find out if any juror has any knowledge
7 about the case. In other words, have you heard anything
8 about the case from any person or any other source. And
9 that would include television, radio or newspapers or
10 talking to people at work or church or school or anywhere
11 else. Have you been exposed to any type of information
12 that relates to this particular case?

13 So I'm going to read the allegations in the indictment
14 so you'll know what it's about. And I'll tell you where
15 the location was, where the event is alleged to have
16 occurred and with the goal of finding out if you think you
17 know something about the case, you've heard anything about
18 it from any source.

19 One indictment, as I said, charges Mr. Stripling with
20 the crimes of murder and possession of a firearm during the
21 commission of a violent crime.

22 This indictment alleges that Mr. Stripling did here in
23 Spartanburg County on or about February the 11th of 2017,
24 did wilfully and with malice aforethought kill one
25 Francisco Javier Villar by shooting him and that he died as

1 a proximate result of that gunshot wound.

2 Count two of the indictment alleges that Mr. Stripling
3 possessed a firearm during the commission of a violent
4 crime, that violent crime being the crime of murder alleged
5 in count one.

6 A separate indictment charges Mr. Stripling with the
7 crime of burglary in the first degree, the state alleging,
8 again, on February the 11th of 2017 Mr. Stripling did
9 wilfully and intentionally enter a dwelling that belonged
10 to Francisco Villar located at 123 Marlboro Road here in
11 the city of Spartanburg and that he did enter that dwelling
12 without the consent of the owner and with the intent to
13 commit a crime therein and that while in effecting entry or
14 while in the dwelling or in immediate flight therefrom he
15 or another participant in the crime was armed with a deadly
16 weapon, or caused physical injury to a person who was not a
17 participant in the crime, or threatened the use of a deadly
18 weapon or displayed what appeared to be a deadly weapon, or
19 the burglary occurred in the nighttime.

20 123 Marlboro Road is located on a street that circles
21 around John B. White Boulevard directly across the street
22 from the Beacon Drive-in. There's a street. There are
23 some buildings in between that, but the street runs behind
24 those buildings, but it comes in at both entrances or
25 exits -- depends on how you look at it -- into John B.

1 white Boulevard. So that's the location here in the city
2 of Spartanburg.

3 A separate indictment charges Mr. Stripling with the
4 crime of attempted armed robbery alleging that he did on
5 February the 11th of 2017 attempt to rob Francisco Villar
6 while armed with a handgun and did attempt to take money
7 and/or some other properties that belonged to Mr. Villar.

8 The remaining two indictments charge him with the
9 crimes of kidnapping, alleging, again, the same event on
10 February the 11th of 2017. The indictments allege that Mr.
11 Stripling did unlawfully seize or confine or kidnap Simon
12 J. Spicer and Dixie Wright without authority of law.

13 Now, does any juror think you might have heard, seen
14 or read anything about this particular case? Have you been
15 exposed to any information about it from any source --
16 television, radio, newspaper or individuals discussing the
17 case? If so, I need you to please stand and provide me
18 with that information.

19 (No response.)

20 THE COURT: All right. I have none responding.

21 Has any member of the jury panel or any member of your
22 immediate family -- let me define an immediate family
23 member as a parent or a spouse or a child or a sibling -- a
24 parent, spouse, child or sibling.

25 Have you or any members of your immediate family as I

20 Jury qualification

1 just defined it ever been employed in any capacity in a law
2 office, whether it be as a lawyer, secretary, investigator,
3 paralegal? Has anyone worked in the field of the law --
4 law enforcement or a lawyer's office? If so, please stand.

5 Okay. I have four. I'll start on my right and work
6 my way up.

7 Your number, again, was 60?

8 JUROR NO. 60: Yes, your Honor.

9 THE COURT: All right. Tell me how that question
10 relates to you.

11 JUROR NO. 60: Well, my son-in-law is a federal agent.

12 THE COURT: All right. Would that have any bearing in
13 your decision?

14 JUROR NO. 60: No, sir.

15 THE COURT: Thank you. Be seated.

16 Yes, ma'am. Your name and number.

17 JUROR NO. 22: Juror No. 22. Name, Veronica Broome.
18 My husband's a police officer.

19 THE COURT: For what agency?

20 JUROR NO. 22: He's currently at Furman University.
21 He worked for 21 years at Greer Police Department.

22 THE COURT: All right. Would that have any bearing in
23 your decision?

24 JUROR NO. 22: No.

25 THE COURT: Thank you. Be seated.

1 Yes, ma'am.

2 JUROR NO. 140: Melissa Rochester, 140. My recent
3 exhusband of 20 years is a constable for Spartanburg
4 County.

5 THE COURT: All right. And would that have any
6 bearing your decision?

7 JUROR NO. 140: No, sir.

8 THE COURT: Thank you. Be seated.

9 Yes, sir.

10 JUROR NO. 84: Chris Ianuario, No. 84. My brother is
11 a defense lawyer.

12 THE COURT: And would that have any bearing in your
13 decision?

14 JUROR NO. 84: No, Your Honor.

15 THE COURT: Thank you. Be seated.

16 Yes, ma'am.

17 JUROR NO. 37: No. 37, Nicole Catron. My
18 sister-in-law is a prosecutor in the State of Kentucky for
19 years.

20 THE COURT: All right. And would that have any
21 bearing in your decision?

22 JUROR NO. 37: No, sir.

23 THE COURT: Thank you. Be seated.

24 Next question is has any member of the jury panel or
25 any members of your immediate family ever been the victim

1 of, or have you or they ever been accused of, having
2 committed any type of crime which might be characterized or
3 classified as a violent offense?

4 And those types of offenses would include the crimes
5 of murder, manslaughter, armed robbery, burglary, criminal
6 sexual conduct, domestic violence of a high and aggravated
7 nature, or any other similar type of an offense. Have you
8 or a family member ever been the victim of such an offense
9 or have you or that family member ever been accused of
10 having committed such an offense? If so, please stand.

11 All right. I've got six.

12 Now, what I'm going to do is just like I done before.
13 I've got seven. Is everybody standing who needs to
14 respond? I've got eight, nine. Is there anybody that
15 doesn't understand the question?

16 All right. I need everybody to stand that needs to
17 respond to it.

18 All right. Now, I'm going to start over here to my
19 right, and I'll work to my left. I need your name and your
20 number again. And tell me if it was you or a family member
21 and whether or not it was you or they were the victim or
22 were an accused.

23 And if you prefer not to respond to the question where
24 you're standing, feel free to step down here, and we'll try
25 to discuss it with you privately. We do have microphones,

1 as you can see, hanging around the ceiling, but we'll try
2 to do it as privately as we can. But if you prefer to step
3 down here, feel free to do that. Otherwise, I'll just
4 accept the information from where you are.

5 All right. And, if you will, give me your name and
6 number, please, sir.

7 JUROR NO. 18: Name is Jerry James Brady, Juror
8 No. 18, and I've been a victim of armed robbery and
9 burglary.

10 THE COURT: And would that experience that you have
11 had in any way interfere with your ability to be fair and
12 impartial in this case if you were selected?

13 JUROR NO. 18: No, sir.

14 THE COURT: Thank you. You may be seated.

15 Yes, ma'am.

16 JUROR NO. 75: My name is Peggy Harris, and Juror
17 No. 75. I've got a grandson that was accused of sexual
18 harassment.

19 THE COURT: All right. And was there a case brought
20 against that family member?

21 JUROR NO. 75: It's pending now.

22 THE COURT: It is?

23 JUROR NO. 75: Yes.

24 THE COURT: And is that in this county or somewhere
25 else?

24 Jury qualification

1 JUROR NO. 75: In this county.

2 THE COURT: All right. Is there anything about that
3 fact that would interfere in any way with your ability to
4 be fair and impartial if you were selected as a juror?

5 JUROR NO. 75: No.

6 THE COURT: All right. Thank you, ma'am. You may be
7 seated.

8 Yes, ma'am.

9 JUROR NO. 131: Joyce Pugsley, No. 131. In 2016 I was
10 a victim of a bank robbery.

11 THE COURT: And is there anything about that
12 experience that you have undergone that would interfere
13 with your ability to be fair in this case if selected?

14 JUROR NO. 131: No, sir.

15 THE COURT: Thank you. Be seated.

16 Yes, ma'am.

17 JUROR NO. 22: In 2002 myself, my husband and my
18 parents were the victims of armed robbery. I'm Juror
19 No. 22, Veronica Broome.

20 THE COURT: All right. Is there anything about that
21 experience that would affect your judgment in this case?

22 JUROR NO. 22: No, sir.

23 THE COURT: Thank you. Be seated.

24 Yes, ma'am.

25 JUROR NO. 143: Rhonda Rudisail, 143. I was a victim

1 of domestic violence.

2 THE COURT: And is there anything about that fact that
3 would interfere with your ability to be fair in this case?

4 JUROR NO. 143: No, sir.

5 THE COURT: All right. Ma'am, are you on the next
6 row?

7 JUROR NO. 73: Yes.

8 THE COURT: Okay. Name and number.

9 JUROR NO. 73: Permission to approach the bench.

10 THE COURT: Yes, ma'am, sure. Tell me what your
11 number is, please.

12 JUROR NO. 73: Seventy-three, Jane Hall.

13 THE COURT: Thank you.

14 (Bench conference held off the record with Juror No.
15 73 with counsel present.)

16 THE COURT: All right. Who is next?

17 THE BAILIFF: Juror 87.

18 THE COURT: Okay.

19 (Bench conference held off the record with Juror No.
20 87 with counsel present.)

21 THE COURT: Next.

22 THE BAILIFF: Juror 193.

23 (Bench conference held off the record with Juror No.
24 193 with counsel present.)

25 THE COURT: Next.

Jury qualification

1 THE BAILIFF: Juror 67.

2 (Bench conference held off the record with Juror No.
3 67 with counsel present.)

4 THE COURT: Next.

5 THE BAILIFF: Juror 46.

6 (Bench conference held off the record with Juror No.
7 46 with counsel present.)

8 THE COURT: Next.

9 THE BAILIFF: Juror 116.

10 (Bench conference held off the record with Juror No.
11 116 with counsel present.)

12 THE COURT: All right. Next.

13 JUROR NO. 92: In 2004 my house got broken into.

14 THE COURT: All right. Tell me what your name and
15 number is, please, sir.

16 JUROR NO. 92: I'm sorry. Jamie Jones, 92.

17 THE COURT: And you were the victim of a burglary?

18 JUROR NO. 92: Yes, sir, in 2004.

19 THE COURT: All right. Would that have any bearing in
20 your decision in this case?

21 JUROR NO. 92: No, sir.

22 THE COURT: Thank you. Be seated.

23 Yes, sir.

24 JUROR NO. 23: Juror No. 23. I was a victim of a
25 robbery and a trailer was stolen from my house.

1 THE COURT: And would that have any bearing in your
2 decision in this case if you were selected?

3 JUROR NO. 23: Probably not.

4 THE COURT: Well, are you relatively certain it would
5 not?

6 JUROR NO. 23: It would not.

7 THE COURT: Okay. Thank you. Be seated.

8 Yes, sir.

9 JUROR NO. 60: No. 60. My house was burglarized back
10 in 2002.

11 THE COURT: Okay. Would that have any bearing in your
12 decision?

13 JUROR NO. 60: No, sir.

14 THE COURT: Thank you. Be seated.

15 Does anyone else need to respond to that question?

16 (No response.)

17 THE COURT: Now, in the trial of any criminal case, as
18 I indicated earlier, the jury's function is to consider all
19 of the evidence and to determine the facts as they relate
20 to the allegations made in the indictments.

21 Where you're able to determine those facts, you then
22 based on your consideration of the evidence, you then apply
23 the law that the Court gives to the jury to apply to the
24 facts as the jury determines them to be in order to arrive
25 at a decision.

1 Is there any juror who feels that he or she would not
2 be able to make that decision or follow the law and apply
3 it to the facts if called upon to serve in this case? Does
4 any juror believe you could not fulfill your obligations in
5 rendering a decision in this case? If so, please stand.

6 (No response.)

7 THE COURT: Has any member of the jury panel already
8 formed or expressed an opinion as to what you think the
9 ultimate decision ought to be based upon what you've heard
10 up to this point or based upon any other consideration?
11 Have you already made up your mind as to what you think the
12 outcome ought to be? If so, please stand.

13 (No response.)

14 THE COURT: Has any member of the jury panel or any
15 members of your immediate family ever been employed as any
16 type of law enforcement officer? You or a family member,
17 an immediate family member, ever been employed as any type
18 of law enforcement officer?

19 That includes any sheriff's department, any city, town
20 or municipal law enforcement agency. That includes a
21 corrections facility, a county-jail facility, a probation
22 or parole agent, F.B.I., C.I.A., state law enforcement
23 division, any type of law enforcement officer, whether
24 civilian or military. Have you or a family member been so
25 employed? If so, please stand.

1 All right. Now, my question -- when I go around the
2 room I'm going to ask you to tell me your name and you
3 number. Tell me whether it was you or a relative. Tell me
4 how they were so employed and whether or not it would
5 affect your judgment in the case.

6 If it would not affect your judgment in the case
7 because of that connection or you having that connection,
8 you can just take your seat. If you remain standing, then
9 I'll assume that means that it would affect your judgment
10 in the case, and I'll talk to you about that. But right
11 now -- well, no. I need for you to stand. We're not
12 through yet. I'm going to ask the question first, and then
13 you've got to tell me the answer. And then if it won't
14 affect your judgment, you can take a seat.

15 All right. I'll start with you, sir.

16 JUROR NO. 97: Juror No. 97 John Lark. I've got a
17 nephew that's a deputy sheriff in Warla [sic], North
18 Carolina.

19 THE COURT: All right. Would it affect your judgment?

20 JUROR NO. 97: No, sir.

21 THE COURT: Take a seat.

22 Yes, sir.

23 JUROR NO. 109: Juror 109. My name is David Michael.
24 I'm a security officer --

25 THE COURT REPORTER: I can't understand him.

Jury qualification

1 THE COURT: All right. Can you say that again?

2 JUROR NO. 109: I had a commission with the State of
3 South Carolina.

4 THE COURT: You had a commission --

5 JUROR NO. 109: Yes, sir.

6 THE COURT: -- to work as a law enforcement officer?

7 JUROR NO. 109: I worked as a security officer.

8 THE COURT: Okay. Would that have any bearing on your
9 decision?

10 JUROR NO. 109: No, sir.

11 THE COURT: Thank be. Be seated.

12 Yes, sir.

13 JUROR NO. 150: Charles Sheehan, 150. I'm D.L.D. I'm
14 a special investigator for Allied Joint Forces.

15 THE COURT: All right. And that wouldn't have any
16 bearing in your decision?

17 JUROR NO. 150: No, sir.

18 THE COURT: Thank you.

19 Either one.

20 JUROR NO. 66: I'm No. 66, Nicole Gaddy. And I had a
21 family member who worked for border patrol and air marshal.
22 would not effect any.

23 THE COURT: Okay. It wouldn't affect?

24 JUROR NO. 66: No, sir.

25 THE COURT: Okay. Thank you.

1 JUROR NO. 60: Robert Elliott, No. 60. My son-in-law
2 is a -- used to be with the air marshal and now is with the
3 A.T.F.

4 THE COURT: All right. Would that have any bearing?

5 JUROR NO. 60: No, sir.

6 THE COURT: Thank you. Be seated.

7 Yes, sir.

8 JUROR NO. 107: Terry Meadows, 107. My daughter and
9 her husband work with the Spartanburg Sheriff's Office.

10 THE COURT: Would that have any bearing in your
11 decision?

12 JUROR NO. 107: No, sir.

13 THE COURT: Thank you.

14 JUROR NO. 22: Juror 22, Veronica Broome. My husband
15 is a police officer at Furman University.

16 THE COURT: Would that have any bearing?

17 JUROR NO. 22: No, sir.

18 THE COURT: Thank you. Be seated.

19 Yes, ma'am.

20 JUROR NO. 37: Juror No. 37, Nicole Cartron. I had
21 two brother-in-laws that worked for federal correction
22 institutes in Manchester, Kentucky. They are no longer
23 employed there. Then my husband's first cousin used to be
24 a police officer in Glasgow County, Kentucky.

25 THE COURT: Would that have any bearing in your

Jury qualification

1 decision?

2 JUROR NO. 37: No, sir.

3 THE COURT: Thank be. Be seated.

4 Yes, ma'am.

5 JUROR NO. 46: Juror No. 46, and I had a
6 brother-in-law who used to work for the police department
7 or be a police officer in Muscle Shoals, Alabama.

8 THE COURT: Would that have any bearing?

9 JUROR NO. 46: No.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 JUROR NO. 55: Fifty-five. My father was a police
13 officer and supervisor at the department of corrections.

14 THE COURT: And would that have any bearing in your
15 decision?

16 JUROR NO. 55: No, sir.

17 THE COURT: Thank you. Be seated.

18 Yes, ma'am.

19 JUROR NO. 187: Juror 187. I have four second cousins
20 that's police officers here at Spartanburg County, one in
21 Greer.

22 THE COURT: Would that have any bearing in your
23 decision?

24 JUROR NO. 187: No.

25 THE COURT: Thank you. Be seated.

1 Yes, sir.

2 JUROR NO. 92: Ninety-two, Jamie Jones. I've got
3 multiple family members that's worked in multiple
4 jurisdictions around the country.

5 THE COURT: All right. Any of them in Spartanburg?

6 JUROR NO. 92: Yes, sir. Two of them.

7 THE COURT: Okay. Would that have any bearing in your
8 decision?

9 JUROR NO. 92: No, sir.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 JUROR NO. 73: Juror No. 73, Jane Hall. My husband is
13 retired from the Spartanburg County Sheriff's Office. It
14 will have no bearing on this case.

15 THE COURT: Thank you, ma'am. Be seated.

16 Yes, sir.

17 JUROR NO. 87: No. 87, Robert Jeter. My uncle was an
18 air tech policeman.

19 THE COURT: Would that have any bearing in your
20 decision?

21 JUROR NO. 87: No, sir.

22 THE COURT: Thank you. Be seated.

23 Anyone else need to respond?

24 (No response.)

25 THE COURT: All right. Well, I've introduced the

Jury qualification

1 participants in the case and I've told you basically what
2 the case is about.

3 Does any juror know of any reason whatsoever why you
4 believe you could not be fair and impartial if called upon
5 to serve as a juror in this particular case? If you have
6 any reason whatsoever why you believe you could not be fair
7 and impartial, I would ask that you please stand.

8 JUROR NO. 97: I don't know I can't read and write if
9 there is something that you have to read to do with the
10 case. Somebody would have to --

11 THE COURT: We can -- we can help you with that. That
12 won't be an issue.

13 Anybody else?

14 (No response.)

15 THE COURT: All right. Select a jury, please, ma'am.
16 Well, let me ask. Any other questions by the state?

17 MR. HUNTER: Nothing from the state, Your Honor.

18 THE COURT: From the defendant?

19 MR. SNYDER: No, sir.

20 THE COURT: Okay. The way a jury is selected is that
21 the computer has all of your names, and the computer will
22 select your names randomly.

23 When your name is called you'll be asked to come
24 forward. And the bailiff will be in the middle of the room
25 there. You'll just stand next to the bailiff.

1 Each side has an opportunity to have you excused from
2 service in the case or to have you seated for service in
3 the case.

4 If either side asks that you be excused, you'll simply
5 go back and have a seat where you are now.

6 If both agree to have you accepted for service in the
7 case, you'll be having a seat in the jury box to your right
8 and to my left.

9 So you'll just simply please come forward as your name
10 is called, and you'll be informed as to whether you have
11 been accepted for service or excused from service in the
12 case.

13 THE CLERK: Juror No. 193, Hattie Young.
14 What say the state?

15 MR. HUNTER: Please present this juror.

16 THE CLERK: What say the defense?

17 MR. SNYDER: Please seat this juror.

18 THE CLERK: Juror No. 11, Chelsea Blackwell.
19 What say the state?

20 MR. HUNTER: Please present this juror.

21 THE CLERK: What say the defense?

22 MR. SNYDER: Please seat this juror.

23 THE CLERK: Juror No. 116, Robyn Oliver.

24 MR. SNYDER: What number?

25 THE CLERK: 116.

36 Jury qualification

1 MR. HUNTER: Your Honor, she doesn't have to come --

2 THE COURT: All right. You can have a seat. Thank
3 you, ma'am.

4 THE CLERK: Juror No. 45, Susan Collins.

5 MR. SNYDER: Forty-five?

6 THE CLERK: Forty-five.

7 what say the state?

8 MR. HUNTER: Please present this juror.

9 THE CLERK: what say the defense?

10 MR. SNYDER: Please excuse this juror.

11 THE CLERK: Juror No. 37, Nicole Catron.

12 what say the state?

13 MR. HUNTER: Please present this juror.

14 THE CLERK: what say the defense?

15 MR. SNYDER: Please excuse this juror.

16 THE CLERK: Juror No. 23, Alexander Bulgaru.

17 what say the state?

18 MR. HUNTER: Please present this juror.

19 THE CLERK: what say the defense?

20 MR. SNYDER: Please excuse this juror.

21 THE CLERK: Juror No. 82, Clayton Houchins.

22 what say the state?

23 THE COURT: If you're closer to the wall than you are
24 to the center aisle, feel free to come around the desk if
25 you'd like.

1 THE CLERK: What say the state?

2 MR. HUNTER: Please present this juror.

3 THE CLERK: What say the defense?

4 MR. SNYDER: Please seat this juror.

5 THE CLERK: Juror No. 127, Stephanie Poteat.

6 MR. SNYDER: 127?

7 THE CLERK: 127.

8 What say the state?

9 MR. HUNTER: Please present this juror.

10 THE CLERK: What say the defense?

11 MR. SNYDER: Please seat this juror.

12 THE CLERK: Juror No. 75, Peggy Harris.

13 What say the state?

14 MR. HUNTER: Please excuse this juror.

15 THE CLERK: Juror No. 63, Andrew Fant.

16 What say the state?

17 MR. HUNTER: Please excuse this juror.

18 THE CLERK: Juror No. 176, Reina Isidora Watkins.

19 What say the state?

20 MR. HUNTER: Please present this juror.

21 THE CLERK: What say the defense?

22 MR. SNYDER: Please seat this juror.

23 THE CLERK: Juror No. 97, John Lark.

24 What say the state?

25 MR. HUNTER: Please present this juror.

1 THE CLERK: What say the defense?

2 MR. SNYDER: Please seat this juror.

3 THE CLERK: Juror No. 12, Joey Blackwell.

4 What say the state?

5 MR. HUNTER: Please present this juror.

6 THE CLERK: What say the defense?

7 MR. SNYDER: Please seat this juror.

8 THE CLERK: Juror No. 91, Anita Jones.

9 What say the state?

10 MR. HUNTER: Please present this juror.

11 THE CLERK: What say the defense?

12 MR. SNYDER: Please seat this juror.

13 THE CLERK: Juror No. 155, William Smith.

14 What say the state?

15 MR. HUNTER: Please excuse this juror.

16 THE CLERK: Juror No. 102, Greg McCalister.

17 What say the state?

18 MR. HUNTER: Please present this juror.

19 THE CLERK: What say the defense?

20 MR. SNYDER: Please seat this juror.

21 THE CLERK: Juror No. 87, Robert Jeter.

22 What say the state?

23 MR. HUNTER: Please excuse this juror.

24 THE CLERK: Juror No. 164, Amy Theye.

25 What say the state?

1 MR. HUNTER: Please present this juror.

2 THE CLERK: What say the defense?

3 MR. SNYDER: Please seat this juror.

4 THE CLERK: Juror No. 43, Shirley Cohen.
5 what say the state?

6 MR. HUNTER: Please present this juror.

7 THE CLERK: What say the defense?

8 MR. SNYDER: Please seat this juror.

9 THE CLERK: Juror No. 86, Joseph Jackson.

10 MR. SNYDER: What number?

11 THE CLERK: 86.

12 what say the state?

13 MR. HUNTER: Please present this juror.

14 THE CLERK: What say the defense?

15 MR. SNYDER: Please seat this juror.

16 THE CLERK: Juror No. 107, Terry Meadows.

17 THE COURT: This will be for the first alternate.

18 THE CLERK: What say the state?

19 MR. HUNTER: Please excuse this juror.

20 THE CLERK: Juror No. 60, Robert Elliott.

21 what say the state?

22 MR. HUNTER: Please present this juror.

23 THE CLERK: What say the defense?

24 MR. SNYDER: Please seat this juror.

25 THE COURT: This will be for the second alternate.

40 Jury qualification

1 THE CLERK: Juror No. 180, Douglas White.

2 What say the state?

3 MR. HUNTER: Please present this juror.

4 THE CLERK: What say the defense?

5 MR. SNYDER: Please seat this juror.

6 What's the number?

7 THE CLERK: 180.

8 (Whereupon, a jury was impaneled.)

9 THE COURT: Those who have been selected, I'll ask you
10 to please go with a bailiff to a jury room, and I'll bring
11 you back shortly to begin with the trial.

12 (The following takes place outside the presence of the
13 jury.)

14 THE COURT: Are there any matters to address regarding
15 jury selection by the state?

16 MR. HUNTER: Nothing from the state, Your Honor.

17 THE COURT: The defendant?

18 MR. SNYDER: No, sir.

19 (Whereupon, the remaining members of the jury venire
20 were excused.)

21 THE COURT: Any matters to be addressed prior to the
22 jury being sworn?

23 MR. HUNTER: We only have one motion, but it can
24 happen after the jury has been sworn.

25 THE COURT: What's your motion?

1 MR. HUNTER: That any reference to the polygraph test
2 given to Ms. Pilgrim or any results of that polygraph be
3 excluded from the trial.

4 THE COURT: Okay. Mr. Snyder.

5 MR. SNYDER: That's fine with me.

6 From us the only -- as Your Honor knows, yesterday
7 Alicia Pilgrim pled guilty. She was also interviewed.
8 That was recorded. Her statements given yesterday were
9 contrary to other acts, statements that were made, given.

10 I just ask Your Honor since it was last minute if I
11 could have maybe 30 minutes in between direct and cross
12 with Alicia Pilgrim and Dixie Wright so I can review the
13 statements that were given in court compared to what they
14 were given previously.

15 THE COURT: Well, we'll work that out in some fashion.
16 All right. Anything else?

17 MR. SNYDER: That's it.

18 THE COURT: All right. We'll take 15 minutes, and
19 then we'll begin.

20 (Whereupon, a recess was taken.)

21 THE COURT: All right. Bring the jury in.
22 Ask Juror 82 to take the foreperson's seat -- 82.

23 THE BAILIFF: Yes, sir.

24 (The following takes place in the presence of the
25 jury.)

1 THE COURT: All right. Ladies and gentlemen, we are
2 ready to begin with the trial of the case for which you
3 have been selected.

4 Mr. Houchins, I'm going to ask you to serve as the
5 foreperson of the jury, and as the foreperson you'll have
6 three specific duties that none of the other jurors will
7 have.

8 First of all, you're going to be asked to serve as the
9 spokesperson for the jury. And that just means if
10 something arises during the trial that needs to be brought
11 to my attention -- you or one of your fellow jurors has
12 some difficulty, problem or question -- you're going to be
13 the person to let me know of that fact either directly if
14 you're in the courtroom or through the bailiff if you're
15 outside of the courtroom.

16 Secondly, you'll be called upon to preside over jury
17 deliberations when that time comes. That of course will
18 not be until the end of the trial after all of the evidence
19 has been received and I've instructed you on the law that's
20 applicable in these cases. But when the time does come for
21 jury deliberations you will be tasked with the
22 responsibility of presiding over those deliberations to
23 ensure that they are carried out some in orderly fashion.

24 And, thirdly, you'll also be called upon to actually
25 write the verdicts or the decisions of the jury. You'll

1 write those on verdict forms that I'll provide you at the
2 trial's conclusion on which you will indicate the jury's
3 unanimous decision as it relates to each individual charge.

4 You're the only person that will need to sign the
5 verdict form, but you'll be tasked also with that
6 responsibility. And you'll insert the verdicts, whatever
7 that verdict be, as it relates to a particular charge.

8 The foreperson has those specific duties that I've
9 just indicated. That does not mean that he's any more
10 important than any of other jurors, and that's because the
11 decision of a jury is the unanimous and consensus opinion
12 of all 12 jurors, and so all of you and each of you will
13 have an equal say and an equal vote in what the ultimate
14 decisions will be in this case.

15 Someone simply has to be delegated those
16 responsibilities that I've just indicated, and I have
17 delegated those to Mr. Houchins in appointing him as the
18 foreperson, but all of you jurors are equally important so
19 far as the ultimate decisions in the case are concerned,
20 because, as I've stated, the verdicts have to be unanimous.
21 All of you must be in agreement.

22 Now, Mr. Elliott and Mr. White, each of you have been
23 selected as alternate jurors, and the function of an
24 alternate juror is to take the place of one of the original
25 12 if during the trial one of these cannot continue to

1 serve for some reason.

2 If an original juror is called away because of an
3 emergency or an illness and cannot continue to participate,
4 then one or both of you would be called upon to take that
5 juror's place. In that event you become the twelfth juror.
6 In that event you participate throughout the trial,
7 including the jury deliberations at the trial's conclusion.

8 If however when the time does come for jury
9 deliberations if the original 12 are able to participate in
10 that function, then your service as alternates ends and you
11 don't participate any further, and that's because the
12 decision of a jury is that of 12, and no more than 12
13 jurors are permitted to engage in that deliberation
14 process.

15 But it is important that each of you, as alternate
16 jurors, pay just as careful attention as we ask of all of
17 the jurors in the case, because it does occur from time to
18 time for one reason or another one or two of these jurors
19 may be unable to continue. In that event one of both of
20 you will be called upon to participate as the twelfth.

21 So we do appreciate your participation as alternate
22 jurors, just as we appreciate the participation of each of
23 you jurors who have been selected for the purpose of
24 deciding the verdicts in these particular cases.

25 You may swear the panel.

1 (Whereupon, the jury was duly sworn.)

2 THE COURT: All right. Ladies and gentlemen, as you
3 know, you've been selected to decide the verdicts in the
4 case of the State vs. Jarvis T. Stripling.

5 As you know, Mr. Stripling has been charged with six
6 separate and distinct criminal offenses set forth in five
7 separate indictments.

8 They are separate offenses, but the state alleges that
9 they occurred during one event or the course of events
10 which the state alleges occurred back in February of 2017.
11 But they are separate criminal offenses.

12 They will require for you to render separate and
13 distinct verdicts. Those verdicts may be the same or they
14 may be different. That of course will depend upon your
15 determination of fact as it relates to those particular
16 allegations relating to a charge and then your application
17 of the law as I will provide it to you as it relates to the
18 particular charge.

19 But Mr. Stripling has been charged with the crimes of
20 murder, possession of a firearm during the commission of
21 that violent crime -- that violent crime being murder,
22 burglary in the first degree, attempted armed robbery and
23 two counts of kidnapping.

24 Now, as to those allegations and as to each of those
25 charges, as I've told you, Mr. Stripling has entered a plea

1 of not guilty. And a plea of not guilty places upon the
2 state because they made the charge. The burden is on the
3 state to prove the defendant's guilt to your satisfaction
4 beyond a reasonable doubt before any verdict of guilty
5 could be returned as to a charge.

6 A person who is accused of a crime is always presumed
7 to be innocent of that charge, and it doesn't matter how
8 serious the offense might be for which that person stands
9 charged. A person accused of a crime is always to be
10 presumed innocent of that charge.

11 That presumption of innocence remains with every
12 defendant, as it does with this defendant, from the time
13 that he was placed under arrest and throughout the course
14 of the criminal process and even throughout the course of
15 the actual trial in the case.

16 That presumption of innocence will be with
17 Mr. Stripling even as you go back into your jury room at
18 the trial's conclusion to begin with your deliberations in
19 the case.

20 That presumption of innocence will be with him in that
21 jury room, and it'll be with him forever unless you 12
22 jurors determine that he's no longer entitled to the
23 presumption of innocence.

24 In other words, after you have carefully considered
25 all of the evidence presented during the trial of the case,

1 and from that evidence you have been able to determine the
2 facts as they relate to the particular allegations relating
3 to a particular charge, and after deciding those facts you
4 apply the law that I will have provided you as it relates
5 to that particular charge, if you 12 jurors unanimously
6 determine that his guilt as to a charge has been proven
7 beyond a reasonable doubt, then he would no longer be
8 entitled to the presumption of innocence as it relates to
9 that particular charge. But it is only if, unless and
10 until you are satisfied of his guilt beyond a reasonable
11 doubt that the presumption of innocence would no longer be
12 applicable.

13 Now, the way the trial will proceed is that in a
14 moment the lawyers are going to address you in what are
15 called opening statements.

16 There are two occasions in the trial where lawyers are
17 permitted to address the jury directly, and that is at the
18 beginning of the trial before any evidence has been
19 introduced, then again at the conclusion of the trial after
20 all of the evidence has been received.

21 But keep in mind, as I've just indicated, the evidence
22 upon which you will base your decision comes in between the
23 opening and the closing statements accomplished by the
24 lawyers; and therefore what the lawyers tell you in those
25 statements is not to be considered by you as evidence upon

1 which you will base your decision.

2 That's because the lawyers don't know anything about
3 this case of their own personal knowledge or perception
4 like witnesses will be testifying to when they take the
5 witness stand to provide you with information.

6 The lawyers aren't going to be placed under oath.
7 They're not going to take the witness stand. They're not
8 going to be subjected to direct and cross-examination like
9 every witness will be who testifies during the course of
10 this trial.

11 So what the lawyers tell you is not to be considered
12 by evidence but you should -- by you as evidence, but you
13 listen to what they have to say because those statements do
14 serve a purpose.

15 The opening statements serve to provide you with a
16 basic understanding as to what this case is about from both
17 the perspective of the state and of the defendant so that
18 you'll have some context in which to place the evidence
19 that we will be receiving shortly thereafter.

20 The closing statements, again, occur after all of the
21 evidence has been received. And, again, while those
22 statements are not evidence, it does afford the lawyers an
23 opportunity to discuss with you the evidence that you have
24 seen and heard during the course of the trial. And through
25 that discussion each lawyer will have an opportunity to try

1 to persuade you or to convince you that the evidence in the
2 case does or does not support a particular decision,
3 depending upon that lawyer's perspective.

4 And, as I say, it's in between the opening and the
5 closing statements that we actually receive the evidence
6 upon which you will base your decision.

7 The state has the burden of proof. They have to prove
8 the defendant guilty beyond a reasonable doubt, and so
9 therefore they have to go forward first in their
10 presentation of evidence.

11 After the state has concluded with that presentation
12 of evidence any defendant in a criminal trial has a right
13 to testify or to call a witness or to introduce evidence.
14 But understand that the burden is never upon a person
15 accused of a crime to prove that they are not guilty or to
16 prove that they are innocent, because in some cases that
17 might not be possible.

18 The burden is upon the state to prove a defendant's
19 guilt beyond a reasonable doubt, because they brought the
20 charge. But there is no burden on a defendant or a person
21 accused to prove anything.

22 And therefore during the trial of a criminal case
23 while every defendant is afforded an opportunity to present
24 evidence, a defendant may not testify, a defendant may not
25 call any other witness. A defendant may not introduce any

1 other evidence. That's simply a choice that a defendant,
2 any defendant, can make.

3 But where a defendant does not to testify or take the
4 witness stand or call any witness or produce any evidence,
5 that's not a fact or circumstance that the jury may
6 consider in the slightest degree against the defendant.

7 You may not consider it in any way during your
8 deliberations or in your determination as to whether or not
9 the evidence in the case proves his guilt beyond a
10 reasonable doubt. And you may not allow it to influence
11 your decision where a defendant does not testify or offer
12 evidence. But every defendant is afforded an opportunity
13 to present evidence if he or she wishes to do so.

14 So after all of the evidence has been received and
15 after you hear the final summations of the lawyers, I will
16 then instruct you fully as to the law as it relates to the
17 criminal law generally and as it relates to each of these
18 particular crimes specifically.

19 Then you'll be asked to go back and to begin with your
20 deliberations, and through that process and in the exercise
21 of good judgment and common sense you're simply going to be
22 called upon to consider all of the evidence presented and
23 where you can determine the facts as they relate to the
24 allegations based upon that evidence. And after deciding
25 the facts, apply the law that I will have provided you and

1 determine whether or not the defendant has been proven
2 guilty of a crime alleged against him.

3 If he has, then your verdict is guilty; if he has not,
4 then your verdict is not guilty.

5 Now, all we ask for you to do is to pay careful
6 attention throughout the course of the trial. Don't let
7 your minds wander. Don't be thinking about what you're
8 going to have for lunch or what you're going to do this
9 afternoon or you've got to get to the poles this evening to
10 vote.

11 You've got to pay careful attention to the trial as it
12 progresses and every witness that testifies because
13 sometimes there's a conflict in testimony. Sometimes that
14 conflict relates to a material fact that you need to
15 determine in order to arrive at a decision.

16 Well, you are the 12 people that have been selected to
17 decide the facts; and therefore you are the 12 people who
18 get to decide what weight to give to witnesses' testimony.

19 You get to decide the credibility and the
20 believability of every witness that testifies during the
21 course of the trial, and it's your prerogative to believe
22 everything that a witness testified to. You may choose to
23 believe none of it.

24 You can believe one portion of a witness' testimony
25 and reject some other portion of that same witness'

1 testimony. You may believe one witness as opposed to
2 several, or several as opposed to one. But whatever your
3 good judgment and common sense tells you is the most
4 believable and credible testimony is the testimony you
5 should accept, and you should reject any testimony that you
6 find not to be credible or believable.

7 Again, your sole objective and obligation is to render
8 a fair and impartial decision based upon the evidence
9 presented and the law that's applicable.

10 So in order to be able to fairly evaluate a witness'
11 testimony you've got to pay attention to them while they
12 testify. Watch them while they testify so that when you do
13 go back to begin deliberations you'll be in a proper
14 position to be able to fairly evaluate each witness'
15 testimony in light of not just their own testimony but in
16 light of all the testimony and all of the evidence received
17 during the trial of the case.

18 And of course it's important that you keep an open
19 mind throughout the course of the trial. And that simply
20 means that you are not to begin making up your minds or
21 formulating your opinions as to what you think the ultimate
22 decisions in this case ought to be until all of the
23 evidence has been received, until I have instructed you on
24 the law that's applicable and until you've been asked to go
25 back and to begin with that process of deliberating.

1 That is the process that has been designed over the
2 last 240 something years in order to ensure that you can
3 arrive at a fair and impartial decision in this case.

4 So I do want to thank you in advance for your
5 participation, as well as for your careful attention. I
6 would ask that you please give the lawyers your attention
7 now as they give you their opening statements.

8 MR. HUNTER: May it please the Court.

9 THE COURT: Mr. Hunter.

10 MR. HUNTER: Ladies and gentlemen of the jury, my name
11 is Eddie Hunter. This is Allison or Ally Mabbs. We're
12 prosecutors for the state.

13 I wanted to let y'all know something earlier during
14 qualifications. I haven't been feeling well lately, been
15 sick for about two weeks with recurrent fevers and
16 headaches. I have a doctor's appointment tomorrow.
17 Hopefully, they can figure out what's going on with me.
18 But just in case I do get sick, my boss is going to come in
19 and sit in for me. I'm not going to get close to you just
20 in case it is contagious, although two weeks now, I don't
21 think it is.

22 We're here today in the trial of Jarvis Stripling.
23 He's charged with those six charges that Judge Cole talked
24 about. He's charged with murder, possession of a weapon
25 during the commission of a violent crime, which basically

54 opening statements

1 just means he had a gun when he committed the murder.

2 He's also charged with burglary first, which was
3 entering a dwelling of Mr. Francisco Javier Villar at 123
4 Marlboro Road with the intent to commit a crime, obviously,
5 the crime being robbery. During the commission of robbery
6 the murder happened.

7 He's also charged with two counts of kidnapping,
8 because Dixie Wright who is seated back there on the first
9 row, and Simon Spicer were also in the residence at that
10 time. Their movement, their ability to go from one place
11 to another stopped because of Mr. Stripling.

12 He's also charged with the attempted armed robbery
13 because that's the whole reason he came into the house, was
14 to rob.

15 You'll hear from multiple witnesses. You'll hear from
16 Investigator Nelson, Investigator Taylor, the gentleman who
17 just walked in, Cameron Adams. He's one of the first
18 officers on the scene. He'll be the first witness that
19 you'll hear from.

20 You'll also hear from two lay witnesses. When I say
21 lay witnesses, two witnesses that aren't police. A third
22 one, Dr. Wren, the pathologist who did the autopsy. But
23 the two people who were witnesses. And I say witnesses
24 because that's what Dixie Wright was. She was a victim and
25 a witness in this crime. And you'll hear her testimony

1 about what happened that night. Actually, in the morning.
2 This is about 5:00 o'clock in the morning.

3 You'll also hear from Alicia Pilgrim. Now, Alicia
4 Pilgrim was charged with the same exact charges minus
5 possession of a weapon during the commission of a violent
6 crime, as Jarvis Stripling.

7 You'll hear that Jarvis Stripling and her grew up
8 together. You'll hear how her and Francisco Villar had a
9 deal, an illegal deal but a deal, where she would marry his
10 cousin who was not in the United States legally. For her
11 to do that she would receive \$6,000 -- \$2,000 in cash and a
12 car worth about \$4,000.

13 At some point after them making that deal it went
14 south. It went sour. She refused to marry him without
15 getting the cash up front. He didn't want to give her
16 anything until he -- she did the marriage.

17 And even though they were friends because of this
18 things went sour, and she started talking about how she was
19 going to rob him. And she was going to rob him why? I'm
20 going to be honest with you. He was a drug dealer. He had
21 drugs and cash, and she knew it, and she knew that he had a
22 safe.

23 So what's going to be interesting is that you'll
24 actually see home surveillance video, his home surveillance
25 video, of Ms. Alicia Pilgrim standing at his door knocking

1 on it around 5:00 o'clock that morning, something that
2 wasn't very unusual for her to do because that's what she
3 likes to do, come over there late at night or early in the
4 morning.

5 You'll see in that video that she's finally let into
6 the house. They're talking. And a few moments later two
7 black males with weapons come rushing in the house. You'll
8 see the video. Now, both of those males are trying to
9 cover up their face.

10 They follow Alicia in. Alicia and they together in
11 concert tell everybody to get on the ground. Alicia even
12 pulls Dixie to the ground by her hair because Dixie had
13 braids in her hair at that time.

14 The evidence will show that after a while Mr. Villar
15 was not cooperating with the robbers. He would not get on
16 the ground. He would not tell them where the safe was; he
17 would not tell them where the money was.

18 He pulled out his own pistol to shoot at the people
19 who broke into his house trying to rob him.

20 You'll hear from Dixie that the first guy who entered
21 the house had a semiautomatic pistol, one that when you
22 shoot casings would come out of. You'll from her that he
23 never fired his gun.

24 You'll also hear from our forensics that they didn't
25 collect a single shell casing at the scene. Now,

1 Mr. Villar -- he had a revolver. And when you watch the
2 surveillance video -- and I have a picture blown up for
3 you -- you'll see the second person who entered that house
4 had a revolver as well.

5 Dixie Wright. She didn't tell the police who the
6 second guy was at first. She'd only met him once. It took
7 her a while, but she's identified the second guy, Jarvis
8 Stripling. Again, best friends with Alicia growing up.

9 The first guy was identified as Rayshon Smith.
10 Rayshon Smith and Mr. Stripling lived a few doors down from
11 each other at the time of this robbery.

12 You know what you will hear? Is that prior -- prior
13 to this week Ms. Pilgrim had been adamant that she wasn't
14 involved in anything, even though home surveillance video
15 is clear. She's definitely involved. But we know she
16 wasn't the shooter because she didn't have a gun. So our
17 office decided to get her a deal, allow her to plead to
18 lesser charges and receive a lesser sentence in exchange
19 for her truthful testimony of what happened.

20 She wrote a statement and told truthfully what
21 happened that night, that she was part of the robbery for
22 her to go over there. Her job was to get them in the
23 house. And once in the house, she admits to grabbing Dixie
24 by the hair and pulling her down to the ground. And her
25 story matches very closely to what Dixie is going to tell

1 you.

2 Guess who she named as the person with the revolver.
3 Jarvis Stripling. Somebody she never wanted to name
4 because she was friends with him growing up, but she knew
5 she had to do what was best for her.

6 Now, we're going to provide the evidence. We're going
7 to provide the facts and the testimony. And we just need
8 you to provide your common sense, something that you came
9 here with today and that you bring with you every day. And
10 I'm confident that when you take the facts and the evidence
11 and the testimony and use your common sense that you'll
12 provide a guilty verdict on all six counts. Thank you.

13 MR. SNYDER: Good afternoon.

14 My name is Chad Snyder. I represent Jarvis Stripling.
15 You heard from the solicitor as to what the solicitor says
16 is accurate. This is a crime, here, is a home invasion.
17 Someone died. We're not denying any of that.

18 You're going to hear from a couple of witnesses who
19 are going to say Jarvis was there. You're also going to
20 hear from a couple of witnesses that are going to say he
21 wasn't there. The issue is simple, who are you going to
22 believe. Was he there or was he not there?

23 He's charged with a series of crimes, most heinous of
24 which is murder. Very serious. As such, I need for all of
25 you to carefully hear from the witnesses and assess their

1 credibility and determine whether or not they have motives.
2 And their testimony, you can compare it in some cases to
3 compared to what they've said in the past, what statements
4 they have given in the past or in some cases statements
5 they did not give.

6 You'll hear from a bunch of police officers. They
7 responded to this incident. They responded quickly, which
8 we're thankful for that. But none of them were there.

9 Again, you're going to hear from some witnesses that
10 will say he was there. Some witnesses are going to say he
11 wasn't there.

12 Your job is to determine who is telling the truth.
13 It's a simple issue. Either he was there or he wasn't
14 there.

15 At the end of this case you're going to question
16 whether he was there or not there. That question raises a
17 reasonable doubt. And if you question his presence at the
18 crime scene, you must find him not guilty. Thank you.

19 THE COURT: Mr. Hunter.

20 MR. HUNTER: Your Honor, the state would call Officer
21 Cameron Adams.

22 (DVD of body worn camera marked State's Exhibit No. 1
23 for Identification.)
24
25

Cameron Adams
Direct examination by Mr. Snyder

1 CAMERON ADAMS, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. HUNTER

4 Q Thank you for your patience while I'm getting the body
5 cam set up.

6 (Pause.)

7 Q All right. Officer Adams, please state your full
8 name.

9 A My name is Cameron Adams.

10 Q And how are you employed?

11 A I'm employed as a patrol officer with the City of
12 Spartanburg Police Department.

13 Q Okay. And were you employed that way on
14 February 11th of 2017?

15 A Yes.

16 Q Okay. What are your duties as a patrol officer? I
17 guess you're third shift.

18 A Yes. I am.

19 Q Okay. What are your duties?

20 A Patrolling the city limits. I primarily patrol the
21 west side of the city enforcing traffic laws, enforcing
22 other laws, I guess you could say.

23 Q Answering calls for service?

24 A Answering calls, interacting with the citizens,
25 assisting in any way I can.

1 Q Okay. Where were you on the morning, early morning,
2 hours of February 11th of 2017?

3 A Around that time I was sitting at -- I was sitting in
4 the parking lot at the QuikTrip fuel station, 49 West Main
5 Street.

6 Q That's the one just up from the Beacon?

7 A Yes. It was.

8 Q Okay. Who were you there with?

9 A I was with Officer Za'kirra Smith.

10 Q Okay. Did you receive a call for service?

11 A Not at that time.

12 Q Okay. Did you hear anything while you were at the
13 Q.T.?

14 A Yes. While I was sitting in the parking lot I heard
15 approximately four gunshots.

16 After we heard those we were trying to determine which
17 direction it came from, because they sounded very close.
18 While we were trying to determine that, I then began
19 hearing a -- what sounded like a female screaming.

20 Q Okay. What are you doing to try to determine where
21 those were located?

22 A There's a, like a, bar fence along the parking lot at
23 the Q.T. I walked up to that trying to determine. There's
24 a tree line after that that goes down the hill. I went up
25 to that trying to see where it could be coming from because

1 there's -- there are a few houses down there I could view.

2 Q And you're doing this in your vehicle?

3 A I was on foot at that time.

4 Q You are on foot. Okay. Did you then get in your
5 vehicle?

6 A I did. After, again, hearing the woman screaming,
7 Officer Smith and I, we both jumped into each of our own
8 patrol cars. I exited the parking lot and attempted to
9 find that street where those houses are to try to find out
10 where the screaming was coming from.

11 Q Did you first go to the wrong house?

12 A Yes.

13 Q Okay. Why did you go to that house?

14 A We were searching the roads in that area, and the
15 roads are all very, I guess you could say, jumbled.
16 It's -- you can get lost easily. There's not a lot of
17 light.

18 When we came up on that street -- I can't remember
19 which one it was. I want to say Theodosia. I can't be
20 certain at that. But we came up on the first house, and
21 there were lights on and there were two individuals at that
22 location.

23 We exited the vehicle, approached them and tried to
24 determine if this was the actual location where everything
25 was going on at.

1 Q what were you able to determine?

2 A That was not it. They -- I believe they were trying
3 to get ready to go to work. It was a husband and wife, I
4 believe.

5 Q what do you do next?

6 A We got back in our patrol cars and continued searching
7 the area. The whole time we're trying to communicate with
8 dispatch and other officers in the area to let them know
9 what was going on and continue, like I said, searching the
10 roads.

11 Q Did you finally get an address from dispatch?

12 A Yes. They did give us the 123 Marlboro Road.

13 Q Okay.

14 A Which we continued to look for. I believe we ended
15 up -- I believe we passed it once and then came back
16 around.

17 Q So it's really dark out there.

18 A It is.

19 Q You couldn't see the addresses?

20 A Yeah.

21 Q When you got to Marlboro Road, what did you observe?
22 Or excuse me. 123 Marlboro Road.

23 A When I came up I saw a man and woman, white female,
24 white male standing out in the front of the house. The
25 male was yelling, shouting they shot my friend, they shot

1 my friend.

2 The female was just standing there screaming.

3 I approached. Officer Sexton was on scene at that
4 time as well, along with Officer Smith. I had Officer
5 Smith lead the two witnesses away in an attempt to secure
6 the house.

7 Q All right. who else helped secure the house with you?

8 A At that time our supervisor, Sergeant Rumblo, arrived,
9 along with another officer, Officer Will Washington. We
10 stacked upon the house and made entry into it and proceeded
11 to clear the house and make sure there were no other
12 suspects or anything with weapons that could endanger
13 everybody on the scene.

14 Q Were you able to discover anything?

15 A I --

16 Q Any suspect or any weapons?

17 A No. The house was -- the house was clear. I did find
18 a victim lying in the front room over by the couch laying
19 in a pool of blood. There was nobody else in the house at
20 that time.

21 Q Okay. And you've observed your body-worn camera with
22 me?

23 A Yes, sir.

24 Q Okay. And you've redacted a little bit to show -- to
25 not show the whole scene so you don't show the body. But

1 you've watched that with me?

2 A Yes, sir.

3 Q Okay.

4 MR. HUNTER: Your Honor, at this time the state would
5 move State's Exhibit 1 into evidence.

6 MR. SNYDER: Without objection.

7 THE COURT: It's admitted.

8 (DVD of body worn camera marked State's Exhibit No.
9 1.)

10 MR. HUNTER: Publish it for the jury, Your Honor.

11 THE COURT: You may.

12 Q Now, it's quiet for this first 30 seconds. Why is
13 that?

14 A It was the way they're made. It buffers for the first
15 30 seconds. And then when you activate it that's where it
16 actually begins to record the sound.

17 Q So it actually just records the 30 seconds before you
18 turned it on.

19 A Right, because it's buffering the whole time while
20 the -- while the device is on. And then once you hit
21 record, it records the prior 30 seconds prior to you
22 hitting the record. And once it gets up to that point
23 where you hit the record, that's where the sound begins.

24 MR. HUNTER: Beg the Court's indulgence as I'm trying
25 to get this.

1 (Pause.)

2 Q We are going to play the video right now. That's
3 fine. This is the first house you went to?

4 A Yes, it is.

5 (The following takes place during the playing of
6 State's Exhibit No. 1 for the jury.)

7 Q Marlboro Road is kind of easy to miss, isn't it?

8 A It is. It's just -- it's covered up by, got buildings
9 right there, and you don't even catch it if you're -- if
10 you don't know where it's at.

11 Q So now you're on Marlboro Road?

12 A I believe so, yes.

13 Q That's Officer Za'kirra Smith?

14 A I believe so.

15 Q And it's about this time, I think, you get a dispatch
16 of the address.

17 A Right.

18 Q So she's accidentally passed the address at this point.
19 And that's the male and female that you encountered?

20 A Yes. That's where I had Officer Sexton take them
21 away.

22 Now we are stacking up.

23 Q Okay. What we observed right when you first walked in
24 is the body of Mr. Villar on the floor in the living room?

25 A Yes.

1 Q Please answer any questions Mr. Snyder may have for
2 you.

3 CROSS-EXAMINATION

4 BY MR. SNYDER

5 Q Officer, thank you for your service and your quick
6 response to this matter.

7 A Thank you.

8 THE COURT: You may step down.

9 MR. HUNTER: May Mr. Adams be excused from his
10 subpoena?

11 THE COURT: He may be.

12 (Whereupon, the witness was excused.)

13 MS. MABBS: Your Honor, the state would call Deputy
14 Sandra Adorno.

15 SANDRA ADORNO, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MS. MABBS

18 Q Deputy Adorno, could you please introduce yourself to
19 the jury?

20 A My name is Sandra Adorno.

21 THE COURT: Use that black microphone, please.

22 THE WITNESS: Okay.

23 A My name is Sandra Adorno.

24 Q And, Deputy Adorno, where you currently employed?

25 A City of Spartanburg.

1 Q And how long have you been with the city?

2 A About seven years now.

3 Q And what's your role at the city?

4 A Police officer.

5 Q Are you on patrol?

6 A Downtown unit at the time, yes.

7 Q And can you explain a little bit about what some of
8 your responsibilities were at the time?

9 A Okay. Patrol. I interact with citizens of the
10 community, answer any calls that I might be sent on, try to
11 intervene in any problems.

12 Q And did you happen to respond to a call on
13 February 11th of 2017?

14 A Yes, ma'am.

15 Q And can you tell us where that was?

16 A I was working the north side. There was a call for
17 shots fired over on Marlboro Street.

18 Q And that's in Spartanburg County?

19 A That's Spartanburg, uh-huh.

20 Q And while you were on your way -- so, I guess did you
21 have to travel from the north side over towards Marlboro
22 Road?

23 A Yes, ma'am.

24 Q And was that in a patrol car?

25 A Yes, ma'am.

1 Q And while you were responding to that call was there
2 any information that came out over the dispatch?

3 A There was a BOLO of a black female that had left the
4 scene.

5 Q And what exactly is a BOLO?

6 A BOLO is be-on-the-lookout for an individual. They'll
7 give a description of what they're wearing and what they
8 might look like.

9 Q So the information you got on this was that it was a
10 black female?

11 A That had left the area.

12 Q Was there any other information about this?

13 A Not that I can remember.

14 Q Did they say anything about what way, what direction,
15 she may have been going in?

16 A The female was supposed be going towards Main Street.

17 Q And while you're on your way to Marlboro Road did you
18 ever --

19 A I activated my -- well, activating your blue lights,
20 your camera goes on, so when you're on your way so you can
21 see everything and anything. I did not at the time see
22 anything.

23 Q So did you end up responding to 123 Marlboro Road?

24 A Yes, ma'am.

25 Q And what you do when you were there?

1 A When I was there I was sent to meet Sexton to -- at
2 the hospital.

3 Q So you went to Marlboro Road first?

4 A Uh-huh.

5 Q But you --

6 A So I --

7 Q -- basically didn't do anything at that crime scene?

8 A Right, uh-huh.

9 Q And why did you respond to the hospital?

10 A Gunshot victim.

11 Q At the time that you went there did you know if that
12 victim -- if it was related to the incident on Marlboro
13 Road?

14 A No. My understanding, there had been a second
15 shooting, a victim.

16 Q And when you responded to the hospital, what did you
17 do when you were there?

18 A I went to -- they call it the E.R. And I met Officer
19 Sexton there. And at that time I stayed at the door
20 supposedly to -- there was a suspect -- to gather all of
21 the information I could possibly get.

22 Q And just to clarify a little bit, when you say the
23 hospital, was that Spartanburg Regional?

24 A Spartanburg Regional, yes, ma'am.

25 Q And do you recall who the suspect was?

1 A Not at that time.

2 Q And when you were at the hospital, what evidence did
3 you collect?

4 A I gathered two -- two sets of clothing at that time.

5 Q Did you ever actually meet with that suspect at all
6 or --

7 A I transported a suspect by the name of Rayshon Smith
8 back to city hall.

9 Q And that was the person who was at the hospital?

10 A Uh-huh.

11 Q Did you notice any injuries on Mr. Smith?

12 A I believe he had an injury to the ear.

13 MS. MABBS: Beg the Court's indulgence.

14 (Pause.)

15 Q And when you brought Mr. Smith back to city hall where
16 did you leave him?

17 A We went up to the -- what we call our offices, which
18 is upstairs. Patrol room, upstairs, city hall.

19 Q And your patrol room is, basically, kind of a large
20 conference room?

21 A It's a large meeting room for the officers to do
22 our -- you know, our daily information that had been
23 gathered during the shift.

24 Q And did you stay up in the patrol room?

25 A Yes, ma'am.

1 Q And while you're at the patrol room were you asked to
2 sit with any other potential witnesses?

3 A I was asked to sit with a Ms. Dixie Wright, a witness.

4 Q And when you sat with Ms. Wright, do you recall about
5 how long that was?

6 A It was about an hour or so or better.

7 Q At any point in time when you were sitting with Ms.
8 Wright did she recognize anyone in the room?

9 A Yes, ma'am.

10 Q And who was that?

11 A She -- the gentleman that I had brought in, Mr. Smith.

12 Q And can you tell us a little bit how she recognized
13 him?

14 A Well, she was saying that --

15 Q Her reaction that you observed.

16 A Yes. She began to shake and started crying, got
17 really nervous. She says I think that's him, I think
18 that's him, and I just had her step down.

19 Q And when she was referring to that's him, she was
20 referring to Mr. Smith?

21 A Yes, ma'am.

22 Q And what did you do after she gave that statement?

23 A We did a photo lineup.

24 Q Did you inform investigators?

25 A Investigator Kirby.

1 Q And that ended up being in reference to the 123
2 Marlboro Road?

3 A Marlboro shooting, uh-huh, yes, ma'am.

4 Q I have no further questions at this time. Please
5 answer any questions Mr. Snyder may have.

6 CROSS-EXAMINATION

7 BY MR. SNYDER

8 Q Thank you for your service and your quick response to
9 this matter.

10 A Thank you, sir.

11 THE COURT: You may step down.

12 MS. MABBS: May she be excused, Your Honor?

13 THE COURT: She may be.

14 (Whereupon, the witness was excused.)

15 MR. HUNTER: May we approach, Your Honor?

16 THE COURT: Sure.

17 (Bench conference held off the record in the presence
18 of the jury but out of the hearing of the jury.)

19 THE COURT: Ladies and gentlemen, we've got some
20 evidence that has to be marked before it can be introduced.
21 And the lawyers have to go through some of it.

22 So we're going to break right now for lunch. We'll
23 resume this afternoon at 2:15, at 2:15 this afternoon.

24 Please keep in mind now that you've been selected and
25 you are participating in the trial that you're not

1 permitted to talk about the case with anybody whatsoever in
2 any fashion whatsoever.

3 You're not permitted to conduct your own research or
4 independent examination of anything; you're not to allow
5 yourselves to be exposed to any type of media coverage that
6 might relate to the case, whether it be television, radio
7 or newspaper.

8 You have to base your decision upon what you see and
9 hear in the courtroom during the trial. You can't be
10 influenced by any outside extraneous information. So no
11 discussions, no research, no investigation, no media
12 exposure.

13 Also, you can't even discuss the case among yourselves
14 until and unless you're engaged in jury deliberations at
15 the trial's conclusion.

16 So with that in mind, do have a good lunch. Please
17 report to your jury room at 2:15, 2:15 this afternoon.

18 (The following takes place outside the presence of the
19 jury.)

20 THE COURT: Court is in recess until 2:15.

21 (Whereupon, a recess was taken.)

22 (Photographs marked State's Exhibits Nos. 2 through 16
23 for Identification; bullet from victim marked State's
24 Exhibits No. 17 for Identification; drugs marked State's
25 Exhibits No. 18 for Identification; miscellaneous items

1 from safe marked State's Exhibits No. 19 for
2 Identification; fired bullet marked State's Exhibits No. 20
3 for Identification; bullet fragment marked State's Exhibits
4 No. 21 for Identification; fired bullet marked State's
5 Exhibits No. 22 for Identification; DVD marked State's
6 Exhibits No. 23 for Identification.)

7 THE COURT: All right. Are we ready for the jury?

8 MR. HUNTER: Yes, Your Honor.

9 MR. SNYDER: Yes, sir.

10 THE COURT: Bring them in.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: Good afternoon, ladies and gentlemen.

14 We're going to continue with the state's presentation
15 of evidence.

16 Mr. Hunter.

17 MR. HUNTER: Thank you. The state calls Investigator
18 Christy Norkett.

19 CHRISTY D. NORCKETT, having
20 been first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. HUNTER

22 Q Ms. Norkett, please give your full name for the
23 record.

24 A Christy D. Norkett.

25 Q Okay. And how are you employed?

1 A I am a forensic investigator with the City of
2 Spartanburg Police Department.

3 Q And how long have you been doing that?

4 A This January -- well, for forensics, I've been there
5 about three years. I've been there almost a total of 20
6 years with the department.

7 Q Okay. So you've been a police officer for a long
8 time.

9 A Yes, sir.

10 Q And so February 11th of 2017 you were working as a
11 forensic investigator?

12 A Yes, I was.

13 Q What are your duties as a forensic investigator?

14 A My duties in forensics are to locate scenes, to
15 collect evidence and to verify what the evidence has to do
16 with the crime that may have been committed we're out with.

17 Q Okay. When you first reported that morning did you go
18 to 123 Marlboro Road?

19 A No. I did not go there.

20 Q Where did you actually go?

21 A I was sent to or I went to 350 Norris Street, which is
22 Norris Ridge Apartments. If you're not familiar, it's
23 behind the Beacon Restaurant over off of John B. White, Sr.
24 Boulevard.

25 I was told that the -- that the incident that I was

1 responding to had occurred there at the apartment complex.

2 Q Okay. And who reported that incident to the police?

3 A I was told that Rayshon Lamar Smith is the one that
4 reported it.

5 Q And he was actually shot in the ear and at the
6 hospital at the time, correct?

7 A That's the information I had, yes, sir.

8 THE COURT: Could you get a little bit closer to that
9 black microphone, please?

10 THE WITNESS: Yes, sir. I apologize.

11 Q When -- when you go to Norris Street, what are you
12 looking for?

13 A I'm looking for any kind of evidence of a crime, which
14 would be possibly blood, possibly shell casings, a gun
15 even, anything that wasn't disturbed that would be
16 normally, you know, there, that wouldn't normally be there.

17 Q Did you have an apartment number you were looking for
18 based on --

19 A They gave a number that was not consistent with the
20 apartment numbers at Norris Ridge. I'm --

21 Q Were there any relatives you were supposed to be
22 looking for?

23 A I was supposed to be looking for an aunt of the
24 Mr. Smith.

25 Q How familiar are you with Norris street?

1 A I'm extremely familiar with Norris Street and Norris
2 Ridge Apartments. I was a patrol officer on the south side
3 of town, which this is a part of the south side. And I
4 also work an extra-duty job in Norris Ridge Apartments. So
5 I know the apartment numbers very, very well.

6 Q All right. So was the apartment number given a fake
7 number?

8 A Yes, it was. It was not consistent at all with the
9 numbering scheme for the apartment buildings.

10 Q Did you find that witness at all living there?

11 A No. There was no one by that name that actually lived
12 in those apartments.

13 Q Did you recover or see any evidence that a crime had
14 even taken place there?

15 A I couldn't find a witness. I couldn't find anything
16 that was disturbed, any kind of any scene whatsoever that
17 would indicate that someone had been shot in the apartments
18 or the apartment complex area at Norris Ridge.

19 Q Okay. After that did you leave and go to the
20 hospital?

21 A Yes, sir, I went to the hospital.

22 Q Okay. And what do you do at the hospital?

23 A When I got there I -- excuse me. Let me look at my
24 notes real quick.

25 Q Did you recover Mr. Villar's clothing?

1 A Yeah. At the time I did go and recover the clothing.

2 Q Was there any cash found in his clothing?

3 A I did find a sum of cash, yes, sir.

4 Q Around a thousand dollars?

5 A Yeah, just a little over a thousand dollars in cash.

6 Q And that's in the victim's pants.

7 A Yeah. It was in the victim's pants, one of his pants'
8 pockets.

9 Q Okay. Also found some hypodermic needle and some
10 drugs?

11 A Yes. I found a hypodermic needle and different types
12 of drugs, prescription drugs as well.

13 Q Okay. All right. Did you attend the autopsy of Mr.
14 villar?

15 A I did attend the autopsy.

16 Q Okay. What are your duties when you attend an autopsy?

17 A When I go to an autopsy my job is to document it in
18 photographs and collect any evidence that has -- that is
19 removed from the body. So we take multiple pictures
20 throughout the entire autopsy and everything, and then any
21 kind of foreign substance or item that might be found in or
22 with the body is -- we recover it for our evidence
23 purposes.

24 Q Okay. I'm going to show you a few pieces of evidence
25 real quick.

Christy D. Norkett
Direct examination by Mr. Hunter

1 A Yes, sir.

2 Q I'll let you look at each one all together, and then
3 we'll talk about them separately.

4 A Okay.

5 Q I'm going to show you what's premarked State's
6 Exhibits 9, 10, 11, 12 and 13, as well as State's
7 Exhibit 17. I'll let you look over these for a second, and
8 then I'll have some questions for you.

9 A Okay.

10 (Pause.)

11 Q Do you recognize those items?

12 A Yes, sir. I do.

13 Q And how do you recognize those items?

14 A The pictures here that you in here are the photographs
15 I took during the autopsy.

16 Q Okay.

17 A And this is the piece of copper that was recovered
18 that I collected.

19 Q Do these pictures, 9 through 13, fairly and accurately
20 depict the pictures you remember taking that day?

21 A They do. They reflect it.

22 Q Okay. And is State's Exhibit 17, which is the
23 fragment recovered from Mr. Villar, is that the same or
24 substantially the same condition as you recovered it that
25 day?

1 A Yes.

2 Q If you want to, you can up the evidence to make sure.

3 A It's still sealed with my signature from the 11th.

4 Yes. That is the same small piece of copper that I
5 recovered.

6 Q And it's in the same or substantially the same
7 condition as when you found it?

8 A Yes, sir. It is.

9 MR. HUNTER: And of course we're having difficulty
10 again.

11 (Pause.)

12 Q We'll just have to do it the old-fashioned way and
13 show it to you and then show it to the jury.

14 Can you tell me what State's Exhibit 9 is?

15 A State's Exhibit 9 is a photograph of the x-ray that
16 was taken of Mr. Villar's skull. It's showing in the
17 bottom there a deformity that's in there, an unknown, a
18 foreign object that's in there.

19 Q State's Exhibit 10. Is that about the same thing but
20 just from a different view?

21 A Yes, sir. State's Exhibit 10. That's going to be
22 another photograph of the autopsy showing a foreign object
23 inside the skull near the nasal area, is what it looks like
24 from that angle.

25 Q And we'll do 11, 12 and 13 together.

Christy D. Norkett
Direct examination by Mr. Hunter

1 A Yes, sir.

2 Q What do they show?

3 A Eleven, 12 and 13 show angles of what appears to be
4 the trajectory of a bullet going through Mr. Villar's head.

5 Q Two different angles?

6 A Yes, sir, two different angles.

7 Q Okay. And this is the bullet that was recovered from
8 Mr. Villar, part of the fragment?

9 A Yes, sir. That's part of the fragment that I did --
10 that Dr. Wren recovered, that I recovered from there.

11 MR. HUNTER: Your Honor, at this time the state would
12 offer State's Exhibit 9, 13 and 17 into evidence.

13 MR. SNYDER: Without objection.

14 THE COURT: They're admitted.

15 (X-ray photograph marked State's Exhibit No. 9;
16 photograph marked State's Exhibit No. 13; bullet from
17 victim marked State's Exhibit No. 17.)

18 Q So after you leave the morgue, where do you go?

19 A I went back to our -- my office where we work out of
20 on Spring Street.

21 Q Okay.

22 A Or from Marlboro Road maybe. Let's see. I went to
23 the office, and then I responded out to Marlboro.

24 Q What did you do out at Marlboro Road?

25 A I assisted my partner, Investigator Cloran, with --

1 with the evidence in that part.

2 Q Okay. When you say assisted, what was your job?

3 A I completed the warrant return for the search warrant
4 for the residence where the incident occurred.

5 Q What is a search warrant return?

6 A The return is a detailed list of every single thing
7 that we recover from a residence or the area that we're
8 searching. And that way the person has a copy and we have
9 a copy so both parties know exactly what was taken during
10 the search warrant.

11 Q Did you recover any evidence after that? Maybe not.
12 Not at Marlboro Road. After -- after you leave Marlboro
13 Road was a safe recovered?

14 A Yes. A safe was recovered, and I recovered the
15 evidence out of the safe.

16 Q Okay. Were you able to get into the safe at first?

17 A We were not. It was locked with a combination that we
18 did not have. So we weren't able to unlock it at that
19 time.

20 Q Okay. How did y'all get into the safe?

21 A We requested assistance with the fire department
22 that's -- there at 145 City Hall, 145 Broad Street, across
23 the street from our office. They were able to use a side
24 or angle grinder to gain access into the safe.

25 Q All right. I'm going to show you what's been

1 premarked State's Exhibit 19 -- 18 and 19. I don't need to
2 open these items because of what's inside.

3 A Yes, sir.

4 Q But do you recognize these items?

5 A Yes, sir, I do recognize them.

6 Q And how do you recognize those items?

7 A These are the -- the two items, the two bags of the --
8 the items that I recovered from the -- what was inside the
9 safe.

10 Q Okay. And does it appear to be in the same condition
11 as when you recovered it?

12 A Yes, it's in the same condition. It's got the tape on
13 it that I put around it to make sure that it was secure.

14 Q What evidence was recovered from the safe?

15 A There was --

16 Q You can just read from the front of the bag.

17 A Yeah. This bag here has marijuana, heroin,
18 methamphetamines and multiple prescription pills and some
19 wax and stuff that was -- that was in there.

20 The other bag has paperwork, drug paraphernalia, a
21 wallet, keys, ipad and like a piece of fabric that was
22 inside the wallet like wrapped.

23 MR. HUNTER: Your Honor, at this time the state would
24 offer State's Exhibits 18 and 19 into evidence.

25 MR. SNYDER: Without objection.

1 THE COURT: They're admitted.

2 (Drugs marked State's Exhibit No. 18; miscellaneous
3 items from safe marked State's Exhibit No. 19.)

4 Q At this time please answer any questions Mr. Snyder
5 may have for you.

6 A Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. SNYDER

9 Q Thank you for your service.

10 A Thank you.

11 THE COURT: You may step down.

12 MR. HUNTER: I'm not going to ask her to be excused at
13 this time but may --

14 THE COURT: She may be.

15 MR. HUNTER: Your Honor, at this time the state would
16 call Investigator Cloran.

17 SHAWN CLORAN, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. HUNTER

20 Q will you please give your full name for the record?

21 A Shawn Cloran.

22 Q And how are you currently employed?

23 A I'm a forensics investigator for the City of
24 Spartanburg.

25 Q Okay. Were you a forensics investigator on

1 February 11th of 2017?

2 A Yes.

3 Q We've already heard from Norkett. Do you echo what a
4 forensic investigator does with what she said?

5 A Yes.

6 Q Okay. Did you have a chance to work this murder case?

7 A Yes.

8 Q Okay. When did you first get a call?

9 A I received the call at approximately 5:17 in the
10 morning.

11 Q Okay. And where were you directed to go?

12 A To 123 Marlboro Road, which is in the city limits of
13 Spartanburg.

14 Q Okay. And why were you directed to go there?

15 A I was informed that there was a home invasion, a
16 homicide.

17 Q Okay. What do you do when you first get there?

18 A Initially, I'll speak to the first responding
19 officers, as well as if there are any additional
20 investigators on the scene, to gather information that they
21 had collected prior to my arrival.

22 Q Okay. Do you initially go into the house?

23 A Not initially, no.

24 Q Okay. What are you waiting on?

25 A If a search warrant is needed, then I'll be waiting

1 for a search warrant.

2 Q Okay. And did you wait for a search warrant in this
3 case?

4 A Yes.

5 Q Is that standard procedure in any homicide case?

6 A Yes.

7 Q Okay. What did you do once you entered the house with
8 the search warrant?

9 A I did an initial walkthrough to see what all I was
10 dealing with as far as the -- the homicide and evidence
11 pertaining to the case since it did -- the incident
12 occurred inside of a residence. It could have began in a
13 different room or -- to see what all happened. So did an
14 initial walkthrough prior to taking the photographs in each
15 room.

16 Q What did you know before you did your prior
17 walkthrough?

18 A That a homicide occurred, that the victim had been
19 removed from the residence by E.M.S., and as E.M.S. was
20 removing the victim to try and save him there was a gun
21 under the victim, presumably the victim's.

22 Q Okay. All right. So once you done your walkthrough,
23 you began taking pictures?

24 A Yes.

25 Q Okay. After taking pictures, what do you do?

Shawn Cloran
Direct examination by Mr. Hunter

1 A After I take my initial pictures of every room, then
2 I'll go back and start marking items of evidentiary value
3 with numbered placards.

4 Q Are those little yellow numbered cards that you see?

5 A Yes.

6 Q Did you mark a lot of items in this case?

7 A Yes.

8 Q Is that also common with a homicide case?

9 A Depending, but normally, yes.

10 Q Okay. I want to show you what's been premarked
11 State's Exhibit 2 -- 2 through 8 and 14. Just look through
12 all of those real quick, and then I'll have some questions
13 about it.

14 (Pause.)

15 Q Did you take those pictures?

16 A Yes, sir.

17 Q Are they -- fairly and accurately depict the scene as
18 you remember it that day?

19 A Yes, sir.

20 MR. HUNTER: Your Honor, at this time the state would
21 offer State's Exhibit 2 through 8 and 14 into evidence.

22 MR. SNYDER: Without objection.

23 THE COURT: They're admitted.

24 (Photographs marked State's Exhibits Nos. 2 through 8
25 and 14.)

1 Q Could you briefly describe where these pictures are
2 taken?

3 A This first picture is taken just as you enter the
4 front door of the residence. And you're in the living room
5 area. To the left there's a long couch, and the
6 entertainment center is before that. The couch extends
7 along two walls.

8 The victim would be in the left corner.

9 And if you continue straight you'll go into the
10 kitchen area, and to the right there'll be a hallway going
11 to the bedrooms.

12 Q And was this the couch that you were talking about?

13 A Yes, sir.

14 Q So it's a wraparound L-shaped couch.

15 And is this third picture basically zoomed in on part
16 of the couch?

17 A Yes, sir. The left side and the corner area where
18 it's starting to wrap around is right in this area, is
19 approximately where the victim's head was said to have been
20 when E.M.S. was working on him to try and save him.

21 Q As you just showed me, you can see zoomed in. And
22 this was the safe that was located outside?

23 A Yes, sir.

24 Q And that's the safe that Christy had the fire
25 department open?

Shawn Cloran
Direct examination by Mr. Hunter

1 A Yes.

2 Q And this picture just shows the same view of the couch
3 just from a different angle.

4 A Yes, sir.

5 Q Is that blood on the floor?

6 A Yes, sir. It's the area where Mr. Villar was worked
7 on and taken from by E.M.S.

8 Q Is this a better view from the front door?

9 A Yes, sir. To the right where it extends would be the
10 kitchen area and to the left would be more of the living
11 room, entertainment center.

12 Q And this picture is just to the left of the front
13 door?

14 A Yes, sir. As soon as you walk into the left.

15 Q And this last picture is -- what is that?

16 A A projectile that was recovered.

17 Q From underneath the couch?

18 A Just under -- just the edge of it, yes, sir.

19 Q When you say projectile, what does that mean?

20 A A fired bullet.

21 Q Did you notice any other evidence that a shooting had
22 taken place at this residence?

23 A Could you repeat the question, sir?

24 Q Did you notice any other evidence that a shooting had
25 taken place at this residence?

1 A There were other fired bullets.

2 Q Okay.

3 A There were also bullet holes in the ceiling and one of
4 the walls of the residence.

5 Q So there were -- there were other bullets as well
6 as --

7 A Then just --

8 Q -- holes in the walls and ceilings that appeared to be
9 bullet holes?

10 A Yes, sir.

11 Q Okay. I'm going to show you what's been premarked
12 State's Exhibits 20, 21 and 22. Do you recognize these
13 items?

14 A Yes, sir.

15 Q Okay. And are they in the same or substantially the
16 same condition as you remember them?

17 A Yes, sir.

18 Q Okay. And what are they?

19 A They are recovered bullets that had been fired or
20 bullet fragments where it had struck something and broke it
21 apart.

22 Q Okay.

23 MR. HUNTER: Your Honor, at this time the state would
24 offer State's Exhibits 20 through 22 into evidence.

25 MR. SNYDER: Without objection.

1 THE COURT: They're admitted.

2 (Fired bullet marked State's Exhibits Nos. 20; bullet
3 fragment marked State's Exhibit No. 21; fired bullet marked
4 State's Exhibit No. 22.)

5 Q Is there any way to tell what caliber gun shot these?

6 A By an expert in firearms.

7 Q Okay.

8 A They can tell by the weight.

9 Q Is there any way to tell what firearm shot those?

10 A By the strike.

11 Q Strike mark?

12 A Striations. But I --

13 Q You can't tell?

14 A I can't.

15 Q Did you ever recover a gun other than Mr. Villar's
16 gun?

17 A I did not.

18 Q Okay. So there's no other gun to test them against.

19 A No, sir.

20 Q Okay. How many items of evidence were collected in
21 this case?

22 A Over a hundred. From the residence, I collected 65.

23 Q Okay. Now, is one of those a home surveillance video?

24 A The whole system, yes, sir, the D.V.R. system.

25 Q Okay. Were you able to extract the video from the

1 time of this incident?

2 A Yes, sir.

3 Q Okay. Show you what's been premarked State's
4 Exhibit 23. Do you recognize that?

5 A Yes, sir.

6 Q How do you recognize that?

7 A After I extracted the video off of the D.V.R. system,
8 I transferred it onto a D.V.D. place and then logging it
9 into evidence.

10 Q Okay. And it's in the same or substantially the same
11 condition?

12 A Yes, sir. That is definitely my handwriting.

13 Q How were you able to tell the time of what time you
14 needed to get off the D.V.D.?

15 A I saw the -- I was able -- because the time was off on
16 the D.V.D. or on the video, and I looked for the blue
17 lights and the officers driving in front of the residence
18 to try and find the crime scene.

19 Q And then you went back in time?

20 A Yes, sir.

21 Q Okay.

22 MR. HUNTER: Your Honor, at this time the state would
23 offer State's Exhibit 23 into evidence.

24 MR. SNYDER: Without objection.

25 THE COURT: It's admitted.

Shawn Cloran
Direct examination by Mr. Hunter

1 (DVD marked State's Exhibit No. 23.)

2 Q Just so we know, because we had trouble with our sound
3 earlier, the home surveillance has no audio on it.

4 A No, sir.

5 Q The home surveillance has multiple angles?

6 A Yes, sir.

7 Q There are two that are very telling though, correct?

8 A Yes, sir. One of the cameras was mounted right at the
9 front door facing the front porch, front-door area.

10 (The following takes place during the playing of
11 State's Exhibit No. 23 for the jury.)

12 A At approximately this timeframe a female will begin to
13 walk up to the porch. And then Mr. Villar comes and
14 opens --

15 Q That's okay. You don't have to answer any questions
16 unless I ask you.

17 A Okay.

18 Q And that's Mr. Villar that just walked outside?

19 A Yes, sir.

20 Q In about 30 seconds is when we see the two black males
21 enter the house with weapons?

22 A Yes, sir.

23 Q And they leave rather quickly with the female?

24 A Yes, sir. The two males, on one of the angles you can
25 see they go to the left further down Marlboro Road, and the

1 female goes the opposite direction of them.

2 Q Okay. Let me show you two stills from this, State's
3 Exhibits 15 and 16.

4 A Yes, sir.

5 Q All right. And are those stills from this video?

6 A Yes, sir.

7 Q Okay. So they're in substantially the same condition,
8 fairly accurately depict this video?

9 A Yes, sir.

10 Q Okay.

11 MR. HUNTER: Your Honor, at this time the state would
12 offer State's Exhibits 15 and 16 into evidence.

13 MR. SNYDER: Without objection.

14 THE COURT: They are admitted.

15 (Photograph marked State's Exhibit No. 15; photograph
16 marked State's Exhibit No. 16.)

17 Q Showing State's Exhibit 15. What is that showing?

18 A It's showing the -- the first male that came up the
19 stairs with what appears to be a submachine gun type
20 firearm with a lighter colored jacket and a ball cap.

21 Q Okay.

22 A And then the other male coming from the other side of
23 the car parked in the yard.

24 Q Are you somewhat familiar with firearms?

25 A Yes, sir.

Shawn Cloran
Direct examination by Mr. Hunter

1 Q would that submachine gun produce shell casings if
2 fired?

3 A Yes, sir.

4 Q And what does State's Exhibit 16 show?

5 A The second male stepping up on the porch with the
6 multicolored jacket holding what appears to be a light
7 colored gray or chrome revolver.

8 Q Okay. And if a revolver is shot are you going to
9 recover any shell casings?

10 A Not unless they manually removed them, but upon
11 initial fire, no.

12 Q Is the second male in that picture attempting to cover
13 anything?

14 A His face, the bottom lower part of his face and neck
15 area.

16 Q Did you recover any shell casings in this case?

17 A No, sir.

18 Q So you recovered the fired bullets and saw bullet
19 holes but no shell casings.

20 A Yes, sir. That is correct.

21 Q Please answer any questions Mr. Snyder has for you.

22 CROSS-EXAMINATION

23 BY MR. SNYDER

24 Q Thank you for your service.

25 THE COURT: You may step down.

1 THE WITNESS: Thank you, sir.

2 MR. HUNTER: Your Honor, at this time the state is
3 going to recall Investigator Norkett for a brief question.

4 (Bullet fragment from victim marked State's Exhibit
5 No. 24 for Identification.)

6 CHRISTY NORKETT, having been
7 previously duly sworn, testified as follows:

8 THE COURT: You are still under oath.

9 THE WITNESS: Yes, sir.

10 DIRECT EXAMINATION BY MR. HUNTER

11 Q Sorry for having to recall you, but thanks for
12 reminding me.

13 Did Dr. Wren give you another bullet recovered from
14 Mr. Villar?

15 A Yes, sir, he did.

16 Q Is that what's in State's Exhibit 24?

17 A Yeah. This was the -- the damaged bullet that was
18 recovered.

19 Q Okay.

20 MR. HUNTER: Your Honor, at this time the state would
21 offer State's Exhibit 24 into evidence.

22 MR. SNYDER: Without objection.

23 (Bullet fragment from victim marked State's Exhibit
24 No. 24.)

25 Q Can you open it real quick?

Shawn Cloran
Direct examination by Mr. Hunter

1 A It's going to be a little difficult.

2 Q You got it?

3 A Yes, sir. I got it now.

4 Q And that's the same or substantially the same
5 condition as you were handed that?

6 A Yes, sir. It's the same condition.

7 MR. HUNTER: No further questions.

8 MR. SNYDER: I have no questions.

9 THE COURT: You may step down.

10 THE WITNESS: Thank you, sir.

11 MR. HUNTER: May we approach briefly?

12 THE COURT: Yes, sir.

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 THE COURT: All right. We're going to take a short
16 break.

17 Please retire to your jury room. Don't talk about the
18 case. I'll bring you back after that break.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: We'll be at ease for ten minutes.

22 (Whereupon, a recess was taken.)

23 THE COURT: All right. Have y'all got it working?

24 MR. HUNTER: Yes, Your Honor.

25 THE COURT: Bring the jury in.

1 (The following takes place in the presence of the
2 jury.)

3 THE COURT: Okay. You may proceed.

4 MR. HUNTER: Thank you, Your Honor. The state would
5 call Dixie Wright.

6 DIXIE WRIGHT, having been
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION BY MR. HUNTER

9 Q Just make sure to speak into that black microphone.
10 Don't touch it, but lean forward to it and speak into it.
11 Okay?

12 A I think I'm loud enough, but okay. I got you.

13 Q Please state your full name.

14 A Dixie Wright.

15 Q All right. And how old are you, Ms. Wright?

16 A I'm 28 years old.

17 Q And where do you currently live?

18 A Gaffney.

19 Q Okay. Ms. Wright, did you have a boyfriend by the
20 name of Francisco Villar back in February of 2017?

21 A Yes, sir.

22 Q Did you know Alicia Pilgrim in that time too?

23 A Yes, sir.

24 Q How long had you known Alicia?

25 A I had only -- I had met her right after me and Frankie

Dixie Wright
Direct examination by Mr. Hunter

1 had got together. So it would have been right after
2 Thanksgiving of 2016.

3 Q Okay. And what was your relationship like with
4 Alicia?

5 A It was good all up and to the point of their deal
6 going sour. And then it kinda, you know, me being his
7 girlfriend, it switched roles, and we were no longer
8 friends. It was, you know, a little tension.

9 Q Okay. And when you say deal going sour, what deal are
10 you talking about?

11 A The arrangement for the marriage and the legalization
12 and the money, all of that.

13 Q Explain what that deal was.

14 A The deal was with that Frankie had a cousin from the
15 D.R., which is Dominican Republic. And he gonna find
16 somebody to marry him. You have to stay married for a
17 year, I think it is, or something like that. So Alicia had
18 agreed to marry him in order to get his green card so he
19 didn't have to go back and the deal --

20 Q What was she going to receive as part of the deal?

21 A She was supposed to receive -- I don't know how it got
22 told that it was six thousand, but it was supposed to be
23 \$10,000.

24 But she was going to get the car, which is the Dodge
25 Magnum, for six thousand and then four thousand in cash,

1 was originally what it was supposed to be.

2 And it went sour after he told her, you know, you
3 haven't moved anything in the house, you haven't done
4 anything yet. So he told her that the next day he would
5 pay to have the marriage license. They go to the
6 courthouse, all of that, and then he would pay her right
7 after it was done. She didn't want to do that, so.

8 Q So when does it go south?

9 A The beginning of January, probably about a week into
10 January.

11 Q So about a full month before this incident happened.

12 A Yeah.

13 Q Okay. On the night of February 11th or actually --
14 I'm sorry -- I guess on the night of February 10th, what
15 are you doing?

16 A I was asleep actually. I woke up about, roughly
17 about, 2:30 or 3:00.

18 I went in the living room and Simon and Frankie were
19 in there on the couch. They had been fixing the camera
20 closest to the garage. They were working on really all of
21 them, but they were, I think, installing one if I'm not
22 mistaken. And they had just got back from the Q.T. They
23 had went to get some milk.

24 Q Okay. Who is Simon Spicer?

25 A Frankie's -- one of Frankie's really good friends.

1 Q Okay. who actually resided at 123 Marlboro Road?

2 A Just me and Frankie.

3 Q Okay. was Simon over a lot?

4 A Yeah. Sometimes when they wasn't mad at each other he
5 was over almost nearly every day.

6 Q was Alicia over a lot?

7 A Yeah. She -- she actually lived with us for a period
8 of time until, you know, they fell out and wasn't friends
9 any more. She was actually residing in our residence.

10 Q Okay. So you wake up 2:00 or 3:00 in the morning?

11 A Yes, sir.

12 Q Okay. And what do you do?

13 A I'd go lay on the couch. Me and Frankie had had
14 argument, and I felt bad. I went to sleep. I didn't tell
15 him I loved him or anything. So I went and laid on the
16 couch.

17 And he was just sitting there. I laid my head in his
18 lap, and I laid there for -- I was smoking a joint,
19 marijuana. And than I started to feel sick like really,
20 really nauseous. So I put it out. And then not long after
21 that there was a knock at the door.

22 Q Okay. Before that, who went to the Q.T.?

23 A Frankie. I'm not hundred percent sure, but from, you
24 know, the statement that --

25 Q I said if you're not sure, don't answer the question.

1 A well, I don't know. I just know they went the Q.T.

2 Q So you and someone from the --

3 A Yeah. Somebody went to the Q.T.

4 Q When you say a knock at the door, is that around --
5 around 5:00 o'clock in the morning?

6 A Yes, sir.

7 Q Okay. And who was knocking at the door?

8 A Alicia.

9 Q Okay. Did you, Simon or Frankie want to answer that
10 door?

11 A No. I told Frankie to go lock the door. I believe
12 the bottom lock was locked, but the top one wasn't locked.
13 And the type of door that we had, one of those door handles
14 that had the key pad on the outside of it, so if you didn't
15 close it completely, like, you had to hear it click. And
16 if you didn't, then it wouldn't, you know, actually latch
17 and lock the door.

18 I told him just to go up and lock the deadbolt. He
19 was, like, no, no, y'all just stay quiet, just stay quiet.

20 Q Okay. Did you hear anything outside?

21 A No. Just her talking on the phone.

22 Q And what was she saying on the phone?

23 A She was, like, I know they're in there, someone's in
24 there. She just kept repeating herself. I don't know who
25 she was talking to.

1 Q Okay. Did she continue knocking on the door?

2 A Yeah. She knocked for a good few minutes. It was a
3 sensitive amount of time.

4 Q Did Frankie finally go to the door and open it for
5 her?

6 A He didn't open the door. She hit it. There's glass
7 at the top. It's a completely wooden door, and, like, at
8 the top it's, like, an arch of glass. She hit, and it
9 kinda just opened, and he was standing right behind me.

10 Q Did he go outside and talk to her?

11 A Yeah. He stood in the doorway. He didn't actually
12 step, you know, out. He stood in the doorway.

13 Q Okay. How long were they conversing?

14 A A period of minutes. It was probably --

15 Q I mean, we've seen the video. So that's how long they
16 were conversing?

17 A Yeah, yeah. What you seen on the video is how long
18 they was discussing whatever they was discussing.

19 Q Could you tell what they were discussing?

20 A She was arguing with him about the car, telling him
21 you were supposed to be my friend, how could you do this to
22 me.

23 He was trying to -- trying to, you know, console her,
24 telling her, you know, it was nothing like that, come back
25 in the morning, we can talk. I was, like, go to sleep.

1 She's telling him you wasn't about to go to sleep, I'm not
2 going anywhere. She was just arguing back and forth with
3 him while he was trying to persuade her to leave.

4 Q Okay. Did she have anything with her?

5 A She had a beer and her cell phone.

6 Q Okay. Throughout this whole situation did she have a
7 weapon on her?

8 A No.

9 Q Okay. Did she come inside?

10 A Yeah. She pushed her way inside the house.

11 Q All right. And what -- did anybody tell her to get
12 out though? I mean, anybody force her out of the house?

13 A No, no, no.

14 Q What did she do once she came inside?

15 A Well, at first she dropped her beer into my floor.
16 And I had just moved my sectional, as you see on the video,
17 into the house. And so I went and got my mop. I cleaned
18 up the beer. I put the beer can on a little table right
19 beside my entertainment center.

20 And then she -- my couch was, like, an off white. She
21 laid down on the chase part, kicked her feet on it, lit a
22 cigarette.

23 I shut the door. She goes over. When she lights her
24 cigarette she says, you know, I'm not leaving until we're
25 done talking about this. She lights her cigarette. Then

Dixie Wright
Direct examination by Mr. Hunter

1 she goes over to the door and says it's hot in here. She
2 opens the door back up.

3 Q Okay. Then after she opens the door back up, did she
4 come back over to Simon?

5 A Yeah, she came over to Simon messing with him. He was
6 messing with his drill, and she was picking at him. And he
7 kept telling her to leave him alone, leave him alone.

8 Simon gets really high-strung very, very fast. I was
9 scared that them two were about to get into an argument.
10 Frankie was, like, he looked at me. He was, like, babe,
11 please help me. And I told her. I was like we can go
12 outside and we could just handle this like grown women.

13 She stepped out the door. Well, went to step out the
14 door. I was right behind her, and literally, like, as soon
15 as that happened, it just turned around. And then, as you
16 see on the video, the two black males came into the house.

17 Q Okay. We got it to work now.

18 Ms. Wright, I'm going to have you step down here and
19 point some things out for us.

20 (Whereupon, the witness left the stand.)

21 Q Don't need to do it on this picture. Is that a safe
22 underneath the Bojangles box?

23 A Yes, sir, it is.

24 Q Whose safe was that?

25 A Frankie's.

1 Q And where was it kept?

2 A It was kept in the bedroom beside the --

3 Q So is that the bedroom that y'all would stay in?

4 A No. This is outside.

5 Q But where it was kept? Was it --

6 A Oh, yeah. It was in our personal bedroom, yes, sir.

7 Q Okay. And who actually put it outside?

8 A Simon did.

9 Q Okay.

10 A He was just wanting it out of the house.

11 Q Now, you knew --

12 THE COURT: Now, Mr. Hunter, she's not next to the
13 microphone, and the court reporter has got to hear what she
14 says. And I'm having a hard time, so I'm sure the court
15 reporter is too.

16 So we're going to have to do something different here.

17 Mr. Wright, how about you coming and standing
18 underneath that microphone that's hanging from the ceiling
19 there?

20 THE WITNESS: Yes, sir.

21 THE COURT: And kind of back up a little bit.

22 Okay. Now, when you answer a question, project your
23 voice towards that microphone so we can hear.

24 THE WITNESS: Yes, sir.

25 Q So that safe is normally in your bedroom.

Dixie Wright
Direct examination by Mr. Hunter

1 A Yes, sir.

2 Q And you knew what Mr. Villar sometimes did for a
3 living?

4 A Yes.

5 Q which was?

6 A He sold marijuana. The other drugs found in the
7 residence were for personal use. They were never sold.

8 Q So he kept some drugs in the safe?

9 A Yeah.

10 Q who knew about the safe?

11 A Me. Pretty much anybody who came in the house. He
12 didn't try to hide it. You know what I'm saying?

13 Q Okay. Now, you mentioned Simon having a drill.

14 A Yes, sir.

15 Q Is that the drill on the couch there?

16 A Yes, sir.

17 Q This is where you definitely need to speak up loudly.
18 okay?

19 A Yes, sir.

20 Q That picture was taken looking in from the front door.

21 A Uh-huh.

22 Q Okay. When the two males enter the residence, along
23 with Alicia, where are they located?

24 A well, you can't see on this picture, but over here the
25 couch goes around.

1 I was here, and then there was a male behind me.
2 Rayshon and Jarvis was closer to me. But he wasn't exactly
3 on me like Rayshon was.

4 Frankie was over here in the center and Simon on the
5 far end where you just seen the drill. That would have
6 been --

7 Q And where was Alicia?

8 A She was in front of the entertainment center, which is
9 in front of the couch on the other wall.

10 Q Did any of those -- did Jarvis, Rayshon or Alicia ever
11 enter past that red curtain?

12 A No. Everything took place in this one room.

13 Q Okay. Show a little bit better picture so you can
14 describe.

15 Give me that same description of where people were
16 located.

17 A I was over here, as you may have seen on the previous
18 one, closer to the door. Frankie was right here and Simon
19 on the other end.

20 This right here is the link beside the entertainment
21 center. You can see the corner right there.

22 Alicia would have been standing right in front of it.
23 Jarvis would've kinda right in the center been him --
24 between Alicia and Rayshon over here with me.

25 Q Okay. Were Jarvis and Rayshon moving around?

Dixie Wright
Direct examination by Mr. Hunter

1 A A little, but not much.

2 Q Okay. Finally, this last picture. Does that show
3 where Simon was standing?

4 A Simon wasn't standing. He actually when they came in
5 laid face down onto the ground. And Alicia would have been
6 standing right here in front of the television.

7 Q Okay. And the corner of the couch is where Frankie or
8 Francisco would have been standing?

9 A Yes, sir, kinda of in the crease where it kind of
10 wraps around.

11 Q If you could, point that out on this picture.

12 A Right here.

13 Q Okay. And Simon is to the left of him?

14 A Yeah, to the left. They were on -- when Frankie was
15 shot and fell back, he fell literally right beside Simon.
16 Probably about that far from him.

17 Q You can take a seat.

18 (Whereupon, the witness returned to the stand.)

19 Q Did you think it was weird that Alicia told you it was
20 cold that night?

21 A Yeah. I thought it was --

22 Q -- or that she was cold that night?

23 A It was -- it wasn't saying that she was cold. It was
24 saying that she was hot inside the house.

25 Q Excuse me. That she was hot that night?

1 A Yes, sir. I thought it was very strange.

2 Q Because what was the temperature outside where she had
3 just been?

4 A I mean, it was not cold. I mean, it's middle of
5 February, but our weather is not normal anyways, but it
6 wasn't -- it wasn't freezing. It might have been
7 50 degrees.

8 Q Okay. That's still pretty cold for South Carolina.

9 A I mean, yeah, it's cold for South Carolina. It's
10 chilly.

11 Q All right. I want you to talk about the moment that
12 Jarvis and Rayshon entered the house.

13 A Okay.

14 Q What do you see?

15 A The first male came in with the ball cap. That would
16 have been Rayshon. He was lighter complexion. He didn't
17 have anything on his face.

18 The second male came in. He was intelligent enough to
19 have his face covered, and when he came in the residence,
20 also leaving the residence, but inside he had it covered
21 most of the time. And it fell for a brief moment --

22 Q Okay.

23 A -- and he put it back up.

24 Q So what are they telling you?

25 A To get down on the ground.

1 Q Okay.

2 A Asking where the safe is, things like that.

3 Q And, now, who's telling you this?

4 A Rayshon, Jarvis, Alicia. She's telling them, you
5 know, asking where the safe's at, asking where the safe's
6 at.

7 Q Okay. Now, had you ever met Rayshawn before?

8 A Rayshawn. No. I had never met him before.

9 Q Okay. And had he ever been over to your house?

10 A No.

11 Q Had Jarvis ever been over to your house?

12 A No. He'd never been to my home.

13 Q Did Alicia do anything to you during this?

14 A She just pulled me by my hair. I had long black
15 braids. That's the only thing she did.

16 Q Okay. Pulled you down to the floor?

17 A Yeah.

18 Q Okay. Remember asking you to get on the floor?

19 A Yeah, to get down.

20 Q Now, Rayshon had never been to your house.

21 A No.

22 Q Neither had Jarvis. And you'd never met Rayshon.

23 A No.

24 Q Have you ever met Jarvis?

25 A Yeah. I met him previously, one time before.

1 Q Okay. And how were you meeting him at that time?

2 A Him and Frankie were exchanging -- well, they were
3 doing a transaction involving Roxi 30s. Frankie really
4 liked them. He liked them. I don't know. He was just --
5 he did.

6 Q And how did you come to know Jarvis had those or how
7 did Frankie come to know Jarvis had those?

8 A Alicia had -- well, Alicia had -- she had informed us.
9 Frankie had told her. She was looking for some, and he,
10 you know -- she told us, you know, my brother had some.
11 That's what she told us he was, that was her brother.

12 Q Okay. But that's not her actual brother.

13 A No. Now I know that that's not her actual brother.

14 Q Okay. So you had met her before, but he'd never been
15 in the house.

16 A No.

17 Q So as they're telling you to get on the ground, what
18 is everybody doing?

19 A Me and Simon automatically got on the ground. Frankie
20 was reluctant. The farthest he got down was to his knees.
21 And he had his revolver in the back of his pants with his
22 shirt pulled over. I'm assuming that's why he didn't want
23 to get down, because they might see the gun.

24 And then everybody -- Alicia was running around
25 telling them, you know, trying to say tell them where the

114 Dixie Wright
Direct examination by Mr. Hunter

1 safe's at. I wouldn't say anything. Simon didn't say
2 nothing. And Frankie was just, like, just leave, leave my
3 family alone, we don't have nothing, I don't have anything
4 here, just leave, you know, begging them.

5 Q Okay. But do they leave?

6 A No, sir.

7 Q Okay. What happens next?

8 A They, you know, continue to say that for not long, a
9 few minutes. And then Frankie, I guess, out of instinct
10 pulled out his gun and shot, and they returned -- well, not
11 they. Let me simplify that. Rayshon had the semiautomatic
12 weapon. He did not fire that inside the residence. Jarvis
13 had the revolver that was almost identical to Frankie's,
14 and that was the one who returned fire and actually shot
15 him.

16 Q Okay. So you actually saw Rayshon did not fire his
17 weapon.

18 A No. He did not discharge his firearm at all.

19 Q Okay. Did you see Jarvis fire his?

20 A Yeah.

21 Q Okay. Who were the first two out of the door?

22 A The first one was -- the first two were Jarvis and
23 Alicia. And then Rayshon followed.

24 Q Are you sure? Because we watched the video. Are you
25 sure it's not Rayshon and Alicia?

1 A No. I think it's Jarvis and Alicia if I'm not
2 mistaken.

3 Rayshon had on the ball cap. So I think he came last.
4 I might -- I might be wrong though. I can't remember.
5 Honestly, I was -- I've seen it so many times.

6 Q But all three eventually leave.

7 A Yeah. They leave back to back.

8 Q Okay. As shots are being fired?

9 A The shots had already ended. As soon as they shot him
10 and he fell back, they ran. They was -- they didn't stay
11 around. They didn't look for anything. They ran straight
12 out the door.

13 Q And you go outside?

14 A No. I closed the door, locked it. And I dialed. I
15 asked Simon where the phone was because I didn't know where
16 mine was. It was big anyways. I was asking where
17 Frankie's phone was or where his was so that I could dial
18 9-1-1.

19 Q Did you call 9-1-1?

20 A Yes, sir. I did.

21 Q Okay. What was Simon worried about?

22 A He was -- Simon is -- he does drugs. He was twaked
23 [sic] out at the moment anyways. He was more worried about
24 getting the safe out. He was -- I guess was paranoid. And
25 he was just running around. He was trying to find the car

Dixie Wright
Direct examination by Mr. Hunter

1 keys. He wanted to leave. I told him please don't
2 leave -- you know what I'm saying -- you haven't done
3 anything wrong, let's just wait for the police to get here,
4 so.

5 Q As you're on the phone with 9-1-1 are you trying to
6 see if Frankie's alive?

7 A Yeah. I was checked for a pulse. His eyes were
8 glassed over. So I just was telling them that he had been
9 shot, I needed an ambulance. And I got sick everywhere. I
10 dropped the phone. I guess when I dropped it, it hung up
11 after I got sick. I tried to run to the bathroom. I
12 didn't make it completely and I got sick throughout the
13 house trying to make it to the bathroom. And then as soon
14 as I was done, I called 9-1-1 back.

15 Q Okay. Did it appear that Frankie was alive when you
16 called 9-1-1?

17 A No, sir. I didn't get a pulse.

18 Q In fact, that wasn't the only time you got sick,
19 correct?

20 A No.

21 Q Did you get sick in the police station as well?

22 A Yes, sir.

23 Q Okay. Did, ultimately, you go outside and start
24 screaming at some point?

25 A Yeah.

1 Q Okay. So that would have been you that the officers
2 heard?

3 A Yes, sir. It would have.

4 Q Now, you described the gentleman that came in the
5 house.

6 A Which one?

7 Q You described both of them to the police.

8 A Yes, sir. I described both of them -- complexion,
9 height, weight.

10 Q Okay. During your interviews with the police -- you
11 gave an interview that morning, correct?

12 A Yes, sir.

13 Q Okay. That morning -- did you also think you were
14 pregnant at the time?

15 A Yes, sir. I had been -- my menstrual was late. I had
16 been sick prior to any of this happening. So I did. But I
17 found out later that I wasn't.

18 Q Okay. And this is the question I'm getting to,
19 because I know he's going to ask you.

20 Did you ever tell police that Jarvis was the one with
21 the revolver?

22 A Not initially in any of my statements, no, sir. I did
23 not.

24 Q Okay. In fact, did you say that you thought the
25 second guy was somebody named Pete?

1 A Yeah, yeah. I had met him. They -- they favor each
2 other if you could -- I mean, it's irrelevant now, but they
3 do favor each other -- complexion, you know, height, things
4 like that, tattoos.

5 Q But you never told the police that it was Jarvis at
6 the time --

7 A No, sir.

8 Q -- or because I think your last interview was 11 days
9 after this happened.

10 A Yeah. It was about roughly almost two weeks.

11 Q Okay. So you never told them it was Jarvis at that
12 time?

13 A No, because I only met him one time. I wasn't, you
14 know, thinking about him being -- that was the last person
15 I was thinking about.

16 Q But you said he was far enough to cover his face?

17 A Yes, sir. He was. He had his face covered almost the
18 entire time.

19 Q Why would he cover his face?

20 A I'm assuming to keep from being recognized.

21 Q Okay. Is there any specific item on his neck that
22 would make him easily recognizable?

23 A Yeah. He has a tattoo right here in the center. And
24 when it fell, he had on, I guess, you know, like a regular
25 t-shirt. So you can see his neck very clearly. And then

1 he pulled it up real fast like he had it in the video
2 holding it like this where you can only see his top half.

3 Q So you have told the police and our office that it was
4 Jarvis but just not within the first two weeks of the
5 investigation.

6 A Yes, sir. I also texted -- I want to say it might
7 have been Officer Nelson and told them that I was still
8 referring --

9 MR. SNYDER: Objection. That's not in evidence.

10 THE COURT: It's not in evidence what she told?
11 That's why she's testifying, to put it in evidence.

12 MR. SNYDER: We have no record of any text messages
13 sent to the police officers.

14 THE COURT: Okay. Go ahead.

15 A I can continue?

16 Q Finish.

17 A Okay. I had sent Officer Nelson a text message, and I
18 was still referring to Jarvis at this time as Alicia's
19 brother, and I had told him that I remember distinctively
20 when Frankie was buying the Roxies from him that he had a
21 revolver almost just like Frankie's that he was trying to
22 sell him. And Frankie told him he didn't want it because
23 he already had one like it.

24 Q All right. I'm going to show you two pictures. The
25 first is of the first gentleman that enters the house, this

Dixie Wright
Direct examination by Mr. Hunter

1 gentleman right here with the ball cap.

2 A Yes, sir.

3 Q who is that?

4 A That's Rayshon.

5 Q Okay. And this is the gun, almost the submachine gun,
6 that he's carrying?

7 A Yes, sir.

8 Q Okay. And you're sure that's Rayshon.

9 A Yes. I am a hundred.

10 Q And on this gentleman's, what kind of gun is that?

11 A It's a revolver.

12 Q Okay. Now, you weren't sure at the time. But are you
13 sure now?

14 A Yeah. I'm sure now. You can --

15 Q who is this?

16 A This is Jarvis.

17 Q Okay. Is that the same Jarvis that's sitting at the
18 defense table with Mr. Snyder?

19 A Yes, sir.

20 Q Okay. Now, I know you said you thought you were
21 pregnant then. Are you pregnant now?

22 A Yes, sir. I am 25 weeks.

23 Q Okay. Congratulations.

24 A Thank you.

25 Q Real quick just to ask when you were on the ground.

1 were you allowed to move at all once they came in the
2 house?

3 A No, sir.

4 Q Did they make you stay in the same spot?

5 A Yeah. I was made to stay. I was scared also to move.
6 I had a gun at my head.

7 Q You had no freedom of movement for at least that
8 minutes --

9 A Yes, sir.

10 Q -- they were in the house?

11 A Yes, sir.

12 Q And the same with Mr. Spicer?

13 A Yeah. The same with everybody inside the residence.

14 Q In fact, Mr. Spicer stayed on the ground and didn't do
15 anything else the whole time.

16 A He did not speak, did not move, made no motion at all.

17 Q Please answer any questions Mr. Snyder may have for
18 you.

19 A Yes, sir.

20 MR. SNYDER: Judge, as we mentioned earlier, I would
21 like a brief recess right now just to go over some of the
22 things.

23 THE COURT: All right. Let me ask the jury to please
24 go to your jury room.

25 Don't talk about the case. I'll bring you back after

122 Dixie Wright
Cross-examination by Mr. Snyder

1 a short break.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Ms. Wright, you can step down, but you
5 cannot discuss your testimony during the break.

6 THE WITNESS: Yes, sir.

7 THE COURT: You need, what, 15 minutes, 20?

8 MR. SNYDER: Twenty.

9 THE COURT: We'll be at ease for 20 minutes.

10 (Whereupon, a recess was taken.)

11 THE COURT: All right. Ms. Wright, come back around.
12 Bring the jury in, please.

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: All right. Mr. Snyder.

16 MR. SNYDER: Thank you, Judge.

17 CROSS-EXAMINATION

18 BY MR. SNYDER

19 Q Dixie, I'm going to start by apologizing. I know. I
20 couldn't imagine how painful it would have been to see what
21 you saw. That's just traumatic, and I wish that on no one,
22 so.

23 A Yes, sir.

24 Q So you said you never met Rayshon before.

25 A No, sir.

1 Q Okay. And the first time you saw him after this
2 happened was when you saw him at city hall.

3 A Yes, sir.

4 Q Okay. You've given -- you've met with investigators a
5 bunch.

6 A Yeah.

7 Q Especially at the beginning of this case.

8 A Yes, sir.

9 Q You gave a bunch of statements.

10 A Yes, sir.

11 Q Now, Rayshon got shot, correct?

12 A Yes, sir, in the ear.

13 Q But you did know Jarvis.

14 A Yeah. I met him one time.

15 Q And you knew him well.

16 A No. Just -- I just met him that one time. We -- we
17 was in the car with him for maybe -- well, he was in our
18 car for maybe ten minutes.

19 Q Okay. So did you -- when you met for that 10-minute
20 time did you get a good look at his face?

21 A Yeah. He was in the front seat; I was in the back.
22 But he had -- he was turned to the side. I mean, I was
23 just sitting there observing what they had going on.

24 Q So based on that 10-minute meeting you're presented,
25 like, a photo lineup. You had no problem picking him out

1 of the lineup.

2 A Yeah. If I would have been presented one with his
3 photo in it.

4 Q Okay. And when this happened you said both -- or I'm
5 sorry. You said that Rayshon went in first and Jarvis went
6 in second.

7 A Yes, sir.

8 Q Now, all of this time when you met with investigators,
9 you had already I.D.d one of the individuals at city hall.

10 A Yes, sir.

11 Q So like done more.

12 A Yes, sir.

13 Q And at one point you did identify him as a P.D. Red.

14 A Yeah. That -- the first night that's who -- with his
15 tattoos, that's who had came to my mind. They resemble
16 each other. I had met Red probably two or three times
17 through Alicia.

18 Q But you -- but you knew what Jarvis looked like.

19 A Yeah, I know what Jarvis looked like. Not -- now, I
20 just -- I wasn't a hundred -- I could recognize him -- you
21 know what I'm saying -- but, like I said, when his -- when
22 he dropped the thing over his face, it was only for a brief
23 moment. I really just seen the tattoos. That's the only
24 thing that really --

25 Q So you never saw his face.

1 A I seen his face but only for a brief second. I wasn't
2 paying much attention with everything that was going on. I
3 just looked up for a brief moment and, you know, dropped my
4 head.

5 Q But you saw his face.

6 A Yeah.

7 Q And you knew at the time that was Jarvis.

8 A At the time in the house, no. It hadn't registered in
9 my head.

10 Q And when you met with investigators for four or five
11 times after that, did it ever register then?

12 A I never told them that he was the shooter, but they
13 showed me. They showed me a picture of him and said who is
14 this, and I told them who it was. And then they asked me,
15 you know, how do you know him, how did y'all meet, and I
16 told them, you know, the same thing I told you.

17 Q Correct, correct. In that interview you gave where
18 they showed a picture. Did you have any trouble
19 recognizing --

20 A No, sir.

21 Q -- Jarvis?

22 A No, sir.

23 Q During that interview at any point did you tell them
24 that's the guy that shot my boyfriend?

25 A No, sir. I wasn't -- it didn't register at that

1 point. I -- I never -- I'll repeat myself. I never told
2 investigators that he shot Frankie then during my four
3 interviews. I did four interviews and I never said --

4 Q Over a 2-week stretch.

5 A Yeah, two weeks, yeah.

6 Q And you never once said Jarvis was the shooter.

7 A No, sir.

8 Q Because you knew Jarvis. You knew his face, knew him
9 well.

10 A Yeah, no. I didn't know him well. I had only met him
11 one time.

12 Q Okay. But you -- but you saw him during that one time
13 and you -- you got a good enough glimpse of his face to be
14 able to pick him out of a lineup.

15 A When -- I was never given a lineup. I was just shown
16 his picture.

17 Q You could have if you'd wanted.

18 A If -- yeah.

19 Q Okay. Now, you did tell investigators that -- that
20 Rayshon was the one that shot your boyfriend.

21 A Did I say that? Are you asking me if I told
22 investigators that?

23 Q Well, I'm asking you, yes.

24 A Not that I recall. I -- well, from the -- honestly,
25 on my first interview, it was so jumbled I was just trying

1 to tell them everything that I seen. And I couldn't be a
2 hundred percent sure then until I really sat down. And
3 they told me to sit down and really think about it, try to
4 remember any small thing. And then that's when things
5 started coming closer into -- and we ruled out the fact
6 that Rayshon had the semiautomatic. And that was never
7 fired.

8 Q Okay. So -- so the February 23rd interview was two
9 weeks after this happened, roughly two weeks.

10 A Uh-huh, yeah.

11 Q And you had time to process everything then.

12 A Yeah. I had -- if I was thinking about it. I was not
13 getting much sleep, but I tried. I'm going to say it like
14 that. I tried to think about it.

15 Q Well, you remember giving an interview on the 23rd.

16 A Uh-huh.

17 Q Could we do that?

18 MS. MABBS: Would you like the whole?

19 MR. SNYDER: Please.

20 MS. MABBS: You can only actually fast forward it to
21 the 1026 mark.

22 (Pause.)

23 (Whereupon, the video was played for the jury.)

24 Q Okay. That was a little bit different than your
25 testimony today. You saw on the video where you said --

1 THE COURT: Excuse me.

2 Can you sit up in the chair so the court reporter can
3 see?

4 THE WITNESS: Yes, sir.

5 Q Said the guy they had shot was the guy that shot your
6 boyfriend.

7 A That's not what I said on that video.

8 Q Isn't what you said on the video.

9 A What I said on the video was I didn't know anybody had
10 been shot.

11 Q Is that -- do you want to watch it again? You said
12 your long -- got the shot.

13 THE COURT: Mr. Snyder, you're not going to be able to
14 argue with her about what the video says. It's in
15 evidence.

16 MR. SNYDER: Okay.

17 Q All right. So saw -- you were shown the picture of
18 Jarvis.

19 A Yes, sir.

20 Q And you kind of laughed and said, yeah, that's Jarvis,
21 that's not -- not that's the guy that killed my boyfriend.

22 A Yeah. You're right. I said that's Jarvis.

23 Q Okay. Would you have acted like that if that was the
24 person that shot and killed your boyfriend?

25 A I went over this prior before you showed me the video,

1 that I wasn't a hundred percent sure. But I was able to
2 identify him.

3 Q Okay. Now, you testified today that the one time you
4 met Jarvis was during a drug transaction.

5 A Yeah. And let me -- on the video it said I picked up
6 Alicia. The same place I had picked her up was the same
7 place I had met him prior, in the same trailer park.

8 I also went over that with Eddie and was telling him
9 how to get back to the trailer park, just how I was doing
10 in the video.

11 Q So you met him twice?

12 A He wasn't there when I picked her up. That's where I
13 met him prior, the first time. I picked her up from his
14 house. That's what I said in the video. I picked her up
15 from Jarvis' house.

16 Q When did you learn that Jarvis had a tattoo on his
17 neck?

18 A In the house when the thing fell. I said that he had
19 on a t-shirt. So it made it clear that, you know, he had
20 tattoos on his neck.

21 And then in the -- I believe it was a mug shot. He
22 had them on his neck. That is when I knew that he had
23 tattoos on his neck. But I still wasn't a hundred percent
24 sure that he -- you know, I made that clear the whole time,
25 that I wasn't a hundred percent sure that he was, you know,

1 the person that shot him.

2 Q You said Jarvis was the second person that entered?

3 A Yes, sir.

4 Q And his face was covered?

5 A Yes, sir.

6 Q With what?

7 A I'm not sure what it was. It was, like, maybe a shirt
8 or a scarf or something. It was just, you know, held up.
9 He was holding it. It's not -- wasn't tied or anything
10 like that.

11 Q And it was covered most of the time?

12 A It fell. From the moment that I said it fell in the
13 video, it fell for a brief moment, and he picked it back
14 up. And as when he was running out, he had it covered too.

15 Q Okay. You said in the interview that his face wasn't
16 covered.

17 A I should have specified that the other boy's wasn't
18 covered and that his fell, because I told him that one boy
19 had it. In the video I said that one had it covered and
20 the other one didn't have anything on his face. It only
21 fell for a brief moment, and he picked it back up. But at
22 that point in time I wasn't -- I was just trying to tell
23 them as much as I could possibly tell them.

24 Q So his face was covered because he was holding
25 something and covered his face the entire time? You said

1 that one little instance.

2 A Yeah. When he came in the house, it fell for a brief
3 moment, and he picked it back up.

4 Q He had his hand over his mouth pretty much the whole
5 time.

6 A Yeah, pretty much holding that thing, whatever it was,
7 piece of fabric.

8 Q And I knew you referred to a text message, but we
9 don't have that today.

10 A Yes, sir. That's understandable.

11 Q And, actually, today is the first time I've heard you
12 mention that Jarvis was involved.

13 A Yeah, to you.

14 Q To me. Well, it's -- I have played interviews with
15 investigators where you don't mention Jarvis at all.

16 A I've had a few meetings with Eddie. The more that the
17 case has come and more evidence has been brought in, I
18 became more and more, you know, sure. But I'm not going to
19 sit here and tell you I'm a hundred percent sure. I can't
20 do, not like I did with Rayshon. So I'm not going to sit
21 here and say I am a hundred percent sure. But I can tell
22 you with my gut feeling that he was in the house.

23 Q Well, you know Rayshon was there because he got shot.

24 A Yeah. And I identified him 110 percent.

25 Q 110 percent.

Dixie Wright
Redirect examination by Mr. Hunter

1 A Yeah.

2 Q But none of those interviews that were recorded, you
3 never mentioned Jarvis.

4 A No. With investigators I never said that Jarvis was
5 the shooter, no, sir.

6 Q You never said he was there.

7 A I -- we -- we were never clear on who the second
8 person was. We were still trying to figure out. I could
9 never make my mind up. It went from being P.D. Red, to,
10 you know, me thinking it was Jarvis. I was never a hundred
11 percent sure. Like I said, I only saw his face for a brief
12 moment.

13 Q But it's clear from that interview you knew Jarvis
14 well.

15 A I didn't know him well.

16 MR. HUNTER: Objection, Your Honor. That's been asked
17 and answered.

18 THE COURT: It has.

19 MR. SNYDER: I have no more questions.

20 THE WITNESS: Okay.

21 MR. HUNTER: One question, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. HUNTER

24 Q I know you just said you were not one hundred percent
25 sure at the time, you weren't a hundred percent. But are

1 you firmly convinced today that that is Jarvis Strickland?

2 A Yes, sir. I mean, just from the picture, you can look
3 at his hairline, his complexion, his hands. I mean,
4 little, small things you can look at and tell. Today now
5 that I've seen all of the evidence, I'm a hundred percent
6 sure.

7 Q Okay. Thank you.

8 THE COURT: You may step down.

9 We will recess for the afternoon.

10 Let me caution the jury, as I did before lunch. Don't
11 talk about the case; don't allow anyone to talk about it
12 with you.

13 No investigation, no media exposure, no research of
14 any kind. You can't go on the internet and try to look
15 things up.

16 You've got to base your decision upon what you see and
17 hear during the trial. So no outside research,
18 investigation, discussions or exposure to media coverage.

19 Have a good evening. Please report to your jury room
20 at 9:30 in the morning, 9:30 in the morning.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: Court is in recess until 9:30 in the
24 morning.

25 END OF PROCEEDINGS NOVEMBER 6, 2018

1 (Proceedings November 7, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are we ready for the jury?

5 MR. HUNTER: May we approach, Your Honor?

6 THE COURT: Okay.

7 (Bench conference held off the record.)

8 THE COURT: All right. Are we ready for the jury?

9 MR. HUNTER: The state's ready, Your Honor.

10 THE COURT: Is the defense ready?

11 MR. SNYDER: Yes, sir.

12 (The following takes place in the presence of the
13 jury.)

14 THE COURT: Good morning, ladies and gentlemen.

15 As you know, when we recessed yesterday the state was
16 in the midst of their presentation of evidence. So we'll
17 continue with that presentation this morning.

18 MR. HUNTER: Your Honor, the state is going to call
19 Alicia Pilgrim. They're bringing her in now.

20 ALICIA DANIELLE PILGRIM,
21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. HUNTER

23 Q Please state your full name for the record.

24 A Alicia Danielle Pilgrim.

25 Q Ms. Pilgrim, what have you been charged with?

1 A Murder, burglary, attempted robbery, two counts of
2 kidnapping, weapon during a violent crime and attempted
3 robbery.

4 THE COURT: Pull up a little bit closer to that black
5 microphone, please.

6 THE WITNESS: Yes, sir.

7 Q When were you arrested for those charges?

8 A On February the 11th of 2017.

9 Q And where were you located?

10 A When I --

11 Q where were you arrested?

12 A Lexington, South Carolina.

13 Q You're not from Lexington, are you?

14 A No, sir.

15 Q where are you from?

16 A Spartanburg, South Carolina.

17 Q where were you born and raised?

18 A Spartanburg, South Carolina.

19 Q Any smaller town outside of Spartanburg?

20 A Inman?

21 Q First, I want to talk to you about your relationship
22 with Mr. Villar and Dixie Wright.

23 A Yes, sir.

24 Q We're going to call him Frankie because I think that's
25 how everybody knew him as. Okay?

1 A Yes, sir.

2 Q How long had you known Frankie?

3 A Since 2015.

4 Q Okay. And what type of relationship did y'all have?

5 A Just a friendship.

6 Q And how long have you known Dixie Wright?

7 A I say November of 2016, so.

8 Q So around Thanksgiving?

9 A Yes, sir.

10 Q Okay. Was she dating Frankie at that time?

11 A Yes, sir.

12 Q Okay. How was y'all's initial relationship -- you and
13 Dixie?

14 A We were friends.

15 Q Okay. Did at some point you strike a bargain with
16 Mr. Villar?

17 A Yes, sir.

18 Q And what was that supposed to be for?

19 A I was going to marry his cousin in exchange for a car
20 and some money.

21 Q Okay. Did you ever marry his cousin?

22 A No, sir.

23 Q Did you ever receive the car?

24 A No, sir.

25 Q Did you ever receive the money?

1 A No, sir.

2 Q Was that an issue between you and Frankie?

3 A Yes, sir.

4 Q Howso?

5 A It caused, like, our friendship just wasn't the same
6 because we were arguing about it. He thought that I should
7 do one thing and I thought he should do another.

8 Q And this happened about a month before he was killed?

9 A Yes, sir.

10 Q Okay. When you first were arrested did you tell
11 police about your involvement in this case?

12 A No, sir.

13 Q In fact, did you automatically deny any involvement in
14 this case?

15 A Yes, sir.

16 Q Okay. And you didn't tell police anybody else
17 involved?

18 A No, sir.

19 Q Okay. What was your story when you were first
20 arrested?

21 A That I was there just visiting like I always do and
22 some guys entered the house and shot and I ran out of the
23 house and went to Lexington.

24 Q Okay. Was that the truth?

25 A No.

1 Q Okay. Recently you decided to cooperate with
2 investigators?

3 A Yes, sir.

4 Q And I just want to be truthful and fully honest with
5 the jury. As part of your cooperation were you given a
6 plea agreement?

7 A Yes, sir.

8 Q What charges did you plead guilty to?

9 A Manslaughter, burglary in the second degree and
10 attempted robbery.

11 Q So murder was dropped to a voluntary manslaughter.

12 A Yes, sir.

13 Q The burglary was dropped from a first degree to a
14 second degree violent.

15 A Yes, sir.

16 Q And the attempted armed robbery stayed as charged.

17 A Yes, sir.

18 Q Did anybody threaten you to make that deal?

19 A No, sir.

20 Q Were you promised anything outside of a
21 recommendation? Because we'll talk about the
22 recommendation here soon. Were you promised anything
23 outside of a recommendation to do the deal?

24 A No, sir.

25 Q Was there anything other than your truthful testimony

1 that you were supposed to give?

2 A No, sir.

3 Q Did anybody either from my office -- myself,
4 Ms. Mabbs, investigators -- did they tell you what to say?

5 A No, sir.

6 Q Did anybody tell you to say Jarvis was there?

7 A No, sir.

8 Q Nobody from our office or the police office told you
9 that.

10 A No, sir.

11 Q And you were given a recommendation if you were to
12 testify truthfully, correct?

13 A Yes, sir.

14 Q And that recommendation was a 10-year sentence
15 suspended to five years with three years probation.

16 A Yes, sir.

17 Q Okay. But as part of that, the deal's recommendation,
18 you had to come here in court today and testify to the
19 truth.

20 A Yes, sir.

21 Q And you put your hand on that Bible and you said you
22 were going to tell the truth.

23 A Yes, sir.

24 Q All right. So now we're going to tell the truth.

25 A Yes, sir.

1 Q where were you on the night of February 11th of 2017
2 after midnight?

3 A In Spartanburg County.

4 Q Okay. whose house were you at?

5 A I was at my uncle's house.

6 Q Okay. who is your uncle?

7 A woody Pilgrim.

8 Q Okay. And where does he live?

9 A off 176.

10 Q So that's Asheville Highway.

11 A Yes, sir.

12 Q Before 26 or after 26 closer to Inman?

13 A Closer to Inman.

14 Q Okay. who else was there with you?

15 A Just me, my uncle, his girlfriend at the time and my
16 two cousins.

17 Q who are your two cousins?

18 A Terrell Davis and Alonzo Pilgrim.

19 Q Do you stay there all night?

20 A No, sir.

21 Q what -- let me first ask. when you first told
22 investigators about this night, that part of the story is
23 the same, is it not?

24 A Yes, sir.

25 Q But from here on it differs, correct?

1 A Yes, sir.

2 Q where did you go from woody's house?

3 A I went to my friend Efrain's house.

4 Q Now, Efrain. We heard the name mentioned yesterday
5 Jeff. Is that the same person?

6 A Yes, sir.

7 Q Okay. Can you briefly describe his appearance?

8 A He's Puerto Rican, maybe 5'8", 5'9", curly hair.

9 Q Okay. He doesn't look anything like an
10 African-American.

11 A No, sir.

12 Q Okay. Why did you go to Efrain's house?

13 A Because he's my best friend and we always hang out.
14 He called me over.

15 Q Okay. So who took you there?

16 A My cousin, Terrell.

17 Q And what did you do when you get -- you get there?

18 A Me and him hung out, talked about where we were going
19 to get some weed from. And then maybe about 20 or 30
20 minutes later, that's when Jarvis arrived.

21 Q Okay. Where does Efrain live?

22 A In Beaumont.

23 Q In Beaumont?

24 A Yes, sir.

25 Q In the mill village?

142 Alicia Danielle Pilgrim
Direct examination by Mr. Hunter

1 A Yes, sir.

2 Q Okay. So you said 30 minutes later Jarvis showed up?

3 A Yes, sir.

4 Q Are Efrain and Jarvis friends?

5 A Yes, sir.

6 Q Okay. How long have you known Jarvis Stripling?

7 A All my life.

8 Q And that's the gentleman seated over there with Mr.
9 Snyder.

10 A Yes, sir.

11 Q Seated over there. Excuse me.

12 A Yes, sir.

13 Q You've known him all of your life.

14 A Yes, sir.

15 Q Who does he show up with?

16 A Rayshon Smith, as well as another male that I don't
17 know.

18 Q Did you even really know Rayshon Smith that night?

19 A No.

20 Q You ever met him before?

21 A No, sir.

22 Q You facebook friends with him?

23 A No, sir.

24 Q But you've known his name now through this trial?

25 A Yes, sir.

1 Q who decided to go rob Mr. Villar?

2 A Well, it was already planned when they got there.

3 That's where they were headed to.

4 Q How did they know that he would have drugs and money?

5 A I had mentioned it.

6 Q Okay. You had mentioned possibly robbing him in the
7 future?

8 A Yes, sir.

9 Q And why would you do that?

10 A Because he's a drug dealer and he wasn't going to call
11 the police.

12 Q Okay. So why did you want to rob him? You said he
13 was a friend.

14 A Because we weren't friends any more.

15 Q But the main reason is that you knew you could get
16 away with it because drug dealers don't call police?

17 A Yes, sir.

18 Q Okay. Who is driving the vehicle when they show up?
19 Do you know that person?

20 A No, sir.

21 Q And what kind of vehicle was it?

22 A A Crown Vic.

23 Q Okay. So they're deciding to rob Mr. Villar that
24 night?

25 A Yes, sir.

1 Q why did you get in the car?

2 A Because I said I was going to ride because I knew that
3 I could get access into the house.

4 Q Okay. Did Rayshon ever know Mr. Villar?

5 MR. SNYDER: Objection. That's speculation.

6 THE COURT: If she knows, she can answer.

7 Go ahead.

8 Q Do you know if Rayshon knew Frankie?

9 A No, sir. I'm not aware of that.

10 Q Okay. But did Jarvis know Frankie?

11 A Yes, sir.

12 Q And how did they know each other?

13 A They had did a transaction before.

14 Q A transaction. What type of transaction?

15 A I think he had met him to get some pills at one time.

16 Q Okay. But they knew each other through you.

17 A Yes, sir.

18 Q Okay. So from Beaumont to Marlboro Road, that's not a
19 very far drive, is it?

20 A No, sir.

21 Q Okay. And you didn't know who was driving?

22 A No, sir.

23 Q So they were -- do you know if they were friends with
24 Jarvis or Rayshon?

25 A I would take it being that they rode together.

1 Q Okay. Still to this day you don't know who was
2 driving the car.

3 A No, sir.

4 Q Okay. But you're in the car with the driver. Where
5 is Jarvis seated?

6 A In the back seat.

7 Q And where is Rayshon seated?

8 A In the passenger.

9 Q Where do y'all go?

10 A Over to Marlboro Road.

11 Q Okay. Do you tell them how to get there, or did they
12 already know?

13 A I described how to get there.

14 Q Okay. Where do y'all pull up?

15 A About two houses down from Frankie's.

16 Q So is Frankie's house the first one on the left once
17 you turn onto Marlboro Road?

18 A Yes, sir.

19 Q So a few houses down?

20 A Yes, sir.

21 Q Where did y'all pull into?

22 A Just the house.

23 Q Okay. Did it have any lights on?

24 A No, sir.

25 Q Any outdoor lights on?

1 A No, sir.

2 Q Can you describe Marlboro Road? Are there any lights
3 usually in the -- in the darkest night?

4 A No, sir.

5 Q And what city is Marlboro Road in?

6 A Spartanburg.

7 Q Okay. And what city is -- did this take place in?

8 A Spartanburg.

9 Q Okay. In the County of Spartanburg as well?

10 A Yes, sir.

11 Q Once y'all park, what do you do?

12 A I get out of the car and go to Frankie's house.

13 Q Okay. And then -- do you have a beer in your hand?

14 A Yes, sir.

15 Q And your phone as well?

16 A Yes, sir.

17 Q Were you getting facebook phone calls when you were up
18 there?

19 A I really can't remember at that time.

20 Q Okay. Did it appear you were talking on the phone
21 though on the video?

22 A Yes, sir.

23 Q What do you do when you come to the front door?

24 A I knock on the door.

25 Q Does Frankie immediately open the door?

1 A He takes about two or three minutes, and then he comes
2 to the door.

3 Q Y'all stand outside talking for a little bit?

4 A Yes, sir.

5 Q Okay. He's kind of in the threshold of the door, just
6 a little bit under the porch?

7 A Yes, sir.

8 Q And where are you?

9 A Standing on the front porch.

10 Q Okay. What are y'all talking about?

11 A We're talking about the disagreement we had been
12 having about his cousin as far as the marriage and the car.

13 Q Can you speak up a little bit so we can all hear you?

14 A We were talking about the disagreement we had
15 involving the marriage and the car.

16 Q Okay. Looked a little heated. You talk with your
17 hands a lot, don't you?

18 A Yes, sir.

19 Q Okay. But at some point are you let in the house?

20 A Yes, sir.

21 Q Okay. Where does Frankie go at this time?

22 A To the back of the house.

23 Q Okay. Who is in the living room?

24 A Dixie Wright and Simon Spicer.

25 Q Can you describe Simon?

1 A He's a taller black male.

2 Q what does he act like?

3 A A drug addict.

4 Q Okay. what do you do when you walk into the living
5 room?

6 A I sit down and start talking to Dixie wright.

7 Q Okay. Do you mess with Simon's drill a little bit?

8 A Yes, sir.

9 Q He wasn't happy about that, was he?

10 A No, sir.

11 Q Okay. So y'all are talking for a while. was the door
12 shut when you first come back in the house?

13 A Yes, sir.

14 Q was it then opened before the gentlemen come in?

15 A Yes, sir.

16 Q Okay. Did you make sure that happened?

17 A Oh, yes, sir.

18 Q Okay. And why did you make sure that happened?

19 A So that they could come into the house.

20 Q Approximately ten minutes after you come in the house
21 is when two gentlemen come in the house with guns. Did you
22 know they were coming in?

23 A Yes, sir.

24 Q Did you know who they were?

25 A Yes, sir.

1 Q Were you part of the plan to rob Mr. Villar?

2 A Yes, sir.

3 Q What were y'all going to rob him of?

4 A Drugs and money.

5 Q Did you admit to police during your first interview
6 that you knew he had a safe?

7 A Yes, sir.

8 Q Did you admit to them that you knew he carried cash?

9 A Yes, sir.

10 Q And that he had drugs?

11 A Yes, sir.

12 Q Usually on his person or on his coffee table?

13 A Yes, sir.

14 Q Is that what you were coming to rob?

15 A Yes, sir.

16 Q I show you State's Exhibit 15.

17 A Yes, sir.

18 Q Now, are those the two gentlemen that came in the
19 house --

20 A Yes, sir.

21 Q -- with you?

22 A Yes, sir.

23 Q This gentleman in the back right here -- this appears
24 to be a large gun, doesn't it?

25 A Yes, sir.

1 Q who was the gentleman in the hat?

2 A Rayshon Smith.

3 Q That's Rayshon Smith?

4 A Yes, sir.

5 THE COURT: Use the microphone, please.

6 THE WITNESS: Rayshon Smith.

7 Q You need to speak loud.

8 A Rayshon Smith.

9 Q Okay. And the second gentleman is pictured back here?

10 A Yes, sir.

11 Q I'm going to show you a closeup of that. That
12 gentleman, weapon right here, revolver, correct?

13 A Yes, sir.

14 Q I know it's difficult for you, but who is that?

15 A Jarvis Stripling.

16 Q why is that difficult for you to say?

17 A Because that's my friend.

18 Q why didn't you tell the police from the beginning?

19 A Because I just didn't want anyone to get into trouble.

20 Q You didn't tell them about Rayshon either, did you?

21 A No, sir.

22 Q In fact, you didn't tell the police about anybody that
23 participated when you first were interviewed.

24 A No, sir.

25 Q Are you telling us this because you got a deal or

1 because it's the truth?

2 A Because it's the truth.

3 Q When they enter the house, where are you located?

4 A On the couch in the living room.

5 Q On the chase-lounge portion?

6 A Yes, sir.

7 Q Where is Simon located?

8 A On the love seat.

9 Q So on the far corner?

10 A Yes, sir.

11 Q And is Frankie kind of in the middle?

12 A Yes, sir.

13 Q Where did Jarvis and Rayshon go?

14 A Just in the living room.

15 Q Okay. What do you do once Jarvis and Rayshon enter
16 the house?

17 A I then tell Simon Spicer to get on the ground, and I
18 go and tell Dixie to get on the ground.

19 Q Did you just tell Dixie --

20 THE COURT: Excuse me just a minute.

21 Get closer to that microphone, please, and use it.

22 Q You need to bend down a little bit and use it if you
23 can. Okay?

24 A Yes, sir.

25 Q Do you just tell Dixie to get on the ground?

1 A No, sir. I jerk her up by her hair and pull her down
2 to the ground.

3 Q Do they start asking for the money and drugs?

4 A Yes, sir.

5 Q But does Frankie give it up?

6 A No, sir.

7 Q What is Frankie saying?

8 A No, that it's not anything in the house.

9 Q Does he ask y'all to leave?

10 A Yes, sir.

11 Q Now, at this point Dixie's on the ground?

12 A Yes, sir.

13 Q And Simon is on the ground.

14 A Yes, sir.

15 Q Are they able to move around at all?

16 A No, sir.

17 Q And y'all keep them down on the ground for at least a
18 full minute?

19 A Yes, sir.

20 Q Does Frankie get on the ground?

21 A He takes his time, but then he actually sits down. He
22 doesn't lay down.

23 Q So he kind of sits down on the couch?

24 A On the floor.

25 Q On the floor?

1 A Yes, sir.

2 Q But does he ever get face down on the floor?

3 A No, sir.

4 Q what do you observe at that time?

5 A At that time, that's when Frankie pulls out a gun and
6 fires.

7 Q who does he fire at?

8 A Just toward the gentlemen.

9 Q So you're not -- you're not next to the gentlemen at
10 this point.

11 A No, sir.

12 Q when you say the gentleman, who are you referring to?

13 A Rayshon Smith and Jarvis Stripling.

14 Q what do you do at this point?

15 A I then run out of the house.

16 Q Do you remember who came out of the house with you?

17 A No, sir.

18 Q In what order?

19 A No, sir.

20 Q But do you remember running out of the house and they
21 ran out with you?

22 A Yes, sir.

23 Q what direction do they go?

24 A To the left.

25 Q Back towards the car?

Alicia Danielle Pilgrim
Direct examination by Mr. Hunter

1 A Yes, sir.

2 Q What direction do you go?

3 A To the right.

4 Q And when you say to the right, does that mean back to
5 John B. White?

6 A Yes, sir.

7 Q When you get to John B. White, where do you go?

8 A I go to the Main Street Motel.

9 Q Describe how you get there --

10 A Once I --

11 Q -- from John B. White.

12 A Once I get back to John B. White, I make a left and I
13 go to the Q.T. I then cross across the street. And Main
14 Street Motel is just like a couple of steps ahead.

15 Q Okay. Up at the next light?

16 A Yes, sir.

17 Q Did you see police cars?

18 A Yes, sir.

19 Q Who came to pick you up?

20 A My friend Efrain.

21 Q And what car does he drive?

22 A His car, his Impala.

23 Q So he doesn't drive a Crown Vic.

24 A No, sir.

25 Q He drives a purple and burgundy Impala?

1 A Yes, sir.

2 Q where does he take you?

3 A Back to his house.

4 Q why did you have to leave town?

5 A Because I'm scared. I don't really know what's
6 happened, but I know that -- what just happened. But I'm
7 not aware at that time, but I'm scared.

8 Q You're scared because you know that Frankie had some
9 drugs there.

10 A Yes, sir.

11 Q Okay. And you know that shots were fired?

12 A Yes, sir.

13 Q Did you know that he had passed away?

14 A No, sir.

15 Q How did you find that out?

16 A Later on that afternoon around 1:00 o'clock on Google.

17 Q And you saw police cars, so you knew you were in
18 trouble?

19 A Yes, sir.

20 Q Is that why you ran to Lexington?

21 A Yes, sir.

22 Q When you got into the car at Efrain's house with
23 Jarvis and Rayshon, did y'all have to stop anywhere to get
24 guns, or did they already have the weapons?

25 A They already had them.

1 Q Okay. And we know with this picture -- you stated
2 this is Jarvis Stripling.

3 A Yes, sir.

4 Q And what kind of gun does he have?

5 A A smaller gun.

6 Q Please answer any questions Mr. Snyder may have for
7 you?

8 A Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. SNYDER

11 Q You were on the trial docket this week, right?

12 A Yes, sir.

13 Q So you had a decision to make, whether to have a jury
14 trial or plead guilty.

15 A Yes, sir.

16 Q Correct?

17 A Yes, sir.

18 Q And you knew you were on video being at that house,
19 correct?

20 A Yes, sir.

21 Q So you knew your chances of being successful at trial
22 were slim, correct?

23 A Yes, sir.

24 Q So at that point you're trying to get the best deal
25 possible, correct?

1 A Just plea down, plead guilty.

2 Q You knew you were looking at spending the rest of your
3 life in prison, correct?

4 A Yes, sir.

5 Q And, essentially, the plea agreement required you to
6 help the state convict Jarvis Stripling, correct?

7 A Yes, sir.

8 Q And that if you didn't they would argue for the
9 maximum sentence.

10 A Yes, sir.

11 Q But if you did help the state, they would recommend
12 that you spend not the rest of your life in prison, but
13 five years.

14 A Yes, sir.

15 Q And you've already been in jail for 600 days, correct?

16 A Yes, sir.

17 Q So that wouldn't be much longer.

18 A Yes, sir.

19 MR. SNYDER: One second, Your Honor.

20 (Pause.)

21 MR. HUNTER: Your Honor, I object to him talking to
22 Mr. Hall. Mr. Hall is Mr. Revera's attorney.

23 THE COURT: Mister who?

24 MR. HUNTER: Robert Hall.

25 THE COURT: Is Mr. -- is who's attorney?

Louis Maceo Nelson, Sr.
Direct examination by Ms. Mabbs

1 MR. HUNTER: Was Efrain Rivera's attorney, Your Honor.

2 THE COURT: Oh, well, overruled.

3 (Pause.)

4 MR. HUNTER: Your Honor, if we're about to ask what I
5 think he is, I would like to approach.

6 THE COURT: Okay.

7 (Bench conference held off the record in the presence
8 of the jury but out of the hearing of the jury.)

9 Q Finally, Alicia, you're a convicted felon, correct?

10 A Yes, sir.

11 Q Thank you.

12 MR. HUNTER: No redirect, Your Honor.

13 THE COURT: You may step down.

14 (Whereupon, the witness was excused.)

15 MS. MABBS: Your Honor, the state would call
16 Investigator Louis Nelson.

17 LOUIS MACEO NELSON, having
18 been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MS. MABBS

20 Q Investigator Nelson, can you please introduce yourself
21 to the jury?

22 A My name is Louis Maceo Nelson, Sr.

23 Q And where do you work, Investigator Nelson?

24 A I work with the City of Spartanburg with the police
25 department in the criminal investigations bureau.

1 Q And how long have you been at the police department?

2 A I've been with Spartanburg for going on 12 years, and
3 I've been a police officer with other agencies for 25.

4 Q And what's your position at the police department?

5 A I'm an investigator in violent crimes.

6 Q And can you explain to us what some of your duties as
7 an investigator with the violent crimes division are?

8 A Basically, I follow up with incident reports that are
9 generated from patrol officers when they go out to a scene.
10 They take reports on -- on violent crimes. Sometimes I'm
11 called to the scene to conduct a followup immediately at
12 the crime scene.

13 Q So can you explain briefly how those cases are
14 assigned out? Do you pick the cases or are they assigned
15 to you from someone else?

16 A The cases are assigned to me from any supervisor,
17 which is a lieutenant over -- and sometimes a sergeant.
18 Violent crimes such as criminal sexual conduct or sexual
19 assault, armed robberies, attempted murders, murders,
20 arsons, things of that nature are -- are the type of crimes
21 that I'm assigned to follow up and investigate.

22 Q And were you assigned to a case on February 11th of
23 2017?

24 A Yes. I was called out.

25 Q Okay. And can you tell us a little bit about when you

160 Louis Maceo Nelson, Sr.
Direct examination by Ms. Mabbs

1 first got the call?

2 A I -- I was called out, along with my partner who is
3 Investigator Taylor, by my supervisors. I was called at
4 home. It was in the -- sometime around 5:00 or a little
5 after 5:00 a.m.

6 And I was briefed, basically told that there had been
7 a shooting, a home invasion, at 123 Marlboro Road. And I
8 was instructed just to go out to the crime scene and follow
9 up and start conducting an investigation into what
10 happened.

11 Q So then did you respond to 123 Marlboro Road?

12 A I responded to 123 Marlboro Road and met with my
13 partner, Investigator Taylor.

14 Q And when you arrived at the scene were there already
15 other officers present?

16 A Yes. There were officers, patrol officers, already on
17 the scene. They had cordoned or put the crime scene
18 barrier tape, the yellow tape, that you always see. They
19 had put that up around the residence. And E.M.S. had
20 already been there and left. The patrol supervisor,
21 Sergeant Mark Norungolo, was there. He briefed
22 Investigator Taylor and I on what was going on at that
23 time.

24 Q When you arrived at the scene the victim's body had
25 already been removed by E.M.S.?

1 A Yes. There -- the only people on the scene when we
2 arrived were the patrol officers that responded to the
3 scene.

4 Q Okay. So after you were briefed, what did you do at
5 the -- at the scene?

6 A I guess you could say I'm a visual person. I -- I
7 just wanted to go inside the residence and just to make an
8 observation of what the inside of the residence looked
9 like, because I had been informed that we had witnesses
10 that had already been transported to city -- city hall.
11 And so before I went -- before going to city hall to begin
12 an interview with them I just wanted to see what the crime
13 scene looked like so I would know what questions to ask of
14 -- of the witnesses.

15 Q And what were some of the things you observed at the
16 crime scene?

17 A I just -- I just walked, basically, into the initial,
18 the living room, where everything took place.

19 I did notice as soon as I walked in and looked to my
20 left there was a large pool of blood on the floor near the
21 couch and it just looked -- you know, the rest of it was
22 just a furnished -- furniture in the residence. And there
23 wasn't a whole lot to really see at that point.

24 Q Was there a weapon that you observed at the crime
25 scene?

1 A I think maybe that there was a small revolver that was
2 over in the area. I can't remember if it was on the floor
3 or if it was sitting on the -- on the couch.

4 Q Was that near the pool of blood that you observed?

5 A Yes, it was. It was right -- right in that area.

6 Q And did you observe any shell casings later there?

7 A I didn't. I was -- I was only in the residence for a
8 short period of time. I just kind of stuck my head in and
9 looked. And then we backed. I backed out and went to city
10 hall to begin the interviews.

11 Q Because it would be Officer Cloran who we heard from
12 yesterday. It's his job to collect the evidence and not
13 your job, is that correct?

14 A That's correct, that's correct. We generally give
15 instruction on what to collect.

16 Q And so after you left the scene and returned to city
17 hall, what did you do at city hall?

18 A Once I got back -- once we got back to city hall, we
19 went into the interview room. The first person that we
20 spoke to was Ms. Wright.

21 Q And those -- and can you explain a little bit what you
22 mean by interview room?

23 A The interview room is a very, very small room. I
24 would say maybe seven by seven, seven by eight, small room
25 with cameras that record what's happening inside the room

1 by video and audio.

2 Q And would that be the room, I believe, we saw briefly
3 yesterday during the interview?

4 A The room that -- the room that -- on the video that
5 Dixie was in, yes.

6 Q Because those interview rooms are -- have recording
7 capabilities?

8 A Yes.

9 Q And is that just your standard procedure to interview
10 witnesses in those rooms?

11 A Yes.

12 Q And when you met with Dixie, what was she able to tell
13 you?

14 A Dixie -- Dixie stated that while -- while inside the
15 residence that there was a knock at the door. And they
16 figured out that it was Alicia Pilgrim at the door. And
17 because of an ongoing disagreement between Frankie and
18 Alicia and with the time of the -- you know, being so early
19 in the morning, or late, they -- they didn't want to
20 entertain her at that time. They didn't want her to come
21 in.

22 She continued to knock on the door, and eventually she
23 gained access into the house, and she came inside. And
24 once she was inside, not long after that two males, two
25 black males, entered the residence armed with -- one armed

1 with a small gun and one with a larger gun.

2 They ordered everyone in the house down on the floor,
3 and at that point Dixie stated that Ms. Pilgrim --
4 Alicia -- began to give instructions as to telling them
5 what to do, and that she began to ask about the safe,
6 inquire about the safe, where is the safe.

7 And that led up to Frankie pulling his weapon. I
8 think she said that it possibly came from his waistband in
9 the back. She pulled it out. Well, he pulled it out and
10 he fired a shot and got off one shot, maybe two shots.

11 And there was of course the two gentlemen that came
12 into the residence, two black males. One of them returned
13 fire striking Frankie. And he collapsed right there where
14 he was seated. And then everyone fled from the house.

15 Q After you finished this interview with Ms. Wright,
16 what did you do with her? where did you place her?

17 A Well, at city hall we only have one interview room.
18 It's kind of confined.

19 When you have multiple people that you have to
20 interview, we usually rotate them to a different location
21 in the office.

22 I learned that there was supposed to be a second
23 shooting that occurred in Norris Ridge. So now with the
24 shooting that we were working, we were trying to move
25 Ms. Dixie Wright into another location in the building,

1 which wound up being going over back in towards the squad
2 room, the patrol room.

3 So unknown to me, there was another person that was
4 sitting in the squad room. So I took her over there, and
5 we were going to rotate Simon Spicer and bring him in since
6 he was the second witness to interview him. But Jeff
7 Kirby, Investigator Kirby, had already spoken to him at
8 another location in one of the supervisor's office in a
9 closed-in area, and he got a statement from him.

10 Q So after you, like, dropped off Dixie in the patrol
11 room, did you end up speaking with her again that day?

12 A Yes, I did.

13 Q And what -- what prompted that second conversation?

14 A Generally, because of the hour of the day when people
15 go through a traumatic event, a lot of times they're not
16 thinking clearly. Everything is not clear. So we
17 generally try to give them some time to come down off the
18 adrenaline dump. And we just wanted to speak with her
19 after she had time to get some rest and come back and see
20 if we can get some more details from her.

21 Q After you left her in the interview room did she end
22 up kind of waving you back down?

23 A Yes.

24 Q And what did she want to inform you of at that point?

25 A She -- she wanted me -- wanted to inform me that one

1 of the persons that was involved and coming into the house,
2 the home invasion, that he was actually seated in the squad
3 room across from her.

4 Q And was that Rayshon Parker or Rayshon Smith?

5 A Yes. It was Rayshon.

6 Q And when she identified him at that point -- well, let
7 me back up.

8 During that initial interview before you sent her to
9 the patrol room was she able to specifically identify
10 anyone involved other than Alicia Pilgrim?

11 A No.

12 Q But once she saw Rayshon in the small room at that
13 point, that that was when she was able to identify him?

14 A Yes. When she was dropped off Officer Adorno flagged
15 me down and told me that Dixie was upset, that she was
16 saying that that guy was one of the guys that came into the
17 house.

18 Q And was she able to identify which weapon Rayshon had?

19 A I believe she stated that he had the machinegun type.

20 Q That would be State's 15, this larger weapon?

21 A Yes.

22 Q Now, Investigator Nelson, as a police officer are you
23 familiar with firearms --

24 A Yes.

25 Q -- generally speaking? And would a machinegun or

1 submachine gun, would that produce shell casings?

2 A It would.

3 Q And forgive my ignorance on weapons. When we talk
4 about shell casings, that would be something that would --
5 if you fired that weapon would it automatically shoot a
6 shell casing out?

7 A Yes. You'd have the -- the bullet or what we refer to
8 as a projectile. When -- when the weapon is fired the
9 trigger is pulled. The hammer strikes the primer, and it
10 discharges the round through the weapon.

11 And in an automatic weapon the shell casing is
12 discharged through the side. It's kicked out. And the
13 next round is automatically loaded into the chamber of the
14 weapon.

15 Q So at the time that -- right after Dixie saw face to
16 face Rayshon, was she able to identify the second man with
17 the revolver at that point?

18 A No, she was not.

19 Q And during the course of your investigation did Jarvis
20 Stripling become a suspect?

21 A Yes, he did.

22 Q And after you first got his name as a suspect were you
23 able to compare him to some video footage?

24 A Yes.

25 Q Would that be this security footage that we've seen

1 yesterday?

2 A Yes.

3 Q So that would include this Exhibit 16, the still from
4 that footage?

5 A Yes.

6 Q And based off of that were you able to identify that
7 man?

8 A We were.

9 Q And who did you identify him as?

10 A Jarvis Stripling.

11 Q And the weapon that Mr. Stripling is holding, the
12 revolver -- and I know we just talked about the machinegun,
13 but does a revolver -- does that do the same thing that you
14 mentioned where it -- I forgot the word used -- discards or
15 discharges the shell casings?

16 A No. A revolver is -- works on the same principle, but
17 it's a different type of weapon. It has a cylinder that
18 rotates. And you place a round into each cylinder, and as
19 the hammer -- when you pull -- when you pull the hammer
20 back on a revolver it strikes the primer. It discharges
21 the bullet. And what happens is as you pull the trigger it
22 rotates the cylinder around to the next round, but it
23 doesn't discharge. It doesn't discharge a casing. The
24 casing remains in the cylinder.

25 Q So based on your experience if someone is firing a

1 revolver, you would expect not to find shell casings on the
2 scene?

3 A No. You wouldn't -- you wouldn't find any shell
4 casings if someone utilized a revolver.

5 Q So after you and Investigator Taylor compared the --
6 Mr. Stripling to the footage and determined that that is
7 Jarvis Stripling, did you meet with Dixie Wright again?

8 A Yes.

9 Q Okay. And did you show her a photo of Jarvis
10 Stripling?

11 A Yes, I did.

12 Q And just to be clear, it's not -- it wasn't a still
13 photo from the video footage. It was just a regular
14 photograph?

15 A It was a regular photograph.

16 Q And she was -- was she able to identify that
17 photograph as Jarvis Stripling?

18 A Yes.

19 Q Now, when you met with her did you ever actually show
20 her any of the surveillance footage that we saw yesterday?

21 A When I met with her?

22 Q When you showed her the photo of -- the regular photo
23 of Jarvis, did you show her either this still photo or the
24 surveillance video?

25 A I recall showing her the photo.

170 Louis Maceo Nelson, Sr.
Direct examination by Ms. Mabbs

1 Q Now, let's move on to Alicia Pilgrim. Now, during the
2 course of your investigation you had an opportunity to
3 interview Ms. Pilgrim?

4 A Yes.

5 Q And how many times did you interview her?

6 A I interviewed her once. She was -- well, she was
7 apprehended in Lexington and she was transported back.
8 Investigator Taylor and I, we interviewed her at city hall.

9 Q And was she already under arrest at that time?

10 A Yes.

11 Q And did she give you a statement at that time?

12 A We interviewed her and listened to what -- what we
13 had.

14 Normally, what we do, we sit down with an interview.
15 We will talk to a person and see what information they have
16 to offer, because it's recorded in that room, in the
17 interview room, anyway. But at that particular time based
18 on what she was telling us, we sat and we conducted the
19 interview. But I don't think we took a statement at that
20 time.

21 Q Okay. She gave an oral statement, I should say.

22 A Yes.

23 Q Okay. And at that time -- at the time of that first
24 statement right after she'd been arrested did she admit any
25 involvement?

1 A No. She stated that she just went over to talk to
2 Frankie, and those two guys just happened to come in -- in
3 the house while she was there.

4 Q And based on your experience did you find that
5 statement to be truthful?

6 A No.

7 Q And when was your second interview with Ms. Pilgrim?

8 A There was -- there was one other interview, a brief
9 interview, at the Spartanburg County Detention Facility
10 where we attempted to speak with her again that -- that
11 she, basically, just didn't want to talk and...

12 Q And what about your most recent interview with her?

13 A There was -- there was another interview that we
14 conducted on Monday, this Monday and --

15 Q And just to be totally up front, that after she agreed
16 to cooperate with this case?

17 A That's correct, that's correct.

18 Q And what information did she give you in this -- in
19 this statement?

20 A Basically, at that point she -- she seemed to be
21 truthful about what happened that day, was that she came
22 over, that she met with -- well, let me back up. That she
23 was at Efrain's house when Rayshon and Jarvis and a third
24 black male that was driving this Crown Vic, that they came
25 to Efrain's house where she was, and she stated --

1 MR. SNYDER: Objection. This is hearsay. We've
2 already heard this.

3 THE COURT: Sustained.

4 Q Investigator Nelson, the -- the statement that she
5 gave you, was that the same statement as she testified to
6 earlier today?

7 A Yes, it was.

8 Q Okay. And based off of -- all of that information
9 that you got from your investigation, from the other
10 interviews and the physical evidence, was that statement
11 corroborated by other evidence?

12 A Yes, it was.

13 Q And based off of -- you had, obviously, before Ms.
14 Pilgrim's second statement, you'd already arrested Mr.
15 Stripling?

16 A Yes.

17 Q But all of this information further supports that
18 initial arrest?

19 A It did.

20 MS. MABBS: Beg the Court's indulgence.

21 (Pause.)

22 Q Investigator Nelson, we've talked about some of the
23 more formal statements and interviews you've gotten from
24 victims and witnesses in this case.

25 In your experience do you sometimes get other

1 communications that aren't necessarily -- I don't know if
2 official is the right word to use -- but that are less
3 formal?

4 A Yes.

5 Q Okay.

6 A Occasionally.

7 Q And is that common that a -- that a victim of a crime
8 would reach out to you?

9 A Yes.

10 Q And in this case do you recall if -- if Ms. Wright
11 ever may have reached out to you through a phone call or
12 text message, things like that?

13 A Yes.

14 Q And when -- when you receive, again, these less formal
15 communications in cases like this, do you always either
16 include it in an incident report or things like that?

17 A Sometimes if it's -- if it seems really crucial. But
18 in some cases when -- when that information that I -- I've
19 already gotten, you know, I -- I don't include it.

20 Q Were you present in the courtroom yesterday when
21 Ms. Wright mentioned that she may have sent you a text
22 message regarding this case?

23 A Yes.

24 Q Do you recall that text message?

25 A Ms. Wright sent me -- during the course of this

174 Louis Maceo Nelson, Sr.
Cross-examination by Mr. Snyder

1 investigation she would -- she would call, and she sent
2 several text messages. So I -- I do remember receiving
3 text messages from Ms. Wright.

4 Q But overall did those messages, other than what's
5 been, you know, already discussed, have any large impact on
6 this case?

7 A Not -- no, not as -- not as far as I was concerned.

8 Q And at the end of the day, at the conclusion of your
9 investigation, who did you identify as the shooter in this
10 case?

11 A As the shooter would have been Jarvis Stripling.

12 Q That's the man in that photo?

13 A Yes, that's seated at the table.

14 Q Please answer any questions Mr. Snyder has.

15 CROSS-EXAMINATION

16 BY MR. SNYDER

17 Q Did you receive a text message saying Jarvis Stripling
18 was the shooter?

19 A No, sir. I can't say that I did.

20 Q You said that first time that Alicia Pilgrim told you
21 that Jarvis Stripling was the shooter was Monday.

22 A That's correct.

23 Q And that was after she offered a plea agreement that
24 limited her time in prison to five years, correct?

25 A Yes, sir.

1 Q Thank you. Thank you for your service.

2 MS. MABBS: No redirect, Your Honor.

3 THE COURT: You may step down.

4 MS. MABBS: State calls Investigator Chris Taylor.

5 CHRIS TAYLOR, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MS. MABBS

8 Q Investigator Taylor, can you please introduce yourself
9 to the jury?

10 A My name is Chris Taylor.

11 Q And, Investigator Taylor, where do you work?

12 A For the City of Spartanburg Police Department.

13 Q And how long have you been with the police department?

14 A Over 28 years.

15 Q And what is your role in the police department?

16 A I work on major crimes.

17 Q And just so that we're not being completely
18 duplicative, you're in the same role as Investigator
19 Nelson?

20 A Yes, ma'am.

21 Q So the same job duties and things like that?

22 A Yes, ma'am.

23 Q Can you tell us how you -- were you assigned to a case
24 on February 11th of 2017?

25 A Yes, ma'am. I was contacted by Lieutenant Harwell.

1 Q And what did you do after you were contacted by...

2 A I responded to 123 Marlboro Road.

3 Q And what information did Lieutenant Harwell give you
4 about the crime?

5 A He stated it was a home invasion where someone was
6 shot and possibly killed.

7 Q And when you arrived on the scene were you with
8 Investigator Nelson?

9 A We arrived in our separate vehicles. We arrived about
10 the same time, yes.

11 Q So did you also walk through the house with
12 Investigator Nelson?

13 A Yes. We do a normal quick walkthrough so we know what
14 we're talking about when we interview witnesses.

15 Q And what did you observe when you were in -- in the
16 residence?

17 A As soon as we walked in -- in the doorway, you looked
18 to your left. You see a -- a pool, a puddle, of blood that
19 actually was starting to just set and pool.

20 Moved through the house. We just saw normal
21 furnishings and stuff like that. We saw also a -- a camera
22 system that was installed in the house.

23 Q And was that the camera system that we got the
24 surveillance footage from?

25 A Yes, ma'am.

1 Q And that was collected by Officer Cloran?

2 A Yes, ma'am.

3 Q And after you left the scene did you meet with
4 Ms. Wright with Investigator Nelson?

5 A Yes. We left on 123 Marlboro and went to city hall,
6 walked upstairs. And Officer Stacy Smith, she told us she
7 had Dixie Wright in one interview room and had Simon Spicer
8 in the hallway.

9 Q And you, obviously, were here for both Ms. Wright's
10 testimony, as well as Investigator Nelson. Was that the
11 interview that you sat in on?

12 A Yes, ma'am.

13 Q Okay. That was the information that she gave about
14 initially Alicia Pilgrim and two black males entering the
15 house, and the two men had guns?

16 A Yes, ma'am.

17 Q And at the time did you have the surveillance footage
18 yet when you were interviewing her?

19 A No, ma'am.

20 Q Do you recall approximately when in your investigation
21 you would have gotten that surveillance footage?

22 A It took Investigator Cloran a while to contact the
23 company and get the information as far as -- because didn't
24 have a pass code for it.

25 Q Now, the day of this incident was there another

1 reported shooting at Norris Ridge Apartments?

2 A Yes, ma'am. It was shortly after we arrived at
3 Marlboro a call came out about another shooting, possible
4 shooting, at Norris Ridge.

5 Q And that was the alleged shooting involving Rayshon
6 Smith?

7 A Yes, ma'am.

8 Q Was that the reason that he was brought over to city
9 hall to be interviewed?

10 A Once we went to the hospital they found it a little
11 sketchy, his statement he was providing to the officers
12 there. So asked him to come to city hall, which he
13 complied and came with them.

14 Q While -- and while he was at city hall, was that when
15 Dixie Wright identified him as one of the men who entered
16 the residence?

17 A Yes, ma'am.

18 Q And so during that day were you or someone with your
19 able instruction able to collect any clothing items or
20 things from Rayshon Smith?

21 A Also, Officer Adorno collected his clothing, and it
22 was later transferred to Investigator Christy Norkett.

23 Q And would you recognize that clothing if you saw it?

24 A Yes, ma'am.

25 Q Investigator Nelson, I'm going to hand you what's been

1 marked as State's Exhibit 25. I'm going to give you a
2 glove too if you'd like. Do you recognize that item?

3 A Yes, ma'am.

4 Q And what is it?

5 A That's Mr. Rayshon Smith's hat, the one he had on. It
6 had a gold New York emblem.

7 Q And would you say that has -- has that hat been in
8 evidence?

9 A Yes, ma'am.

10 Q Okay. And is it in the same or substantially the same
11 condition as the day that you --

12 A It looks like it, yes, ma'am.

13 MS. MABBS: Your Honor, at this time the state would
14 move Exhibit 25 into evidence.

15 MR. SNYDER: Without objection.

16 THE COURT: It's admitted.

17 (Cap marked State's Exhibit No. 25.)

18 Q Now, Investigator Nelson, were you able to identify
19 that hat in this photo, State's Exhibit 15?

20 A Yes, ma'am.

21 Q All right. And would that be the hat -- that hat?

22 A Yes, it is.

23 Q And, again, I don't mean to keep belaboring the point,
24 but this is the surveillance footage from the shooting at
25 123 Marlboro?

1 A Yes, ma'am.

2 Q Okay. And that would be the -- the submachine gun
3 type weapon being held?

4 A Yes, ma'am.

5 Q So that would be Rayshon Smith with that weapon.

6 A Yes, ma'am.

7 Q Now, during the course of your investigation were you
8 able to identify Jarvis Stripling as a suspect?

9 A Yes, ma'am.

10 Q Okay. And after you did that, at that point you
11 already had Alicia Pilgrim as a suspect?

12 A Yes, ma'am, initially.

13 Q And Rayshon Smith.

14 A Yes, ma'am.

15 Q During that investigation did you ever look at --
16 well, I guess their basic information such as where they
17 lived?

18 A Yes, ma'am.

19 Q Were you able to determine anything about the location
20 of the addresses in regards to those three individuals?

21 A During the course of our investigation we found that
22 it was a trailer park in Moore, South Carolina, that was
23 frequented by all parties.

24 Q So they all lived -- they're all neighbors.

25 A As far as Mr. Smith and Mr. Stripling.

1 Q Now, as we spoke about with Investigator Nelson, you
2 later met again with Dixie Wright after you and
3 Investigator Nelson identified the man with the revolver as
4 Jarvis Stripling?

5 A Yes, ma'am.

6 Q And on that date did you or Investigator Nelson ever
7 show her any of the surveillance footage that we see here?

8 A I remember Investigator Nelson providing a photograph
9 of Mr. Stripling as far as the front view and the side
10 view.

11 Q Okay. So not -- not these stills from the
12 surveillance footage.

13 A I don't think he did on that day, no.

14 Q Do you recall? In those recorded interviews did you
15 ever directly ask Ms. Wright if Jarvis Stripling was the
16 shooter?

17 A I asked her -- I remember asking her that question
18 before. She wasn't sure when I asked her.

19 Q But she referred to Jarvis as, I believe, Alicia's
20 brother?

21 A She did.

22 Q Or not actual brother but close enough.

23 But before you met with Dixie, you and Investigator
24 Nelson based off your training and experience and being
25 able to compare the photographs, were you able to identify

1 Mr. Stripling as the man in Exhibit 15?

2 A We thought it was him because we looked at his
3 hairline as far as how it fits as far as the photograph.

4 Q And, Investigator Taylor, you were able to meet with
5 Alicia Pilgrim with Investigator Nelson?

6 A Yes, ma'am.

7 Q And for both that initial interview and the interview
8 that happened this Monday?

9 A Yes, ma'am.

10 Q Her first interview based off your experience, did you
11 find that statement to be truthful?

12 A No, ma'am.

13 Q And the second statement that she gave on Monday, did
14 you find that that statement has been corroborated by other
15 evidence that you were able to review and interviews and
16 things like that you conducted as part of this case?

17 A Yes, ma'am.

18 Q And based off all that evidence who have you been able
19 to determine was the shooter in this case?

20 A Jarvis Stripling.

21 Q And, Investigator Taylor, has Rayshon Smith pled
22 guilty in this case?

23 A Yes, ma'am.

24 Q And I believe we just heard that Alicia Pilgrim has
25 pled guilty, is that correct?

1 A Yes, ma'am.

2 MS. MABBS: I have no further questions, Your Honor.

3 Q Please answer anything Mr. Snyder may have.

4 CROSS-EXAMINATION

5 BY MR. SNYDER

6 Q Briefly.

7 In an interview we watched yesterday with Dixie
8 wright, she told you she knew Jarvis.

9 A Yes, sir.

10 Q And it appears she knew him pretty well, correct?

11 A Apparently when she responded like she knew him, yes.

12 Q But she did not tell you in that interview that Jarvis
13 Stribling was the shooter.

14 A No, sir.

15 Q Thank you.

16 MS. MABBS: No redirect, Your Honor.

17 THE COURT: You may step down.

18 we'll take a short break.

19 I'll ask the jury to please go to your jury room.

20 Don't talk about the case. I'll bring you back shortly.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: we'll be at ease for 15 minutes.

24 (Whereupon, a recess was taken.)

25 THE COURT: Are we ready for the jury?

Shawn Cloran

Direct examination by Ms. Mabbs

1 MR. SNYDER: Yes, sir.

2 MS. MABBS: Yes, Your Honor.

3 THE COURT: Bring them in.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: All right. You may continue.

7 MS. MABBS: Thank you, Your Honor.

8 The state would recall Shawn Cloran.

9 THE COURT: You're still under oath.

10 THE WITNESS: Yes, sir.

11 SHAWN CLORAN, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. MABBS

14 Q Officer Cloran, I'm going to hand you what's been
15 marked as State's Exhibit 26. Do you recognize that?

16 A Yes, ma'am.

17 Q And what is it?

18 A It is a still shot image from the surveillance video.

19 Q And did you create that image?

20 A Yes, I did.

21 Q Is that a fair and accurate depiction of the original
22 footage?

23 A It is.

24 MS. MABBS: Your Honor, at this time the state would
25 move Exhibit 26 into evidence.

1 MR. SNYDER: Without objection.

2 THE COURT: It's admitted.

3 (Photograph marked State's Exhibit No. 26.)

4 Q Now, Officer Cloran, what would be the purpose of
5 doing this closeup photo?

6 A When you move in to zoom in on an image it'll enhance
7 the details of certain things like the -- you can see the
8 shape of a nose or eyes, tattoos, hands, things like that.

9 Q And was there anything distinctive about this
10 photograph that you were able to notice once it was zoomed
11 in a little bit closer?

12 A A couple of things. I noticed the hairline, and then
13 on the hand that's covering his face or holding up the
14 shirt. On the back side of his hand it looks like there is
15 something, possibly a tattoo on the back of his hand.

16 Q Thank you.

17 MS. MABBS: I have no further questions.

18 MR. SNYDER: I have no questions.

19 THE COURT: You may step down.

20 MS. MABBS: At this time the state would call
21 Dr. David Wren.

22

23

24

25

186 Dr. John David Wren
Direct examination by Ms. Mabbs

1 DR. JOHN DAVID WREN, having
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. MABBS

4 Q Dr. Wren, can you please introduce yourself to the
5 jury?

6 A My name is John David Wren.

7 Q And where are you employed, Dr. Wren?

8 A I work for Carolinas Pathology Group. I'm currently
9 laboratory medical director at Spartanburg Regional Center,
10 the medical center; Spartanburg Hospital for Restorative
11 Care; the lab at Northgrove; several smaller ones in the
12 hospital up to the number that I can legally be the medical
13 director of.

14 Basically, I run the laboratory now at Regional
15 Medical Center, and I am a board certified pathologist.

16 Q And, Dr. Wren, can you go through a little bit of your
17 educational background?

18 A Yes. I have a bachelor's degree, a master's degree
19 and a doctor of philosophy degree in chemical engineering,
20 Clemson University.

21 After working five years as a research and development
22 engineer and computer programming and applications I went
23 to the medical school at the University -- Medical
24 University of South Carolina in Charleston.

25 I finished my requirements in three years and three

1 months by working through my rotations rather than taking
2 short vacations, which I found sort of useless because I
3 would get a little bit bored and not want to start back.

4 I then started directly into a pathology residency at
5 the Medical University.

6 I had a family at that time. So I started my
7 residency in February the 1st, 1979. I graduated with my
8 class in June, although I had finished my requirements on
9 January 31st.

10 While at the Medical University I did all of the
11 rotations that I was required to do. I also acted as the
12 Assistant Medical Examiner in Charleston County from July
13 of 1980 until the end of January of 1983 where I got credit
14 for a full forensic fellowship for a year by doing
15 autopsies one weekend a month.

16 During that time I investigated cases under the
17 medical-examiner system in place in Charleston at that
18 time. I did about 20 a month taking night call.

19 Then I did about a hundred autopsies while I was at
20 the Medical University that were forensic cases under the
21 tutelage of board certified forensic pathologists and
22 testified all over the state during the time. I did about
23 three or four a weekend, sometimes more and occasionally
24 less.

25 I was -- for my Ph.D. work, which was in biological

Dr. John David Wren
Direct examination by Ms. Mabbs

1 systems engineering, actually life support systems for
2 space travel, I got credit for that to my board
3 requirements.

4 I passed my anatomic boards on first try in November
5 of 1984. And my clinical boards, I waited several years
6 and took that in 1987.

7 I've been qualified as an expert in forensic pathology
8 over 200 times. I've done over 6,000 autopsies in my
9 private-practice career.

10 Q And, Dr. Wren, do you have any other -- other
11 professional associations or activities that you're involved
12 in as well?

13 A Any other what?

14 Q Either professional associations, licensing
15 activities, things like that.

16 A Yes. I'm -- I'm a fellow of the College of American
17 Pathologists, and I also have -- am a fellow of the
18 American Board of Clinical -- I mean -- American Society of
19 Clinical Pathology. And at one time I was a professional
20 engineer and a member of the American Institute of Chemical
21 Engineering, fellow, but I dropped that since I don't
22 practice engineering any more.

23 Q And, Dr. Wren, I believe you stated that you performed
24 over 6,000 autopsies.

25 A Yes.

1 Q Have you ever testified in court before as an expert
2 witness?

3 A I stated that previously. I have testified in -- not
4 out of state -- but in many counties in South Carolina
5 along the coast, in the midlands and in the upstate. To
6 name a few -- Charleston, Berkeley, Beaufort, Orangeburg,
7 Horry, Dillon. Let's see where else. Lexington, Newberry,
8 Union, York, Cherokee, of course Spartanburg, Laurens,
9 Greenwood and Pickens County. I think I testified in
10 Pickens County. Been qualified as an expert in pathology
11 or forensic pathology, depending on whether it was a legal
12 case or a civil case.

13 MS. MABBS: Your Honor, at this time the state would
14 move to qualify Dr. Wren as an expert in forensic
15 pathology.

16 MR. SNYDER: Without objection.

17 THE COURT: He is so qualified.

18 Q Dr. Wren, did you have an opportunity to perform an
19 autopsy on a Francisco Villar?

20 A Yes. I did a full autopsy on an individual identified
21 as Francisco Villar on February the 11th of 2017 in the
22 Spartanburg Regional Medical Center Autopsy Room. I began
23 that autopsy at about 10:45 a.m. I believe it was a
24 weekend.

25 Q And, Dr. Wren, as part of that autopsy either you or

1 someone else -- were there photos taken?

2 A Yes. Both the coroner and a representative of the
3 investigating legal -- the police agency that's
4 investigating the case, both take a photograph.

5 Q And were auto -- x-rays taken as well?

6 A Yes.

7 Q And during your autopsy were there any noticeable
8 wounds to Mr. Villar's body?

9 A He had several little abrasions on his neck.

10 He also had -- I think he had a possible contusion
11 along his right volar forearm. That's the softer surface.
12 That's called the volar surface. The back of the arm is
13 called the dorsal surface. He had a small possible
14 contusion there.

15 He had three gunshot wounds, one to near the top of
16 his head, near the vertex on the left side; and he had a
17 through and through gunshot wound that went into his
18 left -- right cheek just anterior to the midportion of
19 the -- of the cheek. It went down through the soft tissues
20 in the posterior oral pharynx and went through the cervical
21 spine and came out the posterior lateral left neck and kept
22 going.

23 Q First, I want to talk about the wound that went in, I
24 believe you said, the top of the head.

25 A Yes. That wound went in near the left vertex, which

1 is the top of the head. It went in three quarters of an
2 inch to the left of midline, and it went in a quarter of an
3 inch from the top of the head. The wound was going at an
4 angle so that it split the skin one inch long in that area.
5 And it approximated by closing the wound to 37 hundredths
6 of an inch in diameter.

7 It had abrasion at 6:00 o'clock. If you look at a
8 wound you imagine that where the top -- the top of the
9 wound would be, and then you -- one decides where it would
10 be on a clock face if you see something unusual.

11 He had an abrasion at 6:00 o'clock that measured up to
12 31 hundredths of an inch in maximum width, saying that the
13 bullet hit the skin at 6:00 o'clock on the wound first and
14 then kept on going and split the skin.

15 It then went in through the skull and caused a
16 fracture of the skull. And inward beveling, it's called,
17 one can tell an entrance from an exit in bone, particularly
18 of the head and places that are flat, because as a bullet
19 goes into a -- from the direction it comes from, it
20 actually bores a hole in there. And then it breaks out the
21 other side.

22 So if it's inward beveling it means it's beveled
23 inward so that you can tell it's an entrance wound.

24 On the other hand, if it were coming out, it would be
25 outwardly beveled. The outside would be bigger diameter

Dr. John David Wren
Direct examination by Ms. Mabbs

1 than the inside where it went through.

2 So it was inwardly beveled. It went through the left
3 cerebrum. It went through the basilar -- base of the brain
4 stem. It went through the cerebellum and came to rest in
5 the posterior fossa of the skull.

6 Now, the skull is divided into six fossae, which are
7 depressions where the -- one has seen a picture of a brain,
8 there are depressions where it fits into the skull. And
9 the anterior ones are where the eyes are. The -- the
10 middle fossa is where the temporal lobes of the brain are.
11 And then the posterior fossa is where the brain stem and
12 cerebellum end.

13 It came to rest in the right posterior fossa near the
14 sigmoid sinus, which is where blood drains out of the brain
15 from the -- as it comes down -- to leave the brain through
16 the base of the skull.

17 Q Dr. Wren, I'm going to show you first briefly if you
18 want to -- I know you haven't had a chance to review these
19 lately.

20 A First two she gave me are x-rays that were taken
21 postmortem. They were done -- it doesn't have a date on
22 here that I see very well.

23 It gives his date of birth. And it shows a bullet
24 lying within the skull if you can read x-rays. And it's
25 posterior and it's sort of toward the medial surface

1 looking straight onto the head. It's toward the midline
2 but -- but you have to use -- this is a two -- these are
3 2-dimensional figures, but it's a 3-dimensional head. So
4 one has to know how the skull is shaped --

5 Q Dr. Wren, I'm going to --

6 A -- to tell you actually where it is.

7 Q -- hand you that pointer.

8 A And then sometimes they can move as you move the head
9 around.

10 Q Dr. Wren, this is Exhibit No. 10. Can you show us, I
11 guess, what -- what that item is in there?

12 A This is an A.P. of the skull. One can see the --

13 MR. SNYDER: Objection, Your Honor. This isn't in
14 evidence.

15 MS. MABBS: Your Honor, I believe this was entered
16 yesterday. If not, I'd be happy to enter it now.

17 THE COURT: What's the number of it?

18 MS. MABBS: Your Honor, this is Exhibit No. 10.

19 THE COURT: Okay. It's in. I have -- I have an
20 Exhibit 10, an x-ray. Is that it?

21 MR. SNYDER: I guess so.

22 THE COURT: Okay. You may continue.

23 A This is an x-ray which is called an A.P. photo --
24 x-ray, which means anterior to posterior. This is a metal
25 object which is consistent with a bullet. It's near the

Dr. John David Wren
Direct examination by Ms. Mabbs

1 midline, which is straight up and down through there.

2 This is one eye orbit. This is the other orbit, and
3 then the brain and -- I mean, the nasal septum. And then
4 here you see the maxilla and the mandible.

5 One can see it's in the medial portion of the head
6 near the mid -- near the midline. And one can see. This
7 is a lateral. One can also, again, see the outlines of the
8 face. And then the bullet appears right here showing it's
9 posterior.

10 Q And then put up Exhibit 12.

11 A I didn't see that close. Let me look at it.

12 Q I'm sorry.

13 A Okay. This is a photograph -- a photograph, black and
14 white, of the decedent.

15 This was a rod passed through the entrance. One can
16 see that I shaved part of the hair away. And one can see a
17 split area there.

18 As I said, it was one inch long, but it could be
19 re-approximated by closing the split area. And one can see
20 a hole. It was 37 hundredths of an inch in --
21 approximately 37th hundredths of an inch in diameter. And
22 it was -- I stuck the probe through that area and directed
23 it towards where the bullet should have been.

24 Q Now, Dr. Wren, when you performed this autopsy did you
25 remove the bullet that we saw on those x-rays?

1 A Yes, I did.

2 MS. MABBS: Your Honor, I'm handing up State's
3 Exhibit 24.

4 Q Dr. Wren, would that be the bullet that was removed
5 from the back of Mr. Villar's skull?

6 A This is labeled with a printed demographics on the
7 decedent. And my handwriting is the autopsy number, FA17,
8 No. 27. I got it from the right posterior fossa. I signed
9 it and dated it 2/11/17. It's 2/11/17 written twice,
10 because the first one is not -- wasn't written very well.
11 So I wrote it over.

12 Q And then --

13 A Oh, and it's a bullet that I supposedly recovered.

14 Now, I label bullets when I recover them, assuming I
15 can. And the bullet is a copper-jacketed lead bullet.
16 It's got visible lands and grooves.

17 The base I measured as 9 millimeters in diameter and
18 up to 1.25 centimeters in length. It is distorted on the
19 end like it usually does when it hits bone. And the base
20 of it is labeled with a Delta, and it's supposed to be a
21 seven, but it's kind of messed up. But this is consistent
22 with the bullet I removed. Oh, the seven is upside down.
23 I think it's a seven.

24 I sealed it and I forwarded it to the evidence
25 officer, Christy Norkett with the Spartanburg City Police

1 Department. She signed for it and printed her name.

2 Q And, Dr. Wren, you mentioned two other gunshot wounds.
3 Can you talk a little bit about those?

4 A Yes. One -- there was one gunshot wound that appeared
5 in the right lateral cheek. It was six and a quarter
6 inches from the top of the head. And you can't see it.
7 It's on the other side. It was three and a quarter inches
8 to the right of midline and four and a quarter inches
9 circumferentially from the midlines to make sure it -- I
10 can localize it on a person. And I also said it was
11 anterior to the midportion of the ear.

12 That was an entrance. It measured 38 hundredths of an
13 inch in diameter and it had an abrasion at 2:00 o'clock.
14 And it was up to .25 inches in maximum width. That
15 indicates that the abrasion, looking at it, was -- was over
16 at 2:00 o'clock on a clock and the bullet was going in. It
17 actually hit the skin first at the 2:00 o'clock position.

18 If it's not going straight in to the -- to an object
19 it will -- one end will drag first across the skin. It
20 leaves a little abrasion that you can see on looking at the
21 body.

22 And I need to add also that -- that bullets as they go
23 into an object or into the body, they actually bore a hole
24 there. So unless it's contact, a loose contact, or the
25 bullet's tumbling, you'll see a nice, round hole. You

1 can't reapproximate it by suturing the skin back together.
2 It'll always be puckered like.

3 On the other hand, an exit comes out, and it tears its
4 way out of the skin because it's not going as fast. And it
5 will actually tear the skin out. And one can suture it
6 back together and you can't tell it's there if it heals
7 without a scar.

8 If the exit for that wound was in his posterior
9 lateral left neck it was six and a half inches from the top
10 of the head and two inches to the left of midline. That
11 wound was irregular and it measured eight one --
12 eight-tenths of an inch in maximum diameter. And there was
13 tissue protruding from the wound. If possible, if it's
14 soft tissue coming out where a wound is, it will actually
15 push the tissue out through there at times.

16 So that bullet was traced through the -- sometimes you
17 can actually put a probe right through there. But the
18 x-rays show no other bullet. So that bullet passed into
19 his right cheek and came out his left neck, went through
20 the cervical spine and fractured it around C2 to C3, which
21 is the second and third cervical vertebrae in the base of
22 the head.

23 There was fragmented bone visible on the x-ray. And
24 there was no evidence of anterior hemorrhage. He didn't
25 bleed anteriorly into the back -- back of the throat and --

Dr. John David Wren
Direct examination by Ms. Mabbs

1 and neck. All the hemorrhage was back behind there.

2 And I did get a small sliver of lead with copper
3 recovered from that and forwarded it to her also.

4 Q Dr. Wren, I'm going to show State's Exhibits 11 and
5 13.

6 A I see it. Okay.

7 Q Dr. Wren, this is State's Exhibit 13. Can you explain
8 what we're seeing in this photo?

9 A Well, one can see the old wound I was talking about.
10 Here is the new one with a probe pushed through the track
11 that it made. The entrance is over on his right side; the
12 exit sort of behind the ear on the left where it came out.
13 And the probe can be seen sticking through there.

14 Q And then State's Exhibit 11.

15 A This is the -- you've got it upside --

16 Q Sorry.

17 A No. This is the head. Okay. I couldn't -- couldn't
18 see the ear.

19 Let me look at it again. Okay.

20 Q Is that easier, Dr. Wren?

21 A Yeah. This is his ear; there is his mustache; this is
22 his beard. There's the entrance, and you can see a little
23 bit of a piece of tissue folded back. But the bullet went
24 in there, I think.

25 Q And then you mentioned that you recovered a fragment,

1 I believe.

2 A Yes. That's what I dictated.

3 Q Dr. Wren, this is State's Exhibit 17. Do you
4 recognize that?

5 A This one also has the sticker, the autopsy number, the
6 name, left neck, my signature and the date. And there is a
7 tiny fragment of lead.

8 Oh, gosh. Well, I dropped it. Oh, here it is. I've
9 got it.

10 why don't you put it on the screen?

11 Q Yeah.

12 A You can just lay it on the screen. It's very small.
13 It's just a sliver where the bullet had dropped one of the
14 fragments. And it's a little long sliver of fragment that
15 was recovered from within the wound but it was...

16 Q So, Dr. Wren, I believe you refer to it as three
17 wounds. But would it be fair to say that it was caused by
18 two bullets?

19 A Yes. There was an in-and-out that went through his
20 right cheek and came out the left neck with the fragment
21 recovered near the exit, left neck, and the one that went
22 into the top of his head and wound up in the back of his
23 head.

24 Q Now, Dr. Wren, based off of your autopsy were you able
25 to determine a cause of death?

Dr. John David Wren
Direct examination by Ms. Mabbs

1 A Well, I just assigned the cause of death in this as a
2 result of gunshot wounds to the head and neck. Either one
3 of those wounds -- gunshots were potentially or were fatal
4 collectively and individually.

5 The -- probably the immediately, more immediately
6 fatal, one was the one to the top of the head, although the
7 one to the neck could actually have stopped his heart too
8 as it passed by the vagus nerve in that area, which is the
9 nerve that controls the heartbeat partially.

10 Q And, Dr. Wren, please answer any questions Mr. Snyder
11 may have for you.

12 MR. SNYDER: I have no questions.

13 THE COURT: You may step down.

14 MR. BARNETTE: May we approach for a second, Your
15 Honor?

16 THE COURT: Sure.

17 (Bench conference held off the record in the presence
18 of the jury but out of the hearing of the jury.)

19 MS. MABBS: Your Honor, at this time the state would
20 request that the defendant, Jarvis Stripling, present to
21 the jury his neck tattoo, as well as the back of his hands.

22 THE COURT: All right. Mr. Snyder, will you take
23 Mr. Stripling?

24 (Whereupon, the defendant stood before the jury.)

25 MS. MABBS: And the neck as well, please.

1 (Pause.)

2 MS. MABBS: Your Honor, at this time the state rests.

3 THE COURT: All right. Ladies and gentlemen, that is
4 all of the testimony or other evidence to be offered by the
5 state, at least in their case in chief.

6 Before we go any further I've got some matters I'll
7 need to address with the lawyers. It should take only a
8 few moments, and then I'll bring you back to continue.

9 So please retire to your jury room, but do not discuss
10 the case in any fashion. It is not yet concluded.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: All right. Any motions or other matters
14 to address?

15 MS. MABBS: None from the state, Your Honor.

16 MR. SNYDER: At this time, Judge, I'd just like to
17 move for a directed verdict.

18 THE COURT: Okay. And the grounds would be what?

19 MR. SNYDER: Just inconsistent statements, no visible
20 evidence linking my client to the crime.

21 THE COURT: All right. Ms. Mabbs.

22 MS. MABBS: Your Honor, the state has presented both
23 testimony, as well as other evidence, including
24 photographs, bullet fragments, clothing items and the like,
25 Your Honor, that do place Mr. Stripling at the scene, as

1 well as satisfy all of the other elements that we have to
2 go into further if Your Honor would like.

3 THE COURT: There's more than ample evidence should a
4 jury find it to be credible and believable to establish all
5 of the essential elements of the crimes alleged against the
6 defendant; and therefore your motion for a directed as to
7 each indictment is denied.

8 what else?

9 MR. SNYDER: Thank you, Judge.

10 That's all I have at this moment.

11 THE COURT: Have you talked with Mr. Stripling about
12 his right to testify, or not?

13 MR. SNYDER: I have.

14 THE COURT: Call witnesses or not?

15 MR. SNYDER: I have.

16 THE COURT: And does he indicate a preference?

17 MR. SNYDER: I believe he does.

18 THE COURT: And what is his preference?

19 MR. SNYDER: To testify.

20 THE COURT: All right. Mr. Stripling, you've heard
21 what Mr. Snyder just told me. He says that you do wish to
22 take the witness stand and testify in the trial of this
23 case. Is that true?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Has he explained to you, and do you

1 understand, that you have an absolute right to remain
2 silent, which means that nobody can make you testify? You
3 can't be forced to take the witness stand by anybody and
4 testify during the trial of this case. You have an
5 absolute right to remain silent and to require the state to
6 come into court with sufficient evidence to establish your
7 guilt to the satisfaction of this jury beyond a reasonable
8 doubt. And you don't have to help them in their efforts by
9 providing your own testimony or evidence that might tend to
10 prove you guilty of some crime the state claims you
11 committed.

12 If you elect not to testify, then I will instruct the
13 jury, as I previously have, that they can't hold that
14 against you, they can't consider that in any way during
15 their deliberations or in their determination as whether or
16 not the evidence in this case establishes your guilt as to
17 a crime beyond a reasonable doubt.

18 If you elect to take the witness stand and testify you
19 have to answer not only your lawyer's questions, but you
20 have to answer the questions posed of you by the
21 prosecutor, to the extent that they're relevant, even if
22 the responses to those questions might tend to prove you
23 guilty of some crime the state claims you committed.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand your right to testify?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand your right not to
3 testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that's your decision and
6 only you can make it?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you and Mr. Snyder discussed the
9 advantages, as well as the disadvantages, of testifying and
10 not testifying?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you appreciate what those
13 advantages and disadvantage are?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And have you had time to reflect upon your
16 decision as to whether or not you will testify?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And have you reached a decision in that
19 regard?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And what is your decision?

22 THE DEFENDANT: To testify.

23 THE COURT: And is that a decision that you made of
24 your own free will and accord?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Has anybody forced you or pressured you
2 into that decision?

3 THE DEFENDANT: No, sir.

4 THE COURT: And you've made that decision after having
5 plenty of time to reflect upon it?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And you're satisfied with that decision?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Do you have other witnesses
10 you want Mr. Snyder to call besides yourself?

11 THE DEFENDANT: My --

12 THE COURT: Okay. All right. Thank you have a seat.
13 All right. Bring the jury in, please.

14 MS. MABBS: Your Honor, beforehand if it's all right,
15 we're going to close.

16 THE COURT: Yeah. Let me ask y'all to seal those
17 exhibits and bring them back and put them on the evidence
18 table.

19 (Pause.)

20 THE COURT: All right. Bring the jury back, please.

21 (The following takes place in the presence of the
22 jury.)

23 THE COURT: All right. As you know, the state has
24 rested in their presentation. So we'll now proceed with
25 any to be offered by the defense.

Sharon Stripling
Direct examination by Mr. Snyder

1 Mr. Snyder.

2 MR. SNYDER: Thank you. At this time I'd like to call
3 Jarvis' mom, Sharon Stripling, to the witness stand.

4 SHARON STRIPLING, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. SNYDER

7 Q Please state your name for the record.

8 A Sharon Stripling.

9 Q And how do you know Jarvis?

10 A That's my son.

11 Q And you know why we're here today.

12 A Yes, sir.

13 Q This happened February 11th of 2017 early in the
14 morning. That was a Saturday.

15 Let's go back to Friday. Tell me when you came into
16 contact with Jarvis on Friday.

17 A Well, I go to work every morning about 5:30. I get
18 home usually about 2:30 or 3:00. And he was at home that
19 day.

20 Q I'm sorry. Where do you work?

21 A Ashland Village in Lyman.

22 Q What is that?

23 A It's a retirement community.

24 Q So you got off work around 3:00 o'clock?

25 A Usually about 2:00, 2:30, 3:00.

1 Q And then what happened?

2 A Huh?

3 Q what happened when you got off work?

4 A well, I picked up his girls, and cause they was
5 staying with us on the weekend and stuff. So I picked his
6 childrens up, and we went to the house.

7 Q what age are they?

8 A Eleven, ten and four.

9 Q Okay. So you picked up his kids.

10 A Uh-huh.

11 Q And you went to your house.

12 A Yeah.

13 Q Okay. And then what happened?

14 A We sat around and he --

15 Q I'm sorry. Was Jarvis there at the time?

16 A Yes, sir.

17 Q Okay.

18 A We sat around. He cooked that day, because usually
19 when I work, he cook.

20 Q Okay.

21 A So we ate. Then I went to bed.

22 Q I'm sorry. Let's back up. He cooked dinner?

23 A Yeah.

24 Q Okay. And then what time did you go to sleep?

25 A I went to sleep about 8:00 o'clock.

Sharon Stripling
Direct examination by Mr. Snyder

1 Q Okay. And when you went to sleep Jarvis -- was Jarvis
2 at your house?

3 A Yeah. Him and the girls was outside in the yard. And
4 they was up all night because I had got angry with them
5 because they was making so much noise.

6 Q What time did you go to sleep?

7 A On and off. I went to bed at 8:00 o'clock, but, you
8 know, they was in the front room, and they was noisy. And
9 I woke up. I guess it was probably about 11:00 o'clock.

10 Q Okay.

11 A And I hollered through there telling them to be quiet.

12 Q Okay.

13 A So I fell back off to sleep.

14 Q Okay. What time did you wake up Saturday morning?

15 A I always get up every morning at 4:00 o'clock.

16 Q Okay.

17 A Because I have to be at work at 5:30. So I usually
18 get up and sit around for a while, you know. Get myself
19 together before I get ready to go to work.

20 Q Okay. So you showered and got dressed.

21 A Uh-huh.

22 Q Where was Jarvis at the time?

23 A Like I say, we had just started getting the girls back
24 and stuff. So they had blowup mattresses in the front room
25 on the floor.

1 Q Okay.

2 A And, like I say, I usually leave the house around
3 5:00 or a little bit before or a little bit after 5:00.

4 And I was going through there because he used to like
5 to sleep in. And I was telling him he needed to get up and
6 get the girls something to eat before it got too late.

7 Q What time was this?

8 A About like -- like I say, I usually get up around
9 4:00 and I usually leave the house around 5:00, a little
10 bit before, a little bit after. It was around that time.

11 Q What time did you have to be at work that day?

12 A 5:30.

13 Q 5:30. It about a 30-minute drive to work?

14 A Yeah.

15 Q So when you walked out of the house Jarvis was on an
16 air mattress with his children.

17 A With the girls.

18 Q Okay. Did you come into contact with Jarvis any time
19 later that day?

20 A Well, like I say, I told him to get up and cook them
21 something to eat.

22 I called him about 9:00 o'clock that morning to see if
23 he got up and fixed them something to eat.

24 Q Did he?

25 A They say he did.

210 Sharon Stripling
Cross-examination by Ms. Mabbs

1 Q Okay. Thank you. Answer any questions the state may
2 ask you.

3 CROSS-EXAMINATION

4 BY MS. MABBS

5 Q Good afternoon or good morning, Ms. Stripling.

6 A Good morning. How are you?

7 Q Good. Thank you.

8 Now, you are Jarvis' mother?

9 A Uh-huh.

10 Q He is a son?

11 A Uh-huh.

12 Q Do you have any other children?

13 A Yes. I got a daughter and another son.

14 Q And you said that Mr. Stripling had started staying
15 with you on the weekends?

16 A No. His kids.

17 Q Oh, so he's not there all the time on the weekends?

18 A He lives there with me.

19 Q Okay. And where exactly? Where do you live?

20 A Well, we was living in the trailer park.

21 Q Okay. Which trailer park?

22 A Countryside.

23 Q Okay. Mr. -- I think this probably goes without
24 saying. You love your son?

25 A Sure, I love my son.

1 Q And love your grandkids.

2 A Yes.

3 Q And you have the arrangement where you get to watch
4 the grandkids on the weekends, and sometimes Mr. Stripling
5 stays there as well?

6 A Uh-huh.

7 Q Now, when the kids stay with you on the weekends and
8 you go into work, you said around 5:00 o'clock.

9 A 5:30.

10 Q Is that normally when the kids wake up with you?

11 A No. I get up at -- in the morning and get ready to go
12 to work. They be asleep at 5:30 in the morning. Well,
13 around 5:00 when I leave to go to work, they be asleep.

14 Q So occasionally just do, as kids usually do, would
15 wake up --

16 A Uh-huh.

17 Q -- whenever they take up on the weekends, right, since
18 they don't have school?

19 A Yeah.

20 Q Now, and Countryside, is that correct?

21 A Uh-huh.

22 Q Did you -- was Rayshon Smith one of your neighbors?

23 A Uh-huh.

24 Q Did he live, I guess, a couple of doors down?

25 A Yeah, a couple of trailers up above us.

1 Q So you knew Mr. Smith?

2 A Uh-huh.

3 Q And was he friends with Jarvis?

4 A Yeah.

5 Q Did you know Alicia Pilgrim?

6 A I been knowing her all of my life.

7 Q So she and Jarvis kind of grew up together, is that
8 fair to say?

9 A Yeah.

10 Q So they were very close.

11 A Uh-huh.

12 Q I believe some people have referred to them as almost
13 being like siblings they were so close.

14 A Yeah. Me and her mother was good friends.

15 Q Okay. So that's fair. You would agree with that,
16 that they were very, very close.

17 A Yeah. They went to school together and everything.

18 Q Ms. Stripling, you love your son?

19 A Yeah.

20 Q You help take care of him. I mean, take care of his
21 kids.

22 A I brought him up.

23 Q You love him.

24 A Still take care of his kids too.

25 Q So you -- you help him out when you can.

1 A Yeah.

2 Q Ms. Stripling, I know you just said that Jarvis was
3 friends with Rayshon and Jarvis was friends with Alicia.

4 A Uh-huh.

5 Q Did the three of them hang out, or were they kind of
6 separate groups of friends?

7 A Well, when we stayed in the trailer park him and
8 Rayshon was more, you know, closer. I hadn't seen Alicia
9 in a while.

10 Q Okay. So it wasn't as if they were a group that he
11 was friends.

12 A No, no, no.

13 Q With both of them.

14 A Yeah. I hadn't, you know, seen her in a while until,
15 you know.

16 Q Thank you.

17 MS. MABBS: I have no further questions.

18 MR. SNYDER: No redirect.

19 THE COURT: You may step down.

20 Ladies and gentlemen, as you know from being informed
21 earlier, Mr. Hunter had a medical appointment this morning.
22 He should be back after lunch. And, obviously, he was
23 involved in the trial of the case.

24 So it is a convenient time for us to recess for lunch,
25 and so he should be back after lunch. So we will recess

1 now.

2 we'll resume with the trial this afternoon at
3 2:00 o'clock, at 2:00 o'clock this afternoon.

4 keep in mind it's still not concluded, so don't talk
5 about it; don't conduct any research; don't do any
6 investigation; don't permit yourselves to be exposed to any
7 type of media coverage relating to the case.

8 Do have a good lunch. Please report to your jury room
9 at 2:00 o'clock this afternoon.

10 (The following takes place outside the presence of the
11 jury.)

12 THE COURT: Court is in recess until 2:00 o'clock.

13 (Whereupon, a recess was taken.)

14 THE COURT: All right. Are we ready for the jury?

15 MR. SNYDER: Yes, sir.

16 THE COURT: Bring them in.

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: Good afternoon.

20 we're going to continue with the defense's
21 presentation.

22 Mr. Snyder.

23 MR. SNYDER: Thank you. At this time I'd like to call
24 Jarvis Stripling to the witness stand.

25

1 JARVIS TREMAIN STRIPLING,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. SNYDER

4 Q Please state your name for the record.

5 A Jarvis Tremain Stripling.

6 Q Do you know why you're here today?

7 A Yes, sir.

8 Q This incident happened early in the morning on
9 Saturday, February 11th of 2017.

10 Let's -- let's rewind to the previous day. Tell me
11 what you did that Friday.

12 A Well, me and my mother -- well, my mother went and
13 picked my kids up. And then when they came back we went to
14 my sister's house. Stayed there for a while. Then we came
15 back. I cooked. Then we ate. And my mother went to sleep
16 and we sat up YouTube all night.

17 Q With your girls?

18 A Yes, with my kids.

19 Q How late did y'all stay up that night?

20 A I can't remember the exact time, but it was, like,
21 kinda late. I mean, 12:00, 1:00 maybe.

22 Q Okay. Where did y'all sleep?

23 A Sleep in the front room. We got a blow-up mattress
24 that we sleep, we sleep right there on, because we just sit
25 there and watch YouTube all night.

1 Q All of you?

2 A Yes, sir.

3 Q You slept there?

4 A Yes, sir.

5 Q How did you wake up the next morning?

6 A My mother before she was fixing to go to work, she
7 woke me up to remind me to feed the girls.

8 Q What time was that?

9 A Say about 5:00, something like that.

10 Q Did you feed them?

11 A Yes, sir, when I got up.

12 Q The solicitor is going to ask you about a charge you
13 have, filing a false police report. What exactly did you
14 do?

15 A I had -- it was an incident. I had got shot, and then
16 I called the ambulance. Well, and when they came the
17 police was asking me questions. So I wouldn't tell them
18 who shot me. That's why I got a false police report.

19 Q Because you didn't want to get someone else in
20 trouble?

21 A Yes, sir.

22 Q Please answer any questions Mr. Hunter has.

23 CROSS-EXAMINATION

24 BY MR. HUNTER

25 Q You didn't want anybody else to get in trouble.

1 A No, sir.

2 Q Kind of like Alicia's been doing for the last year and
3 a half for your friend, right? She didn't want to get in
4 any trouble.

5 A I mean.

6 Q That's not your only conviction either, is it?

7 A No, sir.

8 Q You're also a convicted felon as well.

9 A Yes, sir.

10 Q Okay. Now, I wasn't here when your mother testified,
11 but I've heard what she said. It's my understanding that
12 she woke you up that morning --

13 A Yes, sir.

14 Q -- to remind you to feed your kids.

15 A Yes.

16 Q Do you need a reminder to feed your kids?

17 A No, sir.

18 Q Okay. And you slept on the same bed as an 11-year-old
19 and 8-year-old?

20 A Yeah. And four.

21 Q And four. So you slept with, basically, just older
22 than a toddler, and she was afraid you would oversleep?

23 A No, sir.

24 Q Okay. She went to bed earlier that night, about
25 8:00 o'clock.

- 1 A Yes, sir.
- 2 Q And y'all stayed up watching YouTube videos?
- 3 A Yes, sir.
- 4 Q They weren't playing outside like she said?
- 5 A Oh, yeah. We go outside. That's nothing, normal.
- 6 Q Okay. And you know Rayshon Smith.
- 7 A Yes, sir.
- 8 Q You know Alicia Pilgrim.
- 9 A Yes, sir.
- 10 Q But they don't really know each other, do they?
- 11 A No, not like that.
- 12 Q Those are two separate friends.
- 13 A If you want to call it.
- 14 Q I have friends from college; I have friends from
- 15 living in Spartanburg. They're -- you have different sets
- 16 of friends from where you met them and stuff like that,
- 17 just like everybody else.
- 18 A Yeah. I been knowing Alicia.
- 19 Q But you've known Alicia since she was a little kid.
- 20 A Uh-huh, yes, sir.
- 21 Q You were -- you were a little boy at the time.
- 22 A Yes, sir.
- 23 Q Had you previously dealt with Frankie?
- 24 A One -- one time.
- 25 Q So just like Dixie said?

1 A Yes, sir.

2 Q And just like Alicia said?

3 A Yes, sir.

4 Q And you lived close to Rayshon.

5 A Yes, sir.

6 Q He lived in that same trailer park?

7 A Yes, sir.

8 Q Just like the officer said.

9 A Yes, sir.

10 Q Do you know if your mom ever told me or anyone in my
11 office --

12 MR. SNYDER: Objection. This is speculation.

13 THE COURT: Sustained.

14 Q Have you seen that video?

15 A Yes, sir.

16 Q Is that Rayshon in the video?

17 A Yes, sir.

18 Q Okay. Do you love your mama?

19 A Yes, sir.

20 Q You'd do anything for her?

21 A Yes, sir.

22 Q Just like she did for you?

23 A Yes, sir.

24 MR. HUNTER: No further questions.

25 MR. SNYDER: No redirect.

1 THE COURT: You may step down.

2 (Pause.)

3 THE COURT: You're still up. Do you have anything
4 else?

5 MR. SNYDER: Sorry. At this time the defense rests.

6 THE COURT: Any reply?

7 MR. HUNTER: No, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, that is
9 all of the testimony or evidence to be offered in the trial
10 of the case.

11 What remains to be done are the lawyers' final
12 summations, after which I'll instruct you on the law, and
13 then you'll begin deliberations.

14 Before we can do that I've got some legal matters I'll
15 need to address with the lawyers. So I'll ask you right
16 now to please go to your jury room, but do not yet begin
17 any discussions regarding the case.

18 I'll bring you back shortly.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: All right. Motions or other matters to
22 address?

23 MR. SNYDER: At this time the defense would like to
24 renew the request for a directed verdict, same grounds.

25 THE COURT: All right. That motion is denied.

1 Do y'all have requests for jury instructions?

2 MR. HUNTER: Yes, Your Honor.

3 We request hand of one is hand of all, as well as the
4 firmly convinced charge I believe you give during
5 circumstantial evidence outside of your normal instruction,
6 Your Honor.

7 THE COURT: What -- how long do y'all expect to take
8 to argue the case?

9 MS. MABBS: Judge, I believe at least my initial part
10 of my closing arguments would -- I would say less than 30
11 minutes. As to the reply, I guess...

12 THE COURT: All right. Mr. Snyder.

13 MR. SNYDER: Twenty minutes.

14 THE COURT: All right. Bring the jury in.

15 (The following takes place in the presence of the
16 jury.)

17 THE COURT: All right. You've heard the testimony;
18 you've seen the evidence. You're going to hear the final
19 summations of the lawyers. I'm going to instruct you on
20 the law. Then you can begin deliberations.

21 So please give the lawyers your attention now as they
22 give you their final summations.

23 Ms. Mabbs.

24 MS. MABBS: Thank you, Your Honor.

25 May it please the Court.

1 THE COURT: Yes, ma'am.

2 MS. MABBS: Members of the jury, I'd like to start by
3 thanking you for your participation in this trial. I'd
4 like to thank you for your patience, for your attention and
5 for your continued participation as we go into closing
6 arguments and then eventually all go into deliberations.

7 Now, at the beginning of the trial my co-counsel,
8 Mr. Hunter, here told you that during the course of this
9 trial that we would provide you with evidence and we would
10 provide you with testimony and that you would provide, in
11 turn, your common sense and your life experiences to go
12 back into your deliberations and consider everything and to
13 come up with a verdict.

14 So now that you've seen all of the testimony and the
15 evidence that's provided I'd like to go through it briefly
16 one more time.

17 Now, the judge informed you that you are here on six
18 distinct charges. We're going to go through each of them
19 in turn.

20 The first and obviously most serious is the crime of
21 murder. Now, murder has the elements of, obviously, the
22 killing of another person with malice aforethought.

23 Now, as to the killing of another person, you were
24 able to hear today from Dr. Wren, the pathologist from
25 Spartanburg County, who has, as I'm sure you can tell, a

1 very long career and a lot of experience.

2 He testified about how he performed the autopsy in
3 this case on the victim Francisco Villar. And we went
4 through, and he explained basically that there was -- I
5 believe he referred to them as three different wounds, but,
6 basically, two gunshots that would have happened.

7 You got to see from the evidence the first bullet that
8 went through the top of Mr. Villar's head and then ended up
9 lodging in the back of his skull. And then, again, in this
10 photo you can see that.

11 He talked about how the other bullet went through the
12 cheek and shattered here in the spine leaving the bullet
13 fragments that he showed you. And you'll be able to take
14 those back and look at them if you'd like.

15 Here, again, I know these were passed down earlier,
16 and hand you now, for you now the main bullet fragment and
17 the other small piece from the spine.

18 Now, he also explained that the cause of death -- you
19 know, obviously, you can be shot and not necessarily die.
20 He explained that either one of those gunshot wounds, even
21 by itself, would have been fatal and that that was the
22 reason that Mr. Villar died.

23 The second would be with malice aforethought. Now,
24 malice can mean a lot of different things. It's not
25 necessarily that you're planning, you know, weeks or months

1 in advance to go murder someone. Malice can happen in an
2 instant.

3 Now, in this case we can look at several factors to
4 consider about the malice in this case. We know that two
5 men, including Mr. Stripling, walked into that house with
6 the intent to commit an armed robbery. We know that they
7 came in with loaded weapons. We know that they pointed
8 those weapons at other people from the testimony that we've
9 heard. And we know that several gunshots went off.

10 Now, the second crime included is possession of a
11 weapon during a violent crime. Now, this one is as far as
12 the elements go, is a little bit more obvious.

13 You have to possess a weapon. In this case a firearm,
14 which we know exists, one, from the fact that there -- he
15 died of a gunshot wound, and, two, because we have the
16 pictures and the video surveillance of the defendant
17 entering the house with the weapon.

18 Now, as to the violent crime, that's defined by
19 statute. Murder is defined by the South Carolina
20 Legislature as a crime of violence.

21 The third crime in this case would be burglary in the
22 first degree. Burglary has several different elements, the
23 first being entry into a dwelling without consent.

24 Now, again, we've seen the surveillance footage. I'm
25 not necessarily going to replay the video right now.

1 You'll be able to take it back into the jury room with you,
2 and you can rewatch it if you like since we have the still
3 photos here. But in the photos we can see the defendant
4 and Rayshon Smith entering into that dwelling. A dwelling
5 is basically where someone lives. And we heard that the
6 victim, Mr. Villar, lived there with Dixie Wright. And we
7 saw on that video footage the two men enter that residence
8 with weapons.

9 Now, without consent. You heard from the testimony of
10 Alicia Pilgrim and from Dixie Wright that when Alicia
11 Pilgrim first walked into that house that that door was
12 shut behind her. And she explained that she went back and
13 opened that door to make sure that these two men could get
14 in with their guns.

15 He, Mr. Villar, never said that he invited -- well,
16 I'm sorry. No one said that Mr. Villar said that they
17 could come in. There's no -- they were there to commit
18 that crime.

19 Now, the second element is for the purpose of
20 committing a crime in that residence. In this case we
21 heard again from Alicia Pilgrim that they planned this.
22 They knew that they were going to go in with the purpose of
23 taking the drugs and the money from Mr. Villar. That was
24 the plan. That's why they showed up. That's why they
25 brought their guns. And they stormed in that house with

1 the guns and immediately started screaming to get on the
2 floor, where's the money, where are the drugs, where is the
3 safe. That was the purpose of entering that house.

4 There are several other factors that are included with
5 burglary first, one of them being that it occurs at
6 nighttime. Nighttime doesn't necessarily mean between the
7 hours of -- evening hours. But when it's dark outside,
8 which is, obviously, it is at 5:00 in the morning.

9 It can also include using a weapon, a deadly weapon
10 such as a revolver, such as a submachine gun. And it also
11 includes if any injury happens to someone who isn't --
12 someone carrying one of those guns in this case. And,
13 obviously and unfortunately, Mr. Villar died as a result of
14 this burglary.

15 The next crime involved is attempted armed robbery.

16 Now, the first part of that is attempt, meaning that,
17 one, that they didn't finish their task. They didn't
18 actually get to take anything with them and that their
19 purpose there was to commit the armed robbery.

20 And, again, we've heard from Alicia Pilgrim when she
21 testified that she knew that there was drugs in the house,
22 she knew that there was money in the house, she knew there
23 was a safe. She had told the others about it and that was
24 why they went over there. They went over there for the
25 purpose of taking everything.

1 Now, the armed robbery part, again, is probably a
2 little bit intuitive, that you're armed with a deadly
3 weapon, again, as we see in the surveillance footage, and
4 that your intent is to take the property. And in this case
5 we have the property that was found both in the safe,
6 which, again, is in this evidence bag. We didn't open it
7 because there are some drugs and things like that involved.
8 But that they knew that there would be drugs and money
9 inside the residence.

10 The final crime or the final element of armed robbery
11 would be the taking with force or fear. So, again,
12 something like using a weapon, like screaming, yelling,
13 getting on -- for them to get on the floor. That's where
14 you see your force. In this case your fear as well.

15 Final crime being kidnapping, and there's two counts
16 of kidnapping, one for Ms. Dixie Wright who you heard from
17 and the other for Simon Spicer who was the other man in the
18 house that day.

19 And you heard from Dixie and you heard from Alicia
20 about how they were told to get on the ground. They were
21 being held at gunpoint. They were not allowed to move.
22 They were not allowed to leave. And kidnapping includes
23 confining someone to a space, not necessarily as -- the
24 colloquial use of the term is to maybe transport someone,
25 things like that. It means to confine them to a specific

1 place so they can't leave.

2 Now, in this case we have several different kinds of
3 evidence. We have what is both considered, called direct
4 evidence and circumstantial evidence.

5 Now, the easiest way that I can usually explain the
6 two of them would be to talk about yesterday morning. Now,
7 when I showed up at the office yesterday morning it was a
8 little cloudy outside. Certainly threatened. Looked like
9 it was going to rain. But, fortunately, at least for me,
10 by the time I walked in the building it hadn't started yet.

11 Now, at one point someone opened this back door here
12 and I could see out those windows out the back, and I saw
13 that it was pouring rain outside. I don't know if any of
14 y'all got caught in it.

15 So in that case because I looked outside and I could
16 see it raining, even though I didn't stand in the rain,
17 that's direct evidence. I know it was raining because I
18 don't need any other things to think about because I saw
19 it.

20 Now, let's say I was sitting in this courtroom and I
21 didn't see that door open but I noticed when y'all walked
22 in that some of you had rain coats on, or, let's say, I
23 noticed that there was some wet feet walking through the
24 courtroom behind me. I can kind of put those pieces of
25 evidence together and say, well, you know, I did notice it

1 was cloudy outside earlier. People were walking,
2 raincoats. People were walking in with wet shoes. That
3 means it's raining. That would be circumstantial evidence.
4 It means that you take different pieces and you make
5 inferences and add them all together.

6 In this there's a lot of circumstantial evidence, and
7 that is perfectly acceptable.

8 Now, an example of direct evidence in this case would
9 be that bullet that Dr. Wren talked about that we looked at
10 earlier. By having a bullet in the brain we know that the
11 victim was shot in the head. That's direct evidence.

12 Circumstantial evidence. We look at a variety of
13 different factors. In this case we can look and talk about
14 the fact that Jarvis Stripling was the shooter.

15 We have a man here attempting to cover his face. We
16 can look at a variety of different things. We can look at
17 hairline; we can look at his brow; we can consider the
18 testimony that we heard from Dixie and from Alicia. We can
19 look at the fact that we know he was the shooter because
20 we've heard that there was no shell casings found. We
21 heard that he was the man with the revolver. Revolvers
22 don't discharge shell casings. They stay inside the barrel
23 of the gun or the holster.

24 We can look, and we can hear about how Dixie said that
25 she noticed when his hand dropped inside she saw a neck

1 tattoo. And you were all able to see earlier that
2 Mr. Stripling has a fairly large and sizable neck tattoo
3 that would be recognizable.

4 And you also can see, as Officer Cloran stated
5 earlier, on a slightly closer picture which you'll be able
6 to take back in the jury room. Fortunately, we can maybe
7 dim the lights a little bit. You can see here the
8 coloration on the back of the hand of the shooter, which
9 could be a tattoo. And as you saw, Mr. Stripling has a
10 tattoo on the back of his left hand as well. You can add
11 all of these things together and you can conclude that not
12 only was Mr. Stripling there. He was the one who shot and
13 killed Francisco Villar with that revolver.

14 Now, members of the jury, there -- even if that gun
15 wasn't the one that went off, there's something that we
16 call in South Carolina the hand of one is the hand of all,
17 meaning that just because you personally didn't do
18 something, if you're part of that group that did you are
19 equally responsible.

20 The best example that I will admit I did take from
21 another lawyer is think of your high school football team.
22 You have a high school football team make it to their state
23 championship. You have some people who are going to be
24 starter string, some people who might be second string.
25 You have some people who ride the bench all season. You

1 have coaches; you have other staff. But at the end of the
2 day if that team wins that state championship every single
3 person on that team is a champion. Every single person on
4 that team gets a championship ring. Just because you
5 didn't catch the touchdown pass, you still get to be a
6 champion.

7 Now, in this case as the shooter Jarvis Stripling not
8 only is on the team. He's the quarterback. He walked in
9 that house with a revolver and he shot Francisco Villar.

10 Now, we've heard from several witnesses on both sides
11 in this case, and part of your job as jurors is to assess
12 credibility.

13 Now, we have some people as everyone -- everyone has
14 their own motivations. So it's up to you, the jury, to
15 weigh those motivations and to consider the testimony and
16 decide what you find to be truthful and reliable. That's
17 part of your job as the trier of fact.

18 Now, in this case part of assessing credibility is
19 assessing those motivations. Now, you have several police
20 officers that you've heard from. You heard, you know, they
21 get assigned to these cases. They don't pick and choose.
22 They're here to try and keep Spartanburg city and county
23 safe and to make sure that they do the right thing and the
24 right job.

25 You have Dixie Wright. Now, you heard from Dixie.

1 she was the eye witness in this case. She, obviously, knew
2 the victim very well. And she said she didn't know the
3 defendant very well. She admitted to meeting him maybe
4 once or twice, but she doesn't have anything personal
5 against him. There's no reason for her to decide to point
6 the finger at him unless he really is the person who shot
7 and killed her boyfriend.

8 Your heard from Alicia Pilgrim. And we're honest with
9 you. Alicia got a deal, but that deal is to testify
10 truthfully. And she does get a benefit from that, which,
11 obviously, you can consider as motivation.

12 But you also heard not only from Alicia, but you heard
13 it from the defendant himself. You heard it from his
14 mother. They were like brother and sisters. This wasn't
15 easy.

16 There's a reason she didn't give him up up front,
17 because this was hard. Again, she had to do what was best
18 for herself by telling the truth, and that was the
19 agreement that she made with the state. Not to say that
20 Jarvis did it, not to say anything specific, not to say
21 it's him with this gun or anything like that but to tell us
22 the truth about what actually happened that day.

23 You also heard from defense witnesses. You heard from
24 the defendant's mother. And, as she stated, she loves her
25 son. She'd do anything to help him. The defendant agreed

1 his mom would do anything to help him. Helped him with the
2 kids and helps him with an alibi.

3 Consider the credibility of the witnesses and their
4 motivations. And when you consider some of the
5 credibility, another thing to think about is is there other
6 evidence to support what the witnesses have said.

7 So you can compare the testimony of someone like Dixie
8 Wright and Alicia Pilgrim, and you can see that their
9 stories line up about Alicia coming into the house first,
10 about how there was an argument about that marriage deal
11 that went sour, about the money and the car, and that
12 Alicia went back to the door and made sure it was open to
13 make sure that the defendant and Rayshon Smith could come
14 in with their guns, that she started yelling with them for
15 everyone to get on the ground, that she pulled Dixie down
16 by her braids that she had at the time. That corroborates
17 each other's testimony.

18 You can also look where everybody was standing. They
19 both agreed Alicia was kind of somewhere in here next to
20 that entertainment system, that the victim was back in this
21 corner, Simon Spicer was around the corner here, Dixie and
22 the two men were somewhere in this area, which makes sense
23 because Alicia told you before they came in she was sitting
24 on this part, the chase-lounge part. When they got up she
25 stood up and started yelling along with the others. It all

1 builds on each other. It all makes sense.

2 You can also look and compare the testimony of Alicia
3 with some of the police officers. Now, she said that after
4 the shooting happened that they all ran out and she ran a
5 different direction from the two men. The two men ran back
6 towards the car. She started heading down towards the Q.T.
7 on John B. White Boulevard. And you heard from Officer
8 Adorno. He said that she got a BOLO over dispatch, be on
9 the lookout for a black female heading in that exact same
10 direction. That corroborates Alicia's story about what
11 happened.

12 You also have the photos and videos, all of that
13 information. But, again, fields and proverbs. It's kind
14 of like what Dixie said on the stand when asked if she's
15 previously identified the defendant as the shooter back
16 when she interviewed with the police officers back in
17 February of 2017. She said, you know what, at the time I
18 didn't, I didn't have all the evidence, but now that I've
19 looked at everything, now that I've seen the surveillance
20 video, now that I've learned more about this case and I
21 considered all the factors, I know that's him. That's what
22 the evidence shows.

23 Now, the important thing with circumstantial evidence
24 is that it leaves you firmly convinced -- firmly convinced
25 that the defendant is guilty.

1 Now, there's no such thing as absolute certainty in
2 this world. There are very few things that we're
3 absolutely certain of. But the standard here is that you
4 ought to feel firmly convinced that the defendant entered
5 that home and was part of this team. He was part of the
6 team that tried to rob them, that shot Francisco Villar and
7 that killed him.

8 Now, the issue that the defense raised in its opening
9 was one of identity. They want you to question is this man
10 Jarvis Stripling. And, again, that's been what most of
11 this case is about. I think it's fair to say that, as
12 Mr. Snyder said at the beginning, we agree on a lot of
13 things that happened in this case. We agree that the
14 victim was killed, that he was shot. We agree that there
15 was an attempted robbery.

16 So here we look at identity. And, again, we look at
17 this photograph. You members of the jury, you can look at
18 this photograph. You can look at the defendant in this
19 courtroom, and I encourage you to. You can look and see.
20 That is the same brow; that is the same hairline; that is
21 the same nose. You can look at the back of that hand and
22 you can see that there's something that appears to be a
23 tattoo there. And you're able to see that he has, the
24 defendant has, a tattoo on the back of that hand.

25 You're able to see the neck tattoo that he has. And

1 you heard from Dixie that when his hand fell, when he had a
2 shirt or scarf pulled up and that it fell, that that's what
3 she saw. She saw a man with a neck tattoo.

4 You also get to consider the witness Alicia Pilgrim.
5 She talked about Jarvis. She knew him well, knowed him her
6 whole life. She used to call him her brother.

7 She told you. She admitted she was part of this plan.
8 She was the one that told them about the safe, about the
9 drugs, about the money. She told you that she was at Fran
10 or Jeff's house and that the defendant showed up with
11 Rayshon Smith saying let's go, it's go time.

12 She told you about how they all got in the car
13 together. The two men pulled out their guns and that those
14 were the two men, the same two men that she let in the
15 house with the guns. And we saw the surveillance footage
16 that we see here in the still shot. She told you that he
17 was the one who brought the revolver.

18 Now, we've also heard a little bit about Rayshon
19 Smith, the other man, the man with the submachine guns, is
20 what it's been called.

21 Now, we've heard that Rayshon Smith has pled guilty,
22 that he's the man in the hat. And the way that we know
23 that he's the man in the hat with the submachine gun is
24 because we have that. We have the hat that was collected
25 directly from Rayshon Smith after he filed that report

1 saying that he was part of the Norris Ridge shooting. We
2 got it that day. And you can see it's a fairly distinctive
3 hat. It's reflective. So you can kind of see here in the
4 photograph. Got the New York Yankees' logo on it. So
5 that's how we know that that is Rayshon Smith.

6 And you know who else knows it's Rayshon Smith?
7 Jarvis Stripling. You heard him say that on the stand
8 today. Yeah, that's Rayshon. I know that's Rayshon.

9 The other thing that we know is that the defendant in
10 this case is the one with the revolver. Again, we've
11 identified the man with the submachine gun as Rayshon
12 Smith.

13 We've had testimony. We've had the evidence that the
14 man with the revolver is Jarvis Stripling. We know that
15 the revolver was the gun used to kill Francisco Villar,
16 because, again, there's no shell casings found.

17 Witnesses heard three or four gunshots go off. We
18 found the gun that belonged to Frankie or Francisco, and
19 that was a revolver. So, again, keep the shell casings
20 inside the weapon. That is the gun that was used to kill
21 Frankie.

22 Members of the jury, as I said, we have now -- we've
23 provided you with the facts; we've provided you with the
24 testimony of several witnesses; we've provided you with
25 bullets and hats and videos and photographs, all that you

1 can consider.

2 And now it's your turn. It's your turn after closing
3 arguments and charging to go back into that jury room, and
4 it's your turn to review the evidence, and it's your turn
5 to provide what you brought with you today.

6 We have provided the evidence. You will go back and
7 you will provide your common sense that you've gained from
8 your life experiences. And at the end you will provide a
9 verdict, and we request that verdict to be guilty. Thank
10 you.

11 MR. SNYDER: Judge, may Mr. Hunter and I approach?

12 THE COURT: Yes, sir.

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 MR. SNYDER: Question. I told you in the beginning of
16 this trial that there were going to be a lot of questions.

17 First questions about the witnesses starting with
18 Dixie Wright. She says she knew Jarvis Stripling. In an
19 interview you saw yesterday it looked like she knew him
20 pretty well. She was laughing, says that's Jarvis. She
21 didn't sound like someone who had just seen the photograph
22 of the person that shot her boyfriend at the time. She
23 started laughing. She said, yeah, that's Jarvis, I know
24 Jarvis.

25 She didn't know Rayshon, but she immediately

1 recognized Rayshon when she saw Rayshon at city hall. She
2 didn't know Jarvis, but it took her weeks or days, weeks,
3 months, approximately a year to finally tell anyone that
4 the person that killed her boyfriend was Jarvis Stripling
5 even though she knew Jarvis. She was facing -- by laughing
6 it sounded like she had a decent relationship with him,
7 experience with him.

8 Again, you heard her say Jarvis, that's Jarvis. She
9 knew his face.

10 The solicitor mentioned about his neck tattoo. She
11 also saw his face. She knew his face. She didn't tell
12 anyone. The first time I heard her say anything about the
13 other person being Jarvis Stripling was yesterday.

14 She said she sent Investigator Nelson a text message
15 saying the other person was Jarvis Stripling. You heard
16 Investigator Nelson say, no, he didn't receive that text
17 message.

18 Also, in the interview you saw, you got to see, Dixie
19 wright talking about how she was with her -- on the phone
20 with her mom when she saw Rayshon at city hall. She said,
21 oh, my God, that's the guy that shot Frankie. We know
22 Frankie was there. Frankie got shot and Rayshon got shot.
23 Rayshon pled guilty.

24 The other witness -- I'm sorry. I'm going to go back
25 to Dixie wright. She said she didn't know at the time but

1 after talking with the prosecutor she didn't -- knew him to
2 be Jarvis. She knew him at the time. She didn't tell
3 anyone that it was Jarvis.

4 Alicia Pilgrim. It appears that she orchestrated this
5 whole thing. This whole thing was her idea. But for
6 Alicia Pilgrim, we're probably not sitting here right now
7 talking about this. This was all her idea. At the last
8 minute she found herself out of spending the rest of her
9 life in prison by, again, a plea deal. She got -- you
10 heard her -- five years, a 6-year sentence in exchange for
11 a life sentence. You heard the solicitor, the hand of one,
12 the hand of all.

13 No one is alleging that she pulled the trigger, but
14 she sat this whole thing up. She was there. She was
15 facing the same charges everyone else is facing.

16 As taxpayers y'all should be pissed. The solicitor's
17 office is responsible for keeping this community safe.
18 However, you heard Alicia Pilgrim say that she's already
19 served most of her sentence. She's going to be getting out
20 very soon. She orchestrated this whole thing. They're
21 responsible for keeping the community safe. That's not a
22 good way of achieving that objective.

23 You're going to have these photos back there in the
24 jury room as you deliberate. I can't stress this enough.
25 They keep saying that they know that's Jarvis, they know

1 that's Jarvis. They don't know that's Jarvis. They think
2 that's Jarvis. Why did they think that? They think that
3 because Dixie Wright said something and Alicia Pilgrim said
4 that was Jarvis.

5 They also say they know that's him because of the
6 receding hairline or because of his hairline. Really? I'm
7 looking at that picture. All I can see is -- the only
8 thing I can tell is that person is a black individual. I
9 can't tell anything else more than that.

10 They refer to a tattoo. Please look carefully at the
11 picture when you go back there. I didn't see a tattoo.
12 That could be anything. I mean, Jarvis clearly has a
13 tattoo on his hand. That's a good picture. I don't see a
14 tattoo in that picture. Please look at that photograph
15 carefully.

16 The solicitor just mentioned how Jarvis knew the other
17 guy was -- was Rayshon. Of course he knew it. He admitted
18 to it when he pled guilty.

19 As I said at the beginning, there has been a bunch of
20 testimony about someone getting shot during a home
21 invasion, a lot of talk about a revolver and shell casings.
22 We're not disputing any of that. We agree there's a home
23 invasion, someone gets shot. We know Alicia Pilgrim was
24 there. She's clearly in the video. She chose not to have
25 a trial because of her being at the scene. She was clearly

1 there. She had a part in it. She got a 5-year sentence.

2 we're not denying this happened. But he wasn't there.

3 You heard from his mom. He was with his children. He

4 said he was with his children. who do you believe?

5 Because you can't both. Can't believe -- he's at one place

6 or the other, because it happened around the same time that

7 his mom went to work.

8 I don't envy your job. The stakes are high. A

9 conviction can result in an innocent person spending the
10 rest of his life in prison. And that's without any direct
11 evidence you've heard.

12 You had Dixie Wright who knew Jarvis at the time.

13 Didn't tell anyone. She saw the picture. That's Jarvis.

14 I knew Jarvis. That's not how you would act if you just
15 saw a picture of the person who killed your boyfriend.

16 There were no fingerprints, no D.N.A., wasn't caught
17 at the scene. Nothing but the two statements and the
18 hairline. Again, first time. And I've been working this
19 case since it happened. There's been a lot of interviews,
20 a lot of discovery, a lot of research that I have done.

21 The first time out of all of that that anywhere that I
22 see where Dixie Wright said it was Jarvis Stripling was
23 yesterday, said sent a text message saying that. Travis
24 said didn't sent no text message.

25 Then you have Alicia. At the last minute she bought

1 herself a get-out-of-jail-free card. Again, she
2 orchestrated this whole thing, and she got a sweetheart
3 deal.

4 I can't stress this enough. The stakes are high. A
5 conviction could result in an innocent guy spending the
6 rest of his life in prison based on a hairline and based on
7 Dixie Wright and Alicia Pilgrim.

8 Alicia Pilgrim had every incentive in the world to
9 lie. She had every incentive in the world. She entered
10 into a plea agreement that said if she didn't help get him
11 convicted they would request a maximum sentence. She had
12 every incentive.

13 Then you have Dixie Wright. Again, I know Jarvis,
14 that's Jarvis, I know Jarvis. That's how you respond when
15 you see the person that just killed your boyfriend.

16 I'm sure y'all have a lots of questions. I said in
17 the beginning those questions create a reasonable doubt.
18 If you have questions, you must find Jarvis not guilty.

19 THE COURT: Ms. Mabbs.

20 MS. MABBS: Members of the jury, Mr. Snyder said at
21 the beginning of the trial and said again now you'd have
22 questions. At the end of the trial you should. That's
23 part of your job as jurors, is to come in with an open
24 mind. But every single piece of evidence, every single
25 piece of testimony that you heard, is your answer.

1 He talks a lot about Dixie Wright, about that she
2 identified Rayshon at the precinct or in the patrol room
3 that day and that she didn't immediately identify the
4 defendant when she was shown the picture.

5 Members of the jury, the day that she identified
6 Rayshon Smith was the same day that her boyfriend was
7 killed. She told you that they were told to get on the
8 ground immediately. She never got a great look at anybody.
9 But later that day she was presented. She was placed in
10 that patrol room, and feet away from her was the same man.
11 That's how she recognized him.

12 Now, when she met a couple of weeks later she wasn't
13 quite as frazzled. You could see in that, the video, that
14 Mr. Snyder showed you. She was a little bit calmer and she
15 was more relaxed.

16 And they said, hey, do you know Jarvis. They didn't
17 say, hey, we think this guy's the shooter. They just said
18 oh, you know, Alicia's brother, talking about Alicia.
19 Yeah, I've met Jarvis.

20 It was a different set of circumstances and a
21 different time, a different reason. But, again, she
22 testified before you today, as well as investigators Nelson
23 and Taylor that that day in the interview room they just
24 showed her a photo, a regular photo of his face. They
25 didn't show her this photo; they didn't show her the

1 surveillance footage. They just said, hey, do you know
2 this guy. She didn't know. She didn't put two and two
3 together.

4 But she testified that now that she's seen this, now
5 that she's thought about it, now that she's looked at all
6 of the evidence that you've seen she's been able to add
7 them together. She's been able to make the inferences from
8 the circumstantial evidence.

9 Now, Mr. Snyder said there's no direct evidence in
10 this case. There's no fingerprints, there's no -- that's
11 true.

12 But what we do have, again, is circumstantial evidence
13 that you can place together. Y'all are smart, intelligent
14 people. You can add two and two and you can add the
15 hairline. You can add the testimony of Dixie. You can add
16 the testimony of Alicia. You can add the shadow of the
17 back of the hand that looks like a tattoo. You can add all
18 of these things together. You can add the testimony that
19 we've heard from the officers. You can add that all
20 together, and you know that that's Jarvis Stripling.

21 Now, Mr. Snyder also brought up that Jarvis' mom said
22 that he was at home. And I know I mentioned before that
23 you have to consider motivations that people would have.
24 And, obviously, a mother is going to want to protect her
25 son. She loves him. She said she would help him. She

1 does help him. She helps him with the kids. She helped
2 with anything. But you also have to consider what she
3 testified to and you have to ask does it make sense.

4 Now, she and Mr. Stripling testified that she usually
5 gets up around 4:00 in the morning and gets ready to go to
6 work, gets to work around 5:30, and that she normally
7 watches the kids on the weekend but that sometimes the
8 defendant isn't always over there. And I asked her. I
9 said, well, you know, you said that you woke him up to make
10 sure that he remembered to feed the kids breakfast.

11 well, when he's not there do you normally get small
12 children up at 5:00 in the morning when you're going to
13 leave for work to make sure they have breakfast or do you
14 let them sleep. No. Of course. Let the kids sleep. It's
15 the weekend, they don't have school.

16 It doesn't make sense. If you use your common sense
17 and life experience you know that that story doesn't make
18 sense.

19 Mr. Snyder also brought up Alicia Pilgrim, said that
20 she had all these incentives -- incentives that she had to
21 convict Jarvis Stripling.

22 Members of the jury, I'm here to tell you right now
23 that is not true. She had to testify truthfully. That is
24 what her agreement was. It was not against, she had to say
25 anything about him, she had to say that he had a gun.

1 MR. SNYDER: Objection. She can't vouch for her
2 truthfulness.

3 THE COURT: Sustained.

4 MS. MABBS: Members of the jury, the plea agreement
5 was just to say the truth.

6 And, again, you can corroborate what she said through
7 the other evidence. You can look at what was said by Dixie
8 Wright; you can look at the photographs that you saw.

9 You can use your common sense. Use your common sense
10 to know that, yes, Alicia was part of this. She admitted
11 that. We all know that. We know that she was the one that
12 told them, hey, he keeps some stuff at the house, we can
13 take it. We know that she was having a disagreement with
14 Frankie about the marriage.

15 But, again, the hand of one is the hand of all here,
16 and in this case the defendant is the one who showed up.
17 He agreed to this. He showed up with the gun. He showed
18 up with Rayshon. He showed up with Rayshon Smith.

19 They all drove over to 123 Marlboro Road together.
20 Alicia got out of the car and made sure she got into the
21 house. Alicia made sure that the door was open, and then
22 that's when the defendant and Rayshon Smith went into the
23 house with the revolver and the submachine gun. That's
24 when they told Dixie Wright and Frankie Villar and Simon
25 Spicer to get on the ground, to give them the drugs, give

1 them the money.

2 That's when Frankie took his -- got out of his back
3 waistband to protect his house and protect the people in
4 it, and that's when he was shot and killed.

5 That's when the defendant took that revolver and shot
6 him twice in the head. And that is why we ask you to
7 return a verdict of guilty.

8 THE COURT: Madam Forelady and ladies and gentlemen of
9 the jury, you of course have heard and seen all of the
10 evidence in the case. You've now heard the final
11 summations of the lawyers. And so now I'm going to
12 instruct you on the law that's applicable in the case, and
13 then you'll be asked to go back and to begin with your
14 deliberations. And through that process you'll examine the
15 evidence, decide the facts and apply the law and arrive at
16 a fair and impartial decision, whatever that decision may
17 be.

18 will you cut that off and move that box?

19 MS. MABBS: Yes, sir.

20 (Pause.)

21 THE COURT: That's good enough.

22 It is your exclusive prerogative as jurors to
23 determine what the facts are as they relate to the
24 allegations made.

25 You do through your own common sense examination and

1 evaluation of all of the testimony and the other evidence
2 received during the course of this trial. And you 12
3 jurors alone will decide what weight, value and effect to
4 give to any particular testimony or other evidence in the
5 case.

6 Again, your sole objective is to simply reach a fair
7 and impartial decision based upon your consideration of the
8 evidence, your decision as to the facts and then your
9 application of the law as I will have provided it to you.

10 In this case, as you know, the state through the
11 prosecutor and by way of these indictments has charged the
12 defendant, Jarvis T. Stripling, with the crimes of burglary
13 in the first degree, attempted armed robbery, kidnapping,
14 being two separate counts, and murder and possession of a
15 firearm during the commission of that violent crime, that
16 violent crime being murder.

17 The allegations supporting the charges are set forth
18 in the indictments. But please understand the indictments
19 are not evidence of anything. The indictments don't prove
20 anything; they don't establish anything. They're simply
21 the means by which any person accused of a crime that has
22 to be tried in this court is brought to this court. And
23 it's done by way of those indictments. And the indictment
24 serves to bring them here, and it also serves to put them
25 on notice as to what crime the state claims they have

1 committed. But other than serving as the verdict forms,
2 they serve no purpose so far as you jurors are concerned.

3 The indictments will be in the jury room. As I say,
4 they'll be used as the verdict forms. It's on the back of
5 each of the separate indictments, Mr. Foreman, that you're
6 going to be indicating the jury's unanimous decision as it
7 relates to that particular charge contained in the
8 indictment. And you'll indicate that verdict on the
9 respective indictments. But other than serving as the
10 verdict forms, the indictments serve no purpose so far as
11 you jurors are concerned.

12 Now, as to the allegations and as to each of the
13 charges contained in those indictments the defendant has
14 entered a plea of not guilty, and that plea of not guilty,
15 as I've told you, has placed upon the state the burden of
16 proving the allegations that they have made by way of each
17 of the indictments, the burden of proving each of the
18 essential elements of the crimes that have been alleged
19 against this defendant; and therefore the burden is upon
20 the state to establish his guilt to the satisfaction of you
21 12 jurors beyond a reasonable doubt before any verdict of
22 guilty could be returned as to each of the separate
23 indictments.

24 The burden is never upon a defendant or a person
25 accused of having committed some crime to prove that they

1 are not guilty or to prove that they are innocent because
2 in some cases that might not be possible.

3 The burden is always upon the state because they've
4 made the accusation, they've brought the charge, to
5 establish the defendant's guilt to your satisfaction beyond
6 a reasonable doubt.

7 It is a vital, important and cardinal rule of law that
8 every defendant in a criminal trial, and it doesn't matter
9 how serious the offense might be for which that person
10 stands charged, that person shall always be presumed
11 innocent of that charge. That presumption of innocence
12 remains with any defendant, as it does with this defendant,
13 from the time that he is placed under arrest and throughout
14 the course of the criminal process and even throughout the
15 course of the actual trial in the case.

16 As I told you, that presumption of innocence will be
17 with this defendant even as you go back at this trial's
18 conclusion to begin with your deliberations in this case.
19 And that presumption of innocence will be with him in that
20 jury room, and it'll be with him forever unless you 12
21 jurors determine that he's no longer entitled to that
22 presumption of innocence.

23 In other words, after you have carefully considered
24 all the evidence in the case, and from that evidence you've
25 been able to determine the facts as they relate to the

1 allegations made, and upon determining those facts you
2 apply the law that I will have provided you as it relates
3 to each of the separate charges, if you 12 jurors
4 unanimously determine that his guilt as to a charge has
5 been proven beyond a reasonable doubt, then he would no
6 longer be entitled to that presumption of innocence as it
7 relates to that particular charge. But it is only if,
8 unless and until you are satisfied of his guilt as to a
9 charge beyond a reasonable doubt that the presumption of
10 innocence would no longer be applicable to that particular
11 charge.

12 Now, as I told you, the state has the burden of
13 proving the defendant's guilt to your satisfaction beyond a
14 reasonable doubt. This does not mean, however, that the
15 state has to prove his guilt beyond all doubt or beyond any
16 possible doubt, but it does require the state to prove his
17 guilt to your satisfaction beyond a reasonable doubt.

18 The term reasonable doubt should be given its plain
19 and ordinary meaning. A reasonable doubt is the kind of
20 doubt that would cause a reasonable person to hesitate to
21 act upon the information provided.

22 A defendant in a criminal trial is entitled to any
23 reasonable doubt that arises from the evidence or lack of
24 evidence in a case. And if, upon any factual issue
25 essential to a finding of a verdict of guilty you have some

1 reasonable doubt as to how that issue should be resolved,
2 it would your duty to resolve that reasonable doubt in
3 favor of the defendant. And therefore if upon your
4 consideration of the whole case you have a reasonable doubt
5 as to his guilt, you must resolve that doubt in his favor
6 and return a verdict of not guilty.

7 Now, while there are various forms of evidence such as
8 testimony, photographs, documents, charts and other types
9 of physical exhibits, there are really only two types of
10 evidence. Either or both of those types of evidence may be
11 used to prove any fact in issue. But the two types of
12 evidence are direct evidence and circumstantial evidence.

13 Now, direct evidence is the testimony of a person who
14 testifies from actual knowledge of that fact. It is
15 testimony by a person who has perceived the existence of
16 some fact by means of his or her senses, and then that
17 person comes into court and they testify as to what they
18 have previously perceived.

19 In other words, direct evidence proves the existence
20 of a fact directly and does not require any deduction or
21 inference in order to establish that fact.

22 Circumstantial evidence, on the other hand, is the
23 proof of some other fact or sets of facts which taken
24 either singly or collectively may prove the existence of a
25 fact in question as a necessary consequence. That is

1 through a deduction or an inference.

2 An inference is simply a deduction of fact that may
3 logically and reasonably be drawn from the proof of some
4 other fact or set of facts. In other words, it's not a
5 fact that is proven by the direct testimony of a witness
6 based upon their personal perception, but it is a
7 conclusion which might reasonably be drawn from the proof
8 of other facts.

9 In other words, you may infer that a particular event
10 occurred or that a particular fact exists based upon the
11 proof of sufficient factual circumstances which would
12 reasonably warrant your arriving at a particular
13 conclusion.

14 The commission of a crime and any particular element
15 necessary to establish a crime may be proven by direct
16 evidence or by circumstantial evidence or by a combination
17 of both direct and circumstantial evidence.

18 The law makes no distinction between the weight or the
19 value to be given to direct evidence or to circumstantial
20 evidence, however to the extent that the state relies upon
21 circumstantial evidence in order to establish the
22 commission of a crime, all of the circumstances proven must
23 be consistent with each other and when taken together point
24 conclusively to the guilt of the accused beyond a
25 reasonable doubt.

1 If these circumstances merely portray the defendant's
2 behavior as suspicious the proof is insufficient and it
3 fails. This burden rests with the state, regardless of
4 whether the state relies upon direct evidence or
5 circumstantial evidence or some combination of both of
6 those types of evidence in order to prove the defendant
7 guilty beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves
9 you firmly convinced of the defendant's guilt. There are
10 very few things in the world that we know with absolute
11 certainty, and in criminal cases the law does not require
12 proof that overcomes every possible doubt. And if, based
13 upon your consideration of the evidence in this case and in
14 the exercise of good judgment and common sense, you are
15 firmly convinced that the defendant is guilty of a crime
16 that he stands charged with, then you must find the
17 defendant guilty of that particular crime.

18 And if, on the other hand, you think there is a real
19 possibility that the defendant is not guilty of a crime
20 with which he stands charged, then it would be your duty to
21 give him the benefit of the doubt as to that crime and to
22 find him not guilty.

23 Now, as I told you, you are the sole judges of the
24 facts in this case, and you are therefore necessarily the
25 sole judges of the credibility, that is the believability,

1 of each witness that has testified during the course of
2 this trial.

3 You 12 jurors alone will decide what weight, value and
4 effect to give to any particular witness' testimony, or
5 even portions of that testimony. But there are several
6 factors which you should consider in arriving at your
7 evaluation and assessment as to a witness' credibility, and
8 I'm going to list those factors for you.

9 You should consider the demeanor of the witness. That
10 is how the witness appeared to you when the witness
11 testified from that witness stand. Was the witness
12 straightforward in responding to questions, or was the
13 witness hesitant or evasive in responding to question that
14 were posed to the witness.

15 Simply put, did the witness appear to you to be
16 telling the truth and to have knowledge of the facts to
17 which that witness has testified.

18 You should also consider whether or not the testimony
19 of a witness is consistent, or is it inconsistent with that
20 witness' own testimony provided here in court or whether
21 that testimony is consistent or inconsistent with any other
22 statements made by that same witness, whether they be in
23 court or outside of court.

24 You should also consider whether or not the testimony
25 of a witness is consistent or is it inconsistent with other

1 witnesses' testimony or other evidence received during the
2 course of the trial.

3 You should also consider how a witness came to know
4 the facts to which that witness has testified. In other
5 words, what was that particular witness' opportunity and
6 ability to perceive the existence of those facts to which
7 they have testified by having previously used his or her
8 senses, and then what is the ability of that witness to be
9 able to come into court and to accurately recollect to you
10 as to what they have obviously perceived.

11 You should also consider any bias or prejudice or
12 interest that a witness might have in the outcome of a
13 case. In other words, do you find some reason that a
14 particular witness would testify one or another to help or
15 hurt one side or the other. And you may consider any
16 interest that a witness might have in the outcome of the
17 case if you determine that a witness does have such an
18 interest and you find that that interest would bear upon
19 that particular witness' credibility.

20 You should also consider whether or not the testimony
21 of a witness is strengthened, is it weakened by other
22 testimony or other evidence received during the course of
23 the trial.

24 Now, during the course of this trial you have heard
25 certain evidence relating to one or more of the witnesses

1 having a prior conviction for a felony offense.

2 Ordinarily, evidence of a prior conviction is not
3 introduced during the trial of a case. However, where a
4 witness does have a record for particular types of criminal
5 offenses, evidence of those convictions may be introduced
6 during the testimony of that witness for the purpose of
7 impeaching the witness' testimony. That is to attack the
8 credibility or the believability of that witness' testimony
9 that they are providing.

10 You may consider that evidence as it relates to the
11 issue of the credibility of the witness' testimony provided
12 during this trial. If you determine that that evidence is
13 credible and probative on that point, then you may consider
14 it for that purpose.

15 During the course of this trial you've also heard
16 certain evidence relating to the defendant having a prior
17 conviction for a felony offense.

18 Again, ordinarily, that would not be admissible during
19 the trial of the case, but where a defendant has a
20 conviction for certain types of criminal offenses, then
21 evidence of those convictions may be introduced in the
22 event that the defendant takes the witness stand and
23 testifies during the trial of the case. But, again, that
24 evidence is introduced for a very limited purpose, and that
25 limited purpose is to impeach the credibility of the

1 defendant's testimony, and it's not to be used for any
2 other purpose.

3 You may consider that evidence as it relates to the
4 issue of the credibility of the defendant's testimony if
5 you determine that that evidence is credible and probative
6 on that point, but you may not consider it for any other
7 purpose.

8 That evidence is not being offered as evidence of the
9 defendant's guilt for the crimes for which he now stands
10 charged, and under your oath as a juror you may not
11 consider that as evidence of his guilt. You may only
12 consider it, if at all, on the issue of the credibility and
13 believability of his testimony.

14 Because you are the judges of the facts and because
15 you are the judges of the credibility of each of the
16 witnesses that have testified during the course of the
17 trial, you are permitted to believe as much or as little of
18 what a witness has testified to as you deem is appropriate.
19 And therefore you may believe everything that a witness
20 testified to. You may choose to believe none of it. You
21 may believe one portion of a witness' testimony and reject
22 some other portion of that same witness' testimony.

23 In a given case you may believe one witness as opposed
24 to several, or several as opposed to one. But whatever
25 your good judgment and common sense tells you is the most

1 credible testimony and evidence is the testimony and
2 evidence that you should accept, and you should reject any
3 testimony or other evidence that you find not to be
4 credible or believable.

5 Again, your sole objective and obligation is to render
6 a fair and impartial decision based upon the evidence
7 presented, your determination of fact where you can as it
8 relates to the allegations and then your application of the
9 law as I will have provided it to you.

10 Now, the same law that provides that you are the
11 judges of the facts also provides that I am the judge of
12 the law, and that simply means that nobody's going to tell
13 you how to arrive at your determination of fact in this
14 case. You do that, as I've already stated, through the
15 exercise of good judgment and common sense conscientiously
16 applied to the testimony and evidence received during the
17 course of the trial.

18 You must however under your oath as jurors accept the
19 law as I provide it to you as being the law that you are to
20 apply in the case. In other words, you're never to concern
21 yourself with what you thought the law was before you came
22 to serve as a juror this week or what you think the law
23 ought to be.

24 Under your oath as a juror you must simply accept the
25 law as I provide it you as being the law that you are to

1 apply in the case. And then you take that law and you
2 apply it to the facts as you 12 jurors determine those
3 facts to be in order to arrive at your decisions in the
4 case.

5 Now, in this case, as you know, the defendant is
6 charged with six separate and distinct criminal offenses.
7 Those six offenses are set forth in five separate
8 indictments.

9 As I told you, your verdicts may be the same or they
10 may be different. That obviously will depend upon your
11 determination of fact as it relates to the allegations made
12 by way of the indictment as it relates to a criminal
13 offense and then your application of the law as I will have
14 provided it to you as it relates to that particular
15 criminal offense.

16 So I'm now going to instruct you on the law as it
17 relates to each of the separate criminal offenses that have
18 been brought and alleged against the defendant.

19 The first I'm going to address is the crime of
20 burglary in the first degree.

21 Burglary in the first degree is a statutory offense.
22 That just means it's codified in the Code of Laws. And the
23 statute tells us what constitutes burglary in the first
24 degree.

25 If a person is found guilty of violating that

1 statute -- that is found guilty of committing the crime of
2 burglary in the first degree -- it subjects that person to
3 some form of punishment or penalty.

4 But please understand that you are never to concern
5 yourself with punishment or penalty. You don't decide
6 that. You're not to allow that to influence your judgment
7 in any way.

8 You are -- under your oath as jurors you're simply
9 tasked with the obligation and responsibility of
10 determining whether or not the defendant has been proven
11 guilty of a crime beyond a reasonable doubt, and you make
12 that decision without any consideration of any consequence
13 of that decision.

14 The crime of burglary in the first degree, as I say,
15 is set forth in Section 16-11-311, and that statute
16 provides in its relevant parts that a person is guilty of
17 burglary in the first degree if the person enters a
18 dwelling without consent and with the intent to commit a
19 crime therein, and either when in effecting the entry or
20 while in the dwelling or in immediate flight therefrom he
21 or another participant in the crime itself is armed with a
22 deadly weapon or causes physical injury to a person who is
23 not a participant in the criminal enterprise, or uses or
24 threatens the use of a dangerous instrument, or displays
25 what appears to be a firearm, or the burglary occurs in the

1 nighttime.

2 So based upon the foregoing statute, before you could
3 return a verdict of guilty in this case as to the crime of
4 burglary in the first degree it would be necessary that the
5 evidence in this case has proven to your satisfaction
6 beyond a reasonable doubt four essential elements.

7 The first element is that the defendant entered a
8 dwelling. Entry is an indispensable element in the crime
9 of burglary, and entry of course is the act of going into a
10 dwelling.

11 It is not necessary that actual physical force be used
12 to accomplish the entry, nor does any door, window or other
13 barrier have to be opened or removed in order to effect an
14 entry. The entry of a dwelling by any means whatsoever
15 constitutes the act of entering the dwelling.

16 A dwelling is defined as a building or a structure
17 which is used or normally used for sleeping, living or
18 lodging by any person. And that would include any
19 structure, room or shed attached to or attached with a
20 dwelling.

21 There also must be the entry of a dwelling without
22 consent. Entering without consent means to enter a
23 dwelling without the consent of the owner or the person
24 otherwise in lawful possession of that premises, or it also
25 means to enter a dwelling by using deception, artifice,

1 trick or a misrepresentation in order to gain consent from
2 the person in lawful possession.

3 Thirdly, there must be an entry of a dwelling without
4 consent and with the intent to commit a crime therein.
5 There must be an intent to commit a crime, whether or not
6 the crime is actually committed, accomplished or completed.
7 The mere entering of a dwelling without an intent to commit
8 a crime does not constitute the crime of burglary.

9 It is only when there is an entering accompanied with
10 an intent to commit a crime therein that the crime of
11 burglary is complete.

12 A crime of any grade or severity is sufficient to
13 satisfy this particular element of the crime of burglary,
14 that is entering a dwelling without consent with the intent
15 to commit some type of crime.

16 And the fourth element necessary in order to establish
17 burglary in the first degree is that either when in
18 effecting entry or while in the dwelling or in immediate
19 flight from the dwelling the defendant or another
20 participant in the crime is armed with a deadly weapon,
21 causes physical injury to a person who is not a
22 participant, uses or threatens the use of a dangerous
23 instrument, displays what appears to be a firearm, or the
24 entering or remaining occurs in the nighttime. And the
25 nighttime is that period between sunset and sunrise. That

1 is the period of darkness when a person's facial features
2 are not discernable by the lighting of the sun.

3 In this case the state is alleging that the crime of
4 burglary -- and it's burglary in the first degree -- was
5 committed by the defendant because he did enter a dwelling
6 without consent and with the intent to commit a crime
7 therein, and that he and/or another participant or --
8 participant in the crime were armed with a deadly weapon,
9 and/or he or another participant caused physical injury to
10 another person, and/or he or another person used a
11 dangerous instrument or displayed a firearm, and/or the
12 burglary occurred in the nighttime.

13 Now, the second indictment that I'll address is the
14 indictment for attempted armed robbery. Attempted armed
15 robbery is also a statutory offense, and that is set forth
16 in Section 16-11-330.

17 That statute provides that any person who commits the
18 crime of armory -- excuse me -- who commits the crime of
19 robbery while armed with a pistol, dirk, slingshot, metal
20 knuckles, razor or any other deadly weapon is guilty of
21 armed robbery.

22 Robbery is defined as a larceny by force or the threat
23 of the use of force. Robbery is defined in the law as the
24 taking, the stealing, the carrying away of another person's
25 property with the intent to steal it from that person or

1 from the presence of that person by the use of force or
2 violence or by the threat of the use of force or violence
3 or through intimidation in order to accomplish the theft.

4 A thing is deemed to be in the presence of a person
5 with respect to the crime of robbery when the property is
6 so within that person's reach, observation or control that
7 he or she could if not overcome by violence or prevented by
8 fear retain possession of the property.

9 A robbery is the forcing of a person to surrender
10 property with the intent to steal it by the use of force or
11 violence or by threatening a person with the use of force
12 or violence in order to accomplish the theft.

13 And a robbery becomes an armed robbery when the
14 robbery is accomplished through the use of a pistol,
15 firearm or other deadly weapon.

16 In this case the defendant is charged with attempted
17 robbery. An attempt is the commission of an overt act or
18 acts done in furtherance of the intent to do a specific
19 thing which tends toward the accomplishment of the intended
20 goal but which falls short of completion for some reason.

21 An attempt to commit a crime means making an effort
22 towards or the doing of an act or acts which directly move
23 toward the completion of the commission of the crime
24 intended. In this case it is alleged to be the crime of
25 armed robbery.

1 Therefore before the defendant could be found guilty
2 of the crime of attempted armed robbery it would be
3 necessary that the state prove to your satisfaction beyond
4 a reasonable doubt that the defendant did attempt to commit
5 the crime of robbery and at the time he attempted the crime
6 of robbery he was armed with a pistol or other deadly
7 weapon with which he -- which was used for the purpose of
8 accomplishing the crime of robbery.

9 There are also two indictments charging the crime of
10 kidnapping. There are two separate indictments because
11 there are two separate individuals who are alleged to have
12 been the victims of the kidnapping. Those alleged victims
13 are Dixie Wright and Simon Spicer. So you'll be
14 considering two separate charges of kidnapping. But the
15 law applies to both indictments, so I'll provide it once.

16 Kidnapping is also a statutory offense, and that
17 statute is 16-3-910 of the Code of Laws of South Carolina.
18 That statute provides in its relevant part that whoever
19 shall unlawfully seize or confine or kidnap by any means
20 whatsoever without authority of law is guilty of the crime
21 of kidnapping.

22 In order for the defendant to be found guilty of a
23 violation of this particular statute it would be necessary
24 that the state has proven to your satisfaction beyond a
25 reasonable doubt each of the essential elements of the

1 crime of kidnapping.

2 And the essential elements of that crime are as
3 follows:

4 Number one, the state has to prove that the defendant
5 or some other person acting in concert with the defendant
6 did seize or confine or kidnap another person by any means
7 or method and that any one or more of those acts was done
8 without authority of law.

9 The word seize means to take hold of suddenly and
10 forcibly. The word confine means to imprison or to
11 restrain or to restrict a person's freedom in some
12 significant way. And the word kidnap means to take a
13 person by force against his or her will or to confine that
14 person against his or her will. And without authority of
15 law simply means that the conduct engaged in was not
16 permitted, sanctioned, condoned, allowed or justified under
17 the law.

18 In order for the defendant to be found guilty of the
19 crime of kidnapping the state need not prove each of those
20 terms. As I've stated, any one or more of those terms or
21 acts is sufficient so long as the state does prove that the
22 defendant did seize or confine or kidnap another person
23 without authority of law.

24 In order to be guilty or found guilty of the crime of
25 kidnapping it is not necessary that any motive for that

1 conduct be proven, nor is it necessary that a demand for
2 money or any ransom be made.

3 The remaining indictment contains two offenses. Those
4 offenses are murder and possession of a firearm during the
5 commission of the crime of murder. And those are both
6 statutory offenses.

7 Murder is set forth and defined in Section 16-3-10 of
8 the Code of Laws, and that statute provides that murder is
9 the killing of any person with malice aforethought, either
10 expressed or implied. The killing of any person with
11 malice aforethought, either expressed or implied.

12 In order for you to find the defendant guilty of the
13 crime of murder it would be necessary that the evidence in
14 this case has established to your satisfaction beyond a
15 reasonable doubt that the defendant, Jarvis Stripling, or
16 any other accomplice acting in concert with him did commit
17 some act or some acts which proximately caused the death of
18 Francisco J. Villar and that that killing was done with
19 malice aforethought.

20 So what is malice aforethought? well, malice as an
21 essential element of the crime of murder is a state of mind
22 connoting an ill will and having the intent to do harm.
23 And intent means the state of a person's mind which directs
24 his actions towards a specific object or goal.

25 Intent would include those consequences which

1 represent the very purpose for which an act is done, as
2 well as those consequences which are known to be
3 substantially certain to result, whether actually intended
4 or not.

5 Malice is a technical term importing wickedness and
6 excluding just cause or legal excuse. It is something
7 which springs from depravity, from a heart devoid of social
8 duty and fatally bent on mischief.

9 It is a state of mind indicating an extreme disregard
10 for or an extreme indifference to human life.

11 Malice may be likewise defined as a state of mind
12 which indicates a formed purpose and design to do a
13 wrongful act under circumstances that exclude any legal
14 right to do it.

15 The words expressed or implied malice do not mean
16 different kinds of malice but simply the manner in which
17 malice may be shown to have existed. That is to say malice
18 established by direct evidence or by circumstantial
19 evidence which implies or infers the existence of malice.

20 Malice may be expressed as where there is an expressed
21 threat to kill or a lying in wait or where the
22 circumstances show directly that an intent to kill was
23 entertained by the killer.

24 Malice may be inferred, though no expressed intent to
25 kill is proven by direct evidence, where the facts and the

1 circumstances which have been proven by the evidence in the
2 case satisfy you beyond a reasonable doubt that malice was
3 present in the mind of the killer at the time any killing
4 took place.

5 The existence of malice may be inferred from acts,
6 declarations and conduct of the killer, as well as from any
7 other circumstances shown to have existed at the time of
8 the event from which you might reasonably infer the
9 existence of malice, as often the state of a person's mind
10 can only be proven by circumstantial evidence.

11 Malice as an essential element of the crime of murder
12 does not necessarily require proof of an ill will or a
13 hatred toward the particular individual who is killed, nor
14 does it necessarily require proof of an actual or a
15 specific intent to take human life, but rather it means a
16 state of mind accompanying conduct signifying a general
17 malignant recklessness and an extreme disregard for or an
18 extreme indifference to human life.

19 Even if the facts proven are sufficient to give rise
20 to an inference of malice, such an inference is simply an
21 evidentiary fact to be taken into consideration by you 12
22 jurors, along with all of the evidence received during the
23 trial of the case. You may give such evidence such weight,
24 if any, that you determine it should receive, if any.

25 The state is required to prove malice, just as it must

1 prove any other essential element of the crime of murder.

2 It's also essential that there exist not only malice
3 but that it be malice aforethought. The law however does
4 not require that malice must exist for any appreciable
5 length of time before the commission of an act proximately
6 causing the fatal result. In fact, it may be conceived at
7 the very moment that the fatal act is committed.

8 It is sufficient in the law so long as the state does
9 prove beyond a reasonable doubt both the existence of
10 malice and the commission of an act or acts by the
11 defendant or person acting in concert therewith which
12 proximately caused the fatal result.

13 You must determine whether or not malice aforethought
14 existed based upon your consideration of all of the
15 evidence introduced during the trial of the case and any
16 reasonable inferences that might be derived from that
17 evidence.

18 And further while the state -- while the state must
19 prove beyond a reasonable doubt that a killing did occur
20 and that it was accompanied by malice aforethought in order
21 to establish the crime of murder, it is not necessary that
22 the state prove any motive for the killing, although there
23 may be evidence relating to such a fact introduced during
24 the trial of the case.

25 Section 16-23-490 is also a statutory offense, and

1 that's the offense that provides for an additional penalty
2 and makes it an additional crime to possess a firearm
3 during the commission of a violent crime.

4 That particular statute provides that it shall be an
5 additional criminal offense if a person is in possession of
6 a firearm or visibly displays what appears to be a firearm
7 during the commission of a violent crime and is convicted
8 of committing or attempting to commit that violent crime.

9 You are further instructed that state law does provide
10 that murder is classified and designated as a violent crime
11 under the law.

12 So in order to be found guilty of a violation of this
13 particular statute you must find that the defendant is
14 guilty of the crime of murder and that during the
15 commission of that crime he did possess or visibly display
16 a firearm.

17 Now, you are further instructed that a person who is
18 charged with the commission of a crime may be convicted as
19 a principal by being the principal offender or by being an
20 accomplice with the principal offender.

21 An accomplice is one who knowingly and voluntarily and
22 with a common intent and purpose unites with the principal
23 offender in the commission of criminal acts resulting in
24 the commission of a crime.

25 An accomplice is sometimes referred to as an aider or

1 an abettor in the commission of a crime. In order to be
2 guilty as an aider or as an abettor or as an accomplice a
3 person must be a participant in the crime and be chargeable
4 with knowledge of the principal's criminal conduct.

5 It is the law that when two or more people act
6 together with a common intent and purpose and they combine,
7 conspire, plan or otherwise agree to the commission of a
8 crime, each person who is present to aid, abet and assist
9 or otherwise participate in the commission of that crime
10 are equally guilty of any crime accomplished by the efforts
11 of all who participate.

12 The hand of one is deemed to be the hand of all, and
13 the acts of one are deemed to be the acts of all.

14 So any person who joins with another to accomplish an
15 illegal purpose is held to be criminally responsible for
16 everything done by any other person involved which occurs
17 as a natural and probable consequence of the acts done
18 pursuant to and in furtherance of the common plan and
19 purpose.

20 Under the legal theory of accomplice liability two or
21 more persons may be guilty of an unlawful homicide even
22 though only one person actually commits the fatal act which
23 is directly responsible for the death of another.

24 And therefore where two or more persons combine or
25 conspire or otherwise agree to the commission of a crime

1 such as a robbery, and in the commission of criminal acts
2 done in furtherance of that crime a homicide is committed
3 by one of the participants which is incidental to and a
4 natural and probable consequence of those acts done in
5 furtherance of the common plan, each who are present and
6 participating in those criminal acts are equally as
7 responsible as the one whose acts directly caused the fatal
8 result.

9 The common purpose may not have been to kill anyone at
10 all, but if, during the commission of a criminal offense, a
11 homicide is committed by one of the participants which is
12 incidental to and a natural and probable consequence of the
13 acts done in furtherance of the common plan, each person
14 who is present aiding, abetting, assisting and
15 participating in the common design are equally guilty of
16 any homicide committed by one of the other participants.

17 As I've stated, the hand of one is deemed to be the
18 hand of all. The acts of one are deemed to be the acts of
19 all.

20 Every crime has as an essential element the crime of
21 criminal intent. Criminal intent is a state of mind that
22 operates jointly with some act in the commission of a
23 crime.

24 Criminal intent is a mental state of conscious
25 wrongdoing in contrast to the commission of some act which

1 is the result of accident or mistake or inadvertence.

2 And intent may be proven by acts, declarations and
3 conduct of the defendant, as well as any other
4 circumstances which are established by the evidence in this
5 case from which you might naturally and reasonably infer
6 such an intent as often the state of a person's mind can
7 only be established through the use of circumstantial
8 evidence.

9 Now, Mr. Foreman and ladies and gentlemen of the jury,
10 I am not in any way concerned with what your decisions are,
11 but you are instructed that the verdicts have to be
12 unanimous. All of you must be in agreement before any
13 decision may be rendered and returned to the Court.

14 Mr. Foreman, you know, you're going to be tasked with
15 the responsibility of presiding over jury deliberations in
16 the jury room simply to ensure that those deliberations are
17 carried out in some orderly fashion. And you are also
18 going to be the person who is tasked with the
19 responsibility of writing the jury's unanimous decision as
20 it relates to each of the separate offenses contained in
21 the separate indictments.

22 On the back of each indictment -- I know you can't see
23 it from there -- but on the back of each indictment -- when
24 you go back you'll have them -- in the lower left-hand
25 corner you'll see the word verdict. It's beneath that word

1 that you're going to indicate the jury's unanimous
2 decision.

3 The indictment that charges the crime of murder and
4 possession of a weapon during the commission of a violent
5 crime, you'll have to state those verdicts separately
6 because it's count one and count two.

7 In order for the defendant to be found guilty of count
8 two, which is possession of a weapon during the commission
9 of a violent crime, he would necessarily have to be found
10 guilty of count one, which is the crime of murder, because
11 you can't be found guilty of count two unless you have been
12 convicted of the violent offense alleged in the indictment.
13 But you have two verdict forms there, and those verdict
14 forms are guilty and not guilty.

15 So whatever that decision is, you'll indicate it in
16 the space provided as to each of those separate counts.
17 You sign your name as the foreperson. You're the only
18 juror that needs to sign the verdict form. And place the
19 appropriate date. Today is the 7th.

20 Same goes for the indictment for burglary. You have
21 two potential verdict forms. They are guilty and not
22 guilty. whichever that is, indicate it in the space
23 provided.

24 As to the indictment for attempted armed robbery,
25 you'll also have two potential verdict forms, guilty and

1 not guilty. Whatever that decision is, enter it in the
2 space provided.

3 And then you have two indictments charging kidnapping.
4 Again, for each of those you have two potential verdict
5 forms. Those are guilty and not guilty. Whatever that
6 decision is, indicate it in the space provided, sign your
7 name and date it.

8 As I say, your verdicts may be the same as to the
9 charges. They may be different as to the charges. That
10 will of course depend upon your determination of fact as it
11 relates to a particular charge and then your application of
12 the law to that, those facts, as you determine those facts
13 to be.

14 Now, during your deliberations there may come a time
15 where you have a question about the evidence in the case,
16 and you may even request something additional that you
17 think might help you.

18 But understand I am never permitted to answer
19 questions that relate to the evidence. I am never
20 permitted to answer questions that relate to issues of
21 fact. Those are for you to decide.

22 Now that the case is closed and you're going back to
23 begin deliberations, no additional evidence may be
24 introduced. Even if it exists, you can't have it, because
25 it was not introduced during the trial.

1 Now, if something was introduced and it was marked as
2 an exhibit and it was received in evidence, we'll verify
3 those exhibits, and they'll come back to the jury room.
4 And you'll have those in the jury room with you. If
5 something has not been introduced during the trial, then it
6 cannot be introduced now because that segment of the trial
7 is closed.

8 If you ever a question about the law that's
9 applicable, I am always permitted to answer those
10 questions. And so if you need a reinstruction or if you
11 need an additional explanation or clarification of the law
12 that you are to apply, I am always permitted to answer
13 those questions.

14 Now, if you have a question about testimony that was
15 provided during the course of the trial and you think a
16 question can be answered by having that testimony reheard,
17 we can bring you into the courtroom to have that testimony
18 replayed in whole or in part.

19 I don't have transcripts of the witnesses' testimony,
20 but if you want to rehear a witness' testimony, we can
21 bring you back into the courtroom for the purpose of
22 rehearing the testimony. And then you'll go back and
23 continue with your deliberations.

24 I don't know if we have any smokers on the jury. But
25 if we do, you can smoke during deliberations, but you can't

1 smoke in the courthouse. You have to go outside.

2 So if you want to smoke, let the bailiff know.

3 They'll take you outside to accomplish that purpose. But
4 please understand that deliberations may only be engaged in
5 when all 12 jurors are present in the courtroom so that all
6 may participate.

7 So if at any time a juror is absent for any authorized
8 purpose the deliberations have to stop, and they may only
9 resume when all are present so that all may participate.

10 Mr. Foreman, if at any time you have an issue or a
11 question or something that you need to address to me, if
12 you'll write it on a piece of paper, give it to the
13 bailiff, he'll provide that information to me, and I'll
14 respond accordingly.

15 After you and your fellow jurors have arrived at your
16 decisions and after you have indicated those decisions on
17 the back of the verdict forms and you've signed them and
18 dated them, knock on the jury room door, tell the bailiff
19 that you have reached your decision and we'll bring you
20 back to receive those verdicts.

21 When you do notify the bailiff that you've reached a
22 decision, do not give the bailiff the verdict forms.
23 You'll hold on to those, Mr. Foreman. I'll receive those
24 from you after you and your fellow jurors have returned to
25 the courtroom for us to receive those verdicts. You may

1 give him the evidence that you have in the jury room.

2 You'll hold onto the verdict forms.

3 well, I think that covers everything, but if it
4 doesn't I'm sure one of these lawyers will remind me that I
5 neglected to give you some information that I perhaps
6 should have.

7 If that's the case, I'll bring you back to provide you
8 with additional information. If I do not need to bring you
9 back for any reason, I'll simply send word by way of the
10 bailiff that you may begin your deliberations. In that
11 event the bailiff will bring to the jury room all of the
12 exhibits which have been introduced during the trial of the
13 case.

14 And to you, Mr. Foreman, he'll also bring the
15 indictments which will serve as the verdict forms.

16 So I'll ask the two alternate jurors to please remain
17 here in the courtroom.

18 I'll ask the 12 primary jurors to please retire to
19 your jury room. But do not begin deliberations until I
20 send you word to do so.

21 (Whereupon, the jury retired to deliberate at
22 3:50 p.m.)

23 (Whereupon, the alternate jurors were excused.)

24 THE COURT: Are there any exceptions taken to the
25 instruction or requests for additions to the instruction by

1 the state?

2 MR. HUNTER: Nothing from the state, Your Honor.

3 THE COURT: By the defendant?

4 MR. SNYDER: Judge, as always, your jury instructions
5 were informative and complete.

6 THE COURT: Thank you.

7 would you please see that all of the exhibits are
8 complete before they go back?

9 MS. MABBS: Judge, would you like for a clean laptop
10 to go back as well?

11 THE COURT: Yes, ma'am.

12 (Pause.)

13 THE COURT: Have all of the exhibits been verified?

14 MR. HUNTER: Yes from the state.

15 THE COURT: All right. Sent them back and tell the
16 jury to begin deliberations and notify us when they've
17 concluded.

18 (Whereupon, a recess was taken.)

19 THE COURT: All right. Bring the jury in, please.

20 (Whereupon, the jury returned to the courtroom at
21 7:03 p.m.)

22 THE COURT: Mr. Foreman, I understand you and your
23 fellow jurors wish to cease deliberations for the evening
24 and resume in the morning.

25 THE FOREMAN: That's correct.

1 THE COURT: All right. And that's perfectly okay.

2 Keep in mind during the overnight recess you're not
3 permitted to talk about the case with anybody whatsoever in
4 any fashion whatsoever. No research; no investigation; no
5 exposure to any type of media coverage.

6 You will report back in the morning at 9:30. And once
7 all of you have arrived, you can resume with your
8 deliberations.

9 The bailiff will let me know when all are present.
10 But do not resume deliberations until all are present.

11 And for the two alternates, you'll report also, and
12 you'll again be segregated from the original 12.

13 Okay. Now, if you have notepads in there that you've
14 been using -- I'm going ask you to go -- how many notepads
15 do we have jurors using them? Is it just the one?

16 THE FOREMAN: Basically, two, I think.

17 THE COURT: How big are the notepads?

18 THE FOREMAN: They're small ones.

19 THE COURT: Will they both fit in that envelope?

20 THE FOREMAN: Yes, sir.

21 THE COURT: Okay. Before you leave just take those
22 notepads and put them in the envelope. We'll lock those up
23 with the evidence. So nobody is going to see those but
24 y'all.

25 Okay. And, as I say, keep in mind the caution. And

1 please report back to the jury room in the morning at 9:30.

2 Okay. Have a good evening.

3 THE FOREMAN: The evidence, sir, all of the pieces of
4 evidence that are in there now, will they stay or will you
5 take them out?

6 THE COURT: They'll take all of that up and lock it
7 up. Do you have it in some order you want to keep it in?

8 THE FOREMAN: No.

9 THE COURT: Okay. It'll all be taken up and locked
10 up. And we'll give it back to you in the morning.

11 Okay. Be sure you put the notes in the envelope.

12 (The following takes place outside the presence of the
13 jury.)

14 THE COURT: Court is in recess until 9:30 in the
15 morning.

16 END OF PROCEEDINGS NOVEMBER 7, 2018

17

18

19

20

21

22

23

24

25

1 (Proceedings November 8, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 (The following takes place in chambers with the
5 foreperson, Juror No. 82, at 10:39 a.m.)

6 THE COURT: Ben, do me a favor. Look on the bench and
7 bring me my jury list.

8 THE BAILIFF: Yes, sir.

9 THE COURT: Thank you. Is it -- Mr. Houchins?

10 THE JUROR: Houchins.

11 THE COURT: Houchins. Excuse me. Come in and have a
12 seat right there if you'd like. You don't have to sit down
13 if you don't want to.

14 I've got your note there, and I just want you to let
15 me know what's going on that you needed to see me about.

16 THE FOREMAN: Yes, sir.

17 So -- so during, obviously, these deliberations as we
18 have talked about the specifics in the case and who was
19 there and who was not there, this juror made the statement,
20 and it happened very quickly, but she made the statement
21 about when this case happened and four people were
22 arrested. And we all stopped, and this case, you're aware
23 of this case? And she did make an attempt to retract. But
24 I wrote the question down. I said, "Michelle, if you
25 would, give me your last name, I'll write it on here. And

1 if you don't want to give me that last name, I can probably
2 go look at it on your card. I'm just going to put a blank
3 here."

4 And each time that I have submitted questions I have
5 actually -- well, this is my handwriting. The other lady,
6 Hope, had been doing the handwriting.

7 I have read the questions back to all of the jurors to
8 let them know this is how this question is worded and to
9 make sure that there's no -- no resistance to that
10 question.

11 When I wrote this question down I stood by the door
12 and I said I'm reading the question. Said to Michelle,
13 "Tell the judge that she was aware of this case." And she
14 did not try to retract or say yeah. She -- she did not
15 object to me to bring this question out.

16 THE COURT: And which juror is this?

17 THE FOREMAN: Michelle. I'm not sure of the number.

18 THE COURT: Can you give us a description of her?

19 THE FOREMAN: She's black female with the braids.

20 THE COURT: Okay. And are you telling me that what
21 she has indicated is that she has knowledge of the case,
22 previous knowledge?

23 THE FOREMAN: Previous knowledge of the case. And I
24 don't know to what degree. As soon as we began to probe
25 her, she began, well, I'm not sure it was that case, but,

1 you know, it was -- but she made a direct comment, and it
2 happened quickly. I don't remember the exact wording of
3 how she said it but...

4 THE COURT: So it is clear to you that she has
5 knowledge of the case that she has obtained prior to the
6 trial of the case?

7 THE JUROR: I don't know when she obtained it, whether
8 it was prior to the case, whether she heard it on the news
9 in February of 2017 or whether she's done research on the
10 case.

11 THE COURT: Well, that's what I'm asking.

12 I mean, is it knowledge that she has gained outside of
13 the courtroom?

14 THE FOREMAN: Yes. The indication was that it was
15 knowledge she gained outside of the courtroom.

16 THE COURT: Okay.

17 THE FOREMAN: Either knew about it coming into the
18 case or has done some research.

19 The way she said it, it sounded like she knew about it
20 when it happened. But when I read the question and probed,
21 she did not object, no, I'm just kidding, or not. She did
22 say, well, maybe it was in March, maybe it was another
23 case, she said. But, candidly, when she was speaking
24 candidly, she -- it's my and many of the other jurors'
25 evaluation that she had some knowledge of the case.

1 THE COURT: All right. So it was clear to you and
2 others that she was aware of this particular case and she
3 had knowledge of it that she had obtained outside of the
4 trial and not something that she had learned during the
5 trial.

6 THE FOREMAN: That's correct.

7 So my purpose in turning around and reading the
8 question as written back to all of the jurors was really to
9 give her an opportunity to strongly object, and she didn't
10 say anything.

11 THE COURT: Was it Hattie Michelle Young? Was that --

12 THE FOREMAN: Michelle with an E.

13 THE COURT: Okay. I'm going to ask you to go back
14 into the jury room. Y'all are going to have to stop
15 deliberations.

16 I'm going to talk with Ms. Young next, and then I'll
17 let you know when to resume your deliberations.

18 THE FOREMAN: Okay.

19 THE COURT: Okay. Thank you.

20 (Whereupon, the foreperson was excused from chambers
21 at 10:43 a.m.)

22 (The following takes in chambers with Juror No. 193 at
23 10:45 a.m.)

24 THE COURT: Okay. Ms. Young, good morning. Come in
25 and have a seat if you'd like.

1 Ms. Young, you are Juror 193.

2 THE JUROR: Yes, sir.

3 THE COURT: I have received a note from the bailiff
4 earlier today indicating that while, during, deliberations
5 you have indicated to him and the other jurors that you are
6 aware of something about this case.

7 THE JUROR: No. I said --

8 THE COURT: Let -- may I finish?

9 THE JUROR: Yes, sir.

10 THE COURT: That you are aware of this case or have
11 information about this case that you've received outside of
12 the case, not during the trial of the case. Is that true
13 or false?

14 THE JUROR: False.

15 THE COURT: All right. Give me your explanation for
16 it, please, ma'am.

17 THE JUROR: I said I seen a headline. I didn't say it
18 was of this case. I didn't say it. I seen a headline
19 where people were arrested and one person was dead. That's
20 what I said.

21 THE COURT: Uh-huh.

22 THE JUROR: And the -- let's see -- the officiator,
23 whatever he is called, he -- I feel like he's going back
24 and forth with only me because I'm the only one that's
25 questioning the evidence, because I listened very carefully

1 when everything was going on because that's what I do. I
2 mean, I pay attention to every little thing. And I feel
3 like that he keeps pointing me out.

4 THE COURT: Who is he?

5 THE JUROR: What's his name? The officiator. What --
6 the seven person.

7 THE COURT: The what?

8 THE JUROR: The seventh juror that sits on the end
9 that --

10 THE COURT: Well, I don't know how y'all are sitting
11 in there so --

12 THE JUROR: No. I'm talking about in the courtroom.
13 He goes -- he's on the end. He's --

14 THE COURT: Oh, the foreperson.

15 THE JUROR: Yes.

16 THE COURT: The foreperson. Okay. Yeah.

17 THE JUROR: And I feel like he keeps pointing me out
18 because I am questioning. I mean, I'm going to use every
19 detail that I seen in the courtroom. I'm not going to just
20 say this is this. And you're not going to make me agree to
21 something I don't agree with. And that's what he's been
22 trying to do.

23 THE COURT: Okay. Well, so is it your position that
24 you do not know anything about this case other than what
25 you've heard and seen during the trial?

1 THE JUROR: Just what I heard and seen in the trial.

2 THE COURT: Now, what is the headline that you're
3 referring to?

4 THE JUROR: Last -- I mean, last year I told them how
5 many murder cases it was last year. It was several. And
6 I'm, like, I didn't tell him that, oh, this was the case,
7 they had four people that was arrested, because clearly we
8 didn't hear that in the courtroom, so I'm like...

9 THE COURT: I know. That's what I'm trying to find
10 out about. What were you talking about?

11 THE JUROR: I just said it was a headliner of four
12 people, because he kept bringing up different -- he was
13 trying to persuade me by bringing up different situations
14 and things.

15 THE COURT: Well, what I'm trying to find out, why
16 would you bring that headline up? What did they have to
17 do --

18 THE JUROR: No. I was just making like a --
19 basically, trying to make -- he was making situations up.
20 So I was, like, okay, I seen a headline where four people
21 that killed one person, how can you pinpoint on somebody.
22 That's all. And I said that happened last year. I don't
23 know.

24 THE COURT: Okay. Now, during the voir dire before
25 y'all were selected, you remember I asked you, and of

1 course all of the jurors, various questions about your
2 knowledge of the case or your knowledge --

3 THE JUROR: Well, see. I didn't have knowledge of the
4 case.

5 THE COURT: Well, let me finish the question.

6 I asked you about knowledge of the case, as well as
7 knowledge of people involved in the case and potential
8 witnesses and whether or not you or a member of your family
9 had ever been the victim of a violent crime. And as I
10 recall, you told me that your brother had been murdered.
11 And what was your brother's name?

12 THE JUROR: Jermaine Spearman.

13 THE COURT: Jermaine Spearman?

14 THE JUROR: Uh-huh.

15 THE COURT: And you said your brother had been
16 murdered?

17 THE JUROR: Uh-huh.

18 THE COURT: I don't think I asked you whether or not
19 your case had been brought to court or not.

20 THE JUROR: No.

21 THE COURT: Has it been brought to court?

22 THE JUROR: No.

23 THE COURT: No. It's pending now?

24 THE JUROR: They haven't found anybody.

25 THE COURT: Oh, nobody's been arrested.

1 THE JUROR: Arrested for it.

2 THE COURT: And of course two of the witnesses in this
3 case were identified as Chris Taylor and Louis Nelson. And
4 they were introduced to the jury panel, and y'all were
5 asked if you had any knowledge --

6 THE JUROR: I don't have any connection to them.

7 THE COURT: Can I finish the question? If you have
8 any knowledge or connection with them or you've met them,
9 seen them, you've associated with them in any fashion. And
10 you didn't stand and indicate that you knew anybody
11 involved in the trial of this case. Did you?

12 THE JUROR: No. But on my defense of that, everybody
13 was standing up and you said --

14 THE COURT: Well, it's not a defense. I'm just asking
15 you.

16 THE JUROR: Yes, sir. But when everybody was standing
17 up you also said if it's like a personal. I didn't really
18 meet with -- I only met with them once, and that was to
19 give what happened that night.

20 THE COURT: Met with who?

21 THE JUROR: With Nelson and Taylor once. They met
22 with, like, my family.

23 THE COURT: Well, I didn't ask you if you'd met with
24 them. But you're saying you have met with them.

25 THE JUROR: Uh-huh, but I don't know them personally,

1 like, you said connected to them like that.

2 THE COURT: Well, I --

3 THE JUROR: I didn't even know their names then until
4 you said it in there.

5 THE COURT: Well, I mean, it would -- wouldn't it be
6 fairly obvious that -- I'm asking you if you know anybody
7 in the case. And I mean do you know anybody in the case.

8 It's not whether they're -- I mean, obviously if
9 they're related to you, I need to know that, but it's more
10 than that. It's whether or not you know anybody who is
11 involved in the case and is going to be testifying in the
12 case.

13 Are you saying now that you do know Chris Taylor and
14 you do know Louis Nelson?

15 THE JUROR: I -- I have seen them, and, I mean, a lot.

16 THE COURT: Where have you seen them?

17 THE JUROR: That one time at the hospital, and that's
18 it.

19 THE COURT: Oh, and what?

20 THE JUROR: That's it.

21 THE COURT: And why -- how did you see them at the
22 hospital?

23 THE JUROR: They questioned me. That's it.

24 THE COURT: They interviewed you.

25 THE JUROR: Uh-huh, but it wasn't for that case. It

1 was for my brother's case. But after that I didn't see
2 them at all any more.

3 THE COURT: It wasn't -- they interviewed -- you said
4 it wasn't for that case. What case?

5 THE JUROR: The case -- the case that we're on now.

6 THE COURT: Oh.

7 THE JUROR: It wasn't for that. They interviewed me
8 for my brother's case.

9 THE COURT: Right.

10 THE JUROR: But all they asked me was what happened
11 that night, and that's it.

12 THE COURT: Okay. But so --

13 THE JUROR: But it wasn't like -- I'm not even sure if
14 they gave me their names or not to be honest.

15 THE COURT: You --

16 THE JUROR: Because that's why I said I didn't know
17 their names until when we was in there in the courtroom.

18 THE COURT: Well, okay. Let me be clear. Two people
19 came to the hospital. Is that where you were?

20 THE JUROR: Uh-huh.

21 THE COURT: Two people came to the hospital where you
22 were to talk to you about your brother's killing. And you
23 don't think they told you who they were?

24 THE JUROR: They might have introduced themselves, but
25 I was so much in the -- it was, like, right when he -- he

1 wasn't murdered right then. He was shot. He died three
2 days later in the hospital.

3 So they just asked everybody that had seen him that
4 day. We went in one by one. And they just asked me what
5 happened that night, and I left. That's it.

6 THE COURT: well, I guess what I'm trying to
7 understand is you -- if two strangers came up to you --

8 THE JUROR: well, I know they wasn't strangers. I
9 seen their badge, I mean.

10 THE COURT: Can I finish my question?

11 If two strangers came up to you and said they wanted
12 to talk to you about your brother's murder, you don't think
13 you would say, well, who are you and why do you want to
14 talk to me?

15 THE JUROR: They didn't say murder. It wasn't -- they
16 didn't say murder.

17 THE COURT: Okay. well --

18 THE JUROR: He had just got shot at that point.

19 THE COURT: well, okay.

20 THE JUROR: Yeah.

21 THE COURT: If two strangers came up to you at the
22 hospital where you were and said we want to talk to you
23 about your brother who has been shot, would you not say,
24 well, who are y'all and why do you want to talk to me about
25 it?

1 THE JUROR: No. They're Officers. No.

2 THE COURT: Okay.

3 THE JUROR: Because they wasn't, like, in street
4 clothes. They had on their badge. They showed us their
5 badge and everything, so.

6 THE COURT: They weren't in street clothes? They were
7 in uniform?

8 THE JUROR: They was -- I'm trying to remember back to
9 that night. I know I seen their badge, but I didn't --
10 they were with another officer, and I don't even know what
11 the lady's name was. So I didn't -- in that moment I
12 didn't even take in what their name was. They might have
13 told me their names. I don't -- I don't recall that
14 because, like I said, I was in shock. Everything had
15 happened. I just went in and told them I seen my brother
16 earlier -- earlier that day. And that's it.

17 THE COURT: Okay. Well, are you telling me today that
18 in the courtroom when Mr. Taylor and Mr. Nelson were
19 introduced to the jury that you didn't know who they were,
20 you didn't know that you had been interviewed by them
21 before about your brother's killing?

22 THE JUROR: I thought that was them.

23 THE COURT: All right.

24 THE JUROR: And then when they was getting up there
25 talking and stuff, then I was, like, okay, I had been

1 interviewed by them over a year ago.

2 THE COURT: Okay. And if you thought that was them,
3 then when I asked you if you knew them, why didn't you
4 answer the question?

5 THE JUROR: No. It was after they started talking
6 that I knew that that was them.

7 THE COURT: Okay. Well, I think what I asked you,
8 when they were introduced why you didn't tell me. You said
9 because you weren't sure it was them until they started
10 talking.

11 THE JUROR: Them talking.

12 THE COURT: But you apparently recognized them, and
13 you thought those were the people, could be the people,
14 that had interviewed you about the case.

15 So since I asked if you knew, why did you not answer
16 the question then? Why didn't you tell me --

17 THE JUROR: When you said --

18 THE COURT: -- just like you came up about your
19 brother's shooting? Why didn't you come up and say, well,
20 you know, I -- I might know them, I might have been
21 interviewed by them about my brother's killing that I told
22 you about? So why didn't you do that just like you did
23 about the other question?

24 THE JUROR: Because it was so many people standing up,
25 you said, well, if you're not close contact with them,

1 because I remember you saying that part. And I was, like,
2 okay, I don't need to stand up, because I'm not close
3 contact. I don't speak to them on a daily. I'm not
4 friends with them. I only spoke to them once. So I didn't
5 think it was, okay, I spoke to them once before. And I
6 wasn't sure that that was them. So I didn't stand up,
7 because it was, like, about, what, ten or eleven people
8 started standing up and you -- you said --

9 THE COURT: well, does that make any difference?

10 THE JUROR: No. But when you said if you're not close
11 to them or they're not family members or someone you work
12 with, then you can sit down. Do you not recall saying
13 that?

14 THE COURT: well, that would be part of what I would
15 have said, but that would not be all of what I said.

16 The question would have been do you know them in any
17 fashion whatsoever, have you met them anywhere.

18 THE JUROR: Everybody stood up. It was, like, a lot
19 of us stood up.

20 THE COURT: Right.

21 THE JUROR: And then you said if they're not family or
22 if you haven't worked -- if you worked with them, or what
23 else did you say? Have family members that work with them
24 or --

25 THE COURT: well, that's not -- that's not the way

1 that process works anyway. So you apparently aren't
2 recalling it correctly. I don't -- I don't -- I don't have
3 everybody stand up and then ask if you're not connected
4 with somebody, sit down. That's not the way that works.

5 That was with the law enforcement question likely. I
6 asked if anybody was related or connected or even employed
7 as a law enforcement officer. And I said you can sit down
8 if it wouldn't affect your judgment. So that was a
9 different question altogether.

10 But the question about whether or not you've ever met
11 or know or had any connection at all with a witness, that's
12 important. And if you thought you did, then that's when
13 you answer that question and you tell me.

14 THE JUROR: But I didn't want to say that that was
15 them, and I didn't know for a hundred percent sure that
16 that was them. At that time I was not a hundred percent
17 sure.

18 THE COURT: well, okay. well, I hope you can
19 appreciate the fact that it's too late to find out after
20 you're sitting in a case and you're in jury deliberations
21 to realize then that you know the witnesses in the case, or
22 after they testify. When they testified, is that when you
23 knew that you'd met them before and they'd interviewed you
24 on your brother's case?

25 THE JUROR: When he started talking, I was like, okay,

1 I heard that voice before.

2 THE COURT: I understand.

3 THE JUROR: Is that the man that interviewed me,
4 because that night it's a -- like a blur.

5 THE COURT: Okay. So you're saying you still don't
6 know.

7 THE JUROR: I still don't know. But the fact that
8 when he was talking that, I mean, that sounded just like
9 the dude that was talking to me. But, like I say, that
10 night was a blur because of so much had happened.

11 THE COURT: Okay. I understand.

12 So let me be clear then, Ms. Young. What you're
13 saying is that you were interviewed by Mr. Taylor and
14 Mr. Nelson about your brother's killing, and they
15 interviewed you about it and asked you information and what
16 you knew about it or if you knew anything about it. And
17 you're telling me today that sitting here right now you
18 don't know that those two men who testified in this case
19 were the same people that interviewed you? Is that what
20 you're telling me?

21 THE JUROR: When I sat there --

22 THE COURT: Now, this is real important, you see.

23 THE JUROR: I understand.

24 THE COURT: Because I need you to tell me the truth.

25 THE JUROR: I understand that. I sat there, and I

1 was, like I said, that night they didn't, like, interview
2 me, like, ask me this, that, that, like ask me questions.

3 THE COURT: well, what did they do? Tell me what it
4 was like.

5 THE JUROR: They asked me what happened. I said I
6 didn't know what happened, what led up to it, I mean,
7 what -- when did you see your brother. That's it. And I
8 told them that. Okay you can go.

9 THE COURT: Okay. So you're telling me two police
10 officers came to the hospital with badges on to talk to you
11 about if you had any knowledge of your brother's killing.

12 THE JUROR: No. They did not say that because he was
13 not killed at that point.

14 THE COURT: He wasn't killed?

15 THE JUROR: I wasn't dead at that -- when that
16 happened, when they came up there.

17 THE COURT: So he hasn't been murdered. He's still
18 around?

19 THE JUROR: No. He died three days later.

20 THE COURT: Oh, after somebody shot him?

21 THE JUROR: Uh-huh.

22 THE COURT: Okay. So then he was killed.

23 THE JUROR: So all they asked me --

24 THE COURT: It wasn't medical negligence, you're
25 referencing, was it? You're not claiming that the doctors

1 had something to do with his death.

2 THE JUROR: No.

3 THE COURT: It was a bullet, a bullet wound that
4 killed him. That's what I thought. And so the police came
5 to talk to you to see if you knew anything about it? Is
6 that what I'm understanding?

7 THE JUROR: They asked me did I see my brother that
8 day.

9 THE COURT: Right.

10 THE JUROR: And I told them, yes, and I told them when
11 I seen him. And that's all they asked me.

12 THE COURT: Okay.

13 THE JUROR: But he wasn't dead when they asked me. He
14 had -- he was in the hospital. I mean, he hadn't died
15 then.

16 THE COURT: Ms. Young, I'm -- let's don't be too
17 technical about the thing. Is it fair to say that
18 Mr. Nelson and Mr. Taylor came to the hospital to talk to
19 you about your brother having been shot by some other
20 person?

21 THE JUROR: Yes. It's possible that that was them.

22 THE COURT: It's possible. Okay. And-but I believe
23 you said that during the questioning you thought it could
24 be could them but since you weren't sure about it you
25 decided it wasn't necessary to tell me about it.

1 THE JUROR: Stand up --

2 THE COURT: And --

3 THE JUROR: -- because so many people was standing up,
4 and you were, like, I wasn't connected to them in that
5 form. I just knew them from that one night. I hadn't
6 never met them before then, and I didn't see them after
7 that.

8 THE COURT: well, of course I didn't ask you if you
9 met any witnesses before that night. I asked you if you
10 met any witnesses before you were being selected in a jury
11 trial. You understood that, didn't you?

12 THE JUROR: Uh-huh.

13 THE COURT: Okay. So it was before you were selected
14 as a juror had you met any of these people.

15 THE JUROR: But I was --

16 THE COURT: Not whether you met somebody a year ago.

17 THE JUROR: But I wasn't sure that that was them.

18 THE COURT: Okay.

19 THE JUROR: Because when you meet somebody for the
20 first time and you're going through all of that, you're not
21 going to be, like, I see them out in the street. That's
22 the person I met with. I wasn't even thinking about their
23 faces that night.

24 THE COURT: well, but then you've also -- I believe
25 you told me that during the trial you recognized it was

1 them.

2 THE JUROR: When he started talking. One of them
3 started talking. That's when I was, okay, was that the guy
4 that I spoke with, because he's investigator. I mean,
5 they -- he said that they do numerous murder cases and all,
6 like, okay, was that the guy I spoke with that night.

7 THE COURT: So, okay. Well, let me just ask then.

8 Mr. Nelson and Mr. Taylor who have testified who
9 you've seen, who you've heard, are you representing to me
10 right now that you still don't know that those are the two
11 men that interviewed you at the hospital about your
12 brother's shooting?

13 THE JUROR: No, I'm not -- I can't say not
14 representing, that I don't know.

15 THE COURT: Well, what are you representing then?

16 THE JUROR: By remembering, that trying to remember
17 that night, yes, that was them. I'm just going to put it
18 like that.

19 THE COURT: So you do know that it was them. Okay.
20 So then why haven't you told me about that before right
21 now?

22 THE JUROR: It wasn't -- you said if it was going to
23 impair our judgment, and it didn't.

24 THE COURT: You mean you thought when I introduced all
25 of those people to you to find out if you had a connection

1 with them that you -- you thought that I meant if it wasn't
2 going to affect your judgment that you didn't have to tell
3 me you knew them?

4 THE JUROR: Not after, because I didn't know until
5 after the fact.

6 THE COURT: Did you understand my question?

7 THE JUROR: Uh-huh.

8 THE COURT: Okay. Well, what's the answer to it?

9 THE JUROR: I didn't know until after all of that that
10 that was them. That's what I'm saying.

11 THE COURT: Okay. All right.

12 THE JUROR: But I didn't know that I was supposed to
13 just come and say, oh, they interviewed me once.

14 THE COURT: Ma'am, it doesn't matter how many times
15 you got interviewed. The question is whether you had any
16 connection with them, you knew who they were.

17 THE JUROR: That was my fault for not coming and
18 saying that, okay, they interviewed me once and I know
19 them. Well, I don't really know them but...

20 THE COURT: Do you know me?

21 THE JUROR: I just know your name and that you're a
22 judge.

23 THE COURT: Okay. Well, you just met me this week,
24 but you know me, don't you? I mean, if somebody asked you
25 tomorrow do you know Judge Cole, you say, well, I met him

1 in court.

2 THE JUROR: I --

3 THE COURT: You wouldn't do that? You'd say, no, I
4 don't know him?

5 THE JUROR: I would say that I seen him in court.
6 That's it.

7 THE COURT: Okay. Well, did you tell me that you'd
8 seen Mr. Nelson and Mr. Taylor at the hospital?

9 THE JUROR: No. I did not.

10 THE COURT: Okay. But you're telling me now -- I
11 think you said those are the two people that interviewed
12 you at the hospital.

13 THE JUROR: Yes, sir.

14 THE COURT: Okay. All right. Thank you, ma'am.

15 All right. Ms. Young, let me ask you to go with the
16 bailiff, and he's going to take you down to a separate
17 room, and you'll stay there, and you'll just stay there
18 until I have a conversation.

19 (Whereupon, Juror No. 193 was excused from chambers at
20 11:04 a.m.)

21 THE COURT: Does anyone wish to be heard before I make
22 a decision as to whether or not Ms. Young should be removed
23 from the jury panel?

24 MR. HUNTER: Your Honor, just from the state briefly.
25 We brought this to your attention earlier. We spoke

1 in chambers. Obviously, that decision -- the state and
2 defense agreed to allow her to sit for a little bit to hear
3 the -- see if we could reach a verdict until the foreman
4 brought us the information, more information than what we
5 brought to you earlier, Your Honor, so that we just ask
6 that she be disqualified as a juror.

7 THE COURT: All right. Mr. Snyder.

8 MR. SNYDER: Okay. It appears that she had a brief
9 conversation with the investigators. I don't see how that
10 would affect her impartiality.

11 THE COURT: All right. Well, of course I was
12 reluctant to have her removed just simply based upon
13 someone's perception that she might have a connection in
14 the case, but apparently now that has been borne out in two
15 respects.

16 The foreperson says that he and a number of other
17 jurors are confident and they're satisfied that she has
18 prior knowledge from some source about this case that she
19 did not receive during the course of the trial. So she's
20 either had information about it before she was selected or
21 she has been doing research during the trial. Which it is,
22 I don't have the slightest idea. But I do know that the
23 foreperson -- and he says other members -- are satisfied
24 that she has gotten information about this case from
25 outside of the trial. And that's why he contacted me this

1 morning and sent the note, because he was concerned about
2 it. So that's one concern that I have, a great concern.

3 The second is, is that I don't think she's being
4 candid with the Court, because when asked about whether or
5 not she knew Mr. Nelson and Mr. Taylor, she's come up with
6 a number of excuses and tried to avoid the fact that she
7 even knows them now until the end and finally admitted that
8 those were the two men that interviewed her at the
9 hospital.

10 So I don't think she's being honest, and therefore I
11 find that she should be removed from any further
12 participation in the trial. And one of the alternates will
13 be selected to take her place.

14 MR. HUNTER: Would you like to make the police report
15 where it shows they did interview her as part of the
16 record?

17 THE COURT: Now, I don't know if there's any other
18 information about -- she says that was her brother, and I
19 understand that.

20 MR. HUNTER: The obituary states that she is a cousin,
21 and, in fact, she says it --

22 THE COURT: Jermaine Spearman?

23 MR. HUNTER: Yes, Your Honor. And her multiple
24 facebook posts show that she calls him cousin. That would
25 just be an extra thing that she's also not telling the

1 truth about, Your Honor.

2 THE COURT: well, do you have those facebook posts?

3 MR. HUNTER: I can search them and do a print screen
4 for you.

5 THE COURT: Okay. Do that, whatever you think
6 supports that position, and show those to Mr. Snyder.

7 MR. HUNTER: Yes, Your Honor.

8 THE COURT: All right. Do you have a position on
9 which alternate you wish to have selected? We can either
10 go with the first, or we can have them drawn, whichever you
11 prefer.

12 MR. HUNTER: I have no position, Your Honor.

13 MR. SNYDER: I don't have a position either.

14 THE COURT: well, do y'all agree on a method?

15 MR. SNYDER: If we can just have it drawn that will
16 probably --

17 MR. HUNTER: The state is fine with that, Your Honor.

18 THE COURT: All right.

19 (Whereupon, a recess was taken.)

20 (The following takes place in the courtroom.)

21 THE COURT: All right. As counsel is aware, we have
22 had a conference in chambers.

23 The Court has interviewed the foreperson and the juror
24 in the case.

25 Based upon that conference and based upon the

1 questioning of the foreperson and that juror, that juror
2 has been removed from any further participation or service
3 in the case.

4 As required by statute, the twelfth juror has been
5 selected from the two alternates by ballot, and that juror
6 that was selected is Juror No. 60, and therefore he will
7 take the place and become the twelfth juror. And we'll
8 have the remaining alternate stay with us segregated from
9 the jury panel.

10 Right now I need for you to bring all 14, and then
11 you'll be taking some back.

12 THE BAILIFF: Yes, sir.

13 THE COURT: The juror that was removed is Juror 193.

14 (Whereupon, the jury returned to the courtroom at
15 11:25 a.m.)

16 THE COURT: Good morning, ladies and gentlemen.

17 As you know you, I've been addressing an issue that
18 needed to be addressed, and that issue has now been
19 resolved. And one of your fellow jurors has been removed
20 from any further participation in the trial. That's why we
21 have alternates participating.

22 And the alternate that will become the twelfth juror
23 is Juror No. 60. That's Mr. Elliott.

24 Mr. Elliott, you are now the twelfth juror.

25 And Mr. White will remain as an alternate. So you'll

1 still be segregated from the balance of the jury, but
2 you'll remain with us in the event something should occur
3 that would require your participation.

4 So as the jurors go back, the 12, you will begin your
5 deliberations anew. And in the event you still need to
6 review or hear the testimony of any witness, please send me
7 another note, and we'll make that arrangement for the
8 benefit of the jury.

9 Okay. So the 12 can please retire to the jury room
10 and begin with your deliberations anew and let us know when
11 you arrive at a decision.

12 And in the meantime if something else comes up, please
13 let me know by way of the bailiff.

14 And Mr. White will be taken to a separate room.

15 Okay. Thank you. You may retire to the jury room and
16 begin deliberations.

17 (Whereupon, the jury retired to deliberate at
18 11:28 a.m.)

19 THE COURT: All right. We'll continue to be at ease
20 while the jury is deliberating.

21 (Whereupon, a recess was taken.)

22 THE COURT: The jury wants to rehear testimony, so
23 we're going to bring them back to do that.

24 (Whereupon, the jury returned to the courtroom at
25 1:55 p.m.)

1 THE COURT: Mr. Foreman, I have a request that you and
2 your fellow jurors wish to rehear some testimony. You've
3 requested the testimony of Dixie Wright from the police
4 station, as well as her testimony from the courtroom. And
5 that was all played at the same time, so it will all be
6 played at the same time.

7 The actual video that y'all watched during the trial
8 was not introduced into evidence, so that's not in
9 evidence, but it was played during her testimony. So you
10 will hear the audio of the statement she made while at the
11 police station. And then of course you'll also hear her
12 testimony provided here in court. And after that we'll
13 play Alicia Pilgrim's testimony.

14 Now, the court reporter is going to replay it, and
15 you'll be listening to it with the benefit of those
16 speakers. But if there's some reason that you can't hear
17 as well as you need to, let me know. We'll try to make a
18 different arrangement. Okay.

19 MR. HUNTER: Your Honor, one of the jurors has a
20 question.

21 UNIDENTIFIED JUROR: It was me. Can we take notes?

22 THE COURT: You can.

23 UNIDENTIFIED JUROR: I have a pad.

24 THE COURT: You have a pad?

25 UNIDENTIFIED JUROR: Either way.

1 THE COURT: All right. You can do that.

2 Now, understand if you take notes, the notes are for
3 the benefit of the note-taker only. They're not to be
4 relied upon by anybody else. So if everybody wants a pad,
5 we can give you one.

6 Anybody else want one? Raise your hand if you want a
7 pad.

8 We've got three of them.

9 THE BAILIFF: Yes, sir.

10 (Pause.)

11 THE COURT: Just leave that on the rail in case
12 somebody needs it.

13 All right. Everybody set? Okay.

14 (Whereupon, the testimony of Dixie Wright and Alicia
15 Pilgrim was replayed for the jury.)

16 THE COURT: All right. Please retire to the jury room
17 and continue with your deliberations.

18 The alternate juror will be segregated again.

19 (Whereupon, the jury retired to deliberate at
20 3:18 p.m.)

21 THE COURT: We will be ease while the jury continues
22 to deliberate.

23 (Whereupon, a recess was taken.)

24 THE COURT: All right. I am told the jury has reached
25 a decision. Are we ready to receive it?

1 MR. HUNTER: The state is ready, Your Honor.

2 MR. SNYDER: Yes, sir.

3 THE COURT: All right. Bring them in.

4 (Whereupon, the jury returned to the courtroom at
5 5:03 p.m. to report its verdict.)

6 THE COURT: Mr. Foreman, have you and your fellow
7 jurors reached unanimous decisions as to each of the
8 separate indictments?

9 THE FOREMAN: We have.

10 THE COURT: Have you reflected those decisions on the
11 back of the indictments as requested?

12 THE FOREMAN: I have.

13 THE COURT: You signed your name as the foreperson and
14 dated it?

15 THE FOREMAN: Yes, sir. I have.

16 THE COURT: All right. If you will, please hand those
17 up by way of the bailiff.

18 All right. You may publish the verdicts.

19 THE CLERK: Indictment No. 2017-GS-42-3125, the State
20 of South Carolina, County of Spartanburg, the State vs.
21 Jarvis T. Stripling, indictment for burg first, we, the
22 jury, find the defendant guilty. Signed by the foreperson,
23 11/8/2018.

24 Indictment No. 2017-GS-42-3123, the State of South
25 Carolina, County of Spartanburg, the State vs. Jarvis T.

1 Stripling, indictment for kidnapping, we, the jury, find
2 the defendant guilty. Signed by the foreperson 11/8/2018.

3 Indictment No. 2017-GS-42-3124, the State of South
4 Carolina, County of Spartanburg, the State vs. Jarvis T.
5 Stripling, indictment for kidnapping, we, the jury, find
6 the defendant guilty. Signed by the foreperson, 11/8/2018.

7 Indictment No. 2018-GS-42-4083, the State of South
8 Carolina, County of Spartanburg, the State vs. Jarvis T.
9 Stripling, indictment for attempted armed robbery, we, the
10 jury, find the defendant guilty. Signed by the foreperson,
11 11/8/2018.

12 2017-GS-42-3122, the State of South Carolina, County
13 of Spartanburg, the State vs. Jarvis T. Stripling,
14 indictment for count one, murder, count two, possession of
15 a weapon during the commission of a violent crime, we, the
16 jury, find the defendant not guilty. Signed by the
17 foreperson, 11/8/2018.

18 Ladies and gentlemen of the jury, if this is your
19 verdict and still your verdict, please raise your right
20 hand.

21 (Whereupon, all responded in the affirmative.)

22 THE CLERK: So say you all.

23 THE COURT: Does the defendant wish to have the jury
24 polled?

25 MR. SNYDER: Yes, sir.

1 THE COURT: All right. Poll the jury please, ma'am.

2 THE CLERK: Ladies and gentlemen of the jury, I will
3 pose a question to you after which I will ask you to stand
4 individually and respond to my question, the question being
5 is this your verdict and still your verdict.

6 Juror No. 11, is this your verdict and still your
7 verdict?

8 THE COURT: Ma'am, would you please answer orally?

9 THE JUROR: Yes.

10 THE COURT: Thank you.

11 THE CLERK: Juror No. 82, Clayton Houchins.
12 Is this your verdict and still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Juror No. 127, Stephanie Poteat.
15 Is this your verdict and still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 176, Reina Isidora Watkins.
18 Is this your verdict and still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror No. 97, John Lark.
21 Is this your verdict and still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror No. 12, Joey Blackwell.
24 Is this your verdict and still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror No. 91, Anita Jones.

2 Is this your verdict and still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 102, Gregg McAlister.

5 Is this your verdict and still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror No. 64 [sic], Amy Theye.

8 Is this your verdict and still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 43, Shirley Cohen.

11 Is this your verdict and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 86, Joseph Jackson.

14 Is this your verdict and still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror No. 60, Robert Elliott.

17 Is this your verdict and still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: The jury has been polled.

20 THE COURT: All right. Thank you.

21 Are there any other matters to be addressed with the
22 jury present?

23 MR. HUNTER: Nothing from the state, Your Honor.

24 MR. SNYDER: No, sir.

25 (Whereupon, the trial jury was excused.)

1 THE COURT: We will have a sentencing hearing in the
2 morning at 10:00 o'clock, so we are adjourned now. We will
3 resume in the morning at 10:00 o'clock at which time we
4 will need to have Mr. Stripling back.

5 Okay. Court is in recess until 10:00 o'clock in the
6 morning.

7 END OF PROCEEDINGS NOVEMBER 8, 2018

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings October 9, 2018)

2 THE COURT: All right. Anything further on behalf of
3 the state?

4 MR. HUNTER: Yes, Your Honor.

5 Prior criminal record. 2016, filing a felony false
6 police report; 2010, possession with intent to distribute
7 cocaine. And prior to that some driving offenses.

8 And I believe the sister of the victim would like to
9 address the Court, Your Honor.

10 THE COURT: All right.

11 GLORIA FUENTES: Good morning.

12 MR. HUNTER: State your full name.

13 GLORIA FUENTES: Gloria Fuentes.

14 THE COURT: I need for you to spell that for the
15 benefit of the reporter.

16 GLORIA FUENTES: G-L-O-R-I-A. My last name Fuentes,
17 F-U-E-N-T-E-S.

18 THE COURT: Thank you.

19 GLORIA FUENTES: I'm Frankie's younger sister.

20 I honestly don't know where to start, but the Frankie
21 that was presented in this trial is not the Frankie I know.

22 He was hiding a lot of stuff from us that we didn't
23 know about, but one thing I do know was my brother was very
24 attentive to all of us. Always called me.

25 I live in Florida, and he always made sure that me and

1 my daughter were good, and my mother. He always went to
2 visit her every day.

3 Unfortunately, my mother was coming to South Carolina
4 from Florida to visit Frankie that day, February 10th. It
5 was the day she was on her way here.

6 It was evening time, and she came to find out on her
7 way here that Frankie had passed, which was horrible. The
8 hardest part for me was to see my mother so distraught and
9 out of place.

10 It's a lot of pain for her because she didn't come to
11 South Carolina to Frankie alive, but dead. And it's been
12 very hard on her.

13 My mom is not the same person. Again, she doesn't
14 smile the same; she doesn't laugh the same. But I just --
15 we do believe in justice and we do trust the justice
16 system. And we just hope that justice does get served,
17 even though we're not very fond of the verdicts, decision.

18 I don't know what else to say. My brother is not
19 going to be able to see his son ever again or his son ever
20 see my brother again. We have to live with that for the
21 rest of our lives. That's all.

22 THE COURT: Okay. Thank you.

23 GLORIA FUENTES: I just want to thank you.

24 THE COURT: Good luck to you.

25 Anything else?

1 MR. HUNTER: Judge, obviously, Mr. Pilgrim will be
2 pleading after this, and the other codefendant pled guilty
3 to all of his charges and received a 30-year sentence.

4 THE COURT: All right. Mr. Snyder.

5 MR. SNYDER: Yes, sir, Judge.

6 You've heard a lot this week. You saw a jury that
7 was, obviously, very conflicted. They had this case for
8 nine and a half hours, and they obviously struggled with
9 it. And they were polled at the end. Two of them were so
10 visibly struggling that they broke down in tears.

11 I believe, as Frankie's sister said, justice deserves
12 to be done. I do not believe justice is being served by
13 the person that put this whole thing together receiving a
14 5-year sentence and Jarvis receiving anything more than the
15 minimum of 15.

16 The verdict tells me one of two things. Either they
17 thought he might have been there or/and that he wasn't the
18 shooter, or they heard a lot about a murderer receiving a
19 life sentence and they did not think the evidence supported
20 Jarvis receiving a life sentence. I believe those are the
21 two only explanations for the verdict.

22 I ask Your Honor not to penalize Jarvis for exercising
23 his right to trial. I believe the jury by their verdict
24 showed the desire for him to receive a minimum sentence,
25 and that's what we're asking for today.

1 THE COURT: All right. Mr. Stripling, would you like
2 to add anything?

3 THE DEFENDANT: No, sir.

4 THE COURT: On Indictment 2017-03125, that's the
5 indictment for burglary in the first degree, wherein you
6 have been found guilty by the jury for that offense, the
7 Sentence of the Court is you, Jarvis Stripling, be confined
8 to the South Carolina Department of Corrections for a
9 period of 30 years.

10 Indictment 2017-03123 and 03124, each of those
11 indictments for kidnapping, wherein you have been found
12 guilty by the jury of those offenses, the Sentence of the
13 Court as to each indictment, you are to be confined to the
14 South Carolina Department of Corrections for a period of 30
15 years.

16 Indictment 2018-04083, indictment for attempted armed
17 robbery, wherein you have been found guilty by the jury,
18 Sentence of the Court is you be confined to the South
19 Carolina Department of Corrections for a period of 20
20 years.

21 Mr. Stripling, you have a right to appeal the verdicts
22 of the jury and the Sentence of the Court. You must file
23 your notice of intent to appeal those decisions within ten
24 days of today's date.

25 (Question from the jury marked Court's Exhibits Nos. 1

1 through 4; obituary printout marked Court's Exhibit No. 5;
2 obituary printout marked Court's Exhibit No. 6; Questions
3 from the jury marked Court's Exhibits Nos. 7 and 8.)

4 END OF REQUESTED TRANSCRIPT OF RECORD
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 6th through the 9th days of November 2018.

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

March 16, 2019

Linda D. Moffitt
Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

County of)

Spartanburg)

Jarvis Tremaine Stripling 378246)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2021-CP-42-047SS

APPLICATION FOR
POST-CONVICTION RELIEFCLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

2021 DEC 20 PM 3:42

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Institution
2. Name and location of Court which imposed sentence Court of General Sessions, Spartanburg County
3. Name(s) of co-defendant(s) (if any) RayShon Smith and Alice Pilgrim
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017GS423122-3125
 - (b) 2018GS424083

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 11-09-2018 1st degree burglary 30 years
- (b) Kidnapping 30 years
- (c) Possession of a weapon during violent crime 30 years
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty X
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence? Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Spartanburg County
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. December 2, 2020
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

2021 DEC 20 PM 3:42
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Applicant received ineffective assistance of counsel
 (b) because attorney failed to raise jury objections
 (c) concerning presenting new videos and pictures at trial.

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) There were several known and unknown facts
 (b) when it was clearly a conflict you could not present new
 (c) evidence at trial

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? _____
 (b) any petition in State or Federal Courts for habeas corpus or post-conviction relief? _____
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
 (d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Appeal
 ii. _____
 iii. _____
 iv. _____

(b) the name and location of the Court in which each was filed:

i. Spartanburg County
 ii. _____
 iii. _____
 iv. _____

FILED
 DEC 20 PM 3:42
 CLERK OF COURT
 SPARTANBURG COUNTY
 JIMMY W. COX

(c) the disposition thereof:

- i. Dismissed
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. December 2, 2020
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

2021 DEC 20 PM 3:42
 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY V. COX

FILED

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? yes
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

yes

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Appellate defender Joanna Katherine Delany
of Columbia, SC

ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Appeal Joanna Katherine Delany

ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

Applicant seeks his conviction and sentence to be vacated and his case be reset for trial.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA

County of Richland

VERIFICATION

2021 DEC 20 PM 3:43
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

I, Jarvis Tremaine Stripling #378268, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this _____
day of _____,

_____, (L.S.)
Notary Public

My Commission Expires: _____

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Jarvis Stripling, #378264,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-42-04255

**RETURN AND MOTION FOR A
MORE DEFINITE STATEMENT**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter “PCR”) application filed on December 20, 2021, by Jarvis Stripling (hereafter “Applicant”). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its June 2017 term, the Spartanburg County Grand Jury indicted Applicant for two counts of kidnapping (2017-GS-42-3123 and -3124) and first degree burglary (2017-GS-42-03125). During its July 2018 term, the Spartanburg County Grand Jury indicted Applicant for attempted armed robbery (2018-GS-42-04083). During its August 2018 term, the Spartanburg County Grand Jury indicted Applicant for murder (count one) and possession of a weapon during commission of a violent crime (count two) (2017-GS-42-03122). Applicant was represented by Charles W. Snyder, III, Esquire. Assistant Solicitor James E. Hunter and Allison Mabbs, Esquires, of the Seventh Circuit Solicitor’s Office prosecuted the case. On November 6-8, 2018, Applicant proceeded to trial before the Honorable J. Derham Cole, circuit court judge, and a jury. Applicant was found guilty

of first degree burglary, two counts of kidnapping, and one count of attempted armed robbery and not guilty of murder and possession of a weapon. Judge Cole sentenced Applicant to thirty years' imprisonment for each count of kidnapping and first degree burglary and twenty years' imprisonment for attempted armed robbery, sentences running concurrently.

Applicant filed a timely notice of appeal on November 14, 2018, that was perfected by Joanna K. Delany, Esquire, through filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. *State v. Stripling*, Op. No. 2020-UP-328 (S.C. Ct. App. filed Dec. 2, 2020). The remittitur was issued on December 21, 2020.

II. Statement of Facts

Applicant and his co-defendant, Alicia Pilgrim, grew up together. (Tr. 55). Pilgrim and Francisco Villar made an illegal deal where Pilgrim would marry Villar's cousin, who was not in the country legally, for money. (Tr. 55). Villar did not want to pay upfront, so Pilgrim developed a plan to rob him, because she knew he had money from drug dealing. (Tr. 55). Pilgrim went to Villar's home early in the morning, when two black man rushed into the house, both covering their faces. (Tr. 56). This was captured on video surveillance. (Tr. 56). Pilgrim and the men ordered everyone to get on the ground. (Tr. 56). After a while, Villar stopped cooperating and pulled a pistol to shoot those that broke into the house. (Tr. 56). Villar was killed after suffering a gunshot to the top of the head that went through the back of his skull and another gunshot to the cheek that shattered in his spine, both of which were fatal shots. (Tr. 223). In a statement, Pilgrim identified Applicant as the shooter. (Tr. 57-58).

III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the

following reasons (excerpts verbatim):

1. “Applicant received ineffective assistance of counsel because attorney failed to raise jury objections concerning presenting new videos and pictures at trial.”
 - a. “There were several known and unknown parts where it was clearly a conflict; you cannot present new evidence at trial.”

Attached to and incorporated herein are Applicant’s Spartanburg County Clerk of Court Records, Applicant’s South Carolina Department of Corrections Records, the trial transcript, direct appeal records, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

IV. Argument

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Effective assistance of counsel does not mean perfect or mistake-free representation. *See Weaver v. Massachusetts*, 137 S. Ct. 1899 (2017) (“[A] defendant has a right to effective representation, not a right to an attorney who performs his duties ‘mistake-free.’” (citation omitted)); *Burt v. Titlow*, 571 U.S. 12, 24 (2013) (“[T]he Sixth Amendment does not guarantee the right to perfect counsel; it promises only the right to effective assistance[.]”); *Yarborough v. Gentry*, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Instead, it simply means assistance that was objectively reasonable under prevailing professional norms. *Strickland*, 466 U.S. at 687-688.

When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective

assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); *see Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel's strategic decisions are to be afforded "'strong presumption' of reasonableness that the defendant must overcome"); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that

“there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 112 (2011).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Failure to Object

Applicant claims Counsel was ineffective for failing to object to the admission of evidence at trial. Whether failure to object constitutes deficient performance generally hinges on whether or not a valid trial strategy was utilized. *See Thompson v. State*, 423 S.C. 235, 241, 814 S.E.2d 487, 490 (2018) (finding Counsel was deficient because the failure to object was not related to an otherwise valid trial strategy); *Stokes v. State*, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) (where “counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel”).

Applicant has not stated what evidence should have been objected to, what the basis of the objection would have been, and how that would have affected trial proceedings. Accordingly, a more definite statement is needed. Additionally, Respondent contends Applicant likely cannot

meet his burden of proof on this ground. Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant’s allegations. Applicant alleges that plea counsel was constitutionally ineffective because of failure to object to evidence at trial. However, he does not explain exactly what Counsel did that constituted ineffective assistance of counsel. Applicant fails to set forth with specificity any facts and circumstances upon the claim is based. The Uniform Post-Conviction Procedure Act requires that applicants must “specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

Coardes v. State, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include “a short and plain

statement of the facts showing that the pleader is entitled to relief.” Respondent moves pursuant to Rule 12(e), SCRCF, to require Applicant to provide a more definite statement of his claims. Respondent moves to require Applicant to file an additional amended application well in advance of any evidentiary hearing concerning this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegation.

VI. Other Allegations Denied

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explain in this return is hereby denied by Respondent.

VII. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRCF and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading

and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

VIII. Conclusion

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

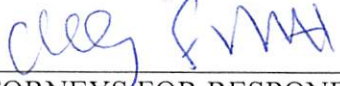
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

January 28, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
JARVIS STRIPLING,	)	AMENDED APPLICATION
APPLICANT.	)	
v.	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	CASE # 2021-CP-42-4255
RESPONDENT.	)	
_____	)	

This matter comes before the Court by way of application for post conviction relief filed December 20, 2021, alleging ineffective assistance of trial counsel for failing to object to video evidence. A Return and Motion for a More Definite Statement was made January 28, 2022. This application amends the original application to add the following allegations:

I. Ineffective assistance of trial counsel for:

1. failure to move to suppress the identification of the Applicant by witness Dixie Wright and object to her in court identification of Mr. Stripling; Trial Transcript p. 120
2. failure to present an expert to educate the jury on how suggestion and memory triggers can result in false eyewitness identification;
3. failure to object to the admission of home surveillance video and photo stills thereof if not produced in discovery; Trial Transcript pp. 93, 95
4. failure to review home surveillance video and photo stills thereof with Mr. Stripling prior to trial;
5. failure to object to leading redirect of witness Dixie Wright; Trial Transcript pp. 132-3
6. failure to object to leading of witness Alicia Pilgrim; Trial Transcript pp. 151-2
7. failure to object to leading Investigator Louis Maceo Nelson or question why if he believed witness Alicia Pilgrim he then charged a third party Efrain Rivera with the murder; Trial Transcript pp. 174

8. failure to object to Investigator Louis Maceo Nelson bolstering witness Alicia Pilgrim's identification of the Applicant by stating she seemed truthful; Trial Transcript p. 171

9. failure to object to the removal of juror number 193. Trial Transcript p. 308

FILED
2022 JUN -6 AM 10:06
CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

III. Due Process Violations due to the removal of juror number 193 and compromising Applicant's right a fair trial.

Respectfully submitted,



Susannah Ross #11205

Attorney for the Applicant

330 E. Coffee St,

Greenville, SC 29601

(864) 242-0029

Spartanburg, South Carolina

This 2 day of June, 2022

FILED
2022 JUN -6 AM 10:06
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COMMON PLEAS COURT
3
4 Jarvis Stripling,)
5 Applicant,) TRANSCRIPT OF RECORD
6 -vs-) 2021-CP-42-04255
7 The State.) June 8, 2022
8) Spartanburg, South Carolina
9
10

11 B E O F R E:

12 HONORABLE WILLIAM A. MCKINNON, JUDGE
13
14

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

16 SUSANNAH ROSS, ESQUIRE
17 Attorney for the Applicant

18 CHELSEY MARTO, ESQUIRE
19 Attorney for the State
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	JARVIS STRIPLING (AW)	
4	Direct examination by Ms. Ross	9
5	Cross-examination by Ms. Marto	15
6	Redirect examination by Ms. Ross	20
7	Recross-examination by Ms. Marto	22
8	Redirect examination by Ms. Ross	25
9	JAMYRAH STRIPLING (AW)	
10	Direct examination by Ms. Ross	25
11	Cross-examination by Ms. Marto	28
12	JaASIA STRIPLING (AW)	
13	Direct examination by Ms. Ross	30
14	Cross-examination by Ms. Marto	31
15	CHARLES W. SNYDER, III (SW)	
16	Direct examination by Ms. Marto	33
17	Cross-examination by Ms. Ross	40
18	Redirect examination by Ms. Marto	49
19	JAMES EDWARD HUNTER (SW)	
20	Direct examination by Ms. Marto	50
21	Cross-examination by Ms. Ross	56
22		
23	Closing arguments -- page 58.	
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
A-1	Photograph		10
A-2	Photograph		10
A-3	Photograph		10

1 (Proceedings June 8, 2022)

2 MS. MARTO: Your Honor, may it please the Court.

3 We're here today in the case of Jarvis Stripling vs.
4 the State of South Carolina, Docket No. 2021-CP-42-04255.

5 My name is Chelsey Marto and I represent the
6 respondent, and Ms. Susannah Ross represents the applicant
7 in this matter.

8 Applicant is presently confined in the South Carolina
9 Department of Corrections, and during its June of 2017 term
10 he was indicted for two counts of kidnapping and first
11 degree burglary; and then July 2018, he was indicted for
12 attempted armed robbery. And then again in August of 2018,
13 he was indicted for murder, possession of a weapon during
14 the commission of a violent crime.

15 He was represented by Mr. Charles Snyder, and
16 Assistant Solicitor James Hunter and Allison Mabbs
17 prosecuted the case.

18 November 6th through the 8th of 2018 he proceeded to
19 trial before the Honorable J. Derham Cole and a jury. He
20 was found guilty of first degree burglary, two counts of
21 kidnapping and one count of attempted armed robbery. He
22 was also found not guilty of murder and possession of a
23 weapon.

24 Judge Cole sentenced applicant to 30 years
25 imprisonment for each count of kidnapping and first degree

1 burglary and 20 years for attempted armed robbery,
2 sentences running concurrently.

3 Applicant timely filed a notice of appeal
4 November 14th of 2018, and this was perfected by appellate
5 counsel who filed an Anders brief.

6 South Carolina Court of Appeals dismissed applicant's
7 appeal by unpublished opinion and the remittitur was issued
8 December 21st, 2020.

9 Post-conviction-relief application was filed
10 December 20th of 2021 and the return was made
11 January 28th of 2022.

12 And with that, I'll turn it over to Ms. Ross.

13 THE COURT: Yes, ma'am.

14 MS. ROSS: Thank you, Your Honor. May it please the
15 Court.

16 I did file an amended application in this case, which
17 sort of lays out the issues that -- that I saw upon my
18 review.

19 I would reserve the right under Love vs. State to
20 amend the pleadings to convert to the testimony.

21 THE COURT: Is the current petition you filed, is it
22 in the packet Ms. Marto gave me?

23 MS. MARTO: I think the application was filed Monday,
24 and those packets were prepared before then.

25 THE COURT: Yes, ma'am.

1 Do you have a copy, Ms. Ross? That will be helpful.

2 MS. ROSS: Yes.

3 THE COURT: All right. Yes, ma'am.

4 MS. ROSS: And just looking at those the reason --
5 that's part of the record, so I'm not going to read through
6 it again, but the -- the problem with this case is it
7 looked like you have two eye witnesses identifying Mr.
8 Stripling, but the background of that was very different.

9 One of the eye witnesses, the victim, had initially
10 said she thought it was someone else. And then -- and she
11 talks about that in -- in the transcript around page 117 to
12 120. She thought it was the second guy named Pete or P.D.
13 Red.

14 Then she's putting together background. She met
15 Mr. Sibling before and knew him to be a friend of a
16 codefendant that was definitely there and was shown his
17 picture a number of times by law enforcement where she
18 identified him as, yes, that's Jarvis.

19 She did not identify him as the shooter until way, way
20 later in the case, and that's why it becomes such a
21 problem.

22 Second eye witness was a codefendant -- Alisha
23 Pilgrim -- who initially denied Mr. Stripling's involvement
24 completely until she got a plea deal the prior week off the
25 trial docket. And then suddenly she's identifying him.

1 So it's not as open-and-shut a case as it appears on
2 initial review when you look back through the trial itself.

3 And on the amended application I have two process
4 violations for the removal of Juror No. 193. But there was
5 also a good bit of vouching and bolstering for those, those
6 two eye witnesses, and there was no pretrial hearing for an
7 objection to the identification proceeding -- procedure,
8 and so that -- that added, we would argue, to the due
9 process issues where we would argue the I.D. was un --
10 not reliable.

11 And at that point I'll call Mr. Jarvis Stripling to
12 the stand.

13 THE COURT: All right. If you don't mind, Ms. Ross,
14 it would be helpful. Just give me a like a 60-second
15 summary of what the state's case was.

16 MS. ROSS: Sure.

17 This was a -- long story short -- there was some anger
18 between a -- a guy who was a -- a drug dealer. There was a
19 video surveillance in his house, and a codefendant, Alisha
20 Pilgrim, over some kind of marriage arrangement or
21 something. So that was the initial background.

22 And the idea was that Ms. Pilgrim recruited two people
23 to come with her and rob the victim's house. I can't
24 remember his name. But he was there with his girlfriend,
25 Alisha Pilgrim, and a third party.

1 And as the -- as they went in the house the victim
2 shot at the codefendants, or shot at them, and then there
3 was a shot back that killed the victim.

4 So we had one eye witness victim Alisha Pil -- excuse
5 me -- Dixie Wright who testified, and then a codefendant
6 Alisha Pilgrim who testified.

7 And there was no testimony from the third codefendant
8 who was solidly identified, and then the other party who
9 was there and not shot.

10 THE COURT: And, I mean, to the extent you noticed
11 that the -- the verdict was unusual. So what -- you know,
12 if that is the theory of the state's case what -- can you
13 explain the acquittal on the murder? I mean, you -- what
14 you just said was that Ms. Pilgrim recruited two people;
15 one of whom the state alleges was Mr. Stripling.

16 MS. ROSS: Right.

17 THE COURT: There was a gunfight. That seems like --
18 I mean, that seems an unusual verdict.

19 MS. ROSS: And counsel commented on that at the end of
20 the trial that the jury was clearly disturbed. I think
21 they had some questions, disturbed by those, that they were
22 concerned that the identification was bad. And I think
23 they split the verdict. That's all I can surmise.

24 THE COURT: Okay. Thank you, ma'am. I appreciate
25 that.

Jarvis Stripling
Direct examination by Ms. Ross

1 JARVIS STRIPLING, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. MOSS

4 Q Okay. Mr. Stripling, you understand, and we've
5 discussed, that if you win a P.C.R. your relief is to be put
6 back into the position before your trial.

7 A Yes, ma'am.

8 Q You understand that. And you were acquitted on the
9 murder. So you can't be -- that is gone forever, but a
10 burglary can carry 15 years to life.

11 Do you understand that you could get a worse sentence
12 than the 30 years that you did receive?

13 A Yes, ma'am.

14 Q And how do you wish to proceed?

15 A I want to keep going.

16 Q Okay. Why have you alleged ineffective assistance of
17 counsel?

18 A Because it's -- there's a lot of stuff on there that --
19 that my previous lawyer didn't object to, a lot of stuff
20 that I didn't even know about until that day of court.

21 Q Okay. You say a lot of stuff. Exactly what stuff?
22 What are you referring to?

23 A Like those videos or whatever. I'm not saying I would
24 have done anything different, but I would like to have
25 known.

Jarvis Stripling
Direct examination by Ms. Ross

1 Q Okay. So there was a surveillance video from the house
2 that was broken into, right?

3 A Yes, ma'am.

4 Q And that was put in at your trial.

5 A Yes, ma'am.

6 Q Did you ever see that prior to your trial?

7 A No, ma'am.

8 Q And for reference I'm going to show you three
9 photographs that were entered as exhibits at your trial.
10 Can you take a look at them?

11 A Yes, ma'am.

12 Q Is that you in those photographs?

13 A No, ma'am. That's not. You can clearly see right on
14 these right here -- you can clearly see on these right here.
15 They said they had tattoos, but there's no tattoos.

16 Q Okay. And you're saying at your trial -- well, one
17 second.

18 MS. ROSS: I'd offer these as Applicant's Exhibits 1,
19 2 and 3.

20 MS. MARTO: No objections.

21 THE COURT: Into evidence without objection.

22 (Photographs marked Applicant's Exhibits Nos. 1, 2 and
23 3.)

24 Q So those are still photographs from the surveillance.
25 Do you understand that from trial?

Jarvis Stripling
Direct examination by Ms. Ross

1 A Yes, ma'am.

2 Q From the surveillance. And they were entered at your
3 trial as state's exhibits as well.

4 A Yes, ma'am.

5 Q Now, did you ever get a chance to look at those
6 photographs before the trial?

7 A No, ma'am. I didn't know about them until the day of
8 the trial.

9 Q Do you recall investigators and witness Dixie Wright
10 referring to tattoos --

11 A Yes, ma'am.

12 Q -- showing up on the pictures? Did you see any
13 tattoos?

14 A No, ma'am.

15 Q would you have attested to that at trial if you had
16 seen those pictures beforehand and had time to prepare?

17 A Yes, ma'am.

18 Q Now, how tall are you?

19 A Like 5'8".

20 Q Okay. Do you know how the shooter was described or how
21 the Dixie Wright described the people who came into her
22 house?

23 A I think she said 6' -- 6' and -- 6' and then above.

24 Q Did your lawyer ever make that distinction during your
25 trial?

Jarvis Stripling
Direct examination by Ms. Ross

- 1 A No, ma'am.
- 2 Q Now, at trial you testified to an alibi, correct?
- 3 A Yes, ma'am.
- 4 Q And your mother testified as well.
- 5 A Yes, ma'am.
- 6 Q Now, is your mother with us today?
- 7 A Unfortunately, she passed away.
- 8 Q But you have some witnesses today to testify as to your
- 9 alibi. Who are those witnesses?
- 10 A My -- my two daughters. My -- my third one, she was
- 11 way too young.
- 12 Q Okay. And what were their names?
- 13 A Jamyrah Stripling and JaAsia Stripling.
- 14 Q Okay. Can you spell Jamyrah and JaAsia?
- 15 A J-A-M-Y-R-A-H. And JaAsia is J-A, capital, a-S-I-A.
- 16 Q Now, did they testify at your trial?
- 17 A No, ma'am.
- 18 Q But they were there and could have confirmed your
- 19 alibi, you believe?
- 20 A Yes, ma'am.
- 21 Q Now, do you think that might have helped out in your
- 22 case?
- 23 A Yes, ma'am.
- 24 Q Now, did your lawyer -- or do you recall your lawyer
- 25 having a pretrial hearing about the identification of you by

Jarvis Stripling
Direct examination by Ms. Ross

1 Dixie Wright?

2 A No, ma'am.

3 Q Are you aware of any pretrial motions or anything like
4 that?

5 A No, ma'am. I didn't really see him but maybe twice the
6 whole time.

7 Q And I refer you to page 120 of the transcript, line 16.

8 A Yes, ma'am.

9 Q Does Ms. Dixie Wright identify you in the courtroom at
10 that time?

11 A Ma'am?

12 Q If you read on line 16, who does Dixie Wright identify
13 in the courtroom?

14 A No. She said this is Jarvis.

15 Q All right. And is there any objection to that
16 identification?

17 A No, ma'am.

18 Q Now, are you aware of a third codefendant who was
19 charged but his charges were all dismissed against him?

20 A Yes, ma'am.

21 Q Who was that?

22 A Efrain. They call him Gee.

23 Q Was he also called Jeff?

24 A Yes, ma'am.

25 Q And he was charged with the same charges you and your

Jarvis Stripling
Cross-examination by Ms. Marto

1 codefendant were, correct?

2 A Yes, ma'am.

3 Q And the state just dismissed all of those charges
4 against him?

5 A Yes, ma'am.

6 Q Now, did your lawyer make a big deal about that at your
7 trial?

8 A No, ma'am.

9 Q And did your lawyer get any kind of expert
10 identification witness?

11 A No, ma'am.

12 Q Do you feel like he could have made more objections
13 during your case to leading or vouching or anything like
14 that?

15 A Yes, ma'am.

16 Q Did you think the case against you, was there
17 overwhelming evidence of guilt?

18 A Ma'am, I don't understand that.

19 Q Did you think there was a lot of evidence against you
20 at your trial?

21 (Pause.)

22 Q I'll withdraw the question.

23 Going back, you went to trial and pled not guilty, is
24 that correct?

25 A Yes, ma'am.

Jarvis Stripling
Cross-examination by Ms. Marto

1 Q why did you plead not guilty?

2 A Because I'm not guilty.

3 Q Okay.

4 MS. ROSS: I've got no further questions.

5 THE COURT: Ms. Marto.

6 MS. MARTO: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. MARTO

9 Q Good morning, sir.

10 A Good morning.

11 Q So Ms. Pilgrim testified at the trial, correct?

12 A Yes, ma'am.

13 Q And she stated that she was in the house with you and
14 Rayshon.

15 A That's what she stated, yes, ma'am.

16 Q And she stated that you were involved and you were a
17 part of the plan. Is that what she testified to?

18 A That was her statement, yes, ma'am.

19 Q And Dixie Wright testified that she previously knew
20 you, correct?

21 A Yes, ma'am.

22 Q And she stated that you were the -- I believe she
23 stated that you were the shooter in this case.

24 A No, ma'am.

25 Q No?

Jarvis Stripling
Cross-examination by Ms. Marto

1 A No, ma'am.

2 Q She stated that you were involved, correct?

3 A Yes, ma'am. At first -- at first she -- she said --
4 she didn't say me.

5 Q But at the trial she stated that she was sure it was
6 you, is that correct?

7 A Yes. At the trial. Yes, ma'am.

8 Q Okay. Now, did you review discovery with your
9 attorney?

10 A Ma'am?

11 Q Did you review any of your discovery with your
12 attorney?

13 A No, ma'am.

14 Q So you never saw any of your discovery.

15 A No, ma'am.

16 Q Okay.

17 A Oh, yes. Talking about in the county, when I was in
18 Spartanburg County?

19 Q Like the pieces of evidence, like police reports,
20 photos, videos.

21 A Yes, ma'am. I seen them.

22 Q You saw all of that.

23 A Yes, ma'am.

24 Q Okay. And you saw the surveillance footage inside the
25 home?

Jarvis Stripling
Cross-examination by Ms. Marto

- 1 A No, ma'am.
- 2 Q So you never saw any of the videos.
- 3 A Not until my trial date.
- 4 Q Did Mr. Snyder tell you that they had surveillance
5 footage?
- 6 A Not -- not that I recall, no, ma'am.
- 7 Q So you had no awareness at all.
- 8 A No, ma'am. All -- all he's -- he showed me was Rayshon
9 Smith, a verbal video of Rayshon Smith.
- 10 Q So you saw a video of inside the home and you --
- 11 A No, ma'am. They was talking to him, interrogating him.
- 12 Q Interview with Mr. Smith, correct?
- 13 A Yes.
- 14 Q And so you saw that. Did he ever state that you were
15 involved during that interview?
- 16 A No, ma'am. Well, yes, yes, on one incident after
17 allowing it.
- 18 Q Okay.
- 19 MS. MARTO: One moment, Your Honor.
- 20 THE COURT: Yes, ma'am.
- 21 (Pause.)
- 22 Q Now, you stated that you were upset with your attorney
23 not launching various objections, is that correct?
- 24 A Yes, ma'am.
- 25 Q Is there anything in particular you wanted him to

Jarvis Stripling
Cross-examination by Ms. Marto

1 object to?

2 A I mean, there was a lot of thing like -- like when
3 Dixie -- her first statement -- then when she changed it
4 I -- I was assuming they could object to something like that
5 or raise a flag.

6 Q So you don't think that your attorney brought out the
7 fact that she changed her story?

8 A No, ma'am. Not like he's supposed to.

9 Q What was he supposed to do, sir?

10 A I mean, I don't know. Really, just -- that's his job.
11 I thought he was supposed to, you know.

12 Q So he was supposed to do something that just would have
13 led to a different conclusion at trial, is that it?

14 A Yes. I think he could've.

15 Q And because you were found guilty of some of the
16 charges, is that why counsel was ineffective?

17 A Ma'am?

18 Q Is it -- is it -- are you claiming that counsel was
19 ineffective because you were found guilty of some of the
20 charges?

21 A No, ma'am. I mean, just wasn't.

22 Q Okay. Now, did you know the deceased in this case?

23 A No, ma'am. Not -- not really.

24 Q What do you mean by not really, sir?

25 A I mean, I met him once before, but I don't know him.

Jarvis Stripling
Redirect examination by Ms. Ross

- 1 Q Okay. Did you meet him as part of a drug deal?
- 2 A Yes, ma'am.
- 3 Q And were you aware of the marriage arrangement?
- 4 A No, ma'am. I don't know nothing about that.
- 5 MS. MARTO: One moment, Your Honor.
- 6 (Pause.)
- 7 Q And, sir, had you ever met Ms. Dixie Wright before?
- 8 A Yeah. I met her one time before.
- 9 Q Okay.
- 10 A She was with him on that deal.
- 11 Q So you knew her previously, is that right?
- 12 A I don't know her like that, but I done met her before.
- 13 I don't know her.
- 14 Q You'd recognize her.
- 15 A I mean, I couldn't -- I couldn't've showed you again
- 16 that time because I didn't really know her.
- 17 Q And did you know Ms. Dixie -- or my apologies -- did
- 18 you know Ms. Alisha Pilgrim?
- 19 A Yes. I know her.
- 20 Q Okay. So you knew her pretty well.
- 21 A Yes.
- 22 Q Okay. Were you guys friends?
- 23 A I mean, we didn't hang out or nothing, but I know her.
- 24 Q How did you know her?
- 25 A Because we from the same place.

Jarvis Stripling
Redirect examination by Ms. Ross

1 Q Okay. So you just saw her regularly.

2 A Yes.

3 Q And, again, you found out that there was surveillance
4 footage inside the house, correct?

5 A Yes. The day -- the day of my trial. Yes.

6 Q And did you know Mr. Rayshon Smith?

7 A Yes.

8 Q Were you guys friends?

9 A Yes. We talked.

10 MS. MARTO: No further questions.

11 THE COURT: Ms. Ross.

12 MS. ROSS: Thank you, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. ROSS

15 Q Was Rayshon Smith a witness at your trial?

16 A No, ma'am.

17 Q So he didn't testify for your trial.

18 A No, ma'am.

19 Q And they didn't bring in the number of times he could
20 deny that you were involved or anything like that.

21 A No, ma'am.

22 Q Now, just going back to page 181 of the transcript up
23 there, on page 181, line 14, the question to Investigator
24 Chris Taylor, can you read that or --

25 A Talking about 14, line 14?

Jarvis Stripling
Recross-examination by Ms. Marto

1 Q Yeah.

2 A "Did you recall?"

3 Q Okay. well, I'll read it.

4 Isn't it true that the question is, "In those recorded
5 interviews did you every directly ask Ms. Wright if Jarvis
6 Stripling was the shooter?"

7 And the answer is "I asked her -- I remember asking her
8 that question before. She wasn't sure when I asked her."

9 Okay. So in that that investigator's testifying that
10 he has asked Dixie Wright whether you were the shooter, and
11 she said she wasn't sure.

12 A Yes, ma'am.

13 Q And he also says that he has shown pictures of you to
14 Dixie Wright.

15 And then on line 11 the investigator is asked, "She was
16 shown stills correctly."

17 A Yes, ma'am.

18 Q And then she says, "Not stills from the surveillance
19 footage."

20 what does the answer on page -- on line 13 say?

21 A "I don't think he did on that day, no."

22 Q Okay. So that's suggesting that this surveillance
23 footage was not shown to her on that day.

24 A Yes.

25 Q But possibly on another day.

Jarvis Stripling
Recross-examination by Ms. Marto

1 A Yes, ma'am.

2 Q And their surveillance footage would have been like
3 those pictures that were just made court exhibits, right?

4 A Yes, ma'am.

5 Q At that point -- well, so the procedure that happened,
6 it sounds like Dixie Wright was being shown pictures of you,
7 and she said that's Jarvis.

8 A Yes, ma'am.

9 Q She's asked if that was the shooter, and she says.
10 "No. I can't be sure."

11 A Yes, ma'am.

12 Q And only later right before trial is she suddenly sure
13 that it's you.

14 A Yes, ma'am.

15 Q Now, okay.

16 MS. ROSS: I have no further questions.

17 THE COURT: Ms. Marto.

18 MS. MARTO: Yes, Your Honor.

19 RECROSS-EXAMINATION

20 BY MS. MARTO

21 Q Do you recall officers testifying at your trial that
22 based upon the footage they were able to identify you before
23 even talking to Ms. Wright?

24 A I don't recall.

25 Q Okay. I'm looking at page 181 starting with line 23.

Jarvis Stripling
Recross-examination by Ms. Marto

1 And is says, "But before you met with Dixie, you and
2 Investigator Nelson, based off your training and experience
3 being able to compare the photographs, were able to identify
4 Mr. Stripling as the man in Exhibit 15."

5 And then it says, "We thought it was him because we
6 looked at the hairline as far as how it fits as far as the
7 photograph."

8 Do you have any recollection of that?

9 A Yes.

10 Q Okay. And you go down that page. It states that
11 Ms. Pilgrim gave two statements and based upon that they
12 were able to identify you as the shooter, is that correct?

13 A Yes.

14 MS. MARTO: One moment, Your Honor.

15 (Pause.)

16 Q Now, you recall testimony at the trial stating that
17 your face was covered, I believe, with a ski mask.

18 A Yes, well, no. I don't remember that.

19 Q Do you recall testimony about how your face was
20 covered?

21 A They -- they said the person in that video's face was
22 covered, but not mine.

23 Q Okay. And they stated that the key identifying factor
24 was neck tattoos.

25 A Uh-huh.

Jarvis Stripling
Redirect examination by Ms. Ross

1 Q And they basically stated that you were the -- involved
2 in this based upon the matching the tattoos, is that
3 correct?

4 A Yeah. After they seen me photos, yes.

5 THE COURT: Ms. Marto, I'm not sure you know, but the
6 photos that were admitted into evidence, was that how they
7 were shown to the jury, or are those black and white copies
8 of color photos that were shown to the jury in color?

9 MS. ROSS: Judge, I believe they were -- those -- I
10 went to the clerk's office and got those, had those made.
11 I believe they were black and white originally, but I'll
12 ask counsel as well. I can't testify for sure.

13 And just on that, I have a copy of the D.V.D. that was
14 just given to me today. I can't bring it up on my computer
15 right now. So, but it's a court exhibit in the trial, or
16 state's exhibit. We can access if necessary.

17 THE COURT: Thank you, Counsel.

18 MS. MARTO: We have no objection on that.

19 THE COURT: Thank you.

20 MS. MARTO: No further questions.

21 THE COURT: Ms. Ross.

22 MS. ROSS: Just briefly.

23

24

25

Jamyrah Stripling
Direct examination by Ms. Ross

1 REDIRECT EXAMINATION

2 BY MS. ROSS

3 Q On -- on page 182 at line two Investigator Taylor says,
4 "We thought it was him because we looked at the hairline and
5 how it fits as to the photograph."

6 And then he goes on and states, "Her first interview
7 based off your experience, did it seem to be truthful?"

8 And then he goes on and says, "The second -- suggests
9 the second statement was truthful."

10 Were there any objections to that testimony of
11 Investigator Taylor --

12 A No, ma'am.

13 Q -- at that time by your --

14 A No, ma'am.

15 MS. ROSS: I have no further questions.

16 MS. MARTO: I don't have anything further.

17 THE COURT: Sir, you can step down.

18 Yes, ma'am.

19 MS. ROSS: At this point we would call Jamyrah
20 Stripling.

21 JAMYRAH STRIPLING, having been
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MS. ROSS

24 Q All right. Ms. Stripling, do you recall -- did you
25 know your grandmother testified for your dad in this case?

Jamyrah Stripling
Direct examination by Ms. Ross

1 A Yes, ma'am.

2 Q And she provided an alibi and said that your dad was
3 with y'all that night, the night of this incident.

4 A Yes, ma'am.

5 Q To that time. Could you have testified to that as
6 well? Do you remember?

7 A Yes, ma'am.

8 Q What do you remember?

9 A I remember the night that it happened we were laying on
10 the floor not because -- because he just got it blown up.
11 And he had fell asleep before I did, but I kept -- I don't
12 know why. I just kept waking up every 15 minutes to make
13 sure he was right there because when I feel like, I don't
14 know, nervous or something, it's hard for me to sleep. So I
15 couldn't go to sleep.

16 Q Now, did you stay over at your grandma's with your dad
17 very often?

18 A Every weekend.

19 Q And how do you know that was the time that there would
20 be an alibi for your dad?

21 A Because I -- I -- either I posted on instagram that I
22 was over there. I don't know what these words mean -- big
23 words.

24 Q Okay. Well, how about? Did you -- you and your
25 grandmom and mom talk about why your dad had been arrested?

Jamyrah Stripling
Cross-examination by Ms. Marto

- 1 A I mean, I really couldn't. I would cry if they brought
2 it up.
- 3 Q Okay. Do you remember -- so you don't -- do you know
4 when it was at all or when the incident was? How do you
5 know about the blow-up bed and that was the same time?
- 6 A Because -- okay. So the night.
- 7 THE COURT: Ma'am, you can bend the mic towards you.
8 It's flexible. You can.
- 9 Q And it's okay. There are no wrong answers here.
10 (Pause.)
- 11 A would you ask that question again?
- 12 Q well, I guess I -- would you have been able to testify
13 at your dad's trial with your grandmother?
- 14 A Yes, ma'am.
- 15 Q were you willing to do that?
- 16 A Yes, ma'am.
- 17 Q Did anyone talk to you about doing that?
- 18 A Yes, ma'am.
- 19 Q And why didn't you testify?
- 20 A I wasn't able to make it.
- 21 Q Did the lawyer ask you about coming?
- 22 A No, ma'am.
- 23 Q Did you ever talk to a lawyer about an alibi or
24 anything -- to your dad's lawyer?
- 25 A No, ma'am.

Jamyrh Stripling
Cross-examination by Ms. Marto

1 Q Okay.

2 MS. ROSS: I have no further questions.

3 THE COURT: Ma'am, how old are you?

4 THE WITNESS: Fifteen.

5 THE COURT: Fifteen.

6 CROSS-EXAMINATION

7 BY MS. MARTO

8 Q Good morning.

9 A Good morning.

10 Q So were you 11 at the time of trial? How old were you,
11 do you know?

12 A Probably.

13 Q Okay. And you went to sleep that night, right?

14 A With him beside me, yes.

15 Q Okay. Do you know what an alibi is? So essentially
16 what alibi means is you can testify or say that your dad
17 couldn't have been at the house where the shooting took
18 place because he was somewhere else instead and you were
19 there, so you know. Does that make sense?

20 A Uh-huh.

21 Q So if you were called at trial would you have been able
22 to basically come out with an alibi for your dad?

23 A Yes, ma'am.

24 Q Okay. Even though you were asleep?

25 A I woke up every 15 minutes to make sure his hand was on

JaAsia Stripling
Direct examination by Ms. Ross

1 me.

2 Q Okay. Why were you making sure your dad's hand was on
3 you so much? Do you do that every night?

4 A My nerve. I have bad nerves.

5 Q Now, were you at the trial itself?

6 A No, ma'am.

7 Q Okay. And, again, you said you couldn't testify at
8 trial because you were unable to make it, right?

9 A Yes, ma'am.

10 Q Did your dad ask you to testify at his trial?

11 A No, ma'am.

12 Q He -- he didn't want you involved. He was trying to
13 protect you?

14 A I was young.

15 Q Yeah. So he didn't really -- he wanted to protect you
16 and he didn't want you to testify.

17 A Yeah.

18 MS. MARTO: No further questions.

19 THE COURT: Mr. Ross.

20 MS. ROSS: Nothing further, Your Honor.

21 THE COURT: Ma'am, you can step down.

22

23

24

25

JaAsia Stripling
Cross-examination by Ms. Marto

1 JAASIA STRIPLING, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. ROSS

4 Q JaAsia, how old are you?

5 A Thirteen.

6 Q Okay. So you would have been probably nine around the
7 time of trial?

8 A Yes, ma'am.

9 Q Did anyone talk to you about testifying at the trial?

10 A No, ma'am.

11 Q Did you know your grandmother had testified?

12 A No, ma'am.

13 Q Do you recall anything about this incident and staying
14 over with your dad?

15 A Yes, ma'am.

16 Q What do you recall?

17 A I recall that I was laying on him the night it
18 happened.

19 Q And how do you know that was the night it happened?

20 A I mean, I was there all week.

21 Q And that was at your grandmother's house?

22 A Yes, ma'am.

23 Q Did -- did y'all know that -- when your dad got
24 arrested?

25 A No, ma'am.

JaAsia Stripling
Cross-examination by Ms. Marto

1 Q You didn't know. Okay. All right. And did...

2 MS. ROSS: I've got no further questions actually.

3 THE COURT: Ms. Marto.

4 CROSS-EXAMINATION

5 BY MS. MARTO

6 Q Good morning.

7 A Good morning.

8 Q So were you at the trial?

9 A No, ma'am.

10 Q Do you know where you were when the trial happened?

11 A I don't really remember.

12 Q Do you remember when you found out about when that
13 incident happened?

14 A I can talk in sleep.

15 Q Okay. You were asleep when you found out when that
16 incident happened?

17 A I think so.

18 Q So -- when they say that you found out, I mean, did you
19 see anything on the news? Did you hear about your dad, you
20 know, being put in the jail? Like, when did you find out
21 about all of that?

22 A I had just woke up one morning, and then I seen his mug
23 shot on the news.

24 Q Okay. Do you know how much later that was? No? Did
25 you remember when -- how did you remember the specific date

Charles W. Snyder, III
Direct examination by Ms. Marto

1 and what happened that day?

2 A I mean, we were playing G.T.A. that day. Then whenever
3 it was -- whenever night came we had -- well, I was still
4 up. They had went to sleep before me, but I was still up.

5 Q So how late were you up?

6 A Probably like maybe 1:00.

7 Q You were up until 1:00 when you were not -- how old
8 were you, again, about eight or nine?

9 A Yes, ma'am.

10 Q Did anybody talk to you about testifying at your dad's
11 trial?

12 A No, ma'am.

13 Q Would you have testified?

14 A Yes, ma'am.

15 Q And, again, how do you remember that specific date?
16 Was it -- there something unusual about the day, or how did
17 you keep that date attached in your mind? Does that make
18 sense?

19 A Because I think it was -- he at first taught me how to
20 play the play station or whatever.

21 Q Okay.

22 MS. MARTO: Nothing further, Your Honor.

23 THE COURT: Ms. Ross.

24 MS. ROSS: No redirect, Your Honor.

25 THE COURT: Ma'am, you can step down.

Charles W. Snyder, III
Direct examination by Ms. Marto

1 MS. ROSS: Nothing further, Your Honor.

2 THE COURT: Okay. No further witnesses?

3 MS. ROSS: No, Your Honor.

4 THE COURT: Yes, ma'am.

5 MS. MARTO: Yes, Your Honor.

6 We would call Mr. Charles Snyder to the stand.

7 CHARLES W. SNYDER, III, having
8 been first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MS. MARTO

10 Q Good morning, sir.

11 A Good morning again.

12 Q So did you represent Mr. Stripling from the inception
13 of the case?

14 A I did.

15 Q And you work with the public defender's office,
16 correct?

17 A Correct.

18 Q So roughly how many times did y'all meet, do you
19 recall?

20 A You know, I heard him say only two times. I went
21 through the file, and I think at least a dozen.

22 Q Okay. So what did y'all discuss during those meetings?

23 A Looks like the very first time that we had an in-person
24 meeting, we just briefly discussed his case. And he said he
25 was okay just sitting there and building up credit. That's

Charles W. Snyder, III
Direct examination by Ms. Marto

1 what he wanted to do.

2 I know he said, he made mention, about discovery. I
3 see here I sent it to him at least twice.

4 we talked about his mother and the alibi. I met with
5 his mom a couple of times. I mean, basically, we just
6 discussed his case.

7 Q So did you share all of the discovery in this case with
8 Mr. Stripling?

9 A Yeah. Like I just said, I sent him his discovery at
10 least twice, which presumably would include every photograph
11 that was used during the trial.

12 Q Did you review the videos with him as well?

13 A The surveillance was a central issue in this case.
14 This guy was a drug dealer. He had cameras set up all over
15 his house.

16 I don't -- I'm not the best note-taker, but I don't
17 have a note that says specifically, say, we reviewed the
18 videos together, but I do have notes in here about certain
19 parts of the videos that were important to his defense, and
20 I can't imagine a scenario where we wouldn't have reviewed
21 the videos together.

22 I know that it was very important to him, because, I
23 mean, a lot of this case hinged on what those videos
24 captured. I can't imagine we didn't review them together.

25 Q And you discussed them as well, correct?

Charles W. Snyder, III
Direct examination by Ms. Marto

1 A Like I said, they were very important to this case.

2 Q Yeah. Now, was this case always going to be going to
3 trial?

4 A I'm pretty sure that there was never -- pretty sure it
5 was always going to be a trial.

6 Q Mr. Stripling maintained his innocence throughout?

7 A He did.

8 Q Now, can you give me a rundown of, like, what evidence
9 specifically was in this case that they brought out at
10 trial?

11 A The three things that were important to the verdict in
12 my opinion, the testimony from Dixie Wright who had said in
13 the past that she -- I mean, she even on -- on video where
14 they -- I think when they -- I mean, this case was -- this
15 is all pretty old, so you have to forgive me. But there
16 were times where she would indicate she's, like, I knew
17 Jarvis, I knew Jarvis well and, like, they were close. And
18 never once prior to trial that I can remember she ever said
19 Jarvis was involved.

20 Same thing with Alisha Pilgrim. She was offered a very
21 good deal right before trial, and she changed her testimony
22 to vindicate herself, and then this hairline from the video.
23 Those were the three.

24 THE COURT: Mr. Snyder, did you say the still?

25 THE WITNESS: That --

Charles W. Snyder, III
Direct examination by Ms. Marto

1 THE COURT: There was the blank from the video.

2 THE WITNESS: Yes, sir, yes, sir.

3 THE COURT: Yes, sir.

4 THE WITNESS: That showed his hairline that they used
5 to try to buy him as being involved.

6 THE COURT: Thank you, sir.

7 Q And testimony came out at trial that he knew both Dixie
8 and Alicia, correct?

9 A Yes.

10 Q Now, did you see any reason to object to the admission
11 of home surveillance footage or videos or photos?

12 A At this point, I can't say.

13 Q Now, you didn't pursue pretrial motions in this case,
14 correct?

15 A Correct. I -- yes.

16 Q Do you recall any specific reason why?

17 A I guess at the time I didn't see a need to.

18 Q Did you think that any of them would have been
19 successful?

20 A I don't know.

21 Q Do you recall any leading or bolstering on the part of
22 the state when it came to various witnesses?

23 A Well, in discussing this prior to this proceeding, I
24 noticed that there were some times that I could've objected,
25 and there were some times where I did object. Again, we can

Charles W. Snyder, III
Direct examination by Ms. Marto

1 Monday-morning quarterback all day long. I tried a good
2 case.

3 Q Did you think any of those objections you didn't make
4 would have been sustained?

5 A I'm sure some were -- would have been.

6 Q Do you think any of them would have made an impact at
7 trial?

8 A I don't think it would've changed the outcome.

9 Q Now, did you discuss an alibi defense with
10 Mr. Stripling?

11 A I did, and I have the alibi notice in front me that has
12 his mom and his two daughters that just testified. I
13 have -- they were also listed as witnesses. I can't tell
14 you the exact reason the daughters weren't called, but the
15 mother was called.

16 Q Why weren't the daughters called?

17 A I can't -- they were listed as possible witnesses.
18 They were on alibi notice. I don't remember the specific
19 reason why.

20 Q But it was discussed and pursued as a defense strategy.

21 A Yes.

22 Q Now, one of the allegations in the amended is failure
23 to present an expert to educate the jury on how suggestion
24 and memory triggers can result in false eyewitness
25 identification. Have you ever pursued any of that in any

Charles W. Snyder, III

1 trial?

2 A I have not.

3 Q Have you seen anybody else pursue it?

4 A I have not.

5 Q Do you think it would have been permissible?

6 A I don't know.

7 Q Do you think it would have changed the impact?

8 A No.

9 Q Now, do you recall any issues concerning the removal of
10 certain jurors?

11 A Yes.

12 Q Do you think there would have been a basis for an
13 objection on the removal of Juror No. 193?

14 A This probably was discussed back in chambers. I was --
15 I looked through the transcript. I see where I did object
16 that she still could be impartial. I think there was
17 some -- some maybe reading at some prior times of one of the
18 officers. I can't remember exactly, but just dismissed that
19 juror.

20 Q And, again, you did state that you believed that they
21 would still be able to be impartial, correct?

22 A I did.

23 MS. MARTO: One moment, Your Honor.

24 (Pause.)

25 MS. MARTO: No further questions.

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 THE COURT: Mr. Snyder, one question if you can answer
2 it.

3 The -- the verdict strikes me as an unusual verdict
4 given the fact the state's case that he was found not
5 guilty on the murder but guilty of kidnapping and burglary.

6 Do you have an explanation? I mean, what's your view
7 of why the jury returned the verdict they did?

8 THE WITNESS: So here are my thoughts on that. This
9 was, I'm pretty sure, a pretty week-long trial in front of
10 Judge Cole.

11 There was a lot of evidence presented, and I think
12 that the jury split the verdict because I gave them enough
13 to question it that they didn't want to convict him of
14 murder, but they also didn't want to just acquit him of
15 everything.

16 When the -- I think the jury deliberated for a pretty
17 long time. One of the jurors was removed. When the
18 verdict was read two of the jurors was crying -- were
19 crying -- and I think it was just very emotional on them.

20 So I think that not knowing what the possible
21 consequences of the verdicts were, would be, they didn't
22 want to convict him of murder but they didn't want to let
23 him -- acquit him of everything.

24 I didn't necessarily see how they -- that's just my
25 opinion. And, again, I feel like I tried a good case. The

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 jurors were crying when the verdict was read. It obviously
2 took a toll on them.

3 THE COURT: Thank you, sir.

4 CROSS-EXAMINATION

5 BY MS. ROSS

6 Q I guess I'd just -- I'd go through the transcript.

7 First, do you recall if that juror, 193, was
8 African-American or not?

9 A I'm almost certain.

10 Q That she was?

11 A Yes.

12 Q Okay. And on page 308 of the transcript where there
13 could have been an objection made for appellate review, you
14 didn't make an objection to that juror being removed.

15 A I did maintain that I felt that she could remain
16 impartial. I don't remember the exact history of how it was
17 stated.

18 Q Okay. Well, would you stand with whatever the
19 transcript shows?

20 A Sure. It's better than my memory.

21 Q Mine too.

22 Now, do you recall? Was the shooter described -- was
23 there any description of height? Because Mr. Stripling is
24 5'8", so not noticeably tall. Were there any descriptions
25 of the shooter as tall?

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 A I don't remember that being an issue.

2 Q And what -- can you explain what was going on with Ron
3 Rivera being charged? Do you agree -- or Jeff?

4 A I -- I don't. I can't tell you. I don't remember.

5 Q Okay. Would it surprise you if this other guy, a third
6 person, was -- or a fourth person -- was charged and those
7 charges were dismissed?

8 A I -- I vaguely remember that.

9 Q And just referring you to page 117 through 120, it just
10 sort of gives you an idea of what Dixie Wright's testimony
11 was. She talks about -- do you recall how many times she
12 was interviewed?

13 A She -- she was an interesting character. Her testimony
14 and the statements given in interviews were all over the
15 place that I can remember.

16 Again, there's one specific interview where she's --
17 she's just talking about how well she knows Jarvis and blah,
18 blah. And for her to turn around and say that he was
19 involved in the trial was, I think, very important to his
20 defense.

21 Q And you did refer to that. You brought that out.

22 A Absolutely.

23 Q And -- and how many -- does the state in the trial --
24 in my review of the transcript it looks like they are
25 suggesting Dixie Wright was only interviewed twice total.

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 when you say there were more than two interviews of her --

2 A Yeah. I don't believe that to be the case.

3 Q And as far as the D.V.D. and the showing these pictures
4 from the D.V.D., do you recall whether she was shown those
5 pictures or not?

6 A Whether she was?

7 Q Yeah. Whether Dixie Wright -- I know she was shown a
8 picture of Jarvis, right, during -- and she says that's
9 Jarvis. Okay. And then was that a photo lineup or was that
10 just a picture of Jarvis?

11 A I can't remember.

12 Q Now, as far as these pictures, these stills from the
13 D.V.D., do you know, or reviewing discovery, whether she was
14 shown these -- these stills as well?

15 A She was shown some things. I'm not sure exactly what
16 she was shown.

17 Q Well, she had to have been shown something because she
18 keeps on where she does refer to saying, "when I study these
19 stills, I do now notice the hairline".

20 A Right.

21 Q She talked about that.

22 A Like I said, I knew she was shown some things. I don't
23 know exactly what.

24 Q Now --

25 A Again, this case was tried in 2019, and it's hard for

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 me to remember. I remember a lot about it, but I don't
2 remember every detail.

3 Q Okay.

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

5 (Pause.)

6 Q Now, referring to page 132 on redirect, line three, she
7 says, "I never said that Jarvis was the shooter, no, sir."

8 And then, and it goes on. It went from being "P.D. Red
9 to, you know, me thinking it was Jarvis. I was never a
10 hundred percent sure." Now, that's you asking her that on
11 cross.

12 And then at the bottom of the page Mr. Hunter on
13 redirect proceeds to bolster Ms. Wright by leading, saying,
14 "I know you just said you were not one hundred percent sure
15 at the time, but are you firmly convinced today that it's
16 Jarvis Stripling?"

17 And then at the top of page 133 she goes on to say, "I
18 mean, from his picture you can look at his hairline, his
19 complexion, his hands. I mean, little small things can look
20 and tell -- and tell. Today now that I've seen all of the
21 evidence I'm a hundred percent sure." Did you object to
22 that?

23 A Not apparently.

24 Q Okay. And that was some leading, as well as some
25 bolstering going on with those statements.

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 A Yeah. Again, you can Monday-morning quarterback all
2 day long, but I tried a good case.

3 Q Okay. And on page 120 of the transcript you didn't
4 object to her in-court identification of Jarvis as the
5 shooter. And that's on the transcript. At page one seven
6 to twenty is when she identifies Jarvis in court. And then
7 you didn't object at that time, nor did you have a Neil vs.
8 Biggers hearing pretrial.

9 A Correct.

10 Q And so you didn't make any argument that that improper
11 suggestion, prior improper suggestion, to that witness,
12 Dixie Wright, could have led to that in-court identification
13 being inadmissible.

14 A Not at that time, but that was central to my argument
15 during closing.

16 Q All right. Now, and you didn't have an eyewitness
17 identification expert in there.

18 Did -- and you say you didn't -- you think you reviewed
19 the surveillance and everything, the video, with
20 Mr. Stripling prior to trial.

21 A I'm not the best note-taker, but I -- I do have that.
22 We visited at least a dozen times. It was central to his
23 case. I have notes. In my notes I have times and frames
24 that show certain things. I don't specifically have it
25 where we watched it together.

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 Q Okay.

2 A But taking all that together, I mean, I can't imagine
3 we didn't.

4 Q Is the video in your file?

5 A In my file? I don't know.

6 Q You don't know. But it's not in the file that you have
7 now with you?

8 A I -- it could be. I don't know.

9 Q Do you mind taking a look? I mean, would it be a
10 D.V.D. or -- I know I still get D.V.D.s sometimes.

11 A Yes. There's not a disc in this file, but, I mean, it
12 was -- it was made available and was reviewed.

13 Q Okay. Now, go through to page 151, line two, of the
14 trial transcript. There's a question by Mr. Hunter that
15 says -- I'm sorry. 150 at the bottom, line 25.

16 "Are you telling us this because you got a deal or
17 because it's the truth?"

18 Is there any objection to leading there? Because it's
19 the truth at the top of 151.

20 A Yeah. I didn't object.

21 Q And referring to page 171 of the transcript at line --
22 well, it's just the whole page, but line four, "And based on
23 your experience did you find that statement to be truthful?"

24 And his response is, "No."

25 And then it goes on to a second interview and most

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 recent one conducted the Monday before trial.

2 And what information did she give you here? And then
3 he goes on about the information, and you object to hearsay.
4 But on the top of 172, did you ever object to bolstering
5 there?

6 A I see where I objected but not to bolstering.

7 Q Okay.

8 A And, again, you can do this all day long.

9 Q I know. I'm just trying to make a transcript for
10 appeal, so I apologize for being tedious.

11 And then again on page 174. There was no
12 investigation, I mean, no objection to Investigator Nelson
13 saying Jarvis was the shooter.

14 A If it's not in the transcript, I agree.

15 Q All right. And I guess the question was at line eight,
16 "And on the end of day the conclusion of your investigation
17 who did you identificate [sic] -- identify as the shooter in
18 this case? The shooter would be Jarvis Stripling."

19 And then it goes on to say, "That's the man in that
20 photo."

21 "Yes. Seated at the table."

22 There's no objection to that, correct?

23 A I guess not.

24 Q Isn't that a question for the jury to determine, who's
25 in the picture, who's on the D.V.D. and who's the shooter?

Charles W. Snyder, III
Cross-examination by Ms. Ross

1 That's the ultimate issue, correct?

2 A Sure.

3 Q And then I just go 181 and 182. Similarly, there's no
4 objection to Investigator Taylor saying Jarvis was the
5 shooter or to bolstering.

6 And I'll direct you to -- we talked about this a little
7 with Mr. Stripling.

8 But line 14, "Do you recall in the recorded interviews,
9 did you directly ask if Jarvis Stripling was the shooter?"

10 Your response is, "I asked her. I remember asking her
11 that question before. She wasn't sure, but she referred to
12 Jarvis as, I believe, Alisha's brother."

13 And it goes -- goes on to testify about how we
14 identified him in the video.

15 A Okay.

16 Q Okay. Now, in closing, page 244, line 22, in closing
17 argument, they argued that the video picture was never shown
18 to Dixie Wright, just a regular photograph.

19 wasn't the testimony before by Investigator Taylor that
20 he might have shown the D.V.D. photograph to Dixie Wright
21 prior?

22 A I don't know.

23 Q Okay. Lastly, on page 247 in the closing, going to the
24 bottom of 246, the state's talking about how she has to
25 testify truthfully, and you do object to vouching at that

Charles W. Snyder, III
Redirect examination by Ms. Marto

1 point, and during closing you do make an objection to
2 vouching, is that correct?

3 A Thank you. Yes.

4 Q Okay. And then he goes on to say the plea agreement
5 was just to tell the truth. And there's no motion to strike
6 or anything at that point when he continues to talk about
7 the truth -- the truthfulness of witness Alisha Pilgrim.

8 A It was a week-long trial. I'm sure there were things I
9 missed, but that was central to my argument during closing.

10 Q Okay. And that was your argument in the case. And do
11 you believe that's part of this split verdict from the
12 jurors? In other words, they --

13 A I think I gave them a lot to think about. They
14 deliberated, if I remember correctly, well into Thursday
15 evening.

16 Since it was late when the verdict was reached, Judge
17 Cole asked if we could do the sentencing Friday morning. I
18 think we -- again, it was a week-long case. There was a lot
19 of -- there was a lot involved.

20 I feel like I tried a good case, and I gave them enough
21 to think about where they didn't want to convict him of the
22 most serious offense, but they still thought he was
23 involved.

24 Q Okay.

25 MS. ROSS: No further questions.

James Edward Hunter
Direct examination by Ms. Marto

1 THE COURT: Ms. Marto.

2 MS. MARTO: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. MARTO

5 Q So Mr. Stripling was acquitted on multiple charges in
6 this case, correct?

7 A I think he was acquitted of one charge.

8 Q Including the murder, correct?

9 A That was the charge.

10 Q Despite the testimony coming in saying that they
11 identified him as the shooter, correct?

12 A That's correct.

13 Q Now --

14 A And the central to the state's case, I mean, was that
15 regardless of who pulled the trigger that all were involved
16 and they were all as culpable as everyone else.

17 Q Now, is it your general practice to launch every
18 objection to every objectionable matter in a trial?

19 A No. I mean, I -- I, obviously, don't catch every
20 issue, and I miss some and I missed some objections. I
21 just -- I'm not perfect.

22 Q So is it just missing objections, or do you generally
23 try and place your objections critiquefully?

24 A Both.

25 Q And is that kind of what you did in this case?

James Edward Hunter
Direct examination by Ms. Marto

1 A I mean, that's what I do in every case.

2 Q And do you think any of the objectionable things that
3 Ms. Ross pointed out would have made a difference at trial?

4 A Again, this is a week-long trial. I do remember it. I
5 don't think I could have done anything different to change
6 the outcome.

7 Q Do you think a Biggers hearing was appropriate in this
8 case?

9 A I don't think I could have done anything different to
10 change the outcome.

11 MS. MARTO: No further questions.

12 MS. ROSS: Nothing further, Your Honor.

13 THE COURT: Thank you, sir.

14 MS. MARTO: Your Honor, the state would call Mr. Eddie
15 Hunter.

16 JAMES EDWARD HUNTER, having
17 been first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MS. MARTO

19 Q Good morning, sir.

20 A Good morning.

21 Q So you were the prosecutor in this case, correct?

22 A Myself and Allison Mabbs.

23 Q Did you prosecute any of Mr. Stripling's codefendants?

24 A I did. I prosecuted all of them.

25 Q And can you give us, like, broad strokes what the

James Edward Hunter
Direct examination by Ms. Marto

1 evidence in this case was again?

2 A As mentioned before, there was surveillance video
3 showing his house, and it showed Alicia Pilgrim. That was
4 very clear on the video, showing of the house attempting to
5 get in.

6 She was finally let in. She went back, opened the
7 door, and at that time two gentlemen rushed the house, shot
8 the homeowner, and then they both left out the front.

9 And those two gentlemen were also identified as Rayshon
10 Smith and Jarvis Stripling.

11 I think we keep using the word shooter. And back to
12 the judge's kind of initial question to the verdict, we
13 actually spoke to one of the jurors. This was a
14 hand-of-one-hand-of-all case. And during the case no shell
15 casings were recovered from the alleged shooter's gun. So
16 it was very hard to pinpoint whether Rayshon Smith or Mr.
17 Stripling were the actual shooter that fired the shot that
18 killed the victim.

19 And in speaking with the juror, even though he tried to
20 explain hand-of-one-hand-of-all, they said since we couldn't
21 say which one actually shot, that's why they did find him
22 guilty of murder. But they did still find him guilty as one
23 of the two that entered the house, held the occupants there
24 and attempted to rob of drugs and money.

25 Q How would you describe what the strength of the state's

James Edward Hunter
Direct examination by Ms. Marto

1 case?

2 A It was pretty strong, a little stronger against Rayshon
3 Smith. That's why he ultimately pled guilty. Mr. Smith
4 decided not to testify. He just went ahead and pled guilty,
5 and I believe he received a 30-year sentence to murder and
6 some other charges.

7 It was also really strong against Alicia Pilgrim.
8 Those were the two strongest.

9 Mr. Rivera, the fourth codefendant, it was our
10 intention that he was likely the driver. However,
11 Ms. Smith, Ms. Pilgrim, and obviously Mr. Stripling, nobody
12 would testify as to that. So that's why his charges were
13 dropped, because no one was willing to testify against
14 Mr. Rivera.

15 Q Your --

16 A I'm sorry. Obviously, the witnesses on scene didn't
17 see anybody driving, so they couldn't testify as to who the
18 driver was.

19 Q Do you recall any pretrial motions for Rayshon Smith?

20 A I remember his attorney was Robin File. I think, yes,
21 we actually did have a hearing, because I remember there's a
22 video when he's initially brought into the police station,
23 and it just so happens that they're walking Dixie Wright in
24 at the same time. And all of a sudden she sees Rayshon, and
25 she breaks out and tells police that's obviously one of the

James Edward Hunter
Direct examination by Ms. Marto

1 ones who entered the home.

2 Q And that was denied, correct?

3 A That was denied. He ultimately pled guilty.

4 Q And that was also in front of Judge Cole, right?

5 A Yes. Everything was in front of Judge Cole for
6 every -- every defendant.

7 Q Now, do you recall any bolstering of Dixie Wright in
8 this case?

9 A I mean, obviously, I hear the questions that Ms. Ross
10 asked. Some of them might be considered bolstering. Some
11 of them, that's up to a judge ultimately. As Mr. Snyder
12 said, I don't think that would have made a difference with
13 Judge Cole. I would've just asked the question in a
14 different way.

15 Q In a way that would have been admissible?

16 A In a way that would have been admissible.

17 Q would have elicited the same response?

18 A Correct. And kind of the question from Ms. -- did you
19 do the -- your only deal was to tell the truth. Did you
20 take a deal in this case? Why? And then she would have
21 said to tell the truth, or could have said.

22 Q Do you recall there being a reason for a Biggers
23 hearing in this case?

24 A No. Basically, because both people who identified Mr.
25 Stripling knew him. They had prior interactions with him.

James Edward Hunter
Direct examination by Ms. Marto

1 So at that point if you know the person, no matter if you've
2 seen them in a picture before, you can say, yes, it's Jarvis
3 because I know Jarvis.

4 It'd be different if they didn't know who he was and
5 that they were shown pictures saying is this the guy. But
6 they -- they already knew Jarvis, had prior interactions and
7 prior knowledge of Mr. Stripling outside of this incident.

8 Q Do you recall why Ms. Dixie didn't immediately identify
9 Mr. Stripling?

10 A Who knows why she didn't immediately? Because she did
11 initially start talking about P.D. Red. And, again, we're
12 talking about this. This was part of our interview process
13 with the police and her interrogation, not at trial, because
14 at trial she did identify Mr. Stripling. I can't say why
15 she did or didn't identify him at first.

16 Q Do you recall any -- you heard the questions Ms. Ross
17 posed towards Mr. Snyder concerning the plea deal with the
18 witnesses, correct?

19 A Yes, ma'am.

20 Q Now, do you recall any objection to bullying or
21 leading?

22 A I mean, any time someone leads there can be an
23 objection, but, I mean, there's been leading in this hearing
24 too that no one has objected to. So, I mean, that doesn't
25 make the hearing or the trial any different.

James Edward Hunter
Cross-examination by Ms. Ross

1 I think sometimes we as lawyers, we sometimes start to
2 lead not even really thinking about, but an objection to it,
3 again, I mean, just ask it in a different way. And I don't
4 think it was exceptionally where there was leading
5 throughout the entire trial but...

6 Q Do you think it would have changed the results if he
7 had objected?

8 A No, ma'am.

9 Q Do you recall the removal of that one juror towards the
10 end of the trial?

11 A At first I was trying to think, and then y'all brought
12 up the reason why, and now I do remember exactly what
13 happened.

14 She had a prior interaction on a different case with
15 investigators Taylor and Nelson. She was an
16 African-American female.

17 However, when asked if she knew any of these witnesses
18 at the beginning of the trial, she declined to state that
19 she did, in fact, know Mr. Taylor and Mr. Nelson and had
20 recently had interaction with them in a case where she
21 didn't believe that they had done their job properly. And
22 so that's why ultimately she was removed.

23 Q Do you think that an objection on Mr. Snyder's part
24 would have changed the result?

25 A I mean --

James Edward Hunter
Cross-examination by Ms. Ross

1 MS. ROSS: Objection. The ultimate issue.

2 THE COURT: I'll allow the question.

3 A We had discussions back in Judge Cole's chambers, and
4 so, I mean, that's -- Chad argued to keep her. I argued to
5 have her removed, and ultimately that's what Judge Cole did.

6 MS. MARTO: Nothing further, Your Honor.

7 THE COURT: Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MS. ROSS

10 Q Go backwards. But you'd agree if there's no objection
11 on the record, regardless of what happens back in chambers,
12 there's no review of it.

13 A Well, actually, if there's nothing on the transcript,
14 there's nothing there. But I do remember having those
15 discussions.

16 Q Now, as far as you said if they know the person, Neil
17 vs. Biggers becomes irrelevant, but I think it only -- this
18 case is a little different if it's like I know it was my
19 grandmother who shot someone, that did that shooting,
20 knowledge of the person brings out the show-up and all of
21 that, but here she knew Jarvis and -- and said he wasn't the
22 shooter until much later right before trial, correct?

23 A Well, see, that's -- I think we're getting an issue
24 with using the word shooter, because no one ever actually
25 identified who the person who fired the shot was.

James Edward Hunter
Cross-examination by Ms. Ross

- 1 Q Okay. When she was --
- 2 A It was one of the burglars if you want to use that.
- 3 Q When she was showed a picture, she said that's Jarvis.
- 4 She never said he was the one who home-invaded us and tried
- 5 to rob us and was there that day.
- 6 A During that initial police investigation, yes, that's
- 7 correct.
- 8 Q She never said that initially. And there were a number
- 9 of other meetings with her before she finally did say I
- 10 think it's Jarvis, and that was right prior to trial.
- 11 A Yeah. I'm not sure how many meetings they had, but she
- 12 did ultimately then say that Jarvis was one of the two that
- 13 entered the house.
- 14 Q All right.
- 15 A But, again, no one testified as to who actually fired
- 16 the shot.
- 17 Q So you can't tell me -- tell how many times
- 18 investigators showed her pictures of Jarvis in interviews
- 19 prior to trial.
- 20 A I'm not sure how many times. I know that there was
- 21 that one because that is on a recorded interview.
- 22 Q And on that one she's sort of laughing saying that's
- 23 Jarvis. She doesn't say anything about that's the --
- 24 A Correct.
- 25 Q The home-invader or anyone.

Closing arguments

1 Now, going back just to -- one thing you said before
2 wasn't -- wasn't there an initial fire by the -- I'm spacing
3 the victim's name.

4 A I am too.

5 Q He -- he was the first shooter, is that correct?

6 A I know he had a gun and he did fire. I'm not sure of
7 the who-fired-first.

8 Q Okay.

9 A But yes. He did have a gun and his gun cross was
10 fired.

11 Q Is it possible that the testimony -- yet his gun was
12 fired and it was fired from the people who are charged?

13 A That's fine, but it's his house and a home invasion,
14 so.

15 Q Oh, I understand. Okay.

16 A But, yeah. That's what the testimony was. And then,
17 again, I just don't remember who actually fired first, but
18 he did, the victim did, fire a weapon.

19 Q All right. No further questions.

20 MS. MARTO: Nothing further, Your Honor.

21 THE COURT: Thank you, sir. You can step down.

22 Any further witness, Ms. Marto?

23 MS. MARTO: No further witnesses, Your Honor.

24 THE COURT: Argument, Ms. Ross?

25 MS. ROSS: Thank you, Your Honor. May it please the

Closing arguments

1 Court.

2 I'd argue that this case -- when I initially read this
3 transcript, I just thought it was open and shut until I
4 looked a little deeper and then went and looked at the --
5 the files.

6 The failing to have a Neil vs. Biggers hearing, I
7 think, was integral because this was all about
8 identification.

9 Alisha Pilgrim, the codefendant who testified, really
10 had changed her story when off the trial docket she got off
11 of, you know, murder trial docket and got ten years. Might
12 even have been suspended. No. It's looked like ten years
13 for her -- her involvement. And there was no question of
14 identification of her. She --

15 THE COURT: Ms. Ross, you -- you argued a couple, a
16 few, minutes ago that you thought that in this situation
17 where the person knows the person they're I.D.ing that Neil
18 vs. Biggers hearing is still necessary if they're not sure
19 of the I.D. Was that the -- your argument?

20 MS. ROSS: Well, it makes the Neil vs. Biggers even
21 more necessary because now she knew the person and didn't
22 pick him out until -- I mean, she knew Jarvis --

23 THE COURT: Okay. So that's --

24 MS. ROSS: -- but didn't say he was the shooter until
25 seeing a number, at least one, on video, but probably a

Closing arguments

1 number of pictures of Jarvis before she's, like, maybe that
2 this is the shooter. And she testifies about the hairline.

3 So I think a Neil -- well, the hearing -- I have them
4 right here. So the -- the factors or the opportunity of
5 the witness to view trammels at the time.

6 She had very little, almost none, of the -- the -- the
7 alleged -- the person they're saying was Jarvis, or that he
8 was convicted for, had his face covered in a -- in a mask.
9 The witness' degree of attention, she definitely paying
10 attention. The accuracy of her prior description, no
11 accuracy, but just description was black male.

12 She said nothing about tattoos, initial description,
13 or anything like that.

14 Level of certainty demonstrated by the witness at the
15 confrontation. So there's one.

16 THE COURT: Right. I will -- those are the factors if
17 you don't know the person, right? I mean, that -- that's
18 what I'm confused is -- you would agree with me that, like,
19 exemplified used if his grandma who was the shooter, you don't
20 need a Neil vs. Biggers hearing about grandma, right?

21 MS. ROSS: Uh-huh.

22 THE COURT: So but your argument is if you say I'm
23 not -- at first you say I'm not sure if that's grandma.
24 Then you later say it was for sure grandma, you do need a
25 Neil vs. Biggers hearing.

Closing arguments

1 MS. ROSS: Okay.

2 THE COURT: I'm asking you.

3 MS. ROSS: Yes. I think so.

4 THE COURT: Is that your argument?

5 MS. ROSS: I mean, I think that --

6 THE COURT: So the factors don't seem to apply to
7 someone if you know the person.

8 MS. ROSS: I guess I'm looking at the factor for the
9 level of certainty demonstrated by the witness at the
10 confrontation.

11 So, you know, certainly at the scene she didn't say
12 Jarvis is the one, right? She never identifies him
13 initially. When she's shown a picture of Jarvis, she never
14 says Jarvis was the one.

15 It's only much later prior to trial that suddenly
16 she's, like, thinking on second thought when I look at all
17 of this different stuff, I think so and -- and that's the
18 problem.

19 And I'd also cite State vs. Moore that's for the South
20 Carolina Neil vs. Biggers where -- and I quote. "An
21 in-court identification of an accessed is admissible of --
22 if -- is inadmissible if a suggestive out-of-court
23 identification procedure created a very substantial
24 likelihood of misidentification."

25 Now, here she knew him, but they kept showing him, I

Closing arguments

1 mean, showing Ms. Wright, Jarvis' picture.

2 So in that situation I would compare it to a show-up
3 because she did not -- she sees the picture and she's like
4 that's Jarvis. And then she sees the picture again and
5 it's, like, well, maybe, and then she says the picture
6 again.

7 And then there was some testimony by Investigator
8 Taylor that suggested to me that she had possibly at some
9 point been shown the -- the still from the D.V.D. because
10 that investigator says, well, we didn't show it from that
11 still then. So that would be the basis of our argument
12 that the hearing certainly would be helpful.

13 THE COURT: All right.

14 MS. ROSS: And I'd point out it doesn't sound like
15 from the investigator's testimony that if there was ever a
16 photo lineup created.

17 They just showed her, Ms. Wright, pictures, and then
18 not set up in a photo array, just pictures. And she's
19 saying, yes, that's Jarvis. And so that's -- that's why
20 that issue is so important here.

21 The other witness, Alisha Pilgrim, is just -- she's
22 been offered a great deal and certainly would have motive.
23 And that's where the bolstering comes in and makes it so
24 damaging because they have investigators through the
25 transcript talking about, well, did you think she was

Closing arguments

1 telling the truth then or did you think here.

2 And then the investigators talk about they -- they
3 make it sound like they had an independent identification
4 of -- of Jarvis from the -- the video, the D.V.D.

5 And the jury got -- you know, you can look at that,
6 these pictures. And I have not been able to look at the
7 D.V.D. But certainly from the pictures that is not
8 overwhelming.

9 They did not have an overwhelming case from the D.V.D.
10 It was based on these two witnesses, and that's why the
11 bolstering and vouching became so problematic, because
12 they're suggesting it's not only Dixie Wright's, you know,
13 very uncertain identification, but it's also some more
14 investigatory stuff that they somehow gleaned and brought
15 into the case, which we would argue did not -- did not
16 exist.

17 And that would go also to due process violations with
18 the bolstering and the failure to challenge the I.D.
19 procedure.

20 THE COURT: All right.

21 MS. MARTO: Good morning, Your Honor.

22 Concerning the Biggers hearing, I believe there was
23 testimony that Dixie had known Mr. Stripling pretty well,
24 and really the only reason why she seemed, like, couldn't
25 initially identify --

Closing arguments

1 THE COURT: Let me jump back a minute. I do want to
2 ask Ms. Marto [sic] about one other issue.

3 The issue on the witness that was -- that was -- not
4 the witness -- the juror that was removed. Mr. Snyder
5 argued against the removal. What more do you think was
6 necessary to preserve that for appeal?

7 MS. ROSS: He just never specifically objected to the
8 removal.

9 THE COURT: But he -- Mr. -- the -- Judge Cole gave
10 him a chance to argue. He argued it was inappropriate, and
11 then Judge Cole ruled. I don't understand -- what -- what
12 is he supposed to do after that?

13 MS. ROSS: Judge, you know, and I would argue
14 something certainly since she was a minority maybe there
15 would be something to add about that presence on a jury
16 but --

17 THE COURT: So is it an issue, preservation issue, or
18 are you saying he didn't -- he didn't argue well enough?

19 MS. ROSS: I would say both. I just -- I don't know
20 if the argument can be preserved if there's no independent
21 objection to it, and so that would be -- you know, if you
22 say he never said I object to her removal, he just said --

23 THE COURT: The state made a motion for her to
24 removed. Judge Cole said, "Mr. Snyder, I'll hear from
25 you."

Closing arguments

1 Mr. Snyder argued she should not be removed.

2 MS. ROSS: Okay.

3 THE COURT: I don't -- I don't understand what else he
4 should have done.

5 MS. ROSS: I don't know for appeal whether they would
6 have to be I-object-to-the-removal-because-of-a -- whether
7 that's the magic word that he'd have to put in there.

8 THE COURT: Was it an issue on appeal, issue,
9 preservation on that issue?

10 MS. ROSS: No. They did not -- they didn't bring it
11 up as an issue on appeal, but my understanding is quite
12 often they'll just look for objections to find issues on
13 appeal, so.

14 THE COURT: It seems to me that was enough.

15 MS. ROSS: Okay.

16 THE COURT: I mean, if one side makes a motion, they
17 make an argument, and the judge gives the other side a
18 chance to respond and the judge makes a ruling, jumping up
19 and saying, well, Judge, I object to your ruling, I don't
20 know if that's what attorneys are required to do, but.

21 MS. ROSS: I don't either. Again, I would also say
22 just in honesty, my research on it, it is -- the decision
23 to dismiss a juror is in the discretion of the trial judge,
24 so on State vs. Bell. So I understand that. I just would
25 argue that it could have been better preserved certainly

Closing arguments

1 with the makeup, what you're hearing about the jurors being
2 so torn in this case.

3 THE COURT: Thank you, ma'am.

4 Ms. Marto.

5 MS. MARTO: Yes, Your Honor.

6 Concerning the juror issue, I don't think there's any
7 indication that that would have been a winnable issue on
8 appeal instead of an issue, a preservation issue. I don't
9 know even if an objection was to be made, I don't know if
10 it really would have made any type of difference either at
11 trial or on appeal.

12 Concerning bolstering, there were a couple of comments
13 concerning how the individual was supposed to tell the
14 truth when testifying.

15 THE COURT: I'm not -- the bolstering issue is not an
16 issue I'm too concerned about, not to the Strickland level.

17 MS. MARTO: Okay. Thank you, Your Honor.

18 And then also when it came to the Biggers hearing,
19 Ms. Dixie knew him. His face was covered at the time. She
20 identified him based upon surveillance footage that was in
21 the house.

22 He -- she recognized him based upon his identifiable
23 neck tattoos. And also we would point out that Ms. Pilgrim
24 also identified him. And so we would argue that a Biggers
25 hearing wasn't needed even if --

Closing arguments

1 THE COURT: Tell me why. I mean, that's -- that's
2 what I was talking about Ms. Ross -- talking with Ms. Ross
3 about.

4 You know, I think we're all in agreement that a
5 Biggers hearing is unnecessary when there's -- if it's your
6 cousin or your brother or whatever. You don't just do a
7 Biggers hearing needed to say, well, that's -- that's my
8 brother. But if the initial I.D. is shaky, does that
9 change the result to make a Biggers hearing necessary? And
10 if not, why not?

11 MS. MARTO: I don't know if it inherently does,
12 especially due to the facts of this case. I mean, it was a
13 traumatic moment. His face was covered. She couldn't
14 identify him immediately, and she was able to do that later
15 on through the surveillance footage that was already in the
16 home based upon his neck.

17 And so I don't know if a Biggers hearing was needed
18 because she knew him. But the reason why she couldn't
19 immediately identify him was because his face was covered.

20 It would also be our position that, as Mr. Hunter
21 testified, there was a Biggers hearing in the codefendant's
22 hearing, and that was denied, so it would likely not make a
23 difference, likely would not result in any favorable
24 outcome for the defense in this case.

25 THE COURT: A Biggers hearing on -- I'm sorry. I

closing arguments

1 missed that. So a Biggers hearing with regard to this
2 Dixie Wright's testimony?

3 MS. MARTO: Yes, Your Honor.

4 THE COURT: Okay. And the codefendant in this case.

5 MS. MARTO: Yes, Your Honor. That was before the same
6 judge.

7 THE COURT: Let me hear from Ms. Ross if you don't
8 mind. I hate jumping, but that to me seems fatal to their
9 argument if Judge Cole already heard the Biggers hearing
10 and he -- he denied it.

11 MS. ROSS: Well, that was to the codefendant who --
12 the issue with the codefendant is -- and Mr. Hunter
13 testified to that -- Ms. Wright was in the law enforcement
14 center, just walked by a room and said that's him. So it
15 was more similar to a show-up situation arguably. And so
16 there was a hearing as to that codefendant. But that
17 codefendant was unmasked. He was shot.

18 THE COURT: I'm sorry. I thought you -- I meant to
19 say was it an I.D. of this defendant.

20 MS. MARTO: No.

21 THE COURT: Okay. Than I'm not -- then I don't think
22 that's it, Ms. Marto.

23 MS. MARTO: Okay. Yes. So, and we would also argue
24 that there was no prejudice in this case because we also
25 had the identification by the codefendant, as well as the

Closing arguments

1 surveillance footage, and the investigator testified he was
2 able to identify Mr. -- or Mr. Stripling before they even
3 spoke with Dixie.

4 So we would argue that this -- even if counsel was to
5 pursue a Biggers hearing, which we're not conceding
6 deficiency because he did know did she did know him, it
7 likely wouldn't have changed the outcome at trial. So for
8 that, we request you deny relief.

9 THE COURT: Can you respond on that point, Ms. Ross?
10 Seems like I agree with you that a Biggers hearing should
11 have been requested. Is that enough to get you a P.C.R.
12 granted?

13 MS. ROSS: As far as prejudice, I think it was a close
14 case. Just reading the transcript, it was a very close
15 case.

16 You had one codefendant who had total motive to -- to
17 say whatever she needed to say to get out of a murder
18 conviction, and then Ms. Wright's identification was just
19 completely suspect.

20 I would argue it was unreliable in every way, the fact
21 that she denied that Jarvis -- when her initial
22 confrontation denying that he was involved, I mean, she
23 said that --

24 THE COURT: Mr. Snyder argued that, right, at closing
25 and during?

closing arguments

1 MS. ROSS: He did, but then as far as that would go to
2 is it unduly, was this procedure -- did the state do
3 something in their procedure, the investigators, that
4 created an unreliable in-court identification of
5 Mr. Stripling? And we would argue they did.

6 She initially said it wasn't him when she was shown
7 the -- the picture. It looks like, according to
8 Investigator Taylor, she was shown pictures, stills, from
9 the D.V.D., though I can't be sure. I was just insterpling
10 [sic] that from some testimony that I've referred to
11 through the hearing. Looks like they showed stills and
12 then on --

13 THE COURT: Let me --

14 MS. ROSS: She kept on being shown these pictures of
15 him, which I think is unduly suggestive if -- if she's
16 trying to figure out who it was and they keep on showing
17 pictures of Jarvis.

18 THE COURT: Are there cases under Neil vs. Biggers
19 involving surveillance footage? It seems to me -- I mean,
20 the -- the worry about Neil vs. Biggers is you're giving
21 them -- you're putting a face in front of them that that is
22 suggesting that's the person. And maybe they don't
23 remember that person.

24 But if you've got a video of the scene, the actual
25 crime occurring, are there any cases saying a Biggers

Closing arguments

1 hearing is necessary for the person to say whether or not
2 they recognize the person in the surveillance footage?
3 I've never had that argument made at trial before.

4 MS. ROSS: And I haven't seen any cases specifically,
5 but surely that would be the equivalent of an unduly
6 suggestive procedure like if you just say look at this
7 picture again and look at this picture again. They keep on
8 showing that D.V.D. tape, the picture.

9 THE COURT: But I don't think it's that. It's a very
10 different issue, because, I mean, it's one thing when
11 someone says, well, I got mugged walking down the street
12 and you show a line-up of eight people and say which of
13 these guys was the mugger and they -- you know, you may be
14 improperly suggesting the one the law enforcement likes for
15 the crime. But when you have video of the mugging and you
16 have the mugging on camera and you say do you recognize who
17 that guy is, I don't think that's a Biggers issue, is it?

18 MS. ROSS: Frankly, I don't know just alone, but just
19 the fact they keep bringing him into the picture with this.
20 I mean, at some point they show him Jarvis' picture. She
21 says that's Jarvis. And then they continue to show that
22 picture.

23 Now, I -- I can't be sure. I think they may have
24 shown the picture. Like I said before, I think they might
25 have. It's not totally clear from the record. But even

Closing arguments

1 showing his picture over and over again to her, I would
2 argue, would be suggestive. And I referred to the page at
3 the -- I guess her redirect where she goes into why she's
4 now, you know, more sure than she was initially with her
5 I.D.

6 And I would argue that the reasons for that had to do
7 with the way the investigation from the state action that
8 led her to become more confident in her identification of
9 Jarvis.

10 And while I'm not in your right, I'm not sure. I
11 think you're right in the way you're thinking of State vs.
12 Moore, I mean Neil vs. Biggers. At some point the
13 question, I would argue certainly under State vs. Moore, is
14 that it comes into whether the state action was
15 impermissible and somehow so suggested that it made that
16 in-court identification improper.

17 THE COURT: Yeah. I'm just thinking it through. You
18 know, I have, and I'm sure y'all have had cases too, where
19 shoplifting cases, where you've got a video from the Dollar
20 General or Wal-Mart and loss prevention says, oh, yeah,
21 that's John Smith, he's stolen from our store five times, I
22 recognize him on the video.

23 MS. ROSS: Uh-huh.

24 THE COURT: I have never had anyone ask for a Neil vs.
25 Biggers hearing on those kinds because it's -- I'll think

Closing arguments

1 about that.

2 But I don't want to derail your argument. Anything
3 else, Ms. Ross, that you want to bring up?

4 MS. ROSS: No. I just make sure that I preserve my
5 other arguments that I put on, and also argue I know having
6 Mr. Stripling's daughters here it's way later.

7 We would just argue they were on the witness list and
8 they could have helped support his alibi of the case
9 despite their -- their age. They likely could have. And
10 I'll say that I have not -- I did not coach them or
11 anything. They came up and I met them for the first time
12 this morning.

13 THE COURT: Yes, ma'am.

14 MS. Marto.

15 MS. MARTO: Yes, Your Honor.

16 I guess concerning the Biggers issue, first, we would
17 agree that if they were presented with a singular mug shot
18 of Mr. Stripling, then that might very well be a Biggers
19 issue. But instead what was presented was still shots of
20 security footage of an incident she was already present
21 for. And so it's really just being shown something she had
22 lived to experience concerning and being able to think
23 about it at that point.

24 We would argue that's not suggestive and not right for
25 Biggers.

closing arguments

1 Additionally, when it comes to the -- my apologies. I
2 forget the second issue.

3 (Pause.)

4 MS. MARTO: Yeah. Prejudice has to be sustained, not
5 just concede. And here I think we, again, win on the
6 prejudice prong because we have two individuals who were
7 there and present, regardless of motive, who both
8 identified Stripling as being involved, as well as
9 surveillance footage to that extent.

10 And so we would just request you deny relief in this
11 case. Thank you.

12 THE COURT: Thank you. I'm going to take this under
13 advisement.

14 MS. ROSS: Okay. Just to clarify on the record,
15 Investigator Nelson's testimony was they showed just a
16 picture, not the D.V.D. surveillance. So one investigator
17 denied that that --

18 THE COURT: The still shot.

19 MS. ROSS: It was -- yeah. Denied that the still shot
20 was ever shown to Ms. Wright.

21 The second investigator said it wasn't at the time of
22 the video interview. But there's no question that during
23 the video interview they just presented a picture of Jarvis
24 Stripling and a profile not from the D.V.D., and then she
25 said this is Jarvis but did not say it was the home invader

Closing arguments

1 during that video.

2 THE COURT: Is that -- I mean, so the investigator
3 showed a mug shot of Mr. Stripling to her before she had
4 I.D.'d him?

5 MS. ROSS: Yes.

6 THE COURT: Where -- where is -- where is that in the
7 transcript?

8 MS. ROSS: Let me look and see.

9 I think it's around 172, 174. It was during
10 Investigator Nelson's. And I don't know if it was a mug
11 shot. They just said a picture and a profile. I don't
12 believe it was a mug shot.

13 THE COURT: If you can tell me where -- where -- I am
14 at page 170.

15 MS. ROSS: 169.

16 THE COURT: 169.

17 MS. ROSS: Line nine.

18 THE COURT: Okay.

19 MS. ROSS: That's where she said it.

20 (Pause.)

21 THE COURT: That does change things a little bit. It
22 does appear that she -- that they showed before she
23 identified Mr. Stripling as the video said as someone she
24 knew. They showed her a picture of just him, said you know
25 this guy, and then said who's that in the video.

Closing arguments

1 I'm going to take this under advisement.

2 Anything else before we break for lunch?

3 MS. ROSS: No, Your Honor.

4 MS. MARTO: Nothing, Your Honor.

5 THE COURT: All right. Thank you, Counsel.

6 END OF REQUESTED TRANSCRIPT OF RECORD

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 8th day of June 2022.

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

April 26, 2023

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

Jarvis Stripling, #378264,)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS)
FOR THE SEVENTH JUDICIAL CIRCUIT)

Case No.: 2021-CP-42-04255)

ORDER OF DISMISSAL)

2023 APR -4 AM 9:04
FILED
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

This matter comes before this Court by way of Applicant's post-conviction relief application filed December 20, 2021. Respondent made its return on January 28, 2022, requesting that an evidentiary hearing be convened. An evidentiary hearing was held on June 8, 2022, at the Spartanburg County Courthouse. Susannah Ross, Esquire, represented Applicant. Assistant Attorney General Chelsey Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel Charles Snyder, III, and prosecutor J. Edward Hunter also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its June 2017 term, the Spartanburg County Grand Jury indicted Applicant for two counts of kidnapping (2017-GS-42-3123 and -3124) and first-degree burglary (2017-GS-42-03125). During its July 2018 term, the Spartanburg County Grand Jury indicted Applicant for attempted armed robbery (2018-GS-42-04083). During its August 2018 term, the Spartanburg County Grand Jury indicted

Applicant for murder (count one) and possession of a weapon during commission of a violent crime (count two) (2017-GS-42-03122). Applicant was represented by Charles W. Snyder, III, Esquire. Assistant Solicitor James E. Hunter and Allison Mabbs, Esquires, of the Seventh Circuit Solicitor's Office, prosecuted the case. On November 6-8, 2018, Applicant proceeded to trial before the Honorable J. Derham Cole and a jury. Applicant was found guilty of first-degree burglary, two counts of kidnapping, and one count of attempted armed robbery. He was found not guilty of murder and possession of a weapon during the commission of a violent crime. Judge Cole sentenced Applicant to thirty years' imprisonment for each count of kidnapping and first-degree burglary and twenty years' imprisonment for attempted armed robbery. These sentences were set to run concurrently.

Applicant filed a timely notice of appeal on November 14, 2018, that was perfected by Joanna K. Delany, Esquire, through filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. *State v. Stripling*, Op. No. 2020-UP-328 (S.C. Ct. App. filed Dec. 2, 2020). The remittitur was issued on December 21, 2020.

Summary of Relevant Facts

Applicant and his co-defendant, Alicia Pilgrim, grew up together. (Tr. 55). Pilgrim and Francisco Villar made an illegal deal where Pilgrim would marry Villar's cousin, who was not in the country legally, for money. (Tr. 55). Villar did not want to pay upfront, so Pilgrim developed a plan to rob him, because she knew he had money from drug dealing. (Tr. 55). Pilgrim went to Villar's home early in the morning, when two black men rushed into the house, both covering their faces. (Tr. 56). This was captured on video surveillance. (Tr. 56). Pilgrim and Villar ordered everyone to get on the ground. (Tr. 56). After a while, Villar stopped cooperating and

2023 APR 24 AM 9:04
CLERK OF COURT
SPRINGFIELD COUNTY
ANIM.COX

FILED

pulled a pistol to shoot the burglars. (Tr. 56). Villar was killed after suffering two gunshots. (Tr. 223). In a statement, Pilgrim identified Applicant as the shooter. (Tr. 57-58).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. "Applicant received ineffective assistance of counsel because attorney failed to raise jury objections concerning presenting new videos and pictures at trial."
 - a. "There were several known and unknown parts where it was clearly a conflict; you cannot present new evidence at trial."

At the PCR hearing, Applicant proceeded forward on the following allegations, as outlined in the amended application, filed June 6, 2022:

1. Ineffective assistance of counsel:
 - a. Failure to move to suppress the identification of the Applicant by witness Dixie Wright and object to her in court identification of Mr. Stripling.
 - b. Failure to present an expert to educate the jury on how suggestion and memory triggers can result in false eyewitness identification.
 - c. Failure to object to the admission of home surveillance video and photo stills thereof if not produced in discovery.
 - d. Failure to review home surveillance video and photo stills thereof with Mr. Stripling prior to trial.
 - e. Failure to object to leading redirect of witness Dixie Wright.
 - f. Failure to object to leading of witness Alicia Pilgrim.
 - g. Failure to object to leading investigator Louis Maceo Nelson or question why if he believed witness Alicia Pilgrim he then charged a third party, Efrain Rivera, with the murder.
 - h. Failure to object to Investigator Louis Maceo Nelson bolstering witness Alicia Pilgrim's identification of the Applicant by stating she seemed truthful.
 - i. Failure to object to the removal of juror number 193.
2. Due Process Violation due to the removal of the juror number 193 and compromising Applicant's right to a fair trial.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Applicant Testimony

FILED
 2023 APR -4 AM 9:04
 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

Applicant testified that he understood the purpose of a PCR hearing. He stated that he pled not guilty and proceeded to trial. He stated he thought Counsel was ineffective because he wanted his Counsel to object at trial. He stated he never saw the video before trial. Applicant testified that he never saw still shot photographs from the video until trial. Applicant stated that he is five feet eight inches tall and the victim stated that the shooter was six feet tall. He testified he wanted his daughters to testify at trial and that he thought their testimonies would have helped. Applicant stated he would have testified about the tattoos at trial. Applicant testified that Dixie identified him at trial and that Counsel did not object to this identification. Applicant testified that a co-defendant's charges were dropped and Counsel did not make a big deal of this at trial. He testified he wished Counsel objected more.

On cross-examination, Applicant testified that Pilgrim testified at trial. He stated that Dixie Wright previously knew him. Applicant testified that Counsel reviewed his discovery with him, though he confirmed he did not see the videos until trial. He testified he saw the interview with his co-defendant. Applicant stated that he wanted Counsel to challenge Dixie's testimony. He stated he did not know the deceased in the case and that he only met him as a part of a drug deal one time. Applicant testified that he did not know Dixie well. He stated he knew Pilgrim and saw her regularly. He stated he knew his co-defendant.

On re-direct, Applicant testified that his co-defendant did not testify at trial. He stated Dixie told the investigators she was not sure who the shooter was and only identified him later on. On re-cross, Applicant testified that Pilgrim identified him as the shooter and that he was ultimately identified based upon his tattoos. Applicant stated Counsel did not object to testimony concerning Dixie's identification based upon still shots from the video.

Jermyiah Stripling Testimony

FILED
2023 APR -4 AM 9:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

Jermyiah stated that she is fifteen years old. She stated she understood her grandmother provided an alibi at Applicant's trial. Concerning the night of the incident, she testified that she was laying on the blow-up mattress and woke up every fifteen minutes to ensure Applicant was beside her. She stated that none of her other family members spoke with her about why her father was arrested because it would make her cry. She stated that she could have spoken at Applicant's trial if asked to do so.

On cross-examination, Jermyiah testified that she was eleven years' old at the time of trial and slept beside Applicant the night of the incident. She stated that she slept with her father's hand on her. She stated she thought Applicant did not want her to testify at his trial because he wanted to protect her.

Ajah Stripling Testimony

Ajah testified that she is eleven years old. She stated she recalled laying on the bed with her father at the time of the incident. She stated they were all at her grandmother's house.

On cross-examination, Ajah testified she did not remember attending the trial, but that she saw Applicant's mugshot on the news. She stated she did not recall when the news came out about Applicant. She stated she was awake at one in the morning that night. She stated she was eight or nine at the time of the incident. She stated she would have testified at the trial if called to testify. She stated she remembered that day because that was the same day Applicant taught her how to play a PlayStation.

Counsel Testimony

Counsel testified that he met with Applicant "at least a dozen times" where they discussed the case, talked about his mother and made mention of discovery which Applicant "at least twice." Counsel recalled that the surveillance was very important to this case.

2023 APR -1 AM 9:04
CLERK OF COURT
SPRINGFIELD COUNTY
AMY W. COX

FILED

and he “could not imagine a scenario where [they] would not have reviewed the videos”.

Counsel testified that this case was always going to trial and that Applicant had maintained his innocence throughout. Counsel stated that Pilgrim and Dixie’s testimony, along with the hairline from the surveillance video, were important to the verdict. Counsel admitted that he could not say if he saw any reason to object to the videos, nor did he think it was necessary to proceed with pre-trial motions in this case.

Counsel recalled there were issues with the removal of certain jurors. Counsel stated that “they wanted to acquit for murder.” He testified that he felt he had given the jury a lot to think about and had tried a good case. Counsel stated that he did not object to bolstering but he had objected to hearsay. On redirect, Counsel stated that he places objections strategically and misses some because he is “not perfect” but he “couldn’t have done anything differently”.

Prosecutor Testimony

Prosecutor testified that the evidence in this case consisted of surveillance video, eyewitnesses. Regarding “hand of one hand of all,” Prosecutor acknowledged that they could not say which one shot Victim and that is why they could not find him guilty of murder. Prosecutor stated that the codefendants had stronger cases than that of Applicant. Prosecutor testified that pre-trial motions were denied in front of Judge Cole. Prosecutor stated that there was no leading throughout the trial and if any bolstering took place, then he could have asked the question in a different way and it would not have changed the outcome as it was not prejudicial.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the South Carolina County Clerk of Court Records, Applicant’s South Carolina Department of Corrections Records,

FILED
2023 APR -14 AM 9:04
CLERK OF COURT
SOUTH CAROLINA
COUNTY
JAMES W. COX

the trial transcript, direct appeal records, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel in the range of legitimate decisions regarding how to best represent a criminal defendant and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of the

2023 APR -4 AM 9:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

representation. *Id.* at 689. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.”

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel’s performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters “‘only in the rarest case’” because “[t]he likelihood of a different result must be substantial, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Failure to Move to Suppress Identification

Applicant claims Counsel was ineffective for failure to move to suppress the identification and for failure to object to her in-court identification. The United States

FILED
2023 APR -4 AM 9:04
CLERK OF COURT
SPARANBURG COUNTY
AMY W. COX

Constitution's Due Process clause prohibits police eyewitness identification techniques that are "so suggestive as to violate due process." *Manson v. Brathwaite*, 432 U.S. 98, 105 (1977). An identification procedure must be *both* unnecessarily suggestive and conducive to irreparable misidentification in order to violate due process. *State v. Traylor*, 360 S.C. 74, 81, 600 S.E.2d 523, 526 (2004). "Only if [the procedure] was suggestive need the court consider the second question—whether there was a substantial likelihood of irreparable misidentification." *State v. Moore*, 343 S.C. 282, 287, 540 S.E.2d 445, 447–48 (2000). Factors considered in analyzing whether the identification was mistaken include "the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of the witness' prior description of the criminal, the level of certainty demonstrated by the witness at the confrontation, and the length of time between the crime and the confrontation." *Neil v. Biggers*, 409 U.S. 188, 199-200 (1972).

Here, there was no prejudice suffered by Counsel's decision not to move to suppress or object. One of Applicant's co-defendants testified at his trial. (Tr. 134-57). Additionally, still shots from the video of were entered at the trial, featuring specific neck and hand tattoos that matched those of Applicant's. (Tr. 167-68, 184-85, 200). This Court finds that even if there was a *Biggers* hearing, there was sufficient evidence to convict and the results at trial likely would not have changed as a result. Accordingly, relief is denied.

Failure to Present Expert

Applicant claims Counsel was ineffective for failure to present an expert on how suggestions and memory can result in faulty eyewitness identification. Applicant failed to show that any reasonable attorney would have surely presented such testimony or that such testimony would have consisted of. *See Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538,

FILED
2023 APR -4 AM 9:04
CLERK OF COURT
Spartanburg County
AMY VECOX

540 (1995) (To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing or their testimony must otherwise be presented, consistent with the rules of evidence); *Clark v. State*, 315 S.C. 385, 434 S.E.2d 266 (1993) (Mere speculation regarding the witness's testimony is insufficient to establish prejudice). Accordingly, relief is denied on this ground.

Failure to Review/Object to Admission of Home Surveillance Footage and Photos

Applicant claims Counsel was ineffective for failing to object to the admission of home surveillance footage and photographs and for failing to review this footage with his client. The basis for the objection was that they were not produced in discovery. This is without merit. Counsel testified that this evidence was extremely important to the case and that he could not imagine that he failed to review this with Applicant. Therefore, it is most likely that he did review that evidence with Applicant, and therefore this claim for relief is denied.

Failure to Object to Leading on Redirect of Dixie Wright, Alicia Pilgrim, and Louis Nelson

Applicant claims Counsel was ineffective for failure to object to Prosecutor's leading questions directed at Dixie Wright, Alicia Pilgrim, and Louis Nelson. This Court finds Counsel and Prosecutor both credible in their assertions that even if leading questions were asked, they did not impact the outcome at trial. Counsel is not expected to object to every single objectionable thing at trial to avoid findings of ineffectiveness. That is, Applicant has not shown that any reasonable attorney would have objected to the leading questioning. Accordingly, relief is denied on this ground.

Improper Bolstering

Applicant claims Counsel was ineffective for failure to object to improper bolstering. "Improper bolstering is 'testimony that indicates the witness believes the victim but does not

2023 APR -4 AM 9:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

serve some other valid purpose.” *Chappell v. State*, 429 S.C. 68, 75, 837 S.E.2d 496, 499-500 (Ct. App. 2019) (quoting *Briggs v. State*, 421 S.C. 316, 325, 806 S.E.2d 713, 718 (2017)).

“Improper bolstering also occurs when a witness testifies for the purpose of informing the jury that the witness believes the victim, or when there is no other way to interpret the testimony other than to mean the witness believes the victim is telling the truth.” *Id.* “However, an expert’s testimony is not improper bolstering ‘when the expert witness gives no indication about the victim’s veracity[.]’” *Id.* (quoting *State v. Perry*, 420 S.C. 643, 663, 803 S.E.2d 899, 910 (Ct. App. 2017)).

“In an ineffective assistance case, ‘trial counsel’s failure to object to [improper bolstering] testimony does not remove a [] [PCR] applicant’s burden to prove prejudice.’” *Chappell*, 429 S.C. at 80, 837 S.E.2d at 502 (quoting *Thompson*, 423 S.C. at 246, 814 S.E.2d at 492). “The determination of whether a bolstering error is harmless depends on whether the case turns on the credibility of the victim.” *State v. Chavis*, 412 S.C. 101, 110, 771 S.E.2d 336, 341 (2015). “The outcome of a trial turns on the credibility of the victim when the State presents no physical evidence or ‘relie[s] solely upon the victim’s testimony to establish the details of the crime’” *Chappell*, 429 S.C. at 80, 837 S.E.2d at 502 (quoting *Thompson*, 423 S.C. at 248, 814 S.E.2d at 494).

Applicant has not met his burden of proof concerning this allegation. Counsel credibly testified that they did not think an objection was needed. This Court declines to find the passages highlighted objectionable. However, even if this was improper bolstering, this Court finds that it would not have impacted the outcome at trial. Accordingly, because Applicant has not met either prong of the *Strickland* analysis, relief is denied on this ground.

Due Process/Failure to Object to Removal of Juror 193

2023 APR -4 AM 9:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. CEX

FILED

Applicant claims there was a Due Process Violation and that Counsel was ineffective because of the removal of Juror 193. Juror 193 was removed because she seemingly saw something about the case in the news, which she brought into deliberations. (Tr. 289). Additionally, she stated that her brother had been murdered and she was interviewed by two investigators affiliated in that case who testified at this trial. (Tr. 292-93). She denied any affiliation with these witnesses during qualifications. (Tr. 292-93). Counsel argued against excluding her from the jury because the connection she had to the officers was tenuous at best. (Tr. 308). The Court elected to exclude her out of questions about the juror's honesty. Specifically, the Court had concerns about the sheer number of excuses she had about failing to disclose these things and the concerns from the rest of the jury that this juror knows more than she was initially letting on. (Tr. 308-09).

Counsel was not deficient because he did argue against her exclusion. Accordingly, there is no prejudice. Finally, Applicant has failed to meet his burden of proving that this constituted a due process violation. Accordingly, relief is denied.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review of PCR.

FILED
2023 APR -4 AM 9:04
CLERK OF COURT
SPRINGFIELD COUNTY
AMY M. COX

counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 22 day of March, 2023.


WILLIAM A. MCKINNON
Presiding Judge
Seventh Judicial Circuit

Spaulding, South Carolina.

FILED

2023 APR -4 AM 9:04

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

SENTENCE/IMPRISONMENT
 REPORT INDEXED
 SPARTANBURG POLICE DEPARTMENT
 INDEXED
 CHECKED WARRANTS
 CHECKED SIGNATURE
 ASSESSMENT AND FINE CARD MADE
 TRAFFIC VIOLATION

Computer
 Computer

ARREST WARRANT NUMBER

2017A4210100605

Direct Indictment (AMENDED)

ACTION OF GRAND JURY

1000 D-11

T. J. [Signature]
 AUG 24 2018

Foreperson of Grand Jury
 Date:

VERDICT

Not Guilty

Clayton A. Houchins
 Foreperson of Petit Jury

Date: 11/8/2018

DOCKET NO 17-GS-42-3122

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 27 2018

TERM

THE STATE

vs.

JARVIS T. STRIPLING

Indictment for

COUNT 1 - MURDER
 COUNT 2 - POSSESSION OF A WEAPON
 DURING COMMISSION OF A VIOLENT
 CRIME

SC Code: 16-03-0010, 0020

CDR Code: 0116, 0549

Class: FEL-Exm, FEL/F

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 24 2018

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

COUNT ONE - MURDER

That Jarvis T. Stripling did in Spartanburg County, on or about February 11, 2017, feloniously, willfully, and with malice aforethought, kill one Francisco J. Villar, by shooting the victim, and that said victim died as a proximate result thereof, all in violation of §16-03-0010, 0020, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended

**COUNT TWO - POSSESSION OF FIREARM OR KNIFE DURING
COMMISSION OF OR ATTEMPT TO COMMIT A VIOLENT CRIME**

That Jarvis T. Stripling did in Spartanburg County on or about February 11, 2017, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to-wit: MURDER, in violation of Code §16-23-490, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE

35

Spartanburg Police Department

2. CARD PULLED

INDEXED

CHECKED WARRANTS

3. CHECKED SIGNATURE

4. ASSESSMENT AND
FINE CARD MADE

5. TRAFFIC VIOLATION COPY

Computer

Computer

ARREST WARRANT NUMBER

2017A4210100606

ACTION OF GRAND JURY

JUN 02 2017

CE

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Clayton L. Houchins

Foreperson of Petit Jury

Date: 11/8/2018

DOCKET NO. -

17-GS 42-3123

The State of South Carolina

County of Spartanburg

Barry Barnett, Solicitor

COURT OF GENERAL SESSIONS

TERM

THE STATE

vs.

Jarvis T Stripling

Indictment for

KIDNAPPING

SC Code: 16-03-910

CDR Code: 0095

Class FEL-A

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

JUN 02 2017

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

KIDNAPPING

The Defendant, Jarvis T Stripling, did in Spartanburg County, on or about February 11, 2017, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Simon J. Spicer, without authority of law, all in violation of Section 16-3-910, Code of Laws of South Carolina (1976, as amended).

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

J. E. Mills
 ASSISTANT SOLICITOR

1. SENTENCE MADE WITNESSES

REPORT ENDED

3. CARD PULLED

Spartanburg Police Department

INDEXED

4. CHECKED WARRANTS

5. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC VIOLATION COPY

Computer

Computer

ARREST WARRANT NUMBER

2017A4210100607

ACTION OF GRAND JURY

JUN 02 2017

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Clayton L. Howel

Foreperson of Petit Jury
Date: 11/8/2018

DOCKET NO. -

17-GS-42-3124

The State of South Carolina

County of Spartanburg

Barry Barnett, Solicitor

COURT OF GENERAL SESSIONS

TERM

THE STATE

vs.

Jarvis T Stripling

Indictment for

KIDNAPPING

SC Code: 16-03-910

CDR Code: 0095

Class FEL-A

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 02 2017

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

KIDNAPPING

The Defendant, Jarvis T Stripling, did in Spartanburg County, on or about February 11, 2017, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Dixie Wright, without authority of law, all in violation of Section 16-3-910, Code of Laws of South Carolina (1976, as amended).

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


ASSISTANT SOLICITOR

43
1. SENTENCE MADE ☒ **Computer**
2. REPORT ENDED ☒
3. FINE CARD MADE ☒ Police Department
4. INDEXED ☒
5. CHECKED WARRANTS ☒
6. CHECKED IN FINE ☒ **Computer**
7. ASSESSMENT AND FINE CARD MADE ☒
8. TRAFFIC VIOLATION COPY ☒

ARREST WARRANT NUMBER

2017A4210100608

ACTION OF GRAND JURY

CE

JUN 02 2017

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Clayton L. Hardin

Foreperson of Petit Jury

Date: 11/8/2018

DOCKET NO. 17-GS-42-3125

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

TERM

THE STATE

vs.

Jarvis T Stripling

Indictment for

BURGLARY, FIRST DEGREE
(Dwelling)

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

JUN 02 2017

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

BURGLARY, FIRST DEGREE

(DWELLING)

That the Defendant, Jarvis T Stripling, did in Spartanburg County, on or about February 11, 2017 willfully and intentionally enter the dwelling belonging to Francisco J. Villar located at [REDACTED], South Carolina, and did enter the dwelling without consent and with the intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime were armed with a deadly weapon or explosive; and/or causes physical injury to a person who is not a participant in the crime; and/or uses or threatens the use of a deadly weapon; or displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; and/or the entering or remaining occurs in the nighttime in violation of Section 16-11-311, Code of Laws of South Carolina (1976) as amended.

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

J. L. ENNIS
 ASSISTANT SOLICITOR

WITNESSES

SENTENCE MADE

REPORT ENDED

City of Spartanburg

ADDITIONAL

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ASSESSMENT AND

FINE CARD MADE

TRAFFIC VIOLATION

Computer

Computer

DOCKET NO.

18-GS-42- 4083

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 23 2018

TERM

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

True Bill

JUL 20 2018

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Jarvis Stripling

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-330 (B)

CDR Code: 26

Class FELC

Foreperson of Petit Jury

Date: 11/8/2018

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2018 JUL 25 PM 3:17
H. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 20 2018 the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Jarvis Stripling did in Spartanburg County on or about February 11, 2017, attempt to rob Franciso Villar, while armed with a handgun, in that he attempted to take money and/or drugs from the victim, in violation of §16-11-330 (B), *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

443

COUNTY OF SPARTANBURG

STATE VS.

Jarvis Stripling

AKA:

Race: BLACK Sex: M Age:

DOB: S#:

Address:

City, State, Zip:

DL#: SID#:

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

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

TO: Kidnapping / Kidnapping

INDICTMENT/CASE#: 2017GS4203123

A/W#: 2017A4210100606

Date of Offense: 2/11/2017

S.C. Code § 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

HUNTER, JAMES EDWARD

SCB77517

SC Bar#

Defendant

Charles W. Snyder III, Charles W. Snyder

SCB79961

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

no sexual motive

Total: \$ — plus 20% fee: \$ — — days/hours Public Service EmploymentPayment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Obtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ — beginning —\$ — paid to Public Defender FundOther: —

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

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

Presiding Judge

Judge Code: 2053Sentence Date: 11-9-2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE VS.

Jarvis Stripling

AKA:

Race: BLACK Sex: M Age:

DOB: SS#:

Address:

City, State:

DL#: SI

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

INDICTMENT/CASE#: 2017GS4203124

A/W#: 2017A4210100607

Date of Offense: 2/11/2017

S.C. Code § 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ \$17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

HUNTER, JAMES EDWARD

SCB77517

SC Bar#

Defendant

Snyder III, Charles W.
Attorney for Defendant

SCB79961

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 years and/or to pay a fine of \$ —; ~~provided that upon the service of~~ — days/months/years and/or payment of \$ —; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~ — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPNO sexual motiveTotal: \$ — plus 20% fee: \$ — — days/hours Public Service EmploymentPayment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Obtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ — beginning —\$ — paid to Public Defender FundOther: —

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

Clerk of Court/ Deputy Clerk C. PoolCourt Reporter: MoffittPresiding Judge —Judge Code: 2053Sentence Date: 11-9-2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 445

COUNTY OF SPARTANBURG

STATE VS.

Jarvis Stripling

AKA:

Race: BLACK Sex: M Age:

DOB: SS#:

Address: [REDACTED]

City, State, Z: [REDACTED]

DL#: SID#:

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

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

TO: Burglary / Burglary (After June 20, 1985) - First degree

INDICTMENT/CASE#: 2017GS4203125

A/W#: 2017A4210100608

Date of Offense: 2/11/2017

S.C. Code § 16-11-03 II

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-03 II. of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

HUNTER, JAMES EDWARD

SCB77517
SC Bar#

Defendant

Snyder III, Charles W.
Attorney for DefendantSCB79961
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Obtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code: 2053

Sentence Date: 11-9-2018

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Jarvis Stripling

AKA:

Race: BLACK Sex: M Age:

DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Attempted armed, or allegedly armed, robbery

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

HUNTER, JAMES EDWARD

SCB77517

SC Bar#

Defendant

Snyder III, Charles W.
Attorney for Defendant

SCB79961

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2993 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ca
3% to County (if paid in installments)	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Maffi

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4204083

A/W#: 2018GS4204083

Date of Offense: 2/11/2017

S.C. Code § 16-11-0330(B)

CDR Code #: 0026

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2053

Sentence Date: 11-9-2018