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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Charleston County

Honorable R. Keith Kelly, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

SHANNON LAMONT ZIQUAN JOHNSON,

APPELLANT

APPELLATE CASE NO. 2022-001757

---

RECORD ON APPEAL

---

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1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHARLESTON ) COURT OF GENERAL SESSIONS

3  
4 STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
5 PLAINTIFF, ) OF  
6 VS. ) RECORD  
7 SHANNON LAMONT ZIQUAN JOHNSON, ) 2020-GS-10-887  
8 DEFENDANT. ) 2020-GS-10-888

9  
10 December 5<sup>th</sup> - 8<sup>th</sup>, 2022

11  
12 B E F O R E :  
13 THE HONORABLE R. KEITH KELLY, Judge.

14  
15 A P P E A R A N C E S :  
16 B. CHAD SIMPSON and KELLY BARBER  
17 ASSISTANT SOLICITORS  
Attorney for the State  
18  
19 LAREE ANNE HENSLEY  
ESQ.  
Attorney for the Defendant

20  
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22  
23 Transcribed by Pamela E. Green, from  
24 DCRP, Digital Courtroom Recorder Project

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## P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 58 were marked for identification purposes only at this time.)

THE COURT: Good morning, everyone.

All right. Ladies and gentlemen, my name is Keith Kelly. I'm one of your 49 circuit court judges here in the State of South Carolina, and as Judge McCoy told you earlier, we are circuit judges meaning we travel this entire state. That is our circuit.

I am from the seventh judicial circuit, which is Spartanburg and Cherokee County. But it's great being here with you especially since I have two grand boys who live in this area. So, I get to see a three year old and a one year old while I'm here this week and looking forward to that.

Ladies and gentlemen, we are here to try the matter of the State of South Carolina versus Shannon Lamont Ziquan Johnson, Junior.

It is alleged in the Indictment 2020-GS-10-00887 that he did, in Charleston County, South Carolina, on or about August 8 of 2019, with malice aforethought, kill and murder Timothy Haman by means of shooting him with a firearm and that he died in Charleston County as a proximate result thereof on or about August 9 of 2019 in violation of South Carolina law. That matter was sent to the Grand Jury and a

1 true bill indictment was returned.

2       Additionally, in the Indictment 2020-GS-10-00888, it is  
3 alleged that the same defendant did, in the same county and  
4 state, on the same dates, possess a firearm or visibly  
5 displayed what appeared to be a firearm or visibly displayed  
6 a knife during the commission of or attempted commission of  
7 a violent crime. That being murder in violation of State  
8 Law. It was sent to the Grand Jury and a true bill  
9 indictment was returned.

10       We're trying all four of these or just the two?

11       SOLICITOR SIMPSON: Just, just two, Your Honor.

12       THE COURT: Just the two.

13       SOLICITOR SIMPSON: Just the two.

14       THE COURT: Ladies and gentlemen, the defendant has --  
15 Mr. Johnson has entered a plea of not guilty to each of  
16 these indictments and he is presumed innocent. He is not  
17 presumed not guilty. He is presumed innocent of the  
18 allegations contained in both of the indictments. I'll say  
19 this more than once this morning.

20       The indictment is merely a piece of paper. It is a  
21 charging instrument. It brings him before the court for a  
22 trial on the issues before you. Again, he is presumed  
23 innocent of the charges made against him.

24       Now, there's certain questions that I'm required to  
25 ask.



1 Do we have those voir dire or do I have them?

2 I got them.

3 They're certain questions that, that I'm asked and  
4 required to ask.

5 SOLICITOR SIMPSON: Your Honor, could -- pardon the  
6 interruption.

7 May I approach on --

8 THE COURT: Sure.

9 SOLICITOR SIMPSON: -- very briefly?

10 THE COURT: Sure.

11 (WHEREUPON, a bench conference was held out of the  
12 hearing of the jury at this time.)

13 THE COURT: All right. Both the State and the defense  
14 have certain questions they want me to, to ask you this  
15 morning and, and before we pick the jury and I have a few of  
16 my own.

17 Ladies and gentlemen, I'm gonna ask -- well, I'm gonna  
18 do this.

19 Mr. Johnson, I'm gonna ask you, and your, your lawyer  
20 can stand with you, I want you to face, turn and stand,  
21 turn, face the jury just for about 15 seconds.

22 okay.

23 (WHEREUPON, the defendant complies.)

24 THE COURT: All right, sir. That's, that's good enough  
25 right there. I just want to make sure that, that they got

1 to see you.

2 You may be seated.

3 Ladies and gentlemen, I'm gonna ask these questions and  
4 you were previously sworn. You remain under oath.

5 Is there any member of this jury panel who is now or  
6 ever has been related to Shannon Johnson -- related to him  
7 by blood or marriage to Shannon Johnson?

8 Anyone here related to him or ever have been related to  
9 him by marriage, if so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Is there any member of this panel who has a  
12 close personal or social relationship with Mr. Johnson?

13 You know him from school, recreation, some way or the  
14 other you know him or know of him, please stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: The following is a list of potential  
17 witnesses and I say potential because we never know who will  
18 or will not testify.

19 Senior Officer Evette Washington.

20 Sergeant Brett Gault.

21 Sergeant Shane Garrison.

22 Sergeant Christopher Freshman.

23 Lieutenant James Byrne.

24 Lieutenant Katrina Rivers.

25 Officer Trent Weathers.

1       Officer Creighton McDermott.  
2       Officer Alex Justiano.  
3       SPO Benjamin Shearer.  
4       Sergeant Joseph Owens.  
5       Sergeant Elizabeth Wolfsen.  
6       Detective M.G. Jenkins.  
7       Doctor Ellen -- is that Riemer, Riemer?  
8       SOLICITOR BARBER:  Riemer, Your Honor.  
9       THE COURT:  Riemer.  Doctor Ellen Riemer.  
10      Christina Colon.  
11      Shannon Gagnon.  
12      Densitty Maxwell.  
13      Officer Robert Bennett.  
14      Officer Henderson, J. Henderson.  
15      Shakia, Shakia Thomas.  
16      Travis Terrell Scott.  
17      Holly Saunders.  
18      Ashliegh Woj---  
19      SOLICITOR SIMPSON:  Wojslawowicz.  
20      THE COURT:  Wojslawowicz.  
21      Tim Weber.  
22      Alec Jay Ostendarp.  
23      Sergeant Mark Mellette.  
24      Caiga Green.  
25      Paulette Manigault.

1 Paul Greer.

2 Officer James Richardson.

3 John Ackerman or Ackerman.

4 Randall Green.

5 Detective D.A. Curlee.

6 Officer Taylor Lawcock.

7 Is any member of this jury panel related by blood or  
8 marriage to any of the potential witnesses in this case, if  
9 so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Any member of the jury panel have a social,  
12 personal, or, or -- relationship with any of the potential  
13 witnesses?

14 You know them from church, recreation, work, school.  
15 Some way or the other you know someone who is a potential  
16 witness, if so, please stand.

17 (WHEREUPON, one juror responds.)

18 THE JUROR: Some of those names are familiar. I'm a  
19 pediatric dentist and so --.

20 THE COURT: Okay, sir. Your, your number please?

21 THE JUROR: 201.

22 THE COURT: 201.

23 would that interfere with your ability to be fair and  
24 impartial?

25 THE JUROR: Yes.

1 THE COURT: It would?

2 THE JUROR: Uh-huh.

3 THE COURT: Sir, you may, you may have a seat. You'll  
4 be excused from the trial of this case. 201.

5 Yes, ma'am, your number?

6 THE JUROR: 280.

7 THE COURT: 2-8-0?

8 THE JUROR: Yes, sir.

9 THE COURT: Would any -- would that interfere with your  
10 ability to be fair and impartial?

11 THE JUROR: No.

12 THE COURT: You may stay. Thank you.

13 I'm gonna ask the lawyers to introduce themselves to  
14 you at this time.

15 Now, as is always our custom, ladies first.

16 So, Ms. Kelly, how about you introduce yourself first?

17 SOLICITOR BARBER: Good morning. I'm Kelly Barber and  
18 I'm assisting Chad Simpson in this case here.

19 SOLICITOR SIMPSON: Good morning, everyone. My name is  
20 Benjamin Chad Simpson. I work for the Ninth Circuit  
21 solicitor's office for the elected solicitor, Scarlett  
22 wilson, and I will be assisting Kelly Barber in the trial of  
23 this case.

24 MS. HENSLEY: Thank you, Your Honor.

25 Good morning. My name's Laree Hensley. I'm a lawyer

1 here in North Charleston. That's where my office is. My  
2 practice is primarily a focus on criminal defense with some  
3 family law. I've been here in North Charleston since the  
4 last 24 years.

5 THE COURT: Is there --?

6 MS. HENSLEY: And I'll be representing Mr. Shannon --  
7 I'm Shannon Johnson's lawyer.

8 THE COURT: Is there any member of this jury panel who  
9 is related by blood or marriage or ever has been to one of  
10 the lawyers in this case, if so, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Any member of the jury panel have a  
13 personal, social relationship with any of the lawyers, if  
14 so, please stand.

15 (WHEREUPON, jurors respond.)

16 Yes, ma'am, your number.

17 THE JUROR: My number is 267.

18 THE COURT: 2-6-7?

19 THE JUROR: Yes.

20 THE COURT: Would -- which one?

21 THE JUROR: Kelly, did you go to Charleston School of  
22 Law?

23 SOLICITOR BARBER: I did.

24 THE JUROR: Yeah, and you went, you went to my  
25 (indiscernible) class and made like a speech, right?

1 SOLICITOR BARBER: I probably did.

2 THE JUROR: Yeah.

3 So, I went to school with her. I don't know if that  
4 disqualifies me.

5 THE COURT: well, I'm gonna ask you.

6 would that interfere with your ability to be fair and  
7 impartial?

8 THE JUROR: No.

9 THE COURT: Then you may stay. Thank you.

10 Anyone else?

11 THE BAILIFF: Your Honor?

12 THE COURT: Yes.

13 THE JUROR: A -- Number 183.

14 THE COURT: You know Mr. Simpson?

15 THE JUROR: Yeah, I worked with Mr. Simpson on a  
16 tricycle (phonetic) in downtown Charleston, in Charleston.

17 THE COURT: Okay. would that interfere with your  
18 ability to be fair and impartial?

19 THE JUROR: Don't believe so.

20 THE COURT: I'm sorry, sir. I have to press you.

21 THE JUROR: No, sir.

22 THE COURT: Thank you. Very good. Must be a  
23 definitive answer. I'm sorry.

24 All right. Anyone in the jury panel have a family  
25 member or very close friend who is employed by the

1 Solicitor's office in this circuit, if so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Anyone in the jury panel have an -- have a  
4 friend or a family member who is employed in Ms. Hensley's  
5 law firm, if so, please stand.

6 (WHEREUPON, one juror responds.)

7 THE COURT: Yes, sir, your number please.

8 THE JUROR: Jury 107. I'm not sure but, but my husband  
9 does a lot of counseling and I'm not sure who he's  
10 ministered to in the jail system. So, I don't know whether  
11 I would qualify.

12 THE COURT: Well, let me ask you this.

13 Would that interfere with your ability to be fair and  
14 impartial to both the State and the defense?

15 THE JUROR: Well, I'm -- I don't feel comfortable  
16 because he usually talked a lot with me about the case --  
17 the, the ones that he counsel. So, I'm not comfortable  
18 whether I would be qualified to do that.

19 THE COURT: Well, has he talked to you about this case  
20 cause that's gonna be a question I'm gonna ask later on.

21 THE JUROR: No.

22 THE COURT: He has not?

23 THE JUROR: Not that I---

24 THE COURT: So, can you be fair and impartial?

25 THE JUROR: I think I can.



1 THE COURT: I'm sorry, ma'am. I have to have a  
2 definitive answer.

3 THE JUROR: Yes.

4 THE COURT: Thank you. You may stay.

5 Is there any member of this jury panel who you,  
6 yourself, have ever been a sworn law enforcement officer at  
7 some point in time?

8 That includes military police, municipal police, state,  
9 county, whatever it might be, please stand.

10 (WHEREUPON, jurors respond at this time.)

11 THE COURT: Got a couple. Had the ladies hand up  
12 first.

13 Your number please.

14 THE JUROR: 83.

15 THE COURT: 83.

16 What agency?

17 THE JUROR: Greenville City Police Department---

18 THE COURT: would that---

19 THE JUROR: ---South Carolina.

20 THE COURT: Would that interfere with your ability to  
21 be fair and impartial?

22 THE JUROR: Truthfully I probably wouldn't -- I was a  
23 place (indiscernible).

24 THE COURT: Okay. So you can not be fair and  
25 impartial?

1 THE JUROR: I don't think so.

2 THE COURT: Again, I'm sorry. I would have to have a  
3 definitive answer one way or the other, up or down.

4 THE JUROR: Yes, I can.

5 THE COURT: You can be?

6 THE JUROR: Yes.

7 THE COURT: Thank you. Please stay with us.

8 Your number, sir.

9 THE JUROR: 103.

10 THE COURT: 103.

11 what agency?

12 THE JUROR: I was military police.

13 THE COURT: All right. Can, can, can you be fair and  
14 impartial to both parties in this action?

15 THE JUROR: No, I don't think so, sir.

16 THE COURT: Again, have to have a definitive answer.

17 THE JUROR: I, I can not be impartial.

18 THE COURT: Sir, you'll be excused from the trial of  
19 this case. Please have a seat. We got some more trials  
20 coming.

21 Is there anyone who has a close -- who has a family  
22 member, this is other than yourself, you have a family  
23 member, whether that be brother, cousin, uncle, son-in-law,  
24 daughter-in-law, what it might be, but you have a family  
25 member or very, very close friend who is a law enforcement

1 officer, please stand.

2 (WHEREUPON, jurors respond at this time.)

3 THE COURT: I usually get some on that.

4 Okay. Ma'am, your number. You were up first.

5 THE JUROR: 178.

6 THE COURT: 178.

7 What agency?

8 THE JUROR: City of Goose Creek.

9 THE COURT: Would that interfere with your ability to  
10 be fair and impartial?

11 THE JUROR: No, sir.

12 THE COURT: Thank you. You may stay.

13 Yes, sir.

14 THE JUROR: 250.

15 THE COURT: 2-5-0?

16 THE JUROR: Yes, sir.

17 THE COURT: What agency?

18 THE JUROR: City of Charleston.

19 THE COURT: Would that interfere with your ability to  
20 be fair and impartial?

21 THE JUROR: Yes, sir.

22 THE COURT: Thank you. You may be excused from the  
23 trial of this case.

24 Yes, sir.

25 THE JUROR: Juror Number 282. I've got a fraternity

1 brother and best friend for over 25 years who works at the,  
2 at the police academy in Columbia.

3 THE COURT: Would that interfere with your ability to  
4 be fair and impartial?

5 THE JUROR: No.

6 THE COURT: Thank you. You may stay with us.

7 THE BAILIFF: Got one more, sir.

8 THE COURT: Got one more.

9 Yes, ma'am.

10 THE JUROR: 264. My brother's a federal probation  
11 officer.

12 THE COURT: Would that interfere with your ability to  
13 be fair and impartial?

14 THE JUROR: No.

15 THE COURT: Thank you. You may stay.

16 Is there any member of this jury panel -- go back to  
17 the lawyers.

18 A member of this jury panel ever sought legal advice  
19 from one of these three lawyers whether or not you, you  
20 hired him or her, but you talked to them about whether it's  
21 a criminal matter, a house closing, a real estate matter,  
22 car wreck, whatever it might have been, but you have  
23 consulted with one of these lawyers professionally, please  
24 stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Okay. Let me ask this question and I will  
2 not ask details. Not here to embarrass anyone.

3 Is there any member of this jury panel, you, yourself,  
4 in the last five years, been the victim of a violent crime?

5 I will not ask details. Not here to embarrass anyone.  
6 You, yourself, been the victim of a violent crime, please  
7 stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Any member of the jury panel---

10 MS. HENSLEY: Chad -- Your Honor?

11 THE COURT: Have any---

12 MS. HENSLEY: Could we just maybe approach just real  
13 quick?

14 THE COURT: Sure.

15 (WHEREUPON, a bench conference was held out of the  
16 hearing of the jury at this time.)

17 THE COURT: Any member of the jury panel a -- have a  
18 family member or any close friend who has been the victim of  
19 a violent crime in the last five years?

20 Again, will not ask any details.

21 (WHEREUPON, jurors respond at this time.)

22 THE COURT: Okay. Sir, you were up first.  
23 Your number please.

24 THE JUROR: 260.

25 THE COURT: 2-6-0.

1 THE JUROR: 260.

2 THE COURT: Would that interfere with your ability to  
3 be fair and impartial?

4 THE JUROR: No.

5 THE COURT: Thank you. You may stay.  
6 Yes, sir, your number.

7 THE JUROR: 58.

8 THE COURT: 5-8.

9 Would that interfere with your ability to be fair and  
10 impartial?

11 THE JUROR: No.

12 THE COURT: Thank you. You may stay.

13 Is there any member of this jury panel who you,  
14 yourself, family member or very close friend, contribute to  
15 pro-law enforcement organizations such as Citizens Against  
16 Violent Crime, Mothers Against Drunk Driving, Persons in  
17 Power to Save Teens, or any other similar organization?

18 You either contribute time or money to any of those  
19 organizations, if so, please stand.

20 THE JUROR: Ever or --?

21 THE COURT: Ever.

22 THE JUROR: Yeah. Yes.

23 THE COURT: Number again, sir.

24 THE JUROR: 260.

25 THE COURT: 2-6-0.

1       Would that interfere with your ability to be fair and  
2 impartial?

3       THE JUROR: No.

4       THE COURT: Thank you, sir. You may stay.

5       I will not ask details.

6       Is there any member of this jury panel have a family  
7 member or very close friend convicted of a violent crime?

8       Again no details. Please stand.

9       (WHEREUPON, one juror responds at this time.)

10      THE COURT: Yes, ma'am, your number?

11      THE JUROR: 210.

12      THE COURT: I'm sorry?

13      THE JUROR: 210.

14      THE COURT: 210.

15      Would it interfere with your ability to be fair and  
16 impartial?

17      THE JUROR: No.

18      THE COURT: Thank you. You may stay.

19      Is there any member of this jury panel know anything  
20 whatsoever about this case?

21      I know very little about this case.

22      Is there anyone who knows about this case from media  
23 coverage, if there were any media coverage, please stand.

24      (WHEREUPON, there was no response.)

25      THE COURT: Anyone in this panel have any reason why he

1 or she should not serve as a juror in this case, if so,  
2 please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Anything from the State?

5 SOLICITOR SIMPSON: No, Your Honor.

6 THE COURT: From the defense?

7 MS. HENSLEY: No, Your Honor.

8 THE COURT: Okay. Y'all ready for Madam Clerk to pull?  
9 Ready for the jury?

10 SOLICITOR SIMPSON: Yes, Your Honor.

11 THE COURT: Okay. And it's ten and five?

12 SOLICITOR SIMPSON: Yes, sir.

13 MS. HENSLEY: Yes, sir.

14 THE COURT: Madam Clerk.

15 THE CLERK: Ladies and gentlemen, if your name is  
16 called, please come forward and stand in front of the  
17 podium, turn and face the parties, and please bring all of  
18 your belongings.

19 Juror Number 282.

20 what say you for the State?

21 SOLICITOR SIMPSON: Seat Mr. White for this purpose.

22 THE CLERK: what say you for the defendant?

23 MS. HENSLEY: Please excuse Mr. White.

24 THE CLERK: Sir, you can go back into the audience.

25 Juror Number 150.



1       What say you for the State?

2       SOLICITOR SIMPSON: Please seat Ms. Kelly.

3       THE CLERK: What say you for the defendant?

4       MS. HENSLEY: Please seat Ms. Kelly.

5       THE CLERK: Ma'am, you can have a seat in the jury box.  
6       Juror Number 280.

7       What say you for the State?

8       SOLICITOR SIMPSON: Please seat Ms. Whipkey.

9       THE CLERK: What say you for the defendant?

10      MS. HENSLEY: Beg the Court's indulgence.

11      THE COURT: Yes, ma'am.

12      (Pause.)

13      MS. HENSLEY: Please seat Ms. Whipkey.

14      THE CLERK: Ma'am, you can have a seat in the jury box.  
15      Juror Number 92.

16      What say you for the State?

17      SOLICITOR SIMPSON: Please seat Ms. Evans.

18      THE CLERK: What say you for the defendant?

19      MS. HENSLEY: Please excuse Ms. Evans.

20      THE CLERK: Ma'am, you can have a seat back in the  
21      audience.

22      Juror Number 178.

23      What say you for the State?

24      SOLICITOR SIMPSON: Please seat Ms. McCoy.

25      THE CLERK: What say you for the defendant?

1 MS. HENSLEY: Please excuse Ms. McCoy.

2 THE CLERK: You may have a seat back in the audience.  
3 Juror Number 218.

4 What say you for the State?

5 SOLICITOR SIMPSON: Please seat Mr. Phillips.

6 THE CLERK: What say you for the defendant?

7 MS. HENSLEY: Please seat Mr. Phillips.

8 THE CLERK: Sir, you can have a seat in the jury box.  
9 Juror Number 264.

10 What say you for the State?

11 SOLICITOR SIMPSON: Please seat Mr. Thames.

12 THE CLERK: What say you for the defendant?

13 MS. HENSLEY: Please excuse Ms. Thames.

14 THE CLERK: Ma'am, you can have a seat back in the  
15 audience.

16 Juror Number 74.

17 What say you for the State?

18 SOLICITOR SIMPSON: Please seat Mr. Dennie.

19 THE CLERK: What say you for defendant?

20 MS. HENSLEY: Please seat Mr. Dennie.

21 THE CLERK: Sir, you can have a seat in the jury box.  
22 Juror Number 134.

23 What say you for the State?

24 SOLICITOR SIMPSON: Please seat Ms. Hurst.

25 THE CLERK: What say you for the defendant?

1 MS. HENSLEY: Please excuse Ms. Hurst.

2 THE CLERK: Ma'am, you can have a seat back in the  
3 audience.

4 The defendant has used five of his strikes.

5 Juror Number 159.

6 What say you for the State?

7 SOLICITOR SIMPSON: Please seat Mr. Lauzon.

8 THE CLERK: What say you for the defendant?

9 MS. HENSLEY: Please excuse Ms. Lauzon.

10 THE CLERK: Sir, you can have a seat back in the  
11 audience.

12 Juror Number 183.

13 What say you for the State?

14 SOLICITOR SIMPSON: Out of caution, the State will  
15 excuse Mr. McGlone.

16 THE CLERK: Sir, you can have a seat back in the  
17 audience.

18 Juror Number 90.

19 What say you for the State?

20 SOLICITOR SIMPSON: Please seat Ms. Enright.

21 THE CLERK: What say you for the defendant?

22 MS. HENSLEY: Please seat Ms. Enright.

23 THE CLERK: Ma'am, you may have a seat in the jury box.

24 Juror Number 49.

25 What say you for the State?

1 SOLICITOR SIMPSON: Please seat this juror.

2 THE CLERK: What say you for the defendant?

3 MS. HENSLEY: Please seat the juror.

4 THE CLERK: Ma'am, you can have a seat in the jury box.  
5 Juror Number 58.

6 What say you for the State?

7 SOLICITOR SIMPSON: Please seat Mr. Conrad.

8 THE CLERK: What say you for the defendant?

9 MS. HENSLEY: Please excuse Mr. Conrad.

10 THE CLERK: Sir, you can have a seat back in the  
11 audience.

12 Juror Number 97.

13 What say you for the State?

14 SOLICITOR SIMPSON: Please seat Mr. Filler.

15 THE CLERK: What say you for the defendant?

16 MS. HENSLEY: Please seat Mr. Filler.

17 THE CLERK: Sir, you can have a seat in the jury box.  
18 Juror Number 228.

19 What say you for the State?

20 SOLICITOR SIMPSON: Please seat Ms. Richardson.

21 THE CLERK: What say you for the defendant?

22 MS. HENSLEY: Please excuse Ms. Richardson.

23 THE CLERK: Ma'am, you can have a seat back in the  
24 audience.

25 MS. HENSLEY: I'm at eight, correct?

1 THE CLERK: Yes, ma'am.  
2 MS. HENSLEY: Thank you.  
3 THE CLERK: Juror Number 132.  
4 What say you for the State?  
5 SOLICITOR SIMPSON: Please seat Mr. Hunt.  
6 THE CLERK: What say you for the defendant?  
7 MS. HENSLEY: Please seat Mr. Hunt.  
8 THE CLERK: Sir, you can have a seat in the jury box.  
9 Juror Number 254.  
10 What say you for the State?  
11 SOLICITOR SIMPSON: Please seat Ms. Southgate.  
12 THE CLERK: What say you for the defendant?  
13 MS. HENSLEY: Please seat Ms. Southgate.  
14 THE CLERK: Ma'am, you can have a seat in the jury box.  
15 Juror Number 38.  
16 What say you for the State?  
17 SOLICITOR SIMPSON: Please seat Ms. Burnett.  
18 THE CLERK: What say you for the defendant?  
19 MS. HENSLEY: Beg the Court's indulgence.  
20 THE COURT: Yes, ma'am.  
21 (Pause.)  
22 MS. HENSLEY: Please seat Ms. Burnett.  
23 THE CLERK: Ma'am, you can have a seat in the jury box.  
24 Juror Number 101.  
25 What say you for the State?

1 SOLICITOR SIMPSON: Please seat Ms. Frey.

2 THE CLERK: And what say you for the defendant?

3 MS. HENSLEY: Please excuse Ms. Frey.

4 THE CLERK: Okay. You can have a seat back in the  
5 audience.

6 Juror Number 287.

7 What say you for the State?

8 SOLICITOR SIMPSON: Please seat Ms. Williams.

9 THE CLERK: What say you for the defendant?

10 MS. HENSLEY: Please seat Ms. Williams.

11 THE COURT: Ma'am, you can have a seat in the jury box.

12 Juror Number 107.

13 What say you for the State?

14 SOLICITOR SIMPSON: Please excuse, Ms. Gibson.

15 THE CLERK: Ma'am, you can have a seat back in the  
16 audience.

17 Juror Number 267.

18 What say you for the State?

19 SOLICITOR SIMPSON: Please excuse this juror.

20 THE CLERK: Ma'am, you can have a seat back in the  
21 audience.

22 The State has used three strikes.

23 Juror Number 46.

24 What say you for the State?

25 SOLICITOR SIMPSON: Please excuse Ms. Capo.

1 THE CLERK: Ma'am, you can have a seat back in the  
2 audience.

3 Juror Number 147.

4 What say you for the State?

5 SOLICITOR SIMPSON: Please seat Ms. Kearns.

6 THE CLERK: What say you for the defendant?

7 MS. HENSLEY: Please seat Ms. Kearns.

8 THE CLERK: Ma'am, you can have a seat in the jury box.  
9 Now striking for the first alternate.

10 Juror Number 66.

11 What say you for the State?

12 SOLICITOR SIMPSON: Please seat Mr. Dame.

13 THE CLERK: Who say you for the defendant?

14 MS. HENSLEY: Please seat Mr. Dame.

15 THE CLERK: Sir, you can have a seat in the jury box.

16 Juror Number 260.

17 What say you for the State?

18 SOLICITOR SIMPSON: Please seat Mr. Stecker.

19 THE CLERK: What say you for the defendant?

20 MS. HENSLEY: Please excuse Mr. Stecker.

21 THE CLERK: Sir, you can have a seat back in the  
22 audience.

23 Juror Number 227.

24 What say you for the State?

25 SOLICITOR SIMPSON: Please seat Ms. Regan.

1 THE CLERK: What say you for the defendant?

2 MS. HENSLEY: Please seat Ms. Regan.

3 THE CLERK: Ma'am, you can have a seat in the jury box.  
4 Judge, we have a jury.

5 THE COURT: Any matters of law from the State?

6 SOLICITOR SIMPSON: None from the State.

7 THE CLERK: From the defense?

8 MS. HENSLEY: None from the defendant.

9 THE COURT: Okay. Very good.

10 (Pause.)

11 THE COURT: Ladies and gentlemen of the jury, I'm gonna  
12 be releasing you for the rest of the -- for the remainder of  
13 the day. But I want to remind you that you are now seated  
14 on a jury and that includes my alternates.

15 Okay. You, you are now part of the 14, one of the 14,  
16 and then, at the end of the case, you'll be one of 12.

17 All right. Now, what that means is I'm, I'm gonna have  
18 to ask you not to return to this courtroom. We are going to  
19 work this afternoon on nonjury matters. For instance, there  
20 are some things under our rules of evidence that I have to  
21 rule on. I will tell you more tomorrow, and in my charge to  
22 you, I will tell you that you 12, that the 12, first 12,  
23 become the judge of all facts.

24 The State of South Carolina does not allow a trial  
25 judge to have an opinion about a fact in a case. That is



1 prohibited. That is totally in your wheelhouse. Not in  
2 mine.

3 However, by the same law of this state, judges rule on  
4 matters of law, matters of evidence.

5 Okay. This is my evidence book that I'm holding up.

6 So, there's some issues, some things that the lawyers  
7 can not agree on as far as matters of law, whether a piece  
8 of evidence comes in, whether it does not come in, whether  
9 it's redacted, whatever it is, are in my wheelhouse and I'm  
10 gonna do that this afternoon. So I'm gonna work this  
11 afternoon. And while it's true that we have open courtrooms  
12 in this state, I can not allow you to be in here because  
13 you're sitting on the jury to decide facts.

14 Okay. So, with that, in a few minutes, I'm gonna  
15 release you. Go about your business. Go home. Go back to  
16 work. Get some lunch. Do whatever you want. You can  
17 either come back to the courthouse but please, please do not  
18 come in my courtroom.

19 Okay. You are a juror on this case and we're gonna  
20 work on nonjury evidence matters this afternoon.

21 Okay. Now, the courthouse opens at 8:30?

22 THE CLERK: Yes.

23 THE COURT: The courthouse opens at 8:30. The lawyers  
24 and I will be here about eight o'clock. I was here this  
25 morning and -- but we have badges to get us in.

1       Okay. So, the lawyers are gonna join me first thing in  
2 the morning and we got to talk a few more minutes so we're  
3 ready and make sure the courtroom is staged and ready for  
4 you. I can remember this because of my grandchildren but  
5 there's a thing called ELMO.

6       Do you use it here?

7       (WHEREUPON, there was no audible response.)

8       THE COURT: There it is right.

9       Is that what you got?

10       (WHEREUPON, there was no audible response.)

11       THE COURT: That's ELMO or it used to be called ELMO.

12 But, anyway, but the ELMO's set up so if anybody wants to  
13 show something, put them on a screen. Use to we had screens  
14 that come down but now they're all flat screens. But  
15 nonetheless, it -- the control will be ready for you.

16       I need you to be in this -- be ready to go and take the  
17 bench at nine o'clock. I will be here at 8:00, just a few  
18 minutes after that, so will the lawyers, and we'll be ready  
19 to go. But I take the bench promptly at 09:00 hours and I  
20 won't be more than 30 seconds plus or minus unless something  
21 real bad happens.

22       Okay. I can't help. That's just the military in me.  
23 But we're gonna work. You can expect to work up to about  
24 12:00, between 12:00 and 12:30. we will break for a good  
25 solid 75 to 90 minutes. I'm not gonna rush you. You got --

1 everybody's got to walk and get a sandwich or whatever you  
2 do for lunch and then we'll reconvene in the afternoon.

3 So, we're gonna break somewhere between 12:00 and 12:30  
4 for lunch tomorrow and we'll resume at 2:00PM. And we'll  
5 work until 5:00, maybe 5:30. But I will not carry you past  
6 5:30.

7 Now, if there's a member of this jury that has a  
8 daycare issue, meaning you got to pick up someone, or if  
9 you're like some of us with aging parents and you have an  
10 adult daycare issue, would you just raise your hand now if  
11 you have to pick up a child, there's nobody else to do that,  
12 or you have to go by and help with a parent at a adult  
13 daycare or facility somewhere?

14 okay. we don't have that. I will not be keeping you  
15 any longer than 5:45. But I frequently run 5:00 to 5:30.

16 okay. 5:00 to 5:30. When we get to deliberations,  
17 that might become a little different. So -- and -- but  
18 we'll advise you of that. In other words, if you go out at  
19 three o'clock or something, I'd probably keep -- let you  
20 stay out for a little while if it takes that amount of time  
21 to do so.

22 okay. All right. Tomorrow I will appoint a foreperson  
23 of the jury. I will appoint. I always do that. But I will  
24 do that tomorrow morning.

25 When I appoint the foreperson, ever who he or she is, I

1 would ask that that person always sit where the gentleman  
2 with the green shirt color on here and the jeans. Right  
3 here. He's raising his hand. That will be my foreperson  
4 seat at all times and I would ask my foreman to always sit  
5 there.

6 I will also ask that the two alternates always sit  
7 right behind my foreman in those two chairs. Always sit in  
8 those two chairs. Everyone else is now made an honorary  
9 Rotarian which means you can rotate seats. You can sit in  
10 front, the back, sideways, left or right. It doesn't  
11 matter. I hope some of you are Rotarians. I've been one  
12 since 1988. But I hope some of you are. But you're now  
13 honorary Rotarians. That means you can sit anywhere you  
14 like other than those three people.

15 And the reason for that -- for, for my foreperson is,  
16 when I look up, you are the spokesperson for the jury, and  
17 when I look up, I always want to see my foreperson so I can  
18 send the jury in, and out, and, and take questions at some  
19 point. We'll talk a little bit about that tomorrow.

20 Okay. All right. Ladies and gentlemen, my last, last  
21 comments to you is do not try to learn anything about this  
22 case. You are prohibited from using the Internet,  
23 dictionaries, newspaper articles. That will cause what's  
24 known as a mistrial in this case.

25 Okay. You must learn about this case like I do and I

1 can only learn about this case in this courtroom with the  
2 evidence that's presented and the sworn testimony from the  
3 witnesses. I'm not allowed to do research and neither are  
4 you.

5 Okay. With that, go with the bailiff and be excused  
6 for the remainder of the day. Be wherever they ask you to  
7 be at 8:00 -- between 8:30 and 9:00. But I will come on --  
8 take this bench at nine o'clock tomorrow morning.

9 Thank you.

10 (WHEREUPON, the following takes place outside the  
11 presence of the jury.)

12 THE COURT: Thank you.

13 All right. Let's be in recess until 2:00PM.

14 That suit everybody?

15 Can everybody grab some lunch, a sandwich, refresh  
16 yourselves?

17 That gives us starting at 2:00. We'll take care of  
18 whatever we need to talk about.

19 SOLICITOR SIMPSON: That's good, Your Honor. Thank  
20 you.

21 MS. HENSLEY: Thank you, judge.

22 THE COURT: Let me do this too.

23 If the lawyers want to come up, I want to -- bring  
24 something to write with.

25 (WHEREUPON, a bench conference was held at this time.)

1 THE COURT: Thank you.

2 SOLICITOR SIMPSON: Now that's two o'clock, Your Honor?

3 THE COURT: Two o'clock.

4 SOLICITOR SIMPSON: Thank you.

5 Madam Clerk, just leave the indictment here.

6 Is that where you --?

7 THE CLERK: Yes, judge.

8 THE COURT: That's fine.

9 (WHEREUPON, Court was in recess for the lunch hour.)

10 THE COURT: Okay. Is everybody ready?

11 SOLICITOR SIMPSON: Yes, Your Honor.

12 THE COURT: Okay. We're back on the record with the

13 State of South Carolina versus Shannon Johnson.

14 Okay. Pretrial matters from the State?

15 SOLICITOR SIMPSON: Thanks, Your Honor.

16 So, our, our primary concern with, with addressing some  
17 things pre-matter -- pretrial is there's some evidence  
18 involving a Facebook profile account that we intend to  
19 introduce in our case in chief in this trial. Obviously a  
20 relevance analysis will have to come later. It won't make a  
21 whole lot of sense now and, and obviously we aren't,  
22 pretrial, saying that this material might not be subject to  
23 other objections that the defense may raise at the time of  
24 its introduction.

25 However, on the, on the prong of authentication, we

1 wanted to seek a pretrial -- put up some testimony and, and  
2 seek a pretrial ruling from the Court that the State has at  
3 least met that aspect of its admissibility. Again, holding  
4 later for any analysis of relevance or any hearing of any  
5 further defenses to like, you know, four -- 403, overly  
6 prejudicial, what have you, just to -- just the matter of  
7 authenticating this Facebook profile evidence, we thought  
8 that this evidence was important enough to sort of have that  
9 determination done pretrial before we, we went with our  
10 case. That would be the primary purpose.

11 We also have a Neil v. Biggers hearing I think we need  
12 to hear this afternoon and then I would say there's probably  
13 two or three other issues that are gonna crop up later that  
14 I thought we could at least raise to the Court to have you  
15 think about it.

16 So, that -- was it -- that's gonna happen, you know,  
17 to -- for us all to be in a better position when the moment  
18 comes in the trial---

19 THE COURT: Okay.

20 SOLICITOR SIMPSON: ---that we'll be introducing that  
21 evidence and I can bring that up at the proper time.

22 THE COURT: Okay. As, as to the authentication of the  
23 Facebook, is there a challenge to that by the defense?

24 MS. HENSLEY: Well, obviously, Your Honor, because of  
25 the nature of this case. We're not stipulating to anything.

1 THE COURT: Oh sure.

2 MS. HENSLEY: I'm happy to let Chad give us what he has  
3 pretrial and see what challenge I think there is. I, I  
4 think there will -- once we get past authentication, I think  
5 there are other issues. But I think they're evidentiary  
6 and, you know, at the time that they come up we'll deal with  
7 them I think.

8 THE COURT: Okay.

9 SOLICITOR SIMPSON: Thank you.

10 So, on that issue of, of the authenticating Facebook  
11 records, the State calls Elizabeth Wolfson to the stand from  
12 Charleston Police Department.

13 THE CLERK: Please raise your right-hand. Place your  
14 left-hand on the Bible.

15 ELIZABETH WOLFSEN, being first duly  
16 sworn, testified as follows:

17 THE CLERK: Please be seated. Please state your full  
18 name spelling your last name.

19 THE WITNESS: Elizabeth Wolfson. W-O-L-F-S-E-N.

20 THE COURT: Officer, if you would pull the microphone a  
21 little closer please.

22 THE WITNESS: Yes, sir.

23 Is that better?

24 THE COURT: That's better. Thank you.

25 THE WITNESS: Yes, sir.



Elizabeth Wolfesen - Direct examination  
By Solicitor Simpson

1 SOLICITOR SIMPSON: And, Your Honor, I'll just note for  
2 you that Sergeant Wolfesen was my lead agent on the trial  
3 last week too. So if we---

4 THE COURT: Oh.

5 SOLICITOR SIMPSON: ---seem a little exhausted, it's  
6 --.

7 THE COURT: Okay.

8 DIRECT EXAMINATION

9 BY SOLICITOR SIMPSON:

10 Q. Sergeant Wolfesen, if you could for the Court, please  
11 just recount sort of your basic educational background, work  
12 history with CPD, and sort of the path your career's taken  
13 (indiscernible)?

14 A. Yes, sir. So I have a -- an undergraduate degree, a  
15 bachelors in criminal justice in psychology. I also have a  
16 master's degree in social sciences along with a graduate  
17 certificate in leadership.

18 I graduated from the South Carolina Criminal Justice  
19 Academy in 2010. Been employed with Charleston Police  
20 Department since 2010. I began doing some just basic patrol  
21 functions. Around 2015 I moved into kind of low level  
22 investigations. I moved from there to our field  
23 intelligence unit. Did sort of some investigatory things  
24 but sort of in an undercover function.

25 I then moved from there to the special victim's unit.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 I worked there from 2018 until kind of the end of 2018 --  
2 the beginning of 2018 till the end of 2018. I moved from  
3 there to the violent crime unit. worked there for a little  
4 over a year and I was then promoted to sergeant. I went to  
5 patrol where I supervised the squad for a few months.

6 I went from there to internal affairs where I spent  
7 about a year and a half, and, since last October, I have  
8 been serving as the public information officer. So think of  
9 the spokesperson for the police department.

10 Q. So today you've reached the rank of sergeant with the  
11 police department?

12 A. Yes, sir.

13 Q. Backtrack us a little bit.

14 which of those roles thus defines what you were doing  
15 in August of 2019?

16 A. I was working as a detective in the violent crimes  
17 unit.

18 Q. And, in that role, did you have involvement with the  
19 investigation into the homicide of Timothy Haman?

20 A. I did.

21 Q. And what was your role in that investigation?

22 A. I was assigned as the lead investigator to the case.

23 Q. Okay. So you were the lead investigator in the case  
24 that brings us here to court this week?

25 A. Yes, sir.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. All right. Was a suspect involved in that case?

2 A. Yes, we identified a suspect by the name of Shannon  
3 Johnson, which came from several videos that we had in the  
4 area at the time of the incident.

5 Q. Okay. And are you, are you familiar with the social  
6 media website Facebook?

7 A. Yes, sir.

8 Q. Okay. So, a -- again, I realize I'm skipping over a  
9 lot but trying to keep it relevant to what we're here for  
10 today.

11 You say you had established, through other means and  
12 other evidence, a suspect in the case?

13 A. Yes, sir.

14 Q. And you had information as to the identity of that  
15 suspect in the case?

16 A. Yes, sir, I did.

17 Q. And most, if not all, but most of the evidence at that  
18 point in time came from video -- surveillance videos in the  
19 area?

20 A. Yes, sir, that's accurate.

21 Q. Okay. So, let me take you back for a second.

22 You said you were familiar with the, with the social  
23 media website Facebook?

24 A. I am.

25 Q. And has Facebook and other social media type programs

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 become kind of an integral part of law enforcement, modern  
2 law enforcement?

3 A. Yes, sir.

4 Q. And what sort of things might, might that be useful  
5 for?

6 A. People, people have a tendency of putting quite a bit  
7 of information often times on applications such as Facebook,  
8 photos, private or public messages, videos. They can  
9 connect with people who may have witnessed things or, or  
10 that they may have a relationship with. So, it can  
11 essentially, in some aspects, act as almost like a timeline  
12 of things.

13 Q. Okay. Well, in that capacity, and you sort of alluded  
14 to this, are you aware that Facebook has both a public  
15 aspect and a private aspect.

16 Is that correct?

17 A. Yes, sir.

18 Q. And does the user of a Facebook profile determine his  
19 or her account is available to the public or not?

20 A. Yes, sir, and particular aspects of it. So maybe they  
21 make some photos or information publically available. Maybe  
22 some of them are private.

23 Q. Okay. And tell me a little bit about what an  
24 individual does to, to establish a Facebook account.

25 A. So it's incumbent on the user. They can set up a, a

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 personal account and choose a name. That's up to them.

2 They're able to connect with other people or, or friends.

3 Q. And, and I'm sorry to interrupt.

4 A. That's okay.

5 Q. Is that terminology of Facebook in particular, uses---

6 A. Yes.

7 Q. ---friends?

8 A. You, you friend someone, yes, sir. Can share photos  
9 again publically or privately, message publically or  
10 privately. They have -- they do have a messenger function.  
11 So those things are not necessarily shared publically. They  
12 would just be between a group of people or two people.

13 Q. Okay. And so when you say like a message function, is  
14 that on -- so, okay, operate on your text message function  
15 written --

16 A. Yes, sir.

17 Q. -- responses exchanged between two people?

18 A. Yeah, almost exactly.

19 Q. Okay. And so you also mentioned that a Facebook user  
20 would set up an account with a certain name.

21 They don't have to put their real name there, do they?

22 A. No, they don't.

23 Q. It can be any name they -- the user comes up with.

24 It can be a fake name?

25 A. Sure, yes, sir.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. How did you utilize the social media site  
2 Facebook in the present case from that point that you've  
3 developed and identified a suspect?

4 A. So, essentially I just started by searching his name  
5 through Facebook, identified a, a profile that was under the  
6 name Shannon Johnson.

7 Q. Okay. So it's something that you just looked for -- it  
8 was as simple as going to Facebook and putting in the search  
9 term Shannon Johnson?

10 A. Yes, sir.

11 Q. And, just for the record, Shannon Johnson's seated in  
12 the courtroom here today?

13 A. He is, yes, sir, the defendant.

14 SOLICITOR SIMPSON: Okay. The record reflect that she  
15 identified the defendant, Your Honor?

16 THE COURT: Yes.

17 Q. Okay. So, again, did, did you have available to you at  
18 this time when you're finding this profile under the name  
19 Shannon Johnson, did you have other sources that showed you  
20 pictures, known pictures, of the known individual, Shannon  
21 Johnson?

22 A. Yes, sir.

23 Q. Okay. So you could compare photographs on the Facebook  
24 account with the photographs you had -- known photograph of  
25 Shannon Johnson?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. Okay. And so I'm sorry to interrupt you.

3 Continue. You find a profile with the name Shannon  
4 Johnson.

5 A. Yes, sir. And so my next thing was kind of  
6 determination whether this was an active profile, whether it  
7 seemed to be current. So, I noted that there were some  
8 photos on there as well as videos that were posted so anyone  
9 could see them publically and it featured photos of  
10 Mr. Johnson. I also noted that it appeared like it was  
11 actively being used. It was updated frequently, regularly,  
12 and in close time proximity to when this was all happening.

13 Q. I'm gonna stop you there.

14 Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 Q. I want to show you what's been marked for ID only as  
18 State's 5, 6, 7, 8, and 9 and we can -- should we make these  
19 Court's Exhibits as well, Your Honor?

20 THE COURT: Yeah, you can make it Court's Exhibits.

21 SOLICITOR SIMPSON: Okay. Court's Exhibit stickers for  
22 1, 2, 3, 4, 5. Oh, I'm sorry, three through seven.

23 (WHEREUPON, the five photographs previously marked as  
24 State's Exhibit Nos. 5 through 9 were now marked also as  
25 Court's Exhibit Nos. 3 through 7 for identification purposes

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 only at this time.)

2 Q. So let me show you what's been marked as Court's  
3 Exhibit 3 through 9. I'm sorry. Court's Exhibits 3 through  
4 7. You'd alluded in your testimony to some images and  
5 videos on a certain Facebook profile.

6 Do you recognize those Court's Exhibits?

7 A. Yes, sir.

8 Q. And in Court's Exhibit 3 through 7, do those -- are  
9 those images from this Facebook account?

10 A. Yes, sir.

11 Q. And are they images of who?

12 A. The defendant.

13 Q. And are you confident today that, that those images are  
14 of Mr. Johnson?

15 A. Yes, sir.

16 SOLICITOR SIMPSON: Again, just seeking to admit as  
17 Court's Exhibit -- Exhibits only for the purposes of  
18 authenticating the account.

19 May I approach?

20 THE COURT: Yes, sir.

21 Q. And the Court's -- what's marked as Court's Exhibit No.  
22 3 through 7.

23 Did there come a time in your investigation where you  
24 obtained a warrant for the arrest of Shannon Johnson for the  
25 murder of Timothy Haman?



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir, on August the 12<sup>th</sup>, 2019.

2 Q. And once the warrant was obtained, did Facebook,  
3 specifically his Facebook profile, play a role in the  
4 apprehension of Mr. Johnson?

5 A. It did. So that same day there was a photo posted on  
6 this Facebook account which was again shared publically and  
7 it depicted the defendant in an area that I knew to be --  
8 it's called Bridgeview Apartments now. Some people call it  
9 Bayside.

10 Q. Okay.

11 A. The defendant was then located in that complex.

12 Q. So I'll just stop you.

13 So you're, you're on this exact Facebook profile and  
14 you see that he has -- the defendant has posted a photograph  
15 and you recognize where that photograph is?

16 A. Yes, sir.

17 Q. And is the defendant wearing pretty distinctive  
18 clothing in that photograph that, that you saw?

19 A. He was, yes, a, a bright blue shirt, floral pants,  
20 bright white tennis shoes.

21 Q. Okay. And I believe that photograph, and, forgive me,  
22 Your Honor, but it should be one of the Court's Exhibits  
23 that you have if you'd like to --.

24 THE COURT: No. 7.

25 SOLICITOR SIMPSON: Okay. No. 7. Thank you.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1        So you see this photograph of the defendant. You know  
2 he's wanted for murder at that time.

3 A. Yes, sir.

4 Q. And you recognize the location this photograph is  
5 taken?

6 A. Yes, sir.

7 Q. So how do you proceed from there?

8 A. So the, the photo was posted shortly after 4:00PM that  
9 day. I think it was 4:13PM. I alerted our warrants  
10 officers. They responded to the area, located the defendant  
11 wearing the exact same clothing depicted in the photograph,  
12 and he was apprehended at that time --

13 Q. At---

14 A. -- after a chase I should mention.

15 Q. And did you have an opportunity to view the defendant  
16 that day after his apprehension?

17 A. Yes, sir, I did.

18 Q. And was he, in fact, wearing the same clothing he had  
19 post -- posted in a picture to this specific Facebook  
20 profile---

21 A. Yes, sir.

22 Q. ---on that day?

23 A. Yes, sir.

24 Q. And, again, that picture, that picture was utilized in  
25 his apprehension?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. That's correct.

2 Q. So, just by way of review, at the time of the  
3 defendant's arrest, it seems that you had several reasons to  
4 believe that this Facebook account was, in fact, the  
5 defendant, Shannon Johnson's, actual Facebook account.

6 Is that true?

7 A. Yes, sir.

8 Q. And, if you could, just recount for the Court again  
9 what are some of your reasons for, for that conclusion.

10 A. He would post photographs that were current sometimes  
11 wearing the same clothing that I had seen in some of the  
12 earlier images and videos that he'd been identified from.  
13 It also was regularly updated up to the date that he was  
14 actually apprehended. He, again, posted a photo the very  
15 day he was apprehended wearing what I then saw him wearing  
16 with my own eyes after he was apprehended. So, I felt very  
17 confident that this was his Facebook profile that he'd been  
18 using then.

19 Q. Okay. And did you determine at that point that, that  
20 Facebook could be a source of potential further  
21 investigatives used in this investigation?

22 A. Yes, sir.

23 Q. And so what did you do then?

24 A. So I authored a search warrant for his -- for this  
25 particular Facebook profile.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. I'm showing you what's been marked for identification  
2 purposes in this hearing as Court's 8.

3 Do you recognize that?

4 A. Yes, sir, this is the search warrant that I authored  
5 for that Facebook account.

6 Q. Okay. And did you submit that to a magistrate?

7 A. Yes, I did.

8 Q. And did the magistrate sign it?

9 A. Yes, sir.

10 Q. And did you -- speaking of that search warrant, did you  
11 limit your search in any way than you were asking -- well, I  
12 should ask to, to whom is this search warrant intended to be  
13 perceived from?

14 who are you gonna send this search warrant to?

15 A. Oh, to the -- for this -- in this instance, it goes to  
16 essentially the records division of Facebook.

17 Q. Okay.

18 A. And so this is in no way meant to be an intrusion into  
19 someone's private, personal life. So, yes, we limit the  
20 time to what may be relevant to the incident that we're  
21 investigating.

22 Q. Okay. And so what dates did you request in that search  
23 warrant for these records?

24 A. For this one I did July the 3<sup>rd</sup>, 2019, to August the  
25 13<sup>th</sup>, 2019.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. Is that generally the time period of, of this  
2 crime and the couple of weeks preceding it and after it --

3 A. Yes, sir.

4 Q. -- leading up to the date of this apprehension?

5 A. Yes, sir.

6 Q. Okay. And did Facebook respond to you to, to this  
7 warrant?

8 A. Yes, they did.

9 Q. And did they include in their response a certificate of  
10 authenticity?

11 A. Yes, sir.

12 Q. I'm, I'm showing you what's been marked for the  
13 purposes of this hearing as Court's 9.

14 Do you recognize this?

15 A. Yes, sir, this is the, the custodian of records for  
16 Facebook who provided a certificate of authenticity for all  
17 the records that we received from Facebook for this account  
18 which was, was nearly a thousand pages of information.

19 Q. So, the response to that search warrant was that  
20 Facebook sent you records from that Facebook profile within  
21 the time parameters that you requested and that, that was  
22 about a thousand pages of, of materials?

23 A. Yes, sir, very close to that.

24 Q. Okay. In that thousand pages of material, did you  
25 receive any further information that supported your earlier

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 conclusion that this specific Facebook account belongs to  
2 Mr. Shannon Johnson?

3 A. I did. There were photographs and, and things that  
4 were sent from him to others through messages as well as  
5 things leading me to believe that he was speaking with  
6 people that he knew and was familiar with up to and  
7 including his mother who---

8 Q. Okay.

9 A. ---had sent a -- they had regular correspondences. But  
10 actually the, the mother, who I knew to be named Paulette  
11 Manigault, had sent a court notice including a photograph of  
12 the notice to the defendant.

13 Q. Okay. So, to back up for a second, we referred  
14 early -- earlier to public information.

15 When you filed the search warrant and got that thousand  
16 pages of records back, that includes both the public aspect  
17 of his account and the private aspect of his account?

18 A. Correct, yes, sir.

19 Q. And does that include private messengers between that  
20 account and other -- private messages between that account  
21 and other users?

22 A. Yes, sir.

23 Q. Okay. And, and you said another user you note on there  
24 was named Paulette Manigault?

25 A. Yes, sir.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Q. And what did you know about who that likely was, likely  
2 was in relation to Mr. Johnson?

3 A. His mother.

4 Q. Okay. And then I, I believe you were referring to some  
5 kind of court notice?

6 A. Yes, sir.

7 Q. And elaborate on that if you will.

8 A. It was for charges separate from this investigation.  
9 If I recall, it was a probation notice.

10 Q. Okay. I'm showing you what's been marked for the  
11 purposes of this hearing as Court's Exhibit 2.

12 Is that the image you're referring to?

13 A. Yes, sir.

14 Q. Thank you.

15 Your Honor, at this time, for your consideration on  
16 this issue, I'd like to present to you Court's Exhibit 2, 8,  
17 and 9.

18 THE COURT: Yes.

19 SOLICITOR SIMPSON: And also, Your Honor, I would  
20 present at this -- well, not right now. But -- so, a, a, a  
21 quick -- Court's indulgence.

22 (Pause.)

23 Q. So that photo of the jury notice, did you ever have  
24 occasion to -- what was the name on that jury list?

25 A. Shannon Johnson.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. And were there also warrant numbers included on  
2 that notice?

3 A. Yes, sir.

4 Q. And did they correspond to the warrant numbers  
5 associated with Mr. Johnson's earlier charges?

6 A. Yes, sir. Yeah, once we had identified him, I ran a  
7 rap sheet essentially and they were on there.

8 Q. Okay. And what was the date of that?

9 Was it, was it pretty recent to his apprehension that  
10 Mr. Johnson was sent that?

11 A. Yes, it was on August the 9<sup>th</sup>.

12 Q. Okay. Quick note about time.

13 What is UTC time?

14 A. So it stands for Coordinated Universal Time.

15 Q. Okay.

16 A. And so generally this is the way that internationally  
17 we all base our time so that, you know, everybody's on the  
18 same timeline even in spite of the fact that we're all not  
19 actually in the same timezones.

20 Q. Okay. And for an older guy, what would that maybe use  
21 to be -- have been called?

22 A. I think it was called Greenwich Mean Time.

23 Q. Okay. And is that a time used by the Facebook in the  
24 Facebook records presented to you?

25 A. Yes, sir.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. And so just -- so we know in the, in the -- this is in  
2 the summer months, correct?

3 A. Yes, August.

4 Q. How does one convert UTC time to eastern standard time  
5 in the summer months?

6 A. It would be four hours ahead.

7 Q. Okay. UTC would be four hours ahead?

8 A. Correct.

9 Q. Is that correct?

10 A. Of eastern standard time, yes.

11 Q. All right. And in the winter, what's the difference in  
12 the --?

13 A. Five hours because of daylight savings.

14 Q. Okay. And so, if you recall, what time was that jury  
15 notice sent via Facebook to Mr. Johnson?

16 A. It was at 2:33PM.

17 Q. And that, again, was on August the 9<sup>th</sup>?

18 A. That's correct.

19 Q. Okay. Sergeant Wolfson, that's -- answer any questions  
20 on this issue that Ms. Hensley may have for you.

21 A. Yes, sir.

22 CROSS-EXAMINATION

23 BY MS. HENSLEY:

24 Q. Hi, Sergeant Wolfson.

25 A. Hello.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. We've met before (indiscernible) and outside.

2 A. Yes, ma'am.

3 Q. I'm Laree Hensley. I'm Shannon Johnson's lawyer.

4 A. Pleasure.

5 Q. So, as you developed Shannon's name in this case, you  
6 just did the public Facebook search, right?

7 A. Correct.

8 Q. So it just shows you what the public can see on his  
9 page, right?

10 A. Yes, ma'am.

11 Q. If, if he had things locked down or private or friends  
12 only or just me, you couldn't see those from what you were  
13 doing in early August, right?

14 A. Yes, ma'am. Correct.

15 Q. Pre-search warrant, right?

16 A. Yes, ma'am.

17 Q. Once you issued the search warrant, then you can see  
18 all of it, right?

19 A. Yes, ma'am.

20 Q. Okay. And you'd agree with me, wouldn't you, that if  
21 somebody had my -- obviously if they had my pace -- password  
22 or my phone, they could upload things on my Facebook page,  
23 right?

24 A. Yes, ma'am.

25 Q. And they could go to the Apple Store and log into

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Facebook and dump -- my god, anybody could, right?

2 A. Yes, ma'am.

3 Q. But you were seeing regular posts.

4 Is that right?

5 A. Yes, sir.

6 Q. When -- do you know when, off the top of your head, do  
7 you know when that page -- when the post started, started on  
8 that page?

9 Could you tell how long the page had been active?

10 A. I don't know. I don't remember.

11 Q. And is the reason in the search warrant that you chose  
12 the July 3<sup>rd</sup> start date, is that -- was that something  
13 significant or did you just pick it -- cause it -- this  
14 incident occurred on August the 8<sup>th</sup>, right?

15 A. Yes, ma'am.

16 Q. So you just backed up a month just randomly?

17 A. So, I was trying to sort of establish any  
18 communications he would of had with possible witnesses,  
19 anyone that kind of knew what was going on, photographs or  
20 anything that may support that this was a regularly used  
21 account.

22 Q. Because there's not any codefendants in this case,  
23 right?

24 A. Correct.

25 Q. It didn't seem like it was a preplanned thing from back

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 in July, right?

2 A. Not to my awareness.

3 Q. Well, none that you knew when you drafted this search  
4 warrant on August the 26<sup>th</sup>, right?

5 A. Yes, ma'am.

6 Q. I mean by then you'd been investigating the case about  
7 three weeks, right?

8 A. Yes, ma'am.

9 Q. And you had talked to a whole lot of witnesses by then,  
10 right?

11 A. That's accurate.

12 Q. So there wasn't any -- anything in particular that you  
13 had learned that had you pick this July 3<sup>rd</sup> date?

14 That's just what I was trying to figure out.

15 A. I don't think so.

16 Q. When you got the -- when you did the search warrant and  
17 you got the records, you were then able to see conversations  
18 and things like that, correct?

19 A. Yes, ma'am.

20 Q. And by that time -- by the time you did that, Shannon  
21 was already in custody. You weren't trying to identify  
22 Shannon (indiscernible)---

23 A. That's right.

24 Q. ---in the Facebook, right?

25 A. Yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Q. Just to authenticate what you already had?
- 2 A. Yes, ma'am.
- 3 Q. Is that right?
- 4 A. Uh-huh.
- 5 Q. And you got that---
- 6 A. I should---
- 7 Q. I'm sorry.
- 8 A. No, it's okay. I'm sorry. Excuse me.
- 9 I should add as well we went -- I went to the -- beyond
- 10 the incident date. People sometimes have a tendency to talk
- 11 about things or message---
- 12 Q. Sure.
- 13 A. ---about things in this case after the fact. So --.
- 14 Q. Just not beyond when he got arrested --
- 15 A. Right.
- 16 Q. -- because that wouldn't of made sense---
- 17 A. EX---
- 18 Q. ---right?
- 19 A. Yes, ma'am.
- 20 Q. Right?
- 21 A. Exactly.
- 22 Q. I got you. I understand.
- 23 On January -- on the Facebook page, that, that name was
- 24 not a fake name.
- 25 Is that right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. It -- no, ma'am, Shannon---

2 Q. You didn't---

3 A. ---Johnson.

4 Q. You didn't have to search for a street name or  
5 something like that?

6 It was named Shannon Johnson---

7 A. Correct.

8 Q. ---right?

9 Were there other pages -- names that you associate --  
10 that you found that you associated with Shannon Johnson's?

11 A. I believe there was a -- there was at least one, maybe  
12 two. But they didn't appear like they were updated  
13 regularly. The picture that, you know, like a profile  
14 picture or things that were on there, seemed older.

15 Q. Okay. And so you didn't request any records from them.  
16 Is that right?

17 A. That's right.

18 Q. And that was just the things that you could see on the  
19 public pages of those as their Facebook pages that you  
20 associated with Shannon, right?

21 A. Yes, ma'am.

22 Q. So I can have three or four Facebook pages, right?

23 A. Sure.

24 Q. And I can call them Laree Hensley or I can call them  
25 whatever names I want to call them, right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Yes, ma'am.
- 2 Q. And if I have then locked down, you can't really tell,  
3 other than when I update my profile picture or post  
4 something public, you can't tell how often I'm using it --
- 5 A. That's accurate.
- 6 Q. -- can you?
- 7 A. Yes, ma'am.
- 8 Q. On the day that you saw the picture on the public posts  
9 in the bright blue shirt, the floral pants, and the bright  
10 white shoes, what day was that?
- 11 A. It was August the 12<sup>th</sup>.
- 12 Q. August the 12<sup>th</sup>.
- 13 And that's the same day that you picked him up---
- 14 A. Yes, ma'am.
- 15 Q. ---right?
- 16 A. Not me personally but --.
- 17 Q. Well, that he got---
- 18 A. Someone did, yes, ma'am.
- 19 Q. And you interviewed him that day, right?
- 20 A. Yes, ma'am.
- 21 Q. But you went through to the social media things till  
22 August the 13<sup>th</sup> cause you -- what you're really looking  
23 for is people who are posting on his page after he got  
24 arrested, right?
- 25 A. Or messaging with him, yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. And you developed Shannon's name fairly quickly in this  
2 investigation, right?

3 A. Relatively, yes, ma'am.

4 Q. So basically you're just using Facebook to try to  
5 locate him, right?

6 A. Um.

7 Q. Among other things.

8 A. Among other things, yes.

9 Q. Is that fair?

10 A. I -- it -- people tend to post a lot of information and  
11 message about a lot of information. So I was also using it  
12 to try to verify some things I already knew.

13 Q. Well, the search warrant---

14 A. Yes.

15 Q. ---right?

16 A. Yes, ma'am.

17 Q. When you're just looking at his public page before you  
18 had the Facebook search warrant, you're just basically  
19 trying to track him, right, if he posts, right?

20 A. To a degree. There were also publically posted photos  
21 that bolstered his identification for me. He was wearing  
22 a -- portions of the clothing that were worn during the  
23 commission of the crime that were posted publically onto his  
24 page.

25 Q. That you could see?



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Yes, ma'am.
- 2 Q. All right. I understand.
- 3 And I mean it, it didn't look much like he was hiding,
- 4 right?
- 5 He was posting pictures wearing -- in a location that
- 6 you could easily recognize, right?
- 7 A. I'd agree with that.
- 8 Q. Or his page posted it.
- 9 I'm gonna say it like that cause you can't really tell
- 10 who posts it, right?
- 11 A. Only through deductive reasoning but no, not --
- 12 Q. Sure.
- 13 A. -- exactly, yes, ma'am.
- 14 Q. Everything is just kind of a guess. You have my -- you
- 15 look at my Facebook page. There's a picture of me walking
- 16 the bridge.
- 17 You think I posted the page -- the picture, right?
- 18 A. I, I would call it an educated guess but, yes, ma'am---
- 19 Q. Sure.
- 20 A. ---I agree with that.
- 21 Q. But it could of been somebody else, right?
- 22 A. I suppose that possibility exists.
- 23 Q. Well, you're familiar with Facebook, right, cause
- 24 that's what you're here to testify about, at least this part
- 25 of this testimony, right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. Yes, ma'am.

2 Q. So you've seen people who kids picked up their phone  
3 and said my kid is the best kid ever or my mom's buying me a  
4 Range Rover, right, and---

5 A. Sure.

6 Q. ---that's cause they've been hacked or somebody picked  
7 up their phone and posted it for them, right?

8 A. Yes, ma'am.

9 Q. That happens, right?

10 A. It -- I wouldn't, I wouldn't think that they would be  
11 posting regularly to any particular page --

12 Q. Sure.

13 A. -- with photos of the person whose page it's suppose to  
14 be.

15 Q. Sure.

16 A. But I suppose that could happen on occasion---

17 Q. Well---

18 A. ---yes.

19 Q. So what you really know is that this got posted to the  
20 page, not necessarily who posted it, right?

21 A. Sure.

22 Q. I mean even your search warrant doesn't say Shannon  
23 Johnson did this. It says this happened on Shannon  
24 Johnson's page.

25 A. Correct.

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 Q. Is that right?

2 A. Yes, ma'am.

3 MS. HENSLEY: That's all I have.

4 SOLICITOR SIMPSON: Yes, Your Honor.

5 REDIRECT EXAMINATION

6 BY SOLICITOR SIMPSON:

7 Q. Sergeant Wolfson, Ms. Hensley asked you about the fact  
8 that there were no codefendants in this case and you said  
9 there were not.

10 Is that true?

11 A. Yes, sir.

12 Q. But were there not several other witnesses in the video  
13 surveillance of the incident that you reviewed?

14 A. Yes, sir, there were.

15 Q. Is it fair to say several of those individuals were  
16 identified and claimed not to know Mr. Johnson?

17 A. That's accurate.

18 Q. Okay. Was a purpose -- I believe one of the purposes  
19 outlined in your search warrant too that you could further  
20 use Facebook potentially to establish personal and friendly  
21 connections between Mr. Johnson and other witnesses that had  
22 been denied by some people that you'd already spoken with?

23 A. That's correct.

24 Q. All right. In other words, if, if a person claims to  
25 have never met Shannon Johnson, never seen him before, or

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 met him in his life, and it turns out they're Facebook  
2 friends, that's something that could be valuable to you as  
3 an investigator?

4 A. Yes, sir.

5 SOLICITOR SIMPSON: Okay. Court's indulgence.

6 THE COURT: Yes, sir.

7 (Pause.)

8 SOLICITOR SIMPSON: Thank you, Your Honor. That will  
9 be all on this, on this issue.

10 THE COURT: Okay. Anything further?

11 RE CROSS EXAMINATION

12 BY MS. HENSLEY:

13 Q. Did you do search warrants for those other individual's  
14 Facebook pages?

15 A. No, ma'am.

16 Q. And isn't it possible for me to be Facebook friends  
17 with somebody I've never met in real life?

18 A. Yes, ma'am, although I'd -- you'd still presumably be  
19 familiar with that person.

20 Q. I agree.

21 But I -- it could be that I never met them in real  
22 life, right?

23 A. Yes, ma'am. Sure.

24 MS. HENSLEY: Those are all my questions.

25 THE COURT: Okay. Anything?

1 SOLICITOR SIMPSON: Your Honor, I'd like to present one  
2 more exhibit. Oh, not -- nothing for this witness.

3 THE COURT: You may step down, officer.

4 THE WITNESS: Thank you.

5 SOLICITOR SIMPSON: I will be calling the same witness  
6 for the Neil v. Biggers hearing in a moment. So I didn't  
7 --.

8 THE COURT: Okay.

9 SOLICITOR SIMPSON: Yeah, sorry.

10 THE COURT: No.

11 SOLICITOR SIMPSON: I didn't know if you wanted me to  
12 just get all the testimony out or do you want to take it one  
13 issue at a time?

14 THE COURT: We'll, we'll take them one at time.

15 SOLICITOR SIMPSON: All right.

16 THE COURT: But, but if you -- do you have anybody else  
17 on this issue?

18 SOLICITOR SIMPSON: No, Your Honor.

19 THE COURT: Okay. Officer, you want to step down just  
20 for a moment?

21 THE WITNESS: Yes, sir.

22 THE COURT: We'll see where we got -- where we're going  
23 here.

24 SOLICITOR SIMPSON: Okay.

25 THE COURT: Okay. Counselor, you want to be heard?

1       SOLICITOR SIMPSON: This is marked as Court's 1. It's  
2 just a, a, a notice document that was exchanged between  
3 myself and the defense counsel for your consideration.

4       THE COURT: Okay. Counsel, you want to be heard?

5       SOLICITOR SIMPSON: Yes. Thank you very much, Your  
6 Honor.

7       Again, we're merely seeking pretrial to obtain a Court  
8 ruling that this Facebook account has been properly  
9 authenticated that belongs to Shannon Johnson. I'll start  
10 by just establishing that the authentication requirement for  
11 evidence is a low bar and that the cases on authentication  
12 repeat that in nearly every case.

13       You know, what we're, we're talking about here is not  
14 that the proponent of evidence proof beyond all doubt that  
15 something isn't what they say it is. What we're talking  
16 about is some information that would lead a reasonable juror  
17 to conclude that a piece of evidence is, in fact, what the  
18 proponent of that evidence claims.

19       It's repeated several times in the law but that's a  
20 relatively low bar. We're certainly not talking about proof  
21 beyond all doubt and we're certainly not talking about  
22 excluding all possibilities, like Ms. Hensley very  
23 adequately pointed out, that it's absolutely possible if I  
24 had, you know, say my sister's password and Facebook account  
25 that I could log on there and put stuff on as her, and, you

1 know, and Sergeant Wolfsen didn't skirt from that fact.

2 But what we are -- what we do have here are several  
3 reasons not to believe that in relation to the Shannon  
4 Johnson account which Ms. Wolfsen already testified to. You  
5 start with the basics that they're -- she looked at the  
6 public aspect of this account for, for several days and saw  
7 that it was frequently being updated and changed and often  
8 in ways that showed the defendant, who she could recognize,  
9 on there. Showed him in the pictures, some of which you've  
10 reviewed.

11 She referenced some videos that had him in it and  
12 certainly, in, in that way, seemed that this Facebook was  
13 not just active but active and was -- belonged to Shannon  
14 Johnson.

15 Secondly, you've got the information about this  
16 particular Facebook profile leading to his apprehension and  
17 I don't know how he possibly authenticates a social media  
18 account with more de -- definity (phonetic) than, than  
19 seeing a picture of a person somewhere going to that  
20 location and finding that person there wearing the same  
21 clothes and they were in the picture that was just posted.  
22 And then, finally, you know, we in the court system, you  
23 know, put a lot of stock in official notice and official  
24 service.

25 Well, you've got the information that right around the

1 same period of time an account that at least bore the same  
2 name as the defendant's mother sent Mr. Johnson an official  
3 court jury trial notice that contained his name. But also  
4 contained warrant numbers that the sergeant testified  
5 corresponded to prior, prior charges that Mr. Johnson had  
6 accrued.

7 Now, obviously, we're presenting that to you for  
8 purposes of this hearing. We would not be presenting the  
9 prior charges to a jury on that, on that.

10 THE COURT: Right.

11 SOLICITOR SIMPSON: And if you look, Your Honor, I  
12 think it's State versus Green is a Court of Appeals case  
13 that you can find at 427 S.C. 223. It's a pretty recent  
14 2019 case that explains how all of these aspects like this,  
15 you know, kind of how we, every single day in this day and  
16 age and we get on social media, you know, the same factors  
17 we use when you get that friend request from an aunt to see  
18 that that's really your aunt. You know, those are the kind  
19 of things we look at in the courtroom when validating the  
20 Facebook page are the photographs match, do they  
21 correspond -- does information discussed on the profile  
22 account correspond with information known from the real life  
23 of the, the person. And State v. Green covers that -- all  
24 of those factors in some detail.

25 I would argue that what you've heard in this case far



1 exceeds the type of in -- information that they talk about  
2 in, in State versus Green that met that low burden of  
3 authentication.

4       Secondarily, there's a statute -- I'm not frankly quite  
5 sure we had to do all that. We're just being cautious.  
6 There's a statute that's Section 19-5-520 that talks about  
7 ways in which the State can certify business records, and  
8 this statute was passed really I think with more cellphones  
9 in mind, but certainly would apply to the social media of  
10 today, in response to this fact that, that prosecutions all  
11 over the country and perhaps all over the world were flying  
12 people from like T-Mobile all over the place, you know, just  
13 to come into Court and say yep, these are the records you  
14 asked for.

15       And so that -- in, in light of that, they passed  
16 19-5-520 which just gives the, the proponent of this type of  
17 evidence an alternative way to authenticate it and that's  
18 through the certificate of authenticity from the custodian  
19 of records. We obtained that in this case and I submitted  
20 it as a Court's example.

21       There's a notice requirement also in this statute that  
22 you give to the opposing counsel so that they have some, you  
23 know, particular reason they feel they need to call someone  
24 from Facebook. They have prior notice that they need to do  
25 that because we're gonna do it through an authentication and

1 you have to consider, Your Honor, finally both the  
2 certificate of authentication and the notice that we  
3 provided to defense several years ago.

4 And so, again, on this, you know, relevancy and other  
5 objections and things like that can come later in the trial.  
6 But on, on, on the issue of just properly authenticating  
7 this profile account, we think we've more than met that low  
8 burden as the law describes it.

9 THE COURT: Counsel.

10 MS. HENSLEY: Thank you, Your Honor.

11 May it please the Court.

12 As to just authenticity, as to properly authenticating  
13 the account and the information that we've heard so far, I  
14 think I would agree with Mr. Simpson that they have met  
15 their low bar. Now, obviously we have many objections to  
16 the admissibility of these things. But as far as  
17 authentication based on this -- even the business records  
18 exceptions, I think, you know, we may of had some sort of --  
19 if they just wanted to introduce them with the business  
20 records exception, I think we would of certainly raised  
21 confrontation kind of issues about that.

22 But based on the manner in which he's done it, and what  
23 he's required to prove, I don't believe that there's any,  
24 any doubt that it's admissible -- it's authenticated.

25 THE COURT: Yeah.

1 MS. HENSLEY: Not that it's admissible.

2 THE COURT: Yeah.

3 MS. HENSLEY: That it's authenticated.

4 THE COURT: You're, you're -- admissibility and  
5 authentication are two separation things.

6 MS. HENSLEY: Yes.

7 THE COURT: That's right.

8 Okay. The Court finds that, that the -- the State has  
9 established authenticity. Mr. Simpson was referring to  
10 State v. Green known as the old wine in a new bottle case.

11 Also, the Court is the, is the, is the gatekeeper and a  
12 party may open the gate by laying a foundation from which a  
13 reasonable juror could find the evidence is what the party  
14 claims it to be.

15 At this point defense is not really challenging the  
16 authenticity. Admissibility has not -- is not before the  
17 Court today. It will be soon but not, not today.

18 So, the Court finds that the State has met the  
19 authenticity standard and I also point out to you that  
20 there's also an analysis known as the Maryland analysis and  
21 another known as the Texas analysis. And South Carolina  
22 apparently follows the Texas analysis, which is the  
23 reasonable juror standard by the way.

24 SOLICITOR SIMPSON: Thank you, Your Honor.

25 THE COURT: Yes, sir.

1 All right.

2 SOLICITOR SIMPSON: I guess---

3 THE COURT: What's the next issue?

4 SOLICITOR SIMPSON: I have an issue I think we can  
5 handle rather quickly. There was some talk leading up to  
6 trial about the -- a Jackson versus Denno motion today. I  
7 will be very transparent about the State's intentions and  
8 why I don't believe that we need one today.

9 But we do not intend -- you heard reference to an  
10 interview done with the defendant. There was quite a  
11 lengthy interview done with the defendant. We do not intend  
12 to use that interview in our case in chief.

13 This is not an acknowledgment by the State that Miranda  
14 was violated. But if -- we have made the strategic decision  
15 that we believe that the evidence is strong enough to  
16 proceed without it, and that there certainly would have been  
17 some debate as to the application of Miranda. I will just  
18 like to reserve the right -- I believe the case law supports  
19 that we can use a statement even if, we're not conceding  
20 this fact, but even if obtained in violation of Miranda for  
21 impeachment purposes if it was given voluntarily.

22 We would just reserve the right to have a hearing on  
23 that should it become necessary. We don't anticipate it  
24 will. But just to be transparent, that's still out there  
25 for possible impeachment of the defendant. Should he

1 testify, we may need to have a Miranda hearing on the lesser  
2 standard of just voluntariness at that point in time. But  
3 in our case in chief, we do not intend to use the statement.

4 THE COURT: Okay. He says he's not gonna use it in the  
5 case in chief.

6 MS. HENSLEY: So then I, I would agree with Mr. Simpson  
7 that a hearing -- Jackson v. Denno hearing is not necessary,  
8 and if Mr. Johnson testifies, then we'll address that issue  
9 of -- with regard to impeachment, possible impeachment.

10 THE COURT: Okay. Very good.

11 And then that brings us to --?

12 SOLICITOR SIMPSON: Your Honor, at this point in time  
13 we would address a Neil v. Biggers hearing in relation to a  
14 witness named Travis Scott.

15 THE COURT: Okay. Is this, is this -- I got an, an  
16 email from Judge Jefferson. So is this concern -- no, I  
17 didn't. I, I did get an email from her but I think I got  
18 this from the State.

19 SOLICITOR SIMPSON: That is a different issue.

20 THE COURT: That's a different issue?

21 SOLICITOR SIMPSON: Yes, sir---

22 THE COURT: Okay.

23 SOLICITOR SIMPSON: ---Your Honor.

24 THE COURT: Okay.

25 SOLICITOR SIMPSON: State would call Sergeant wolfsen.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 THE COURT: Okay. You were previously sworn and you  
2 remain sworn.

3 THE WITNESS: Perfect. Thank you.

4 ELIZABETH WOLFSEN, having been previously  
5 sworn, testified as follows:

6 SOLICITOR SIMPSON: Court's indulgence.

7 DIRECT EXAMINATION

8 BY SOLICITOR SIMPSON:

9 Q. Sergeant Wolfson, you've previously testified as to  
10 your duty and role in this investigation.

11 Is that correct?

12 A. Yes, sir.

13 Q. And you previously referenced that this case had quite  
14 a large degree of video surveillance that was collected from  
15 the area?

16 A. Yes, sir.

17 Q. Did that video surveillance show the actual incident or  
18 at least a large portion of it?

19 A. Yes, sir.

20 Q. Okay. And were you able, in the investigation, you  
21 know, following the incident, to identify or at least give  
22 you some idea of who several of these individuals pictures  
23 in this video surveillance were?

24 A. Yes, sir.

25 Q. And was one of those individuals a Travis Scott?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. Okay. And Travis Scott, to be clear, was -- is not a  
3 codefendant, correct?

4 A. Correct.

5 Q. Was he ever suspected in having played, played some  
6 criminal part in this offense?

7 A. No, sir.

8 Q. Okay. But you do see him on -- in close proximity to  
9 the incident?

10 A. Very, yes, sir.

11 Q. And is it fair to say that you wished to speak to  
12 Mr. Scott?

13 A. Yes, I did.

14 Q. Okay. Talk a little bit about your efforts in that  
15 regard and how that conversation came to fruition.

16 A. So, we had identified Mr. Scott as being present again  
17 in the immediate vicinity of this incident. Also  
18 interacting with the defendant in the time prior to this.  
19 So, really we wanted to use him as sort of a -- for  
20 identification purposes.

21 So, I made some efforts to speak with him. He wanted  
22 to have his attorney present while we spoke. So, we did try  
23 to schedule it. I think I got called out for an emergency  
24 thing at one point and had to cancel. He was a no show on  
25 one occasion. So, we did eventually meet but it, it took a

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 little time.

2 Q. Okay. And where did this meeting take place?

3 A. At his attorney's office.

4 Q. And who was that attorney?

5 A. Myesha Brown.

6 Q. Okay. And was she present during the interview?

7 A. Yes, sir.

8 Q. Was it recorded in any way?

9 A. Yes, sir, audio recorded.

10 Q. Okay. So, how, how did that interview proceed?

11 A. So, I showed him -- I, I essentially asked if I -- if  
12 he knew this person who had been involved in the crime on  
13 that day. He indicated that he did not know the individual  
14 personally but that he was familiar with him just from  
15 seeing him regularly in the area.

16 Q. Okay. And did you explore that aspect of the interview  
17 further?

18 A. Yes, sir.

19 Q. Okay. And did he establish for you that he -- so,  
20 again, there's a distinction there. It's an important thing  
21 to understand.

22 He didn't know -- did he know his name?

23 A. He did not know his name.

24 Q. Did he claim to be personal friends with this person?

25 A. He did not.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. Nevertheless, did he demonstrate for you a high  
2 degree of familiarity with this person?

3 A. Yes, he indicated that he had seen him relatively  
4 frequently just from being in the area. He spends a lot of  
5 time in that area. The defendant, as I understood, spends a  
6 lot of time in that area. And so they just sort of knew  
7 each other and had seen each other regularly just from -- by  
8 means of being there.

9 Q. Okay. So, from that point forward, are you proceeding  
10 with an identification between a person Mr. Scott who knows  
11 the person that they're gonna be asked to identify?

12 A. Yes.

13 Q. Okay.

14 A. Yes, sir.

15 Q. And is that relevant to procedures and the -- in the --  
16 your training and experience for identification?

17 A. Yes, sir.

18 Q. Okay. So, how did you proceed from that point forward  
19 with Mr. Scott?

20 A. I started to show him some photographs, still images  
21 from the video surveillance that was earlier mentioned.

22 Q. Okay. And did some of these photographs include him?

23 A. Yes.

24 Q. Did some of these photographs include other people that  
25 were out there at the time of the incident?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. And did some of these photographs include photographs  
3 you believed to be photographs of the defendant?

4 A. Yes, sir.

5 Q. And these were all stills from video surveillance of  
6 the area?

7 A. Yes, sir.

8 Q. Okay. Did you suggest in any way to him who you  
9 thought these photographs were?

10 A. No, sir, not at all.

11 Q. Okay. Did you feed him any names of who was sort of  
12 entangled in the investigation at this point in time?

13 A. No, sir.

14 Q. And, in fact, did he even know the name of the  
15 defendant?

16 A. No, sir.

17 Q. Okay. How did he describe -- when he started  
18 recounting for you what happened out there, how does he  
19 describe the defendant?

20 A. He described him as a, a young, slim, black male.

21 Q. Okay. And, and Mr. -- is Mr. Scott older than the  
22 defendant?

23 A. He is.

24 Q. Okay. So, I'm handing you what's been marked as  
25 Court's --.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 (WHEREUPON, a group of photographs was marked as  
2 Court's Exhibit No. 10 for identification purposes only at  
3 this time.)

4 Q. I'm showing you what's been marked as Court's 10 for  
5 the purpose of this hearing. Take a moment to go through  
6 those.

7 A. Yes, sir.

8 Q. Okay. And what, and what are those -- Court's 10?

9 A. These are still images. Some of them are from outside  
10 in the area on the day of the incident. Some of them are  
11 from -- essentially from the incident and some of them are  
12 from earlier the same day from inside of the store that's  
13 just down the street from where the actual incident  
14 occurred.

15 Q. Okay. And is that -- you reference showing Mr. Scott  
16 in your interview a series of video stills.

17 Are, are those the stills that you showed him?

18 A. Yes, sir.

19 Q. And is -- did he indicate some information from you on  
20 that?

21 A. He did. So, when I went through, I, I numbered these  
22 just for references of the audio interview. So, on some of  
23 these he has identified like his brother, for instance. He  
24 identifies -- he circles himself and writes me identifying  
25 himself and he also circles the, the still images of the

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 defendant in some of them and he writes young guy involved  
2 in fight.

3 Q. Okay. So that's a good segue to point out another  
4 important distinction, distinction.

5 Mr. Scott never claimed that he saw this shooting  
6 either?

7 A. Not the shooting itself. He kind of explained the  
8 events leading up to the actual shooting. He explained that  
9 he had seen this young male with whom he's very familiar who  
10 was on a bicycle, became engaged in an argument, and  
11 subsequent physical altercation with the person who ended up  
12 being the victim of the shooting. So, he doesn't allege  
13 that he saw the gun or the actual shooting. But he did see  
14 the physical altercation between the defendant and the  
15 victim.

16 Q. Okay. But you -- and you had, at this time, seen the,  
17 the video of the shooting, right?

18 A. Yes, sir.

19 Q. And did you know that the shooting -- the person who  
20 did the shooting was the same person that was involved in  
21 this altercation?

22 A. Yes, sir, the, the video is a continuous account of the  
23 physical altercation leading up to the shooting.

24 Q. Okay. And so Mr. Scott never said I saw the shooting  
25 but I, I did see the guy I recognize get in a physical fight

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 with this individual who you know was later the deceased?

2 A. Yes, sir.

3 Q. Okay. In Court's 10, in your reviewing there, you went  
4 through those first, right, with him?

5 went with those pictures before the six pack?

6 A. Oh yes. Yes, sir.

7 Q. Okay. And he said -- and did he again repeat that he  
8 knew the individuals previously that he was identifying in  
9 those pictures?

10 A. He did, and, in fact, they're part of what was used in  
11 these photographs was a, a face-to-face interaction that he  
12 had had with the defendant earlier this same day inside of  
13 Knight's Grocery which is the store just down the street.  
14 They actually kind of like touch elbows. They have a --  
15 what, what appears to be a conversation. There's no audio  
16 but they're interacting certainly face-to-face.

17 Q. Okay. So during this interaction -- and, and that's a  
18 still and you had seen the video of it at that point in  
19 time, right?

20 A. Yes, sir.

21 Q. During that interaction at Knight's Grocery, did he  
22 appear to get a good opportunity to view that individual in  
23 the neighborhood and said he knew previously?

24 A. Yes. See I think the, the whole interaction was  
25 somewhere near four minutes.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. And then also you saw another interaction  
2 between the defendant and Mr. Scott take place at the scene  
3 of the crime.

4 Is that correct?

5 A. Yes. So they were -- Mr. Scott, the defendant, a  
6 couple of others were sort of outside of Knight's Grocery in  
7 the minutes before this crime occurred. They all rode  
8 bicycles down the street to where -- down Hanover Street to  
9 where this incident occurred.

10 Q. Okay. You mentioned earlier that he did give some  
11 descriptors, some generic descriptors of this person before  
12 identifying him in some photographs.

13 Why didn't you ask for a more detailed description?

14 A. I felt comfortable that he was familiar with this  
15 person, he knew this person.

16 Q. Okay. Again, he'd established a previous familiarity  
17 with him?

18 A. Yes, sir, definitely.

19 Q. Okay. But were the generic sort of descriptors he used  
20 accurate?

21 A. Yes, sir.

22 Q. Young -- and what were they?

23 A. A young, slim, black male.

24 Q. Okay.

25 A. And he added on a bicycle as well.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. And, and, finally, again making sure we distinguish  
2 that he never said -- distinguished the shooter, right?

3 A. Correct.

4 Q. But he did -- but the person he saw involved in the  
5 physical altercation with a white male --

6 A. Yes, sir.

7 Q. -- were -- did he seem to you certain of that  
8 identification?

9 A. Absolutely certain.

10 Q. And, again, it was reinforced by previous interactions  
11 --

12 A. Yes, sir.

13 Q. -- from, from knowing him from that area?

14 A. Yes, sir.

15 Q. Okay. Did you proceed, after, after that, to conduct  
16 sort of a more familiarized six pack lineup?

17 A. Yes, sir. I requested that I -- a six pack lineup be  
18 compiled. I brought that along with me and provided  
19 Mr. Scott with an admonition and then presented him with the  
20 six pack of photographs and the lineup and he immediately  
21 identified the defendant in the lineup.

22 Q. Okay. And, again, you know, we're just being careful  
23 for the Court.

24 We said the defendant, he identified that as the person  
25 in the physical altercation, not the shooter?

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 A. Correct.

2 (WHEREUPON, the photographic lineup was marked as  
3 Court's Exhibit No. 11 for identification purposes only at  
4 this time.)

5 Q. Okay. I'm showing you what's been marked as Court's 11  
6 just for the purposes of the hearing.

7 You described the first and second page for the judge  
8 and then read any sort of writing from the defendant.

9 A. So this first page is what the Charleston Police  
10 Department uses as a photo lineup admonition. So, I read  
11 this a loud to the person with whom I'm interacting and --  
12 which I did in this case, which is, again, audio recorded.

13 I'm gonna show you a group of photographs. These  
14 photos may or may not contain the picture of the person who  
15 committed the above listed offense which is under  
16 investigation at this time. Keep in mind the photos may  
17 show a variance in complexion, hair, eyes, facial hair, et  
18 cetera. If you recognize anyone from -- in any of the  
19 photos as a person who committed the crime against you or  
20 you are a witness to, I will ask you to initial and circle  
21 the photo.

22 Upon viewing these photos, do not discuss the results  
23 of this procedure with other victims or witnesses and I  
24 would add, Your Honor, that my practice in this action is to  
25 keep the photo lineup in a closed manila folder. I present



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 just the folder to the person who's gonna be looking at  
2 them.

3 And, on this occasion, Mr. Scott did indicate that he  
4 was able to identify someone. He writes Photograph Number 3  
5 was selected as the individual Travis Scott witnessed  
6 involved in a fight on August the 8<sup>th</sup>, 2019, on Hanover  
7 Street.

8 Q. And, again, this is an individual that he expressed to  
9 you pretty high degree of familiarity with prior to this  
10 incident?

11 A. Yes, sir, definitely.

12 Q. Okay. Now, you described sort of the nature of, of  
13 Court's 10.

14 These are stills from video surveillance?

15 A. Correct.

16 Q. Okay. And one of the reasons you're talking with  
17 Mr. Cox -- Mr. Scott is at least these stills don't -- and  
18 they contain a crystal clear version of the defendant's  
19 face?

20 A. No, sir.

21 Q. Okay. But can you see sort of his build?

22 A. Yes, sir.

23 Q. His clothing?

24 A. Yes, sir.

25 Q. His general characteristics?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 SOLICITOR SIMPSON: Your Honor, for your consideration,  
3 Court's 10, Court's 11.

4 I should note you, you, you testified to some  
5 difficulties in setting this interview up because Mr. Scott  
6 wanted his attorney present.

7 A. Correct.

8 Q. What was the time period between the incident and  
9 this -- these procedures you've described?

10 A. This occurred -- the incident was August the 8<sup>th</sup>,  
11 2019. This was September 20<sup>th</sup>, 2019.

12 Q. Okay. Forty-three days?

13 A. I believe so, yes, sir.

14 Q. Okay. But did the witness or did Mr. Scott, in the  
15 videos that you had reviewed, have a good opportunity to  
16 view this person?

17 A. Yes, sir.

18 Q. And did he express that he had prior knowledge of this  
19 person to recognize him from the area?

20 A. Yes, sir.

21 Q. Okay. Did he both in the videos of the actual incident  
22 and in his interview with you display a high degree of  
23 attention?

24 A. Yes, sir, at some point he actually I think, and he  
25 stated this as well, that he tried to intervene in the

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 incident.

2 Q. Okay. So this was certainly an, an incident he was  
3 involved in and interested in and attentive to?

4 A. Yes, sir, definitely.

5 Q. Okay. And you mentioned some general descriptors that  
6 proved accurate?

7 A. Yes, sir.

8 Q. And did he demonstrate in this interview with you a, a  
9 high level of certainty?

10 A. Yes.

11 Q. Again, not identifying the shooter but in identifying  
12 the younger, thin, black male that got in the altercation  
13 with the white male?

14 A. Yes, sir.

15 Q. Okay. Thank you, sergeant. Please answer any  
16 questions Ms. Hensley has on this point.

17 A. Yes, sir.

18 CROSS-EXAMINATION

19 BY MS. HENSLEY:

20 Q. Hi again, Sergeant Wolfson.

21 A. Hello.

22 Q. So the first time Travis Scott was down at the police  
23 station was the day after this incident, right?

24 A. May I reference my report?

25 Q. Oh sure. I have in my notes August the 9<sup>th</sup> about

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 1:52 or so.

2 A. That sounds correct. Just -- as I recall, I wasn't the  
3 interviewer on that one, right?

4 Q. No.

5 A. Do you know who was?

6 That would make it easier.

7 Q. I'm not ex -- I'm not exactly sure because there was no  
8 interview took place. So I don't know if you remember.

9 Maybe you watched it but --.

10 A. Probably.

11 Q. Travis comes and they're waiting on his attorney to  
12 come and he waits about an hour and then they reach her.

13 A. Okay.

14 Q. They realize that she wasn't in route and so he leaves,  
15 right?

16 A. Gotcha.

17 Q. I don't know if you interviewed---

18 A. That sounds---

19 Q. ---him or not at that time, right?

20 A. That sounds accurate, yes, ma'am.

21 Q. Okay. So, by September the 20<sup>th</sup> of 2019, the video  
22 that played on the news -- and I'm not saying it's all that  
23 video that you captured but the clips of the incident had  
24 played on the news a lot, right?

25 A. A portion of it, yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Q. A portion of it was on the news. It was on social  
2 media. It was certainly, by September the 20<sup>th</sup>, it's  
3 pretty fair to say that -- especially if you lived on or  
4 frequented the east side of Charleston, you'd seen that  
5 video, right?
- 6 A. I would expect so, yes, ma'am.
- 7 Q. There was a lot of stuff going on in response to this  
8 incident on the east side of Charleston, right?
- 9 A. Yes, ma'am.
- 10 Q. And so when you met with Travis, you, you talked about  
11 the incident, right?
- 12 A. Sure.
- 13 Q. And he -- he's telling you yeah, he knows the younger  
14 fellow because he's seen him around there a lot, right?
- 15 A. Yes, sir.
- 16 Q. And you---
- 17 A. Oh, yes, ma'am. Excuse me.
- 18 Q. Did you---
- 19 A. Sorry.
- 20 Q. You have a video that shows him interacting for about  
21 four minutes at one time, right?
- 22 A. Uh-huh. Yes, ma'am.
- 23 Q. And that's inside the store and all that, inside  
24 Knight's Grocery, right?
- 25 A. Yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. And then out in the street at Knight's Grocery?

2 A. Yes, ma'am.

3 Q. And you've watched that. You knew they had about a  
4 four minute interaction.

5 A. Yes, ma'am.

6 Q. And then another four minute interaction in the actual  
7 incident---

8 A. Right.

9 Q. ---right?

10 A. Yes, ma'am.

11 Q. So, he tells you that he knows who the fellow is who  
12 was involved in the fight. Not the shooter. I've got that.

13 A. Correct.

14 Q. And that he'd seen him for a couple years, right?

15 A. Yes, ma'am.

16 Q. He had a couple of different almost five minute  
17 interactions with the guy, right?

18 A. Yes, ma'am.

19 Q. But before you have him look at the lineup, you show  
20 him eight or twelve pictures of that day, right?

21 A. Yes, ma'am.

22 Q. So you're, you're showing him pictures of the person  
23 who's gonna be contained in the lineup, right?

24 A. Yes, ma'am.

25 Q. I mean at this point he had told you that he knew the

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 person, right?

2 A. Yes, ma'am.

3 Q. And known him -- had -- not his name but had seen him  
4 around. He could accurately describe him---

5 A. Correct.

6 Q. ---right?

7 A. Yes, ma'am.

8 Q. And he had pretty long interaction with him, not to  
9 mention that the video had been all over the news, right?

10 A. Yes, ma'am, although I, I would like to note though  
11 that the video that was on the news and, and social media  
12 and all that stuff, it was not a good depiction of his face.

13 Q. Sure.

14 Just like these pictures, right?

15 A. Right.

16 Q. But---

17 A. Yeah, they're, they're a little blurry. I mean  
18 they're---

19 Q. -- some of them are zoomed in---

20 A. Right.

21 Q. ---and they're close-ups---

22 A. Correct.

23 Q. ---and they're certainly good depictions of Shannon  
24 Johnson, right?

25 A. Relatively, yes, ma'am, uh-huh.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. Now, you said that Travis wrote on the pic -- on the  
2 photo admonition Photo Number 3 was selected as the  
3 individual Travis Scott witnessed involved in a fight on  
4 8/8/2019 on Hanover Street, right?

5 A. Yes, ma'am, and I, I think I should correct myself.  
6 I -- the attorney I believe wrote that and then Mr. Scott  
7 signed it.

8 Q. Right.

9 A. Yes, ma'am.

10 Q. And that's how all of this writing is.

11 The attorney wrote it and then Travis just signed it,  
12 right?

13 A. Correct. I think he---

14 Q. And only the -- all that's audio recorded. I'm not  
15 suggest -- I'm not trying to trick you and I'm not  
16 suggesting that anything out of the -- untoward happened.

17 It's just Travis didn't write it, right?

18 A. I think he wrote like where he circled and wrote me.  
19 He wrote those I think.

20 Q. But like, for example, on number two, Kendell Scott,  
21 brother, that was written by Ms. Brown---

22 A. Ms. Brown.

23 Q. ---right?

24 A. Yes, ma'am.

25 Q. Okay. And even on number four, the, the photo that



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 says me, that looks like Ms. Brown's handwriting---
- 2 A. Could be.
- 3 Q. ---right?
- 4 A. Yes, ma'am, but he---
- 5 Q. She was basically doing the writing---
- 6 A. The writing, yes, ma'am.
- 7 Q. ---right?
- 8 A. But he, he verbally acknowledged all this on recording.
- 9 So -- but yes.
- 10 Q. And this lineup had been generated way before September
- 11 the 20<sup>th</sup> of 2019, right?
- 12 A. I'm not -- about this one in particular, I, I would
- 13 have to look back. It's possible I had a new one generated.
- 14 I'm not sure.
- 15 Q. Did you --?
- 16 A. It probably was because I, again, we did intend to meet
- 17 multiple times. And so I, I think I just kept it.
- 18 Q. Sure.
- 19 And is the same lineup that anybody who looked at a
- 20 lineup had looked at.
- 21 Is that right?
- 22 A. Not certain.
- 23 Q. That's -- I just noticed that in every lineup Shannon
- 24 Johnson was in both -- in Picture Number 3?
- 25 A. Oh. Then, yes, ma'am, it could have been, uh-huh.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. I mean you wouldn't of used a lineup with Kendell Scott  
2 and had him in Picture Number 3 and then moved -- and it  
3 just coincidentally been in Picture Number 3, right?

4 A. Right.

5 Q. And just for the record, I don't think Kendell Scott is  
6 the one -- he's not identified anybody in a lineup. So --.

7 A. No, ma'am.

8 Q. And Travis was clear that he did not see anybody fire a  
9 gun, correct?

10 A. He was, yes, ma'am.

11 Q. That it just the young fellow who was involved in the  
12 fight, right?

13 A. Correct.

14 Q. And he knew -- he told you you already had somebody in  
15 custody, right?

16 A. I believe he did, yes, ma'am.

17 Q. And that information about who was in custody and who  
18 had been arrested certainly by September 20<sup>th</sup> was  
19 publically available---

20 A. Sure.

21 Q. ---right?

22 A. Yes, ma'am.

23 Q. And Travis told you that he knew that fellow was in  
24 custody?

25 A. Yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 MS. HENSLEY: I think that's all the questions that I  
2 have, Your Honor.

3 THE COURT: Okay.

4 SOLICITOR SIMPSON: I don't have anything further for  
5 Sergeant Wolfson on this issue.

6 THE COURT: Okay. You may step down.

7 SOLICITOR SIMPSON: Your Honor, the State calls Travis  
8 Scott. My investigator just stepped into the hallway to see  
9 where he is.

10 THE COURT: All right.

11 SOLICITOR SIMPSON: Your Honor, may I ask for Court's  
12 11 or are you using it?

13 THE CLERK: Please raise your right-hand.

14 TRAVIS SCOTT, being first duly  
15 sworn, testified as follows:

16 THE CLERK: Okay. Please be seated. Please state your  
17 full name spelling your last name.

18 THE WITNESS: My name's Travis Scott. S-C-O-T-T.

19 THE COURT: Mr. Scott, if you'd be kind enough to move  
20 forward a little bit and, and use that microphone and adjust  
21 it to however you need it to be.

22 THE WITNESS: All right.

23 THE COURT: Thank you.

24 DIRECT EXAMINATION

25 BY SOLICITOR SIMPSON:

Travis Scott - Direct examination  
By Solicitor Simpson

1 Q. Mr. Scoot, good afternoon.

2 A. How you doing?

3 Q. I'm doing okay.

4 How are you today?

5 A. I'm doing all right.

6 Q. Do you have an, an attorney?

7 A. Yes.

8 Q. Do you know---

9 A. Myesha Brown.

10 Q. Okay. What's her name, Myesha Brown?

11 A. (WHEREUPON, there was no audible response.)

12 Q. Is she here with you today?

13 A. Yeah, she right here.

14 Q. Okay. And has -- she's talked to you about the purpose  
15 of your testimony today, right?

16 A. Yeah.

17 Q. Okay. And do you remember -- I'm gonna try to keep  
18 pretty brief to the point for this afternoon. I know you've  
19 been with us for that.

20 Do you remember being in the vicinity of an incident  
21 back in, in 2019 at ■ Hanover Street?

22 A. Yeah, yeah.

23 Q. All right. And do you remember witnessing an  
24 altercation between a white male and a younger black male?

25 A. Yeah, yeah.

Travis Scott - Direct examination  
By Solicitor Simpson

1 Q. Okay. And, as I understand it, you did not see anybody  
2 shoot a gun that day?

3 A. Nah.

4 Q. Okay. But you, you saw this altercation between two  
5 men on Hanover Street?

6 A. Yes.

7 Q. Did you try to break it up?

8 A. Yes.

9 Q. Okay. Did you try to break it up one -- more than  
10 once?

11 A. Yes.

12 Q. Okay. And did you see a mother with some children sort  
13 of in the close area of that altercation?

14 A. Yes.

15 Q. Did you go to help her out?

16 A. Yes.

17 Q. Okay. And did you help her get sort of away from this  
18 area?

19 A. Yes.

20 Q. All right. Well, I'm sure she appreciates that and,  
21 and we do as well.

22 Do you remember Sergeant wolfsen, she's seated right  
23 here, if that refreshes your recollection?

24 Do you remember meeting with her at your attorney's  
25 office?

Travis Scott - Direct examination  
By Solicitor Simpson

1 A. Yes.

2 Q. Do you remember she sort of asked you some questions on  
3 that day?

4 A. Yes.

5 Q. And that was some time, you know, I'd say about a month  
6 after the incident.

7 Is that correct?

8 A. I can't recall.

9 Q. Okay. And do you remember she showed you -- if she  
10 showed you a series of sort of video stills?

11 A. Yes.

12 Q. And you remember saying that's me right there?

13 A. Yeah, yeah.

14 Q. And I think one of them was your brother. He's at the  
15 (indiscernible).

16 A. Yeah, yeah.

17 Q. And then you saw an individual and you didn't know the  
18 person's name. But you said I know that guy from the area.

19 You remember that?

20 A. Yes.

21 Q. Okay. And said I've known, I've known him for -- not  
22 known him personally but known him from the area for a long  
23 time.

24 Is that correct?

25 A. Yes, sir.

Travis Scott - Direct examination  
By Solicitor Simpson

1 Q. Okay. And I'm gonna kind of -- I'm gonna walk up to  
2 you and show you something real quick.

3 Okay. This is marked right now as Court's 11 and you  
4 can look at the second page of that as well if you need to.

5 Do you recognize that?

6 A. Yes.

7 Q. Okay. Do you remember telling Sergeant wolfsen that  
8 you saw this alter -- altercation, not a shooting, but you  
9 saw this altercation between this white male and this  
10 younger black male and that, that the person you picked out  
11 of that was a black male involved in the altercation, not as  
12 the shooter?

13 A. Yeah. Yes, sir.

14 Q. Okay. And were you pretty certain of that?

15 A. Yes, sir.

16 Q. Okay. Did you get a good look at him that day?

17 A. No.

18 Q. Did you have a, a four minute interaction with him at  
19 the Knight's Grocery on video that day?

20 A. Yes.

21 Q. Okay. And then saw him shortly thereafter down the  
22 street in this altercation?

23 A. Yes, sir.

24 Q. Okay. And, again, you said, when you picked him up,  
25 you were pretty sure that that was the guy who you saw

Travis Scott - Direct examination  
By Solicitor Simpson

1 involved in the altercation, not the shooting?

2 A. Yeah. Not no shooting.

3 Q. Not, not a shooting, right. Just the altercation.

4 Okay. And did you -- do you remember circling and  
5 signing this?

6 A. Yes.

7 Q. Yeah, you do. Give the Court a look.

8 Mr. Scott, please answer questions that Ms. Hensley has  
9 for you.

10 CROSS-EXAMINATION

11 BY MS. HENSLEY:

12 Q. Good afternoon, Mr. Scott. I'm Laree Hensley. I'm  
13 Shannon Johnson's lawyer.

14 A. Yes, ma'am.

15 Q. Do -- you sometimes go by Deon, right?

16 A. Yes, ma'am.

17 Q. Is that mostly just family calls you Deon?

18 A. Yeah, something like that.

19 Q. I noticed Kendell called you Deon.

20 A. Okay.

21 Q. So Travis Scott, Deon Scott --

22 A. Yeah.

23 Q. -- they're both talking about the same person, right?

24 A. Yes.

25 Q. You know sometimes when we're getting ready for these



Travis Scott - Cross-examination  
By Ms. Hensley

1 trials we're just listening to a bunch of tapes and  
2 listening to people talk. I just wanted to be sure I was on  
3 the right page.

4 Okay. So, you, you were familiar with Shannon Johnson  
5 from the area, right?

6 A. Yes.

7 Q. And you were also familiar with the white guy, right?

8 A. No.

9 Q. Well, in the interview with Detective Wolfson you said  
10 that you'd seen him like---

11 A. I---

12 Q. ---a time before cause you recognized him from walking  
13 his dog---

14 A. Yeah, yeah.

15 Q. ---right?

16 But you didn't have any like real personal attention---

17 A. No.

18 Q. ---or interaction with him?

19 A. No.

20 Q. If you saw him walking down the street, you're not  
21 gonna dap him up the way you would Shannon, right?

22 A. Correct.

23 Q. Is that -- is that fair?

24 A. Correct.

25 Q. Okay. But you just had seen him walking because he

Travis Scott - Cross-examination  
By Ms. Hensley

1 lives on that street in an area where you live---

2 A. Correct.

3 Q. ---right?

4 And you were very clear that, while you recognized the  
5 photograph, you did not see anybody shoot a gun, right?

6 A. No.

7 Q. And you didn't get to meet with the detectives until  
8 September the 20<sup>th</sup> of 2019, right?

9 Correct?

10 A. Correct.

11 Q. I'm not trying to trick you up.

12 A. No, you---

13 Q. I'm just trying to make sure---

14 A. Correct.

15 Q. ---we have a record and was -- this incident happened  
16 on August 8<sup>th</sup>, right?

17 A. Correct.

18 Q. And you were around there at -- around the time of the  
19 altercation, right?

20 Right?

21 A. Yes, ma'am.

22 Q. And even after the shooting, you were still around  
23 there because that's when you were helping the young girl  
24 with her kids, right?

25 A. Correct.

Travis Scott - Cross-examination  
By Ms. Hensley

1 Q. And so then after that I'm sure you saw clips of this  
2 incident on the news, right?

3 A. Correct.

4 Q. And on social media?

5 A. No, I don't know about social media. I don't have  
6 social media.

7 Q. Okay. Just the news, right, cause there was a lot  
8 going on in that area in the east side about this incident,  
9 right?

10 A. Yes, ma'am.

11 Q. So there was a lot of news coverage about it, right?

12 A. Yes, ma'am.

13 Q. And by the time you met with Detective Wolfesen at Ms.  
14 Brown's office, you knew that they had somebody in custody,  
15 right?

16 A. Yes, ma'am.

17 Q. Cause that also was on the news, right?

18 A. Yes, ma'am.

19 Q. And that's -- all those pictures and stuff was on the  
20 news---

21 A. Yes, ma'am.

22 Q. ---right?

23 And before you made any identification of the person  
24 involved in the shooting, Detective Wolfesen, Wolfesen, I'm  
25 sorry, showed you several pictures of interactions between

Travis Scott - Cross-examination  
By Ms. Hensley

1 you and that person, right?

2 A. Yeah, that's correct.

3 Can I, can I correct you?

4 Not for no shooting --

5 Q. I understand.

6 A. -- for -- okay.

7 Q. The person that you identified as involved in an  
8 altercation, right?

9 A. Yes, ma'am.

10 Q. She showed you several pictures of you and the person  
11 you later identified as the person---

12 A. Yes, ma'am.

13 Q. ---who was involved in the altercation?

14 A. Yes, ma'am.

15 Q. Is that fair?

16 A. Yes, ma'am.

17 Q. Right.

18 And that -- but taking all of that, you looked at all  
19 those pictures before you made an identification on the  
20 lineup?

21 A. Yes, ma'am.

22 Q. And you had seen the news before you made any  
23 identification on the lineup, right?

24 A. Yes, ma'am.

25 Q. And you had seen the news of the arrest and the

Travis Scott - Cross-examination  
By Ms. Hensley

1 photograph of the person arrested before you made any  
2 identification on the lineup, right?

3 A. Correct.

4 Q. So those things had been going on at the -- and you had  
5 done all those things before September the 20<sup>th</sup> when you  
6 made an identification on the lineup of a person involved in  
7 the altercation, correct?

8 A. Correct.

9 Q. That's all the questions I have. Thank you, Mr. Scott.

10 A. Okay.

11 SOLICITOR SIMPSON: Have nothing further of this  
12 witness on this.

13 THE COURT: Sir, you may step down. Please be careful.  
14 Counsel.

15 SOLICITOR SIMPSON: Your Honor, I have no more  
16 witnesses on this matter. But, you know, I'd like to  
17 address it at the appropriate time.

18 THE COURT: Okay. Anything from defense?

19 MS. HENSLEY: No.

20 THE COURT: Nothing?

21 MS. HENSLEY: No, Your Honor.

22 THE COURT: Okay. Yes, sir.

23 SOLICITOR SIMPSON: Thank you, Your Honor.

24 We're here obviously on a Neil v. Biggers hearing to  
25 determine if the police -- if there's any police conduct

1 that led to this ID being suggestive to the point that it  
2 arises to inadmissible and I think the -- probably the  
3 central facts elicited from both Mr. Scott and Sergeant  
4 wolfsen in this case that, that's really determinative is  
5 the fact that Mr. Scott, while he didn't know this person's  
6 name and didn't attest to a close personal relationship, he  
7 attested that he recognized this individual from years in  
8 the neighborhood on the east side, that he was very familiar  
9 with this individual, and that, on this day that this  
10 incident occurred, that knowledge had gone back for some  
11 time and that their contact had been quite frequent. In  
12 fact, you heard testimony of video surveillance preceding  
13 this murder where they interact for approximately four  
14 minutes at the Knight's Grocery Store and that's a crucial  
15 fact.

16 For most of my career as a prosecutor and preceding,  
17 you know, 15 years or so, we did not even have Neil v.  
18 Biggers hearing for situations where the identifying witness  
19 knew the person they were identifying. I mean it -- it's  
20 silly to suggest that I can't pick out my sister from a  
21 lineup or that, that, that police activity suggested to me  
22 who my sister was. That's an extreme example but that was  
23 sort of the lay of the land until the Supreme Court of the  
24 United States addressed and our Supreme Court addressed it  
25 in State versus Liverman. That was a 2012 opinion. I think

1 I've been doing this too long. I think that was like  
2 yesterday.

3 That was a 2012 opinion where the Supreme Court in  
4 Liverman clarified that yeah, you do have to do this for  
5 other type of witnesses. But what it ends the Court -- and  
6 we just had the Neil v. Biggers. But what's important about  
7 Liverman is what they changed but also what Liverman didn't  
8 change about the law preceding Liverman. And what Liverman  
9 said was obviously that the fact that an identifying witness  
10 has a previous relationship or can previously identify that  
11 witness from interactions prior to the incident is a  
12 crucially important point because it makes that person  
13 harder to suggest and any arguable -- it mitigates any  
14 arguable suggestibility that was put forward by law  
15 enforcement.

16 And I would note that the facts in, in the, the case in  
17 Liverman, or at least the case it cites, State v. Taylor, is  
18 sort of a similar thing where a person didn't say it was one  
19 of my friends. It's just like I know that person from the  
20 neighborhood. So, it's not unlike what we're talking about  
21 here. And they said, you know, that obviously the fact that  
22 an identification witness knows the accused remains a  
23 significant factor in determining the reliability.

24 The suggestive nature of a show-up is mitigated by the  
25 witnesses prior knowledge of the accused. That's a really

1 important fact that this identifying witness claimed, and I,  
2 I don't want to put words in his mouth, but I think he  
3 claimed a couple of years that he had been seeing this guy  
4 very frequently in the neighborhood and certainly that's  
5 what he held out to Sergeant Wolfson thus dictating the  
6 possible -- the procedure she followed there, you know,  
7 forward.

8       Secondly, I would note that, that it was important that  
9 we had Court's 11 there because I wanted you to review the  
10 actual photographs and I would suggest to the Court that  
11 they're not the degree of -- I might have my numbers wrong.  
12 I'm sorry. But the -- not the lineup. The, the photograph  
13 shown prior to the lineup are of a, are of a type they're  
14 video surveillance where they're not the type of photographs  
15 that would suggest or taint a subsequent lineup.

16       You know, we've got -- these are all ones we can  
17 clearly see the size, shape, clothing, and maybe some  
18 general facial characteristics of the defendant. But  
19 they're not to, to the clarity that it would be so that it  
20 would taint the six pack lineup that came later.

21       But namely, Your Honor, as to the factors in any Neil,  
22 Neil v. Biggers, we're looking at the opportunity of the  
23 witness to view the accused: Again, when he talked about  
24 all that previous interaction with the accused, a  
25 approximate four minute interaction at Knight's Grocery



1 prior to the murder, and a, a, a interaction that was close  
2 enough at the time of the incident to actually intervene in  
3 it. I would argue that he obviously had a good view of who  
4 this person was that day in the area.

5 Secondly, his degree of attention. This was an  
6 altercation between two people, the type that at, at one --  
7 type of incident one would normally pay attention to.

8 The accuracy of the prior description, and, again, you  
9 heard from Sergeant wolfsen that she did not elicit a super  
10 detailed description because, again, he claimed to have  
11 known this person. But the generic descriptors that he gave  
12 were accurate, young, black male, very thin. Again -- and,  
13 again, that's not a huge amount of detail. But they were  
14 accurate descriptors of the day.

15 And then the level of certainty and both in the  
16 interview with Sergeant wolfsen and on the stand the witness  
17 had a degree of high level of certainty. Again, not that  
18 that's Shannon Johnson. He doesn't know the person's name.  
19 Not that he's the shooter. He didn't see the shooter. But  
20 a high degree of certainty that that was certainly the  
21 person he saw in that fight with a white male in that area  
22 that day.

23 Lastly, and, you know, you just have to admit it when a  
24 factor doesn't go your way, the last consideration is the  
25 length of time between the crime and the confrontation. We

1 have 43 days here, Your Honor.

2 So, admittedly, one factor may cut against the State.  
3 But I don't think, weighing all of the facts and  
4 circumstances surrounding this identification and the  
5 procedure, I don't think that one factor cutting against us  
6 is, is fatal to the ID when all of the factors favor us.

7 And then I would just also note that the case of Perry  
8 versus New Hampshire is the U.S. Supreme Court case. State  
9 versus Tisdale is the State Supreme Court -- is our South  
10 Carolina case. That's 338 S.C. 607. That for -- that is  
11 the case that addresses any sort of taint of an ID procedure  
12 that's done by media publicity via social media or  
13 television, newspaper. And what that case clarifies is that  
14 that's not really what we consider in a Neil v. Biggers  
15 motion.

16 I mean we're, we're talking here about police procedure  
17 and we certainly can't hold, you know, fault in  
18 investigation as Live 5 News ran with the story for four  
19 straight days and that's State versus Tisdale which says we  
20 really not here -- you know, I, I, I think that's proper,  
21 proper stuff to talk about to a jury and properly goes to  
22 attack the weight of an ID.

23 But in a Neil v. Biggers you're not to really look at,  
24 look at any sort of effect media attention could have on an  
25 ID and that's referenced a little bit in Ms. Hensley's

1 cross.

2 That's all from the State, Your Honor.

3 THE COURT: Counselor.

4 MS. HENSLEY: Thank you, Your Honor.

5 I think the issue with regard to the taint of the  
6 six -- photo six pack lineup is the need to show all of  
7 those still pictures before doing it. By the State's own  
8 admission, he was familiar with the fellow, had seen him  
9 around for two years, could accurately describe the fellow.  
10 So, it seems to me that the proper thing to do would of been  
11 to show him the lineup then.

12 I think what the police is -- are doing is they're  
13 bolstering and trying to reinforce their identification by  
14 saying do you see this guy in this lineup, and that's what I  
15 think they did by showing 11 -- 10 or 11 color pictures to  
16 the -- to Mr. Scott before they showed him the lineup and I  
17 think that's the issue about whether it was proper.

18 He had apparently given them information. Just like to  
19 use Mr. Simpson's example, if, you know, they're gonna show  
20 you a picture of my sister that -- and they, you know, they  
21 know I know her, right, and they don't need to, to show me  
22 10 color pictures of her before they have me pick her out  
23 and that's what I think they did in this case.

24 THE COURT: Okay. Let's take about 15 minutes. It's  
25 the bottom of the hour. I'm gonna make a couple notes here.

1 But it's about 15 minutes -- I mean it's about 30 minutes  
2 past the hour. We're about 90 minutes or so. Take a break.

3 So let's everybody refresh ourselves. About a 15  
4 minute break and we'll be back on the bench by a quarter  
5 till.

6 Okay.

7 (WHEREUPON, a short recess was taken at this time.)

8 THE COURT: Okay. We're back on -- are we -- wait.  
9 Yeah, wait on them.

10 (Pause.)

11 THE COURT: Okay. We're back on the record in the --  
12 in this matter.

13 I want to call everybody's attention to State versus  
14 Warner, the 2000 -- the 2020 case is at 430 S.C. 76 and the  
15 Supreme Court case is at 436 S.C. 395. That's 2022.

16 I'm gonna quote a lot from the 2020 case because my  
17 friend and yours, Gary Hill, from the Court of Appeals, I  
18 thought did a masterful job at looking at and analyzing  
19 that. So, I'm gonna quote a lot from that.

20 A -- due process prevents the State from using evidence  
21 that is so unreliable that it offends fundamental  
22 conceptions of justice and orderly -- ordered liberty.  
23 That's the Perry versus New Hampshire. When law enforcement  
24 arranged pretrial out of court identification where eye  
25 witnesses to crimes ID a defendant, due process concerns are

1 triggered only when the procedure is both suggestive and  
2 unnecessary.

3       Upon challenge, whereas here, the Court must decide  
4 whether or not the procedure suggest -- is suggestive and  
5 unnecessary, and if it were not, the inquiry ends. State  
6 versus Wyatt. That is 421 S.C. 306 (2017). If it's  
7 unnecessary and suggestive, due process requires suppression  
8 of the eye witness identification if it creates a  
9 substantial likelihood of irreparable misidentification.  
10 The Court must determine the eye witness is reliable. This  
11 is a mixed question of law and fact. But where the evidence  
12 admits of a single, reasonable inference, the question is  
13 one of law. State versus Moore at 343 S.C. 282. That's a  
14 2002 case.

15       Like eye witnesses in Liverman, the Scott -- Mr. Scott  
16 knows the defendant before the crime. Unlike Liverman,  
17 Scott is not an eye witness to the crime. Due process,  
18 under Biggers, does not apply to a non-eye witness.  
19 Furthermore, the State did not create the video or the still  
20 pictures used therefrom. The State's use was necessary.  
21 Even if suggestive, and the Court finds it's not, the Court  
22 finds his I -- his identification to be reliable.

23       He spent time with the defendant. He had two four  
24 minute encounters on the same day. They saw each other on  
25 the street for two plus years, ride bikes together or in the

1 same area on the same streets. Mr. Scott does not know him  
2 personally but he was able to describe a black male, young,  
3 slim, and pick him out in the pictures that were provided.

4 Furthermore, it came up to the Court about someone --  
5 about the television newscast. I've got a case on that as  
6 well. That is State versus Drayton at 293 S.C. 417. That's  
7 a 1987 case. Cert was denied by the U.S. Supreme Court in  
8 1988.

9 In Court identification reliable -- was reliable  
10 despite the fact that the witness had observed the defendant  
11 on the television after his arrest and at a preliminary  
12 hearing.

13 Okay. So the Court finds that it is reliable in the  
14 event that, that hearing was, in fact, needed. But the  
15 Court finds that he's not an eye witness and it does not  
16 apply.

17 Counsel.

18 SOLICITOR SIMPSON: Thank you, Your Honor.

19 We don't have any more testimony to elicit today. But  
20 as I referenced earlier, I think we, you know, see a couple  
21 legal issues coming up and we just kind of want to lay those  
22 out there for your consideration until the proper time to  
23 make best advantage of the time when the jury's not present.

24 THE COURT: Sure.

25 SOLICITOR SIMPSON: The first involved an officer named

1 Christopher Freshman. Actually wanted to call him today.  
2 He had a family situation that prevented him being called as  
3 a witness today. So, we're just gonna have to take this up  
4 with his testimony in trial. So, we might be asking for a  
5 short -- we might be asking for a little bit of testimony  
6 not in the presence of the jury at that time.

7 THE COURT: Okay.

8 SOLICITOR SIMPSON: But I think, as an officer of this  
9 Court, I can sort of brief a summation of the basic  
10 summation of what he's gonna testify to and what it  
11 involves. And it involves the body cam footage that you  
12 have been provided.

13 Ms. Hensley obviously has a copy of that and she's  
14 aware of what I provided to you. I think I actually sent  
15 her the timestamps that we're talking about and they're the  
16 same ones I've written on that manila envelope there.

17 What we're talking about here is basically a Crawford  
18 issue. Christina Colon -- and, and I'm gonna have to tell  
19 you a little bit about the case so you understand, Your  
20 Honor. This shooting happened right in front of the  
21 victim's girlfriend and the mother of the victim's child.  
22 She was an eye witness to the case.

23 We were gonna try this case about a year ago initially,  
24 and it was continued through no fault of Ms. Hensley or my  
25 own. But she came and met with me for about three hours,

1 you know, getting ready for trial and left and, and very  
2 tragically, within 48 hours, she was killed also in a crime  
3 and there's a person charged in her death as well.

4 I have -- you know, I don't think it's a fact that's in  
5 issue. I have records of that if there's any doubt. But  
6 certainly I think her death, you know, renders her  
7 unavailable under the law.

8 we're gonna be asking to admit the body cam clip that  
9 you can consider overnight or when you have a chance under  
10 the Michigan v. Bryant exception to Crawford versus  
11 Washington. To summarize what you'll -- I expect you'll  
12 hear from Officer Freshman is he will testify to a -- what a  
13 first responder does, what a first responder's primary  
14 purpose is, the distinction between emergency response and  
15 investigative work and I think you'll also be very  
16 forthright that they're not always easy to separate one from  
17 the other.

18 But, but that, as a first responder, and one of the  
19 first officers on scene, again, I don't want to put words in  
20 your mouth, it's the beauty of body cams, you're gonna see  
21 exactly what he did and essentially responds while they're  
22 still rendering CPR to the victim. The girlfriend, Ms.  
23 Colon, who's now deceased, is hysterical and he has this  
24 interaction with her for a few minutes that I think, you  
25 know, one can safely say is -- primary purpose is the



1 response to an emergency and not the investigation of a  
2 crime though literally there's always some carryover between  
3 those two.

4 And following his testimony, and your review of that  
5 body cam, we're gonna be asked that that be admitted both as  
6 an exception to hearsay under an excited utterance and I  
7 don't think that warrants much argument that the witnessing  
8 of what she witnessed was certainly something I believe a  
9 reasonable person to be under the influence of an excited  
10 event.

11 And then, secondly, and more importantly, an -- I won't  
12 say an exception to the, to the, to the confrontation clause  
13 but not falling within the holding of Crawford in a  
14 confrontation clause under the exception outlined in  
15 Michigan versus Bryant and it's progeny. And so I obviously  
16 wouldn't anticipate a ruling on that today. We'll just  
17 probably have to lay that out for you for when the time  
18 comes.

19 THE COURT: Well, I appreciate that and I'm gonna hear  
20 from counsel. But, but we review -- we reviewed that this  
21 morning already.

22 SOLICITOR SIMPSON: Okay.

23 THE COURT: And I had kind of anticipated, from what I  
24 saw from Judge Jefferson's note, that that -- that was one  
25 of the issues along with something else. So, I'd already

1 done a little bit of research.

2 But you want to be heard, counsel?

3 MS. HENSLEY: Well, and I'm happy to wait and see what  
4 happens with Detective Freshman. But I do know, just from  
5 my review, that I think there are parts of that that I think  
6 are certainly hearsay and certainly there's nothing  
7 probative and there's parts of that, and I can discuss with  
8 Mr. Simpson, that I think need to be redacted include --  
9 that I, that I think are also just designed to inflame the,  
10 the jury including the parts regarding the daughter and the  
11 dog and the daughter's comments and---

12 THE COURT: Yeah.

13 MS. HENSLEY: ---all of that.

14 So, that's, off the top of my head, the, the issue in  
15 that. I think most of that interaction between Ms. Colon  
16 and Detective Freshman is really for ID purposes. I don't  
17 think this is an ID case. So, I don't know that it is  
18 necessary.

19 THE COURT: Well, in the mean time, if you want to get  
20 with him about redacting something, you might -- a lot of  
21 times lawyers can agree on redacting of what a child might  
22 say or a dog barking or whatever, you know. But that's up  
23 to y'all. But --.

24 MS. HENSLEY: I, I can extend Mr. Simpson those times  
25 stamps.

1 THE COURT: All right.

2 MS. HENSLEY: I just didn't get that done yesterday.

3 THE COURT: Okay.

4 SOLICITOR SIMPSON: Okay.

5 THE COURT: Any -- anything else?

6 SOLICITOR SIMPSON: Yes, Your Honor.

7 THE COURT: Okay.

8 SOLICITOR SIMPSON: I wanted to just make you aware  
9 that tomorrow, beginning at 2:00, and I've made the Clerk's  
10 Office aware, we're gonna have three witnesses that we  
11 anticipate will testify virtually. I spoke with Ms. Hensley  
12 about who those witnesses are and, and, you know, gist of  
13 their testimony and she has consented to that being  
14 performed virtually. The Clerk's Office did a wonderful job  
15 in our trial last week setting up the virtual court.

16 They'll be accessing it through [sccourts.org](http://sccourts.org) and your  
17 virtual courtroom and I just wanted to make you aware of  
18 that fact. That will be tomorrow afternoon by sort of our  
19 loose schedule.

20 Also, if Your Honor will give me one moment.

21 Again, I have -- Court's indulgence for just one  
22 minute.

23 THE COURT: Sure.

24 SOLICITOR SIMPSON: Thank you.

25 (Pause.)

1 SOLICITOR SIMPSON: I just need to get my fantasy  
2 football lineups. Just kidding.

3 (Pause.)

4 SOLICITOR SIMPSON: I refer Your Honor to our --.

5 THE COURT: Yes, sir.

6 SOLICITOR SIMPSON: I, I noticed when you were reading  
7 the initial indictments to the jury that, that you stated an  
8 incident date of August the 9<sup>th</sup>, on or about August the 9<sup>th</sup>.

9 THE COURT: Okay.

10 SOLICITOR SIMPSON: And, again, this is a very lame  
11 excuse that I think you hate hearing. Another prosecutor  
12 had this case initially and through indictment. And it  
13 appears to me that he actually indicted the murder -- he  
14 amended and got a second indictment on the murder, and I, I,  
15 you know, should of been more careful. I wasn't paying a  
16 ton of attention to that at the time. I just caught that  
17 date, the 9<sup>th</sup>, and, and I just wanted to make sure that  
18 we're here on the right indictment cause I'm pulling from  
19 the Clerk's site that it says the 8<sup>th</sup> and then the  
20 indictment number is 2020-00887.

21 MS. HENSLEY: And I did notice that, Your Honor. The  
22 part I noticed was the date of death. I think it was -- it  
23 said that the decedent died on August the 9<sup>th</sup>.

24 THE COURT: That is correct.

25 SOLICITOR SIMPSON: Oh.

1 MS. HENSLEY: And I think that's what's contained in  
2 the indictment.

3 THE COURT: Yes.

4 MS. HENSLEY: I don't think that's correct.

5 SOLICITOR SIMPSON: Oh, okay.

6 MS. HENSLEY: I mean I, I know that he died on the 8<sup>th</sup>.

7 THE COURT: Okay.

8 SOLICITOR SIMPSON: I'm just making sure that we are  
9 here on Indictment 2020-00887. I just want to make sure  
10 that's correct.

11 THE COURT: Yeah, we are.

12 SOLICITOR SIMPSON: Okay.

13 THE COURT: It says---

14 SOLICITOR SIMPSON: Good.

15 THE COURT: It says in the indictment that it occurred  
16 on or about August the 8<sup>th</sup>, 2019, and then it goes on to  
17 end in that he died in Charleston County as a proximate  
18 result thereof on or about August 9 of 2019.

19 SOLICITOR SIMPSON: Well then I do know that death was  
20 not declared until --.

21 THE COURT: The next day.

22 SOLICITOR SIMPSON: -- later.

23 MS. HENSLEY: No, it was (indiscernible).

24 SOLICITOR SIMPSON: You sure?

25 MS. HENSLEY: I'm positive.

1 THE COURT: I don't know.

2 MS. HENSLEY: (Indiscernible).

3 SOLICITOR SIMPSON: Well, I, I can look into that  
4 overnight, Your Honor.

5 THE COURT: Sure.

6 SOLICITOR SIMPSON: But I would, I would -- I just  
7 wasn't prepared for that to be an issue. We need to confirm  
8 that.

9 MS. HENSLEY: To, to be honest---

10 SOLICITOR SIMPSON: But---

11 MS. HENSLEY: ---it said -- when you read it it was the  
12 first time that I noticed it too.

13 SOLICITOR SIMPSON: But as a notice document, I don't  
14 think that even were that incorrect, that's why I want to go  
15 research and make sure I'm right on, but even words --  
16 assuming that is incorrect that he, in fact, died on the  
17 8<sup>th</sup>, I believe that the on or about language more than  
18 covers it. As a notice document, there's really been, you  
19 know, no debate as to the fact that he's (indiscernible).

20 MS. HENSLEY: Although the jury hasn't been sworn, I  
21 did -- certainly didn't raise an indictment issue pretrial  
22 and I, I, I don't know that it changes any notice to us  
23 on -- of -- I think the on or about language probably covers  
24 it and --.

25 SOLICITOR SIMPSON: Okay. Just---

1 THE COURT: Yeah, I---

2 SOLICITOR SIMPSON: ---look it up.

3 THE COURT: Whatever you want.

4 SOLICITOR SIMPSON: And then my last thing, and this is  
5 it, I promise.

6 THE COURT: No.

7 SOLICITOR SIMPSON: Just -- so, again, to make you  
8 aware of the -- about an issue. I have two additional  
9 identifying witnesses. They are law enforcement and I  
10 didn't think that the, the method and manner of their IDs  
11 required a formal pretrial Neil v. Biggers hearing though  
12 I'm happy to put something short on the record when, when I  
13 call them. But they should -- could raise 404(b) issues.

14 One is Officer Bennett. He's sort of slated roughly to  
15 be tomorrow afternoon. The, the gist of his testimony would  
16 be that my police work in this neighborhood resulted in me  
17 having interactions and seeing Shannon Johnson in the  
18 neighborhood a lot and being aware of who he is. He could  
19 give more details but I'm not gonna -- I'm purposely not  
20 gonna elicit any more details and I'm certainly happy to  
21 mitigate that testimony, sort of water that down in any way  
22 the Court or defense sees, sees fit. But I do think that  
23 identity being an exception -- a enumerated statutory  
24 exception before the Court will be that that will be proper.

25 Also, and probably more difficult to really get the

1 language right, Sergeant Wolfson also inquired, when she  
2 learned that Mr. Johnson was on parole, showed a lot of the  
3 surveillance video that we've already watched to his parole  
4 agent and the parole agent would always say -- obviously say  
5 I have regular contact with Mr. Johnson and I will again  
6 work on watering that down with that witness and I'll have  
7 to give that some thought.

8 But, again, you know, I, I mean I think these are  
9 proper ID witnesses identity being an exception to 404(b).  
10 But I'm just letting you know that's coming and I'm sure  
11 that the defense will object to any sort of implications of  
12 prior criminality from, from Mr. Johnson, and, and I'll just  
13 try my best to present something to the Court that you're  
14 okay with.

15 MS. HENSLEY: Thank you, Your Honor.

16 Well, I'll say it again, I don't think this is an ID  
17 case. But with regard especially to Agent Green, this is a  
18 juvenile parole case. So, I think it's especially  
19 prejudicial and I, I think the -- you know, with regard to  
20 Officer Bennett, I think there's a way to water that down.  
21 I certainly would try to avoid opening any doors.

22 But I don't see how you can get -- he can get Agent  
23 Green's testimony in about his regular contact with him  
24 without mentioning juvenile adjudications, which, of course,  
25 are not convictions and I think that's just unduly



1 prejudicial to my client especially given his age, and, and  
2 just the -- for the I guess fifth or sixth time, I don't  
3 think ID's an issue. So, I, I just --.

4 THE COURT: Let me suggest to both of you read Warner  
5 written by Judge Gary Hill. There's a pro---

6 SOLICITOR SIMPSON: As---

7 THE COURT: Goolsby is an agent in that. In fact, he's  
8 an out-of-state agent.

9 SOLICITOR SIMPSON: Warner?

10 THE COURT: Warner, the case -- cite I gave you.

11 SOLICITOR SIMPSON: Okay.

12 THE COURT: He's an out of state -- he was I believe in  
13 Georgia and they mailed him a video and he testified -- was  
14 able to testify about regularly meeting and knowing him and  
15 so forth. Last name is Goolsby I think. Read the Warner  
16 case.

17 SOLICITOR SIMPSON: Thank you.

18 THE COURT: what else can I---

19 SOLICITOR SIMPSON: That's all.

20 THE COURT: what else can you tell me?

21 SOLICITOR SIMPSON: That's it. That's all.

22 MS. HENSLEY: I just have one thing.

23 THE COURT: Yeah.

24 MS. HENSLEY: Earlier -- I don't know what time you  
25 want us to be here in the morning. But earlier you

1 mentioned around 8:00 and I am a contract public defender.  
2 So I do have a badge to get in the building but that's as  
3 far as I can go is into the lobby of the Solicitor's Office  
4 and they can't carry me across.

5 THE COURT: We'll see you---

6 MS. HENSLEY: So---

7 THE COURT: We'll see you at 8:30.

8 MS. HENSLEY: Okay. I can get it in at 8:30. I can  
9 get in downstairs and wait in line to go through the thing.

10 THE COURT: No, we'll---

11 MS. HENSLEY: And I---

12 THE COURT: We'll see you at 8:30 and I'll -- we'll be  
13 here, and if, if you need me.

14 Okay. Let me make -- clear that up. If you need me.  
15 But both of you have my cellphone number. All three of you  
16 have my cellphone number. But, but if you need me,  
17 otherwise Maddie and I will be here. We're gonna drink some  
18 coffee and, and be ready to go at 9:00. But if you need me,  
19 8:30 for sure we'll be here.

20 SOLICITOR SIMPSON: Thank you, Your Honor.

21 THE COURT: Thank you.

22 Anything else?

23 (WHEREUPON, there was no response.)

24 THE COURT: We'll be in recess till tomorrow at 9:00.

25

(WHEREUPON, Court was in recess for the evening.)

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Tuesday, December 6<sup>th</sup>, 2022

THE COURT: Good morning, everyone.

SOLICITOR SIMPSON: Morning, Your Honor.

MS. HENSLEY: Morning, Your Honor.

THE COURT: Do you have all the jurors?

THE BAILIFF: Yes, sir.

THE COURT: Anything before we bring the jury in?

SOLICITOR SIMPSON: Yes, Your Honor.

Ms. Hensley contacted me last night. We had some discussions about potential stipulation between the State and defense. I know that you do not like delays. But we're, we're working on the language there and I think a short delay now to see if we can't come to an agreement would save an immense amount of time in the future.

THE COURT: Okay.

SOLICITOR SIMPSON: So -- and I think it also would impact how I would conduct an opening and my, and my first witnesses. So --

THE COURT: Okay.

SOLICITOR SIMPSON: -- that -- I don't mean to put it on the spot but the point of this is---

THE COURT: Do you need---

SOLICITOR SIMPSON: ---where we're at.

THE COURT: Do you need me to get off the bench for a

1 minute or two?

2 I mean --?

3 SOLICITOR SIMPSON: I, I would -- do you need more  
4 time?

5 I mean I---

6 MS. HENSLEY: I don't think so. I think --.

7 SOLICITOR SIMPSON: I'm happy if we want to talk a  
8 minute.

9 MS. HENSLEY: Okay.

10 SOLICITOR SIMPSON: Is that, is that okay if we take  
11 just like a five minutes --

12 THE COURT: Sure.

13 SOLICITOR SIMPSON: -- to see if we can't come---

14 THE COURT: We'll take five minutes.

15 SOLICITOR SIMPSON: Again, I think it would save time  
16 in the future. So --.

17 THE COURT: I'm happy with that.

18 Okay. We'll get off the bench real quick then. Let  
19 Mr. Bailiff know when you're ready.

20 (WHEREUPON, a short recess was taken at this time.)

21 (WHEREUPON, a stipulation was marked as State's Exhibit  
22 No. 59 for identification purposes only at this time.)

23 THE COURT: Yes, sir, counsel.

24 SOLICITOR SIMPSON: Thank you, Your Honor.

25 The State and the defense have entered a stipulation in

1 this case as to the subject of identification. I think I  
2 just would like to preserve a couple of things on the record  
3 in case, you know, this is a, a -- an issue that gets me  
4 oversight later. And the State intended to offer what we  
5 would characterize as a pretty abundant amount of evidence  
6 that pointed that the individual in this surveillance video  
7 is gonna play a large role in our trial, was the defendant,  
8 Shannon Johnson.

9 As has already been put on the record, a lot of pieces  
10 of that evidence that would establish that, that fact would  
11 have served a potential to cut against Shannon Johnson in  
12 other ways as well. We noted yesterday a parole officer  
13 that would -- that could of testified to that fact, another  
14 police officer that knew Shannon Johnson from a prior  
15 arrest, as well as other interactions with him that has --  
16 does -- that kind of testimony obviously comes with some  
17 potential negative implications for Mr. Johnson outside of  
18 the ID issue.

19 We also were prepared to go forward with what I just  
20 call kind of a full court press on the Facebook evidence. A  
21 lot of that stuff had to do with guns and his access to  
22 guns, some pictures that maybe weren't very flattering to  
23 Mr. Johnson, but, nevertheless, would be highly probative of  
24 that ID issue and would of come forward and, and we would of  
25 anticipated them deemed admissible and considered by a jury.

1       The purpose of me putting all this on the record is to  
2 say that the stipulation does come with a, a definite  
3 strategic back and forth between myself and the defense.  
4 We're going to, in light of the stipulation, not explore a  
5 lot of those things and I think it's a -- important that  
6 that just discussion be put out there and transparent on the  
7 record for any future view of the decision by both the State  
8 and the defense to enter this stipulation.

9       I've marked it as State's 59. I'm always confused as  
10 to whether this would be a State, defense, or a Court's  
11 Exhibit. But what we would be asking you to enter this into  
12 the record at the appropriate time in trial, which I don't  
13 think would happen until tomorrow morning. But obviously a  
14 lot of the decisions Ms. Hensley's gonna make and a lot of  
15 the decisions I'm gonna make are gonna, you know, be based  
16 on the fact that the stipulation has, at this point in time,  
17 been agreed to and, and submitted to the Court.

18       THE COURT: Okay. May I take a look at that?

19       SOLICITOR SIMPSON: Sure.

20       (Pause.)

21       THE COURT: Yes, ma'am, counsel.

22       MS. HENSLEY: Thank you, Your Honor.

23       May it please the Court.

24       I said I think several times yesterday I didn't believe  
25 this was an ID case. But the, the concerns that I had about

1 the evidence that the State planned to present with regard  
2 to ID'ing, the 404(b) concerns that came from that I think  
3 are alleviated by this stipulation. I think---

4 THE COURT: Uh-huh.

5 MS. HENSLEY: ---that the stipulation -- I've discussed  
6 the stipulation with my client. He has no objection to it  
7 and I think, strategically, because of the, the potential  
8 issues that we went over yesterday and were planning to go  
9 over today and reviewed last night, that this stipulation is  
10 in my client's best interest and because -- and gels with  
11 our strategy of the case.

12 SOLICITOR SIMPSON: And, and, Your Honor, I would just  
13 add to that that, you know, while not directly on point to  
14 this issue, the State has agreed also to not seek to enter  
15 this and I'm, I'm sorry if I wasted some of your time.

16 THE COURT: Hu huh.

17 SOLICITOR SIMPSON: But in light of where we're at this  
18 morning, not introduce the body cam of Christopher Freshman.  
19 I'm gonna call him as a witness, have him give some first  
20 responder testimony. But as to that actual audio and video,  
21 we're not gonna be seeking to introduce that in light of  
22 this stipulation, Your Honor.

23 THE COURT: You're, you're not wasting my time. This  
24 is good lawyering right here and I appreciate the hard work  
25 you got. I would recommend -- you put it for State's. But



1 I would recommend making a joint exhibit at the, at the  
2 appropriate time.

3 SOLICITOR SIMPSON: Okay.

4 THE COURT: Yes, sir.

5 SOLICITOR SIMPSON: And I would just note for the  
6 record, in making it a joint -- I, I agree that making it a  
7 joint exhibit would not nullify the defense's right as far  
8 as introducing evidence if you under -- as far as---

9 THE COURT: I do understand.

10 SOLICITOR SIMPSON: ---closing argument -- closing  
11 arguments are concerned.

12 THE COURT: Okay. Okay. I understand. I understand  
13 that and that would certainly---

14 MS. HENSLEY: And that, that would be my concern.

15 THE COURT: And, and you're protected.

16 MS. HENSLEY: Thank you.

17 SOLICITOR SIMPSON: Okay.

18 THE COURT: And if, and if you don't feel comfortable  
19 doing that, we'll just leave it as State's Exhibit because I  
20 understand where you're going with that.

21 MS. HENSLEY: Thank you, Your Honor.

22 SOLICITOR SIMPSON: So we would mark it as State's 59  
23 and Defense 1?

24 THE COURT: Well, no, I would mark it -- I would, I  
25 would have it marked as a joint exhibit or leave it as

1 state -- let's just do that. Let's make sure we got her  
2 protected. Let's leave it as State's 59 and I understand.

3 SOLICITOR SIMPSON: Okay. And I guess since we're on  
4 the record on the matter, I would go ahead and ask that  
5 State's 59 be entered into evidence and I would ask for  
6 publication at a later time.

7 THE COURT: Any objection?

8 MS. HENSLEY: No objection.

9 THE COURT: Okay. It's without objection and it is  
10 State's 59. You've not introduced anything.

11 MS. HENSLEY: Yes, Your Honor. That's obvious.

12 THE COURT: Yeah.

13 (WHEREUPON, State's Exhibit No. 59 was received into  
14 evidence at this time.)

15 THE COURT: Anything further I could help you with?

16 SOLICITOR SIMPSON: No, Your Honor. We appreciate your  
17 patience this morning. Thank you.

18 THE COURT: Absolutely.

19 (Pause.)

20 THE COURT: Okay. We ready for the jury?

21 SOLICITOR SIMPSON: Yes, Your Honor.

22 THE COURT: Okay. We'll have the jury then.

23 THE BAILIFF: Yes, sir.

24 THE COURT: Oh, I need the indictments.

25 (WHEREUPON, the following takes place within the

1 presence of the jury.)

2 THE BAILIFF: All jurors are present, Your Honor.

3 THE COURT: Thank you. Please be seated.

4 Everyone have a good evening?

5 (WHEREUPON, there was no audible response.)

6 THE COURT: That's good.

7 Ready to work?

8 (WHEREUPON, there was no audible response.)

9 THE COURT: Madam Clerk, if you swear the jury to try  
10 this case.

11 (WHEREUPON, the jury was placed under oath at this  
12 time.)

13 THE CLERK: Let the record reflect all jurors have been  
14 seated.

15 THE COURT: Thank you.

16 Ladies and gentlemen, you are now the jury in this case  
17 and I will take a few moments to tell you something about  
18 your duty as jurors and provide some instructions. At the  
19 close of this trial I will provide more detailed  
20 instructions and those instructions will control your  
21 deliberations in this matter.

22 This is a criminal case and it has been brought by the  
23 State of South Carolina. I will sometime refer to the State  
24 as the prosecution or the government. They, they are  
25 interchangeable terms.

1        Now, the defendant has been charged by the State with  
2 two offenses. He's charged in Indictment 2020-GS-10-00887  
3 with the offense known as murder. It is alleged that he  
4 did, in Charleston County, South Carolina, on or about  
5 August 8<sup>th</sup> of 2019, with malice aforethought, kill and  
6 murder the victim, Timothy Hama, by means of shooting him  
7 with a firearm and that he died in this county and state in  
8 violation of law. It was true billed by the Grand Jury.

9        The indictment 2020-GS-10-00888 alleges that he  
10 committed the criminal offense known as possession of a  
11 weapon during the commission of a violent crime where it is  
12 alleged that he did, in Charleston County, South Carolina,  
13 on or about August 8 of 2019, possess a firearm or visibly  
14 displayed what appeared to be a firearm or did visibly  
15 display a knife during the commission of or an attempted  
16 commission of a violent crime that being murder. That  
17 matter was went to the Grand Jury and a true bill indictment  
18 was returned.

19        Ladies and gentlemen, I've already told you and I now  
20 charge you and tell you again he has entered a plea of not  
21 guilty to both allegations contained in the all -- in the  
22 two indictments, and he is presumed, under our law, he is  
23 presumed innocent of the allegations contained therein.  
24 That is our system of justice. The burden remains on the  
25 State of South Carolina to prove his guilt beyond a

1 reasonable doubt.

2 Now, South Carolina law makes you 12 the finders of  
3 facts. You 12 alone are the finders and it will be your  
4 duty to decide, from the evidence, what the facts in this  
5 case are. You will hear the evidence, decide what the facts  
6 are, and apply those facts to the law that I give you at the  
7 close of this case and that is how you will reach a verdict.

8 In doing so, you must follow the law whether you agree  
9 with it or not. The evidence will consist of the testimony  
10 of witnesses, documents, and other items received into  
11 exhibits -- into evidence as what we call exhibits and on  
12 any facts on which the lawyers agreed or stipulate.

13 The same law that makes you 12 the finder of facts  
14 makes me the judge of the law. Our rules of evidence  
15 control what can be received into evidence, and when a  
16 lawyer asks a question or a lawyer offers an exhibit into  
17 evidence, and a lawyer on the other side believes it is not  
18 permitted by the rules of evidence, that lawyer may object.  
19 This simply means, ladies and gentlemen, that the lawyer is  
20 requesting I make a decision on a particular rule of  
21 evidence. As I indicated to you, I got these two evidence  
22 books laying on the bench with me.

23 South Carolina law forbids a trial judge from making a  
24 comment to a jury about a fact in a case. Therefore,  
25 because it may be necessary for me to comment on a fact in

1 applying our rules of evidence, it may be necessary for me  
2 to talk with the lawyers outside of your hearing by having  
3 what is known as a bench conference while you are in the  
4 courtroom. A bench conference would simply mean, ladies and  
5 gentlemen, I usually use my fingers as such a manner and I  
6 motion the lawyers to come up and join me here. And you see  
7 me cover the microphones so that our court reporters here  
8 can not hear that. This is a private conversation about  
9 whether or not a particular rule of evidence applies on the  
10 objection.

11 Be -- it also may -- it also may be that, if the bench  
12 conference is gonna last more than a minute or so, that I  
13 have to excuse you if the lawyers need to take some  
14 testimony about it or have some other fact introduced, and,  
15 again, you are not permitted to hear that, I would excuse  
16 you from the courtroom so that I could deal with that matter  
17 of law. Again, the purpose of the conference is to decide  
18 how certain evidence is to be treated under our rules and to  
19 avoid confusion and error.

20 Now, I tell you that certain things are not evidence.  
21 Statements, arguments, questions, and comments by lawyers  
22 representing the party in a case are not evidence.  
23 Objections by lawyers are not evidence. Lawyers have a duty  
24 to a client to object when they believe something is  
25 improper under our rules. You should not be influenced by

1 the objection.

2 If I sustain an objection, you must ignore the question  
3 or the exhibit and you must not try to guess what the answer  
4 might have been or what the exhibit may have contained. If  
5 I overrule the objection, the evidence will be admitted but  
6 do not give special attention to it because it drew an  
7 objection.

8 Testimony I order stricken from the record or tell you  
9 to disregard is not evidence and must not be considered by  
10 you. And anything you see or hear about this case outside  
11 of this courtroom is not evidence.

12 Now, finally, some of you may have heard terms direct  
13 evidence and circumstantial evidence. Direct evidence is  
14 testimony by a witness about what that witness personally  
15 saw, heard, or did. Circumstantial evidence is indirect  
16 evidence. It is proof of one or more facts from which one  
17 can find or infer another fact. You may consider both  
18 direct and circumstantial evidence. Our law permits you to  
19 give equal weight to both. But it is for you to decide how  
20 much weight to give any evidence.

21 Now, ladies and gentlemen, in deciding what the facts  
22 are, you may have to decide what testimony you believe and  
23 what testimony you disbelieve. You may believe everything a  
24 witness says or only part of it or none of it.

25 In deciding what to believe, you may consider a number

1 of factors which include, but are certainly not limited to,  
2 the witnesses' ability to see or hear the name -- the things  
3 that the witness testifies to, the quality of the witnesses'  
4 memory, the witnesses' manner while testifying, whether or  
5 not a witness has an interest in the outcome of a case, or  
6 any motive, bias, or prejudice, whether or not the witness  
7 is contradicted by anything the witness said or wrote before  
8 trial, and, but certainly not last, how reasonable the  
9 witnesses' testimony is when considered in light of all  
10 evidence which you believe.

11 It is my responsibility to rule as a matter of law as  
12 to whether the testimony is admissible. But once testimony  
13 is admitted, whether or not you believe it is solely up to  
14 you 12.

15 To ensure fairness, you, as jurors, must not talk among  
16 yourselves about this case or about anyone involved with the  
17 case until it has reached an end and when you go in the jury  
18 room to decide your verdict. Do not speak with anyone about  
19 this case or about anyone who has something to do with it  
20 until the trial has ended and you have been discharged as  
21 jurors.

22 Anyone includes members of your family, your friends,  
23 but you may tell them that you are a juror. But you may not  
24 tell them anything about the case until it has ended and you  
25 have been discharged. Once you've been discharged after the



1 verdict is rendered, you can talk about it as much or as  
2 little as you desire.

3 Do not let anyone talk to you about the case or someone  
4 that has something to do with it. And if someone should try  
5 to speak with you, please report that immediately. You may  
6 report that to your foreperson, and that foreperson would  
7 advise me through a note given through the bailiffs to me  
8 and then I will deal with that issue.

9 During the trial, do not speak or talk with any of the  
10 parties or the lawyers or the witnesses. Do not even pass  
11 the time of day with them. It is important that you not  
12 only do justice but that you give the appearance of doing  
13 justice. And if a person from one side of this case sees  
14 you talking with someone from the other side, even if it's  
15 simply to pass the day, an unwarranted and unnecessary  
16 suspicion about your fight -- fairness might be aroused. If  
17 a lawyer, party, or witness does not speak to you when they  
18 pass in the hallway, it is because they are not suppose to  
19 talk to you.

20 Ladies and gentlemen, they have been instructed and  
21 they know not to talk to you. You are wearing a, a --  
22 lanyards with the ID on them as jurors and that lets every  
23 one of us in the system know that you are very, very special  
24 and we're not to talk in your presence about anything  
25 whatsoever.

1        Do not read any news stories if any or articles about  
2 the case or anyone involved with it or listen to any radio  
3 or television coverage if any. Do not do any research on  
4 the Internet, Internet about anything in the case. Do not  
5 consult a blog or a dictionary or any reference materials  
6 and do not make any independent investigation on your own.  
7 Do not make up your mind about what the verdict should be  
8 until you have gone to the jury room to discuss this case  
9 with your fellow jurors. I charge you and ask you to keep  
10 an open mind until then.

11        I am often asked about note taking. You are not to  
12 take notes during the trial of this case and the reason  
13 quite simply is we want you to pay close attention to each  
14 witness as he or she testifies and not be fixated on making  
15 copious notes.

16        The first step in this trial will be known as the  
17 opening statement. The State, in its opening, will tell you  
18 about the evidence that it intends to put before you so that  
19 you will have an idea of what the State's case is about.  
20 Just as the indictment itself is not evidence, neither is  
21 the opening statement. Its purpose is to help you  
22 understand what the evidence will be and what the State will  
23 try to prove.

24        After the State's opening statement, defendant's  
25 attorney may, if she chooses, make an opening statement. At

1 this point in the trial no evidence has been offered by  
2 either side.

3       Next the State will offer evidence that it says will  
4 support the charge -- charges against this defendant. The  
5 State's evidence in this case will consist of testimony of  
6 witnesses and it may include exhibits or other exhibits  
7 and/or stipulations. I remind you that the defendant is  
8 presumed innocent and the State must prove his guilt beyond  
9 a reasonable doubt. He does not have to prove his  
10 innocence.

11       After you have heard all evidence on both sides, the  
12 State and the defense will each be given time for what's  
13 known as a final or closing argument. And I just told you  
14 that opening statements by the lawyers are not evidence and  
15 that same logic applies to co -- to closing statements.

16       In the closing statements the lawyers for each side  
17 will attempt to summarize and help you understand the  
18 evidence that was presented and the final part of the trial  
19 occurs when I instruct you on the rule of law that you are  
20 to use in reaching your verdict. And after hearing my  
21 instructions, you will leave the courtroom together to make  
22 your decision.

23       Now, as I told you yesterday, I will appoint the  
24 foreperson of the jury and I try very hard to alternate  
25 between a foreman and a forelady and it's time for a

1 foreman.

2 Juror 218, Mr. Howard Phillips, sir, where are you?

3 (WHEREUPON, the juror raises their hand.)

4 THE COURT: Would you serve as the -- I'm not ordering  
5 this but will you serve as the, as the foreman of the jury?

6 THE JUROR: Sure.

7 THE COURT: Thank you.

8 Sir, your, your duty -- you, you don't have to move.  
9 He'll get -- when you come back in, he'll take that seat,  
10 ma'am, if you don't mind and I'm assuming these two seats  
11 are my alternates?

12 (WHEREUPON, there was no audible response.)

13 THE COURT: Very good.

14 Sir, if you would take that seat when -- after a break  
15 when we return to the courtroom and remain in that seat.  
16 Again, everyone else is an honorary Rotarian. So, you may  
17 move left to right, sit front or back.

18 I also will tell you that I stand a lot and -- during  
19 the trial. It's because I can not sit in that seat all day.  
20 I will also tell you and charge you that it means absolutely  
21 nothing about the testimony that someone's giving whether  
22 I'm standing or sitting. Do not believe that the judge  
23 believes the testimony or doesn't if he's standing or he's  
24 sitting. What it means is, if I'm standing, it's time to  
25 sit. And if I'm sitting, Keith, it's time to stand. That's

1 all it means.

2       okay. All right. Mr. Foreman, also you become the  
3 fore -- as the foreperson, you become the spokesperson for  
4 the jury. So, in the event a juror has an issue, whether  
5 it's a childcare issue, an adult parent issue, a car won't  
6 start, something of that nature, they -- if, if you need me  
7 to -- if they need me to know about that, they would tell  
8 you and you would relay that to me with a note through the  
9 bailiffs. You and I will never meet outside this courtroom.  
10 without the lawyers and a court reporter, okay, until after  
11 it's all over with and then everybody's free to talk and  
12 chat every, every which way you want to do.

13       okay. Thank you.

14       Anything from the State about my comments?

15       SOLICITOR SIMPSON: Nothing from the State, Your Honor.

16       THE COURT: From the defense?

17       MS. HENSLEY: Nothing from the defense.

18       THE COURT: Mr. Foreman, and ladies and gentlemen,  
19 kindly give your, your attention please to the State.

20       SOLICITOR SIMPSON: Thank you, Your Honor.

21       THE COURT: Yes, sir.

22       SOLICITOR SIMPSON: I also greatly appreciate that  
23 charge about the judge standing because it was terrifying  
24 when he stood up yesterday. That's out there.

25       Mr. Foreman, ladies and gentlemen of the jury, I

1 introduced myself briefly the other day as -- my name's Chad  
2 Simpson. I work with the ninth circuit solicitor. It's my  
3 pleasure to serve Scarlett Wilson, who is elected solicitor,  
4 and I am here today as a representative of the -- South  
5 Carolina representative of the government in the case  
6 against Shannon Johnson.

7 I'll begin how I always begin by extending my profound  
8 thanks to you. I understand you all have lives and, you  
9 know, you joke during jury selection about being released.  
10 Some people still, by not getting picked, and that's all  
11 funny and harmless fun and I find that most of the time once  
12 those people find themselves trapped in the box that you are  
13 is that they, they take their job very seriously and I'm  
14 sure you will.

15 That being said, we thank you particularly over the  
16 holiday season when we know your lives are probably pretty  
17 hectic and there's, there's a lot of things calling for your  
18 attention other than this. But -- so thank you for being  
19 here and thank you for your attention.

20 August 9<sup>th</sup> of 2019 was a nice summer evening. It was  
21 about 7:30, 7:40. This is summer in Charleston. So, you  
22 know, the sun's still out. It's still a nice day. Birds  
23 chirping. Sun's shining. If there is such a thing as a  
24 nice day to move, when I'm not sure there is, that day was  
25 it. And Timothy Haman, 41 year old father, on that day was

1 helping move the mother of his child into an apartment that  
2 he already lived in.

3 They were gonna move in together at that time on ■  
4 Hanover Street, which isn't very far from where we are  
5 sitting today. It's on Charleston's east side.

6 So, to move, obviously they, they got a U-Haul. The  
7 U-Haul was brought down and parked in front of his apartment  
8 there at ■ Hanover. You'll see pictures of it. Not an  
9 unusual structure in Charleston, a two, two story house with  
10 an apartment upstairs and an apartment downstairs.

11 So, he's there, shirt off, sweaty, typical summer  
12 moving day. The U-Haul's open and items are being moved  
13 from the U-Haul into the downstairs apartment that belonged  
14 to his girlfriend, Christina Colon, and that day should of  
15 been that, a pretty unremarkable day, a pretty unremarkable  
16 day with a new roommate moving in and their, and their  
17 shared five year old daughter, Olivia.

18 When we use the phrase senseless crime, it always  
19 sounds kind of cliché because, you know, in a way all crime  
20 is senseless, and, you know, you hear that phrase so much  
21 you don't, you know, it's come to the cliché. You don't  
22 really think about it. But what you're gonna hear about  
23 this week is truly, I think you'll agree at the conclusion  
24 of evidence, a truly senseless, baffling crime, because  
25 while Timothy Haman is moving in to ■ Hanover Street, he's

1 there. His girlfriend's there. They're chatting with the  
2 upstairs neighbor, Shannon Gagnon, who you'll hear from.

3 Mr. Shannon Johnson comes down the street on a bicycle.  
4 He's got his earphones in. He's listening to music. He's  
5 singing along with the music very loudly singing and just  
6 sort of pointing at people as he's down the street, going  
7 along with the music. Again, nothing's wrong with that or  
8 illegal about that.

9 But as he passes Timothy Haman, he's rapping and  
10 pointing and Timothy says, yo, what's up. And in response  
11 to an exchange that mundane, Shannon Johnson's bike takes a  
12 big wide U-turn. He pulls around to the rear of the U-Haul  
13 and gets right up in Mr. Haman's face and what occurs at  
14 that point is an exchange that anyone has seen before on a  
15 high school playground.

16 Is it a bit juvenile?

17 Yeah, I, I think that's a fair statement to say and  
18 maybe for both parties.

19 But it's two men saying what's up, what's up with you,  
20 you got a problem, I don't know, do you have a problem,  
21 what's going on, what are we doing here. You know, move on.  
22 You move on.

23 That escalates to a skirmish between Mr. Johnson and  
24 Mr. Haman that does get, to a degree, physical. It's a  
25 silly playground like skirmish where literally people are



1 doing things like this. Almost comical if we didn't know  
2 how it ultimately ended.

3 At one point in time Mr. Haman did get a bit of the  
4 better of Mr. Johnson. He did get sort of a headlight --  
5 headlock and a, and -- and a, and a lick in on Mr. Johnson.  
6 At that point in time some other people in the neighborhood  
7 say all right, this is gone from silly. Let's get in here.  
8 Let's break this up and the fight is broken up. And along  
9 with the other people in the neighborhood, the girlfriend,  
10 Christina, who you've heard about who was moving in that  
11 day, comes in to intervene and she's got a big personality.

12 Okay. She comes in to clean house and she comes in  
13 yelling initially one-on-one, one-on-one cause she's  
14 concerned that these people that are helping break it up  
15 might be coming in to just make this an unfair fight.  
16 One-on-one, one-on-one, which quickly just changes to  
17 listen, just get out of here. This is stupid. It's not  
18 worth it for either of your time. Just get out of here.  
19 And the fight, if you can even call it a fight, is over.  
20 It's done.

21 Timothy Haman and Shannon Johnson are separated. It's  
22 over and Christina's is -- just yelling y'all, okay, it's  
23 done. Get the F out of here. Get the F out of here. But  
24 it's done. And, at that point in time, as time passes, at  
25 that point in time, rather than just getting out of there,

1 rather than just getting on his bike and leaving, Shannon  
2 Johnson makes a decision, a decision that would end  
3 Mr. Haman's life and a decision that brings you-all here  
4 today.

5 Mr. Johnson pulled a firearm and he points it and he  
6 thinks about it. The reaction of Timothy Haman and  
7 Christina, when he pulls that firearm, is a reaction we can  
8 all understand get the hell out of here, get inside where  
9 we're safe. And so Timothy -- you'll see evidence that  
10 Timothy is corralling people, going into the house, back to  
11 Shannon Johnson, back facing Shannon Johnson, and, at that  
12 point, Shannon Johnson fires multiple shots into the doorway  
13 of 43 Hanover Street, the doorway where Timothy Haman  
14 stands. One of those shots hitting him in the back,  
15 traveling through his body out the front, and ultimately  
16 ending Mr. Haman's life on his own front stoop.

17 We know all that. You heard an, an important charge  
18 from the judge already about believability and hearing  
19 people and certainly that will be part of this case. You'll  
20 hear from witnesses and you'll be asked whether you believe  
21 them or not. But you'll know all that, that I just  
22 recounted for you because I anticipate that you're going to  
23 see all that because this is 2019. People have Ring  
24 doorbells, Nest cams, security footage. And so I anticipate  
25 you're gonna see a lot of what I just described to you.

1       And so obviously the judge's charge is correct. You  
2 will weigh what you believe some people saying on the  
3 witness, witness stand. But, ultimately, at the end of this  
4 trial, I'm gonna be asking you to believe what you see,  
5 hear, and perceive yourself. And I give you warning that  
6 this is a tough watch and this is a -- and you're, you're  
7 involved in, in a, a process that's probably gonna require  
8 you to see it more than once and it's not an easy blush.

9       But at the conclusion of this trial, I'm not so much  
10 going to be asking to believe what you hear, hear as to more  
11 what you see and hear up here. So, believe your, believe  
12 your own eyes and your own perceptions is what I'll be  
13 asking you to do.

14       A key player in this interaction that I anticipate you  
15 will see and hear is Christina and you heard her role in it.  
16 She was the one moving in that day, the girlfriend at that  
17 time of Timothy Haman. Tragically, Christina Colon is  
18 deceased. You will not be hearing from her. Her being  
19 deceased has nothing to do with Shannon Johnson and nothing  
20 to do with this case. But obviously that would prevent her  
21 from testifying.

22       But you'll still see and hear about a lot of what she  
23 went through that day and you'll see and hear from some  
24 others, including Shannon, the upstairs neighbor that was  
25 out there talking with them at the time, and some other

1 individuals that happen to have some peripheral involvement  
2 in this. And you'll hear about -- a little bit about the  
3 investigation that led to Mr. Johnson and, again, we  
4 anticipate you'll see and hear the actual event.

5 At the end of trial, a big important part of this  
6 process is you being charged on the law. And so the  
7 lawyers, in our closing arguments, we talk a lot more about  
8 the law than we normally would in opening statements. We  
9 break everything down into elements and we look at things  
10 very analytically in our closing. But I find it's a little  
11 helpful to explain a little bit of that to you in opening.

12 Again, you're gonna hear from the judge at the end.  
13 He's gonna explain to you the law and he's the ultimate  
14 source. And if I say anything that conflicts with what you  
15 hear from him, you go with him. But I think it's a pretty  
16 helpful exercise to tell you a little bit about what murder  
17 means legally in South Carolina.

18 Murder's the killing of another with malice  
19 aforethought. A very short definition for a crime that's so  
20 serious. But malice aforethought is that important element  
21 and what's important to consider with that is that malice  
22 aforethought doesn't mean one sits and thinks about their  
23 actions for some discernable period of time. It, it --  
24 malice aforethought, as you will hear from the judge, can  
25 take place in one instance.

1       okay. what malice aforethought means is just a person  
2 made a conscience decision to hurt another person. A person  
3 decided, with ill will, I'm gonna hurt this person and, in  
4 this case, pointing and pulling the trigger. And I think  
5 we're gonna establish that for you.

6       I don't know at this early stage if you'll have any  
7 other considerations. But it might be the case, and this  
8 might be something to think about, discerning that malice  
9 aforethought from what we might have heard of is called  
10 voluntary manslaughter, a lower degree of concept.  
11 Voluntary manslaughter is that a person didn't make a  
12 willful decision to hurt another person. Voluntary  
13 manslaughter is that a person, acting reasonably, was  
14 provoked into an action that made them lose the ability to  
15 make that conscience decision and act in what's called heat  
16 of passion.

17       One other thing, and this will be addressed in some  
18 detail later, so you don't really have to worry about it  
19 now, is there is -- there are some instances where a  
20 decision of fact is sort of taken from the purview of the  
21 jury and we call that a stipulation. That's when two sides,  
22 considering all the evidence, have agreed to something and  
23 it is, it is entered and charged to you as a fact that you,  
24 you must accept as an agreement between the parties.  
25 There's gonna be one of those I anticipate in this case.

1       Senseless crime. Such a unfathomable reason for a lost  
2 human life. I'm not gonna stand before you now or even at  
3 the conclusion of the evidence and argue that I can say that  
4 I agree with every decision Timothy Haman made that day.  
5 That's not the point. But the point is, and I believe  
6 you'll agree with me when you've heard all of the evidence,  
7 that for what -- for any action of Timothy Haman that ended  
8 his death was absolutely inconceivable and was the result of  
9 a decision to purposefully harm, hurt, and kill him and that  
10 decision was undoubtedly, and you'll be convinced of this  
11 beyond a reasonable doubt at the conclusion of this trial,  
12 the decision of the individual sitting right there, Shannon  
13 Johnson.

14       I appreciate your attention over the next few days and  
15 I will address you at the conclusion.

16       Thank you.

17       THE COURT: Counsel.

18       MS. HENSLEY: Thank you, Your Honor.

19       May it please the Court?

20       THE COURT: Yes, ma'am.

21       MS. HENSLEY: As I told you yesterday, my name's Laree  
22 Hensley and it is my privilege to represent Shannon Johnson.

23       On August the 8<sup>th</sup>, 2019, Shannon Johnson was 18 years  
24 old. I believe that you will hear testimony about all of  
25 those facts and this is the case that was a while back. You

1 know, August the 8<sup>th</sup>, 2019, in the, in the today's news  
2 cycle, in the onslaught of news that you receive every day,  
3 you may not remember this case. But I bet if we'd tried  
4 this case in August of 2019, it would of been in the  
5 forefront of your mind because of all the publicity about  
6 this case.

7 And I'm -- and I'm like y'all. You know, when I'm at  
8 home reading my morning newspaper or scrolling through my  
9 news feed, and I see that a crime's been committed and  
10 somebody's been arrested, I think it's just a normal thing  
11 to think oh, good, they got him, right, and I think that's  
12 fair at your breakfast table with your phone, with your  
13 iPad. But that's not fair here because what today's about  
14 isn't an arrest that was made. Today's about, this week is  
15 about whether the State can prove their case beyond a  
16 reasonable doubt.

17 And when we see a news clip or we read a news feed, we  
18 know a little bit of information, right?

19 But this week you're gonna get all the information and  
20 all the evidence. And so I would ask you, as Mr. Simpson  
21 did, and as the judge did, to keep an open mind, to remember  
22 that people jump to conclusions. We jump to conclusions  
23 when we're scrolling through our news feed. We jump -- the  
24 police, I think you will see in this case, jumped to  
25 conclusions as they were gathering information. I think

1 that's normal.

2 In this case, I think that we're blessed that it  
3 happened in 2019 because we won't have to rely on the  
4 conclusions that they jump to. We will be able to see and  
5 hear what actually happened and I think that's very  
6 important in this case because there are -- what actually  
7 happened isn't supported by many of the conclusions that  
8 were jumped to and were ultimately reached in this case.

9 You know, as -- everybody in this courtroom has a role  
10 obviously. You-all are the judges of the facts.

11 So when -- just like when the judge comes in the  
12 courtroom and we all stand up, when you-all come in and go  
13 out, we will stand up as -- out of our respect to you as the  
14 judges of the facts.

15 The police role is to investigate crime and make  
16 arrests, right?

17 But that's not obviously where that ends in America,  
18 right?

19 That's just the beginning of this process. The State  
20 has a duty to do justice. The court reporter is recording  
21 everything that we say, keeping our record clean. My job,  
22 as Shannon's lawyer, is to be his zealous advocate and to  
23 advocate for him. Obviously, the judge is here to keep us  
24 all in line and to make sure that we follow the rules and I  
25 would just ask that you listen carefully and I know -- and



1 Mr. Simpson said it but I think it's got to be in the  
2 forefront of everybody's mind.

3 Today's December the 6<sup>th</sup>. It's the busiest, most  
4 stressful time of the year I think, and this has to be a  
5 place that there's a million other places you would rather  
6 be. But this week is the most important week in Shannon  
7 Johnson's life and I would ask you to bear that in mind and  
8 to set aside all those things that I know you have going on  
9 this week, pay good attention, and watch carefully, listen  
10 carefully, see what actually happened, see what conclusions  
11 got jumped to that are not supported by video and actual  
12 facts, and I think, at the end, you will agree that Shannon  
13 Johnson is not guilty.

14 Right now Shannon Johnson sits here an innocent man and  
15 I think that's very important. You know, I think a lot of  
16 times we talk about things like presumption of innocence  
17 like it's just a phrase. But it's not a phrase. It's a  
18 very important legal concept and today Shannon sits here  
19 cloaked in the robe of innocence because no case has been  
20 proved, no case has been decided, and I think you will  
21 decide, at the end, that he remains that.

22 THE COURT: Thank you.

23 Solicitor.

24 SOLICITOR SIMPSON: Thank you, Your Honor.

25 At this point in time the State would call Shannon

1 Gagnon to the stand.

2 THE COURT: Okay.

3 THE CLERK: Please raise your right-hand and place your  
4 left-hand on the Bible.

5 SHANNON GAGNON, being first duly  
6 sworn, testifies as follows:

7 THE CLERK: Please be seated.

8 Please state your full name spelling your last name.

9 THE WITNESS: My name is Shannon Marie Gagnon.  
10 G-A-G-N-O-N.

11 THE COURT: And, Ms. Gagnon, you have a very, very soft  
12 voice. If you, if you would, please adjust the microphone  
13 and use your outside voice so that all, all of us can hear.

14 Okay?

15 THE WITNESS: Yes, sir.

16 Is that better?

17 THE COURT: That's much better.

18 THE WITNESS: Okay.

19 THE COURT: Thank you.

20 Counsel.

21 SOLICITOR SIMPSON: Thank you.

22 DIRECT EXAMINATION

23 BY SOLICITOR SIMPSON:

24 Q. Ms. Gagnon, good morning.

25 A. Good morning.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 Q. Thank you for being here today. I know this isn't fun.  
2 Just by way of introduction, how old are you?
- 3 A. 32.
- 4 Q. And where'd you grow up?
- 5 A. Charleston. I actually went to First Baptist up the  
6 street.
- 7 Q. Okay. Lived in Charleston most of your life?
- 8 A. Born and bred, yes, sir.
- 9 Q. Okay. And what is it that you do for a living?
- 10 A. I've spent about 15 years cooking in the city.  
11 Currently I manage a warehouse.
- 12 Q. Okay. And do you still live here in Charleston?
- 13 I won't ask you to give your address but you still live  
14 here in Charleston?
- 15 A. Ten minutes shy of the city.
- 16 Q. Okay. And what were you doing in 2019?
- 17 A. I was a pastry chef at Glazed Gourmet Doughnuts.
- 18 Q. That's a good place. Good doughnuts.  
19 So, where did you live in, in the summer of 2019?
- 20 A. We were on Hanover Street.
- 21 Q. Okay. Do you remember the number address or --?
- 22 A. ■.
- 23 Q. Okay. And describe a little bit to the jury about  
24 what's sort of the layout at ■ Hanover Street.
- 25 A. It's kind of like a house that use to be just one and

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 they've made the upstairs and downstairs two separate levels  
2 now. The downstairs neighbor, their porch basically lets  
3 out where your gate is. So there's no way to not know  
4 everybody.

5 Q. Okay. Well, that's a, a good segue into -- which,  
6 which level did you live on?

7 A. I lived on the second level. Like where my steps went  
8 up, you could see onto your other neighbor's porch.

9 Q. Okay. So, it's difficult not to get to know your  
10 neighbors---

11 A. Everybody.

12 Q. ---that sat up on top?

13 A. Yeah, you're all on top of each other.

14 Q. Okay. And who was your downstairs neighbor?

15 A. My downstairs neighbor at the time was Tim.

16 Q. Okay. Is that Tim Haman?

17 A. Yes, sir.

18 Q. Okay. And how long had you known Tim?

19 A. Just a few months.

20 Q. Okay.

21 A. I had only lived there for about six months and I met  
22 him at the beginning of my six month interval.

23 Q. Okay.

24 A. He was a sous chef at the Darling Oyster Bar. So, we  
25 kind of all, because we all cook, kind of know each other --

Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 Q. And---
- 2 A. -- outer circles in the city.
- 3 Q. And, and Glazed isn't really that far from the oyster  
4 bar either, is it?
- 5 A. It's not.
- 6 Q. Okay. So, did you take up a friendship with Tim?  
7 was it a pretty good relationship you had with him---
- 8 A. Yeah.
- 9 Q. ---as neighbors?
- 10 A. Friendly neighbor relationship. Hang out after work a  
11 little bit every now and then. I've got a 10 year old  
12 daughter or she was 10 at the time and he had a five year  
13 old. So, they'd be doing sidewalk chalk stuff outside.
- 14 Q. Okay. So, you interacted with Tim frequently for that  
15 six month period?
- 16 Is that fair?
- 17 A. (WHEREUPON, there was no audible response.)
- 18 Q. And then just for an approximation, like how many times  
19 a week would you speak to Tim do you think?
- 20 A. Maybe two or three.
- 21 Q. Okay.
- 22 A. He was always outside --
- 23 Q. Okay.
- 24 A. -- just sitting on his porch. He'd have people over  
25 sitting on his porch.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Q. Okay.

2 A. So, if I was walking back from work in the early  
3 morning -- it's kind of a weird shift. You're getting off  
4 of work at 10:00'ish in the morning. But that's when  
5 somebody else is just starting their day.

6 Q. Right.

7 Okay. Did you know -- have any occasion in those six  
8 months to meet his -- the mother of the child you mentioned,  
9 Christina?

10 A. I met Christina on the day we're here for.

11 Q. Okay. So you had just met her?

12 That was the first time you'd met her that day?

13 A. Yeah.

14 Q. Okay. Let's get to it then.

15 Okay. You know -- do -- you recall the incident of why  
16 you were called to testify today?

17 A. Yes, sir.

18 Q. Okay. I want you to, to the best you can, and I'm  
19 likely to interrupt you from time to time and I apologize,  
20 but, first off, let's talk about do you recall anything  
21 about that day, what you were up to that day?

22 A. That day I had actually signed a lease for a new place  
23 in Park Circle.

24 Q. Okay. And so you had done some sort of looking around  
25 for other places to live.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 A. (WHEREUPON, there was no audible response.)

2 Q. Okay. Let's kind of fast forward to that late  
3 afternoon, early evening, you know, 7:00, 7:30.

4 what are you doing---

5 A. So---

6 Q. ---at the time?

7 A. ---because we -- I'd had the day off. Been off -- out  
8 with my daughter. We checked out a new place. We signed a  
9 new lease. We were gonna have an easy night in playing  
10 video games, ravioli, like I'm not doing anything. I'd  
11 actually went to go walk the dog before we were having our  
12 video game night and that's kind of how all this --.

13 Q. Okay. So, you walk your dog down the steps.

14 Did you see anybody at the bottom of your steps?

15 A. They were -- I saw the U-Haul. All of this happened  
16 when I -- coming back from walking the dog.

17 Q. Okay.

18 A. I'd seen Tim, told him I was signing a new lease. He's  
19 like yeah, I'm getting her in here today. Once I get her  
20 moved in, it's me and a bottle of tequila tonight.

21 Q. Okay. And---

22 A. Moving in August isn't fun in Charleston.

23 Q. Right. I understand that.

24 So, do I understand you correctly you returned from  
25 walking the, the dog. Tim's out there.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Is Christina out there too?

2 A. Yes, sir. He -- she's in the, in the truck at the  
3 time. He makes quick introductions. You know, everybody's  
4 in and out.

5 Q. Okay. Again, that's the first time you met Christina?

6 A. (WHEREUPON, there was no audible response.)

7 Q. Okay. Showing you what's been marked for ID only at  
8 this point, and I guess we'll just say -- go ahead and show  
9 you State's, for ID only, 54, 55, 56, 57, and 58. Take just  
10 a moment to flip through these and take your time, however  
11 long you need, to sort of take a look at those.

12 A. Okay.

13 Q. Are those pictures?

14 A. Yes, sir.

15 Q. Do those pictures depict the ■ Hanover Street address  
16 you've previously described?

17 A. Yes, sir, and in---

18 Q. Do they show the U-Haul that you've described?

19 A. Yes, sir.

20 Q. Do you see yourself in not all but some of those  
21 images?

22 A. In 56 and in 58. In 56 I'm with my dog when everything  
23 started -- when people started fighting, she started getting  
24 upset.

25 Q. Okay. We'll, we'll get to that.



Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 A. Okay.

2 Q. Is -- are those exhibits a fair and accurate  
3 representation of ■ Hanover Street including sort of, and  
4 you jumped ahead, some of your actions that day?

5 A. Yes, sir.

6 SOLICITOR SIMPSON: May I approach the witness, Your  
7 Honor?

8 (WHEREUPON, there was no audible response.)

9 SOLICITOR SIMPSON: Your Honor, at this point in time  
10 the State would seek to admit 54 through 58 and we'll ask in  
11 the testimony of Ms.---

12 THE COURT: Any objection?

13 SOLICITOR SIMPSON: ---Gagnon.

14 MS. HENSLEY: Without objection.

15 THE COURT: Okay. 54 through 58 admitted without  
16 objection.

17 (WHEREUPON, State's Exhibit Nos. 54 through 58 were  
18 received into evidence at this time.)

19 Q. Ms. Gagnon, that, that screen in front of you is a  
20 touchscreen.

21 A. Okay.

22 Q. One moment.

23 And so you can mark on it, and then if we move  
24 exhibits, we'll have it erased and you mark on it again  
25 showing no (indiscernible). It's up to you if you think it

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 would be helpful for your testimony.

2 what's, what's 43 Hanover Street?

3 A. This part here is my front door. This part here is  
4 another front door and that whole top row is 43. These are  
5 my stairs.

6 Q. Okay. And you referenced Tim's apartment.

7 which one's Tim's apartment?

8 A. what would be here and then his step is right there,  
9 and as you can see kind of like where my gate would be --

10 Q. Okay.

11 A. -- step.

12 Q. Is that the part---

13 A. Gate---

14 Q. ---sort of hidden there by the U-Haul?

15 A. Yeah.

16 Q. Okay. And that's kind of like a typical Charleston  
17 stoop with a couple steps down?

18 A. Uh-huh. If you look, this is what his steps look like  
19 on that side.

20 Q. Oh, okay. Thank you.

21 Okay. Now so let's get back into the narrative of, of  
22 your evening. You said you'd returned from walking your  
23 dog. You're chatting with Tim and Christina who you think  
24 may have been in the back of the truck when you first walked  
25 up.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1        would all that be taking place behind that U-Haul that  
2 we see there?

3 A.    Yes, sir.

4 Q.    Okay. So, what occurred while you were sitting there  
5 chatting with Tim behind the U-Haul?

6 A.    So what happened that day?

7 Q.    Yeah.

8        what, what happened?

9        Just every detail you can recall from that point  
10 forward. I may interrupt you from time to time.

11 A.    Understood. I'm talking with Tim and, you know, he's  
12 telling me he's excited to get her in. Telling me congrats  
13 on finding a new place, things like that, just typical  
14 casual -- casuals there. And while we're talking, somebody  
15 rides by on a bike and says something and that's what  
16 started everything.

17 Q.    And, if you recall, how did Tim respond to somebody  
18 saying something to him?

19 A.    Without swearing in here, just he's like yeah, that  
20 shit. Just --.

21 Q.    It's okay. I'm gonna, I'm gonna ask that you go ahead  
22 and swear --

23 A.    okay.

24 Q.    -- where -- you know, we're here to, to --.

25 A.    Make things easier but yeah. He's like yeah, no more

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 of that shit and then --

2 Q. Okay.

3 A. -- the guy on the bike loops back.

4 Q. Now, I want to ask you about that comment.

5 Did he just like scream it at him?

6 A. No. No, he's talking to me, talking to Christina.

7 Q. Okay. And so what does the guy on the bike do when he  
8 responds---

9 A. He was---

10 Q. ---to the---

11 A. Loops back and they're basically having a he's like  
12 what's up, bro, and Tim's like I don't know, man, what's up.  
13 You rode back.

14 Q. Okay. Let me, let me stop you for a second. Show you  
15 what's marked as State's 55.

16 A. All right.

17 Q. You know, stupid question.

18 Do we, do we see an individual on a bike here in 54?

19 A. Me?

20 Q. Yeah, cause -- is that the guy on the bike---

21 A. Oh, yeah, yeah, yeah.

22 Q. ---on 55?

23 A. Yeah, there. Right there.

24 Q. Okay. When you say looped around---

25 A. I---

Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 Q. ---can you just sort of indicate real quick for the  
2 jury what you mean by that like, like---
- 3 A. I definitely can not tell you---
- 4 Q. ---just draw a line if you want?
- 5 A. ---if it's that guy on a bike. It was downtown  
6 Charleston. Everybody's on bikes.
- 7 Q. Oh, we can get that out of the way right now.
- 8 A. Okay.
- 9 Q. Was this a pretty chaotic situation?
- 10 A. Highly.
- 11 Q. All right. Were you ever able to identify --
- 12 A. No.
- 13 Q. -- the guy --
- 14 A. No.
- 15 Q. -- and say that's definitely the guy?
- 16 A. Definitely not.
- 17 Q. Okay. We'll get that out of the way. But you do  
18 recall a person on a bike. You said they looped around---
- 19 A. So basically---
- 20 Q. ---as you approached---
- 21 A. ---it's kind of like riding down here to this corner  
22 area and coming back.
- 23 Q. Okay. Showing you 55. I know it gets a little more  
24 difficult and blurry but do we see the bike coming back  
25 there -- a bike coming back?

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 A. Is -- this a bike.

2 Q. Okay. And there's an individual at the corner of the  
3 U-Haul there.

4 Do you recognize who that is or---

5 A. It looks---

6 Q. ---from where---

7 A. ---like Tim.

8 Q. Okay. So, to get back into the narrative, you say Tim  
9 and this individual are face to face and what, what are the  
10 words they're exchanging to the best of your recollection?

11 A. As dumb as it is, they are both doing what's up at each  
12 other --

13 Q. Okay.

14 A. -- and just getting closer and closer, more and more  
15 escalated. Christina's shouting at Tim. Tim, no, he's not  
16 worth it. No, Tim, stop.

17 MS. HENSLEY: Objection, Your Honor.

18 THE COURT: Let me -- (indiscernible).

19 Q. I'm gonna ask that you not talk about, and I know it's  
20 kind of complicated, talk about anything anyone else said---

21 A. Okay.

22 Q. ---but the individual on the bike.

23 A. Easy enough.

24 Q. He's saying what's up?

25 A. Yeah.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Q. I'm also gonna ask you, in that exchange, did you ever  
2 hear a -- any sort of a racial slur being used when you---

3 A. No, sir.

4 Q. Okay. And you've known Tim for about six months.

5 Did you ever know him to use language like that?

6 A. No. Nope.

7 Q. Showing what's been marked for ID as State's 56, and  
8 now if you can look through the front of the U-Haul, who do  
9 we see there?

10 A. That is me and my dog.

11 Q. Okay. So as this sort of what's up, what's up es --  
12 well, let me ask you.

13 what happens after the exchange of the what's up,  
14 what's up?

15 A. Where there's bikes on the ground. People starting  
16 fighting. Two other people on bikes drop their bikes and  
17 jumped in and everybody's fighting up against this wall over  
18 here.

19 Q. Okay. And, if you could, just show us what you said.  
20 We're here.

21 A. This whole area right here is where a fight's taking  
22 place. I'm trying to get the dog back upstairs.

23 Q. Okay. So, was -- how's your dog reacting with all this  
24 excitement?

25 A. She's not, not happy.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Q. Okay.

2 A. She's trying to get away.

3 Q. Okay. So do we see you in this picture?

4 A. That's -- this is me trying to grab the dog to bring  
5 her upstairs.

6 Q. Okay. And so did you -- were you able to get your dog?

7 A. I did bring her upstairs.

8 Q. Okay. Showing you what's been marked as -- marked and  
9 entered as 57.

10 Do we see you?

11 A. I think I'm carrying her.

12 Q. Okay.

13 A. If not, she has run in front of me, because once I open  
14 this gate --.

15 Q. Okay. And did you---

16 A. She knows where she lives at this point.

17 Q. Got you. So she runs up and this is you?

18 Is that you on the stairs there---

19 A. That is me on---

20 Q. ---going up?

21 A. That is me on the stairs.

22 Q. Okay. Once your dog was secured, what did you do?

23 A. I came back downstairs because there's an entire fight  
24 happening out in front of my house.

25 Q. Okay. And what did you do?



Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 A. And here -- I was gonna say --.
- 2 Q. Well, let me point real quick to State's 58.
- 3 Do we see you in State's 58?
- 4 A. Do I see me?
- 5 Q. Yeah.
- 6 A. Yes, sir, that's --.
- 7 Q. And---
- 8 A. This is me.
- 9 Q. ---is that downstairs?
- 10 A. Yes, sir.
- 11 Q. So, what do you do when you get back down to the bottom
- 12 of the stairs?
- 13 A. I get back down to the bottom of the stairs because
- 14 ultimately I hear Christina yell.
- 15 Q. Okay.
- 16 A. Somebody had slapped her.
- 17 Q. Is she -- well---
- 18 MS. HENSLEY: Objection.
- 19 Q. Again not --.
- 20 A. I know. That's what made---
- 21 Q. So should we say---
- 22 A. That's what made me come back down.
- 23 Q. Okay. Let me, let me just clarify since it was said.
- 24 You did not see that, right?
- 25 A. No.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Q. Okay. All right.

2 A. No, no, no.

3 Q. And you get back down to the --?

4 A. I didn't get to see a lot of that part---

5 Q. Okay.

6 A. ---of the altercation obviously cause I'm putting my  
7 dog away.

8 Q. And, again, you mentioned there might be several people  
9 involved at this point in time?

10 A. Uh-huh.

11 Q. And you mentioned that you're not able to identify any  
12 of those people?

13 A. No, sir.

14 Q. Okay. So you get back down.

15 what do you do once you get back down?

16 A. I get back down and -- I'm trying to tell you without  
17 telling you what she said.

18 Q. Yeah, don't worry about what anybody said. Just, just  
19 explain to the jury what you did.

20 A. I stood there and listened to what everybody was saying  
21 --

22 Q. Okay.

23 A. -- and everything just kind of went silent for a  
24 minute.

25 Q. Okay.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 A. It looked like everything stopped. I heard Tim say get  
2 in the house.
- 3 Q. Okay. And did you---
- 4 A. He said, he said get---
- 5 Q. ---go in the house?
- 6 A. He said get inside and---
- 7 MS. HENSLEY: Objection.
- 8 A. And---
- 9 Q. I mean I know this is tough.
- 10 A. Oh, okay.
- 11 Q. But not what anybody said.
- 12 Did you---
- 13 MS. HENSLEY: I just move to strike, Your Honor.
- 14 SOLICITOR SIMPSON: Okay.
- 15 THE COURT: Strike that answer.
- 16 Q. Okay. Did you, did you, without talking about what  
17 anybody said, did you move into the house?
- 18 A. Yes.
- 19 Q. Okay. What -- anything you saw or heard after that  
20 point.
- 21 A. After that point, it---
- 22 Q. Not, not words from another person. Just---
- 23 A. No, no, no. After that point it was gunshots --
- 24 Q. Okay.
- 25 A. -- because I had to go inside.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 Q. Okay. And were you able to see who fired that gun?

2 A. No, sir, I was between my recycling bin and trashcan  
3 trying to keep my gate closed so that way they did not fire  
4 at my -- me.

5 Q. Okay. You were protecting yourself naturally?

6 A. Trying.

7 Q. Yeah.

8 okay. Following the gunshots and, again, just being  
9 careful, and I know it's frustrating, but being careful not  
10 to say what anyone said --

11 A. Okay.

12 Q. -- what was that area there at the stoop like after the  
13 gunshots?

14 what did you do?

15 what did you see?

16 Describe for the jury just kind of the tone of that  
17 situation.

18 A. After the gunshots I ran back upstairs --

19 Q. Okay.

20 A. -- and told my daughter stay in the house --

21 Q. Okay.

22 A. -- and grabbed a towel and went back downstairs with my  
23 cellphone and my towel and called 9-1-1, tried to stop  
24 bleeding as best I could. Some people were coming up the  
25 street to start doing CPR and just -- it was chaos.

Shannon Gagnon - Direct examination  
By Solicitor Simpson

- 1 Q. Did you see Tim after coming back down?
- 2 A. I did.
- 3 Q. And where was Tim?
- 4 A. He was on the other side of the threshold and we'd
- 5 actually kind of pulled him a little bit so that way we
- 6 could put---
- 7 Q. That's---
- 8 A. ---stuff on him. See -- make -- see where he was
- 9 bleeding.
- 10 Q. And by the other side of the threshold, do you mean the
- 11 inside of the threshold or the outside of the threshold?
- 12 A. He was on the inside. We pulled him out kind of onto
- 13 the step.
- 14 Q. Okay. So, any sort of movement of Tim from inside to
- 15 out would of been done with the purposes of better get --
- 16 rendering first aid?
- 17 Do I understand you?
- 18 A. Seeing -- yeah, seeing where --
- 19 Q. Did the police respond?
- 20 A. They did.
- 21 Q. Okay. Did EMS respond?
- 22 A. They did.
- 23 Q. Okay. Did you later learn that Tim was deceased?
- 24 A. Later that evening.
- 25 Q. Okay. At any point in time in that exchange did you

Shannon Gagnon - Direct examination  
By Solicitor Simpson

1 hear a racial slur levied by Tim or Christina?

2 A. No, sir.

3 Q. Ms. Gagnon, thank you so much for being here. Please  
4 answer any questions that Ms. Hensley has for you.

5 THE COURT: Counsel.

6 MS. HENSLEY: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. HENSLEY:

9 Q. Good morning, Ms. Gagnon.

10 A. Good morning.

11 Q. My name's Laree Hensley and I'm Shannon Johnson's  
12 lawyer. It's nice to meet you.

13 We've never met, right?

14 A. No, ma'am.

15 Q. So, on August the 8<sup>th</sup> when -- what you saw, we can  
16 see pretty much where you were and your prospective from  
17 those pictures, right?

18 A. Yes, ma'am.

19 Q. Have you had a chance to review the video of this  
20 incident?

21 A. A little bit ago, yes, ma'am.

22 Q. So you had a chance to sit down with the solicitor and  
23 kind of go through the -- piece by piece?

24 A. He'd asked me what happened and then it lined up with  
25 the --.

Shannon Gagnon - Cross-examination  
By Ms. Hensley

1 Q. Well, I'm, I'm not asking you to tell me what y'all  
2 talked -- I'm just asking---

3 A. Oh, yes, ma'am.

4 Q. Thank you. You did -- I'm not trying to trick you or  
5 anything. I'm just---

6 A. No, I know.

7 Q. ---trying to figure out.

8 So, you testified earlier I believe that the fight  
9 between Tim and the other fellow began up next to the house  
10 kind of behind the U-Haul.

11 Is that right?

12 A. Yes, ma'am.

13 Q. And that's where the fight started, right?

14 A. (WHEREUPON, there was no audible response.)

15 Q. And I'm not sure exactly in the fight -- in the course  
16 of the fight when you went up the stairs.

17 Did you have an opportunity to see Tim have the young  
18 fellow in the headlock?

19 A. Everybody was fighting. They were all up against the  
20 side of the house. For lack of a better -- like everybody's  
21 sweaty.

22 Q. Sure. It's August in Charleston, right, at a -- seven  
23 o'clock at night.

24 A. Yeah, everybody's sweaty. Everybody had everyone at  
25 some point.

Shannon Gagnon - Cross-examination  
By Ms. Hensley

1 Q. Right.

2 So, your testimony is that everybody -- the -- in the  
3 beginning of the fight, everybody -- and I think you mean  
4 Tim, right?

5 A. (WHEREUPON, there was no audible response.)

6 Q. The young black fellow who was rapping on the bike,  
7 right?

8 A. (WHEREUPON, there was no audible response.)

9 Q. And then who else?

10 A. Whoever the two people were who jumped off their bikes.

11 Q. So two other -- and what did those people look like?

12 A. Just younger guys.

13 Q. Okay. Young, black guys?

14 A. Yes, ma'am.

15 Q. Okay. So Tim is the guy -- the white guy with no shirt  
16 on, right?

17 A. (WHEREUPON, there was no audible response.)

18 Q. And then three younger black males.

19 Is that right?

20 A. Yes, ma'am.

21 Q. And so they jump off their bike and immediately get in  
22 a fight up by the house --

23 A. Yes, ma'am.

24 Q. -- right?

25 And immediately all three of them are in a fight,



Shannon Gagnon - Cross-examination  
By Ms. Hensley

1 right?

2 A. It started one-on-one and then it turned into three on  
3 one.

4 Q. Up against the house?

5 A. Yes, ma'am.

6 Q. Okay. And at the point in the chaotic thing that was  
7 going on that Christina got physically involved, you were  
8 not present, correct?

9 A. No, ma'am.

10 Q. And when the fellow goes by on the bike singing with  
11 his headphones on, Tim says, I think you testified, yeah, no  
12 more of that shit?

13 A. No, it wasn't that he was singing with his headphones  
14 on. He had shouted something at Tim, and, yeah, then it was  
15 no more of that shit. No more of getting yelled at.

16 Q. Okay. And, and Tim was kind of aggressive about it,  
17 right?

18 A. I mean you would be too if you've gotten -- getting  
19 yelled at.

20 Q. Sure.

21 And that was sort of Tim's personality and nature,  
22 right?

23 A. I don't so much think so. Could be a little fiery to  
24 be a line cook of some, some sense. But he was from Denver.  
25 Just kind of a hippy, stoner dude.

Shannon Gagnon - Cross-examination  
By Ms. Hensley

1 Q. Okay. That's fair.

2 So, you didn't know him to be aggressive with people in  
3 the neighborhood?

4 A. No.

5 Q. And you, you didn't know him to, to be yelling at  
6 people off of -- to get off of his porch or any of that?

7 You never observed any of that during the time that you  
8 lived there?

9 A. The only time we've ever been yelling at people to get  
10 off the porch is when they're smoking blunts on your porch  
11 and you're trying to go work.

12 Q. Okay. I got you.

13 That wasn't the case to this day?

14 A. No, no, no, no, no. Not that day.

15 Q. And you go to work really early, right?

16 A. I do.

17 Q. I mean when you worked at Glazed, right?

18 A. Uh-huh.

19 Q. Cause Glaze opens early and then, unfortunately, you  
20 sell out really early.

21 So you have to get up early if you want to get Glazed  
22 too, right?

23 A. Definitely.

24 Q. Obviously familiar with Glazed. So --.

25 A. I see.

Shannon Gagnon - Cross-examination  
By Ms. Hensley

1 Q. And Glazed is down on King Street in the upper end,  
2 right?

3 A. (WHEREUPON, there was no audible response.)

4 Q. And Darling Oyster Bar's further up like past Calhoun  
5 or maybe not that far up?

6 A. Kind of closer to where we were living. It's a few  
7 blocks up the other way.

8 Q. Both of you kind of in the same direction. I got you.

9 And I think your testimony was that there were, in the  
10 picture with you and your dog, I think that was No. 56,  
11 there were bikes on the ground and everybody's fighting,  
12 right?

13 A. (WHEREUPON, there was no audible response.)

14 Q. And at no time from anybody during this interaction did  
15 you hear any racial slurs.

16 Is that correct?

17 A. No, ma'am.

18 Q. Thank you. Thank you, Ms. Gagnon. I appreciate it.

19 A. Thanks.

20 THE COURT: Anything at all?

21 SOLICITOR SIMPSON: Just briefly, Your Honor. Thank  
22 you.

23 REDIRECT EXAMINATION

24 BY SOLICITOR SIMPSON:

25 Q. In your direct, Ms. Gagnon, you, you talked about

Shannon Gagnon - Redirect examination  
By Solicitor Simpson

1 something shouted at him and he says no more of that shit  
2 and I asked you did he scream that at the person on the bike  
3 or did he sort of say that to you?

4 A. He was saying it to me and Christina.

5 Q. Okay. He didn't scream it at the guy?

6 A. No, he wasn't screaming it. I mean it -- obviously it  
7 was loud enough for somebody to hear. But he wasn't  
8 screaming it at anybody.

9 Q. Okay. And I believe in your direct you discussed the  
10 chaos of this sort of altercation and then you said I  
11 believe, and if this isn't your words, correct me, a, a  
12 moment of quiet where it seemed that everything was over?

13 A. Yeah.

14 Q. Can you just sort of illuminate on that a little bit  
15 for the jury?

16 A. I thought it was done. Like time stood still for a  
17 second.

18 Q. Then---

19 A. Nobody was hitting each other for a second. There's  
20 no---

21 MS. HENSLEY: Objection.

22 THE COURT: What's the objection?

23 MS. HENSLEY: Well, I -- maybe I just misunderstood the  
24 question. I thought Mr. Simpson, Simpson was asking her  
25 about during the time that she was upstairs or behind the

Shannon Gagnon - Redirect examination  
By Solicitor Simpson

1 trashcans or whatever. I don't, I don't know that --.

2 SOLICITOR SIMPSON: Oh, I can clarify that.

3 MS. HENSLEY: Okay. Thank you.

4 Q. Okay. So you had taken the dog up, right?

5 A. Uh-huh.

6 Q. Taken -- you'd come back down?

7 A. Yeah.

8 Q. You said, when you came back down, it was sort of in  
9 the middle of this melee or whatever you describe against  
10 the wall, right?

11 A. The melee had started before I brought the dog up.  
12 When I came back down, that's when I thought everything was  
13 kind of stopped. Like there's a little bit of yelling and  
14 then everybody stopped hitting each other for a second.

15 Q. Okay. And so there's a moment where it appeared to you  
16 that everything had -- was over?

17 A. I thought so.

18 Q. Okay. Nothing further.

19 THE COURT: Anything at all?

20 MS. HENSLEY: No. No, Your Honor.

21 THE COURT: Ma'am, you may step down. Please be  
22 careful.

23 Is she excused?

24 Counsel, is she excused?

25 SOLICITOR SIMPSON: Yes, Your Honor. Thank you, Your

Shakia Thomas - Direct examination  
By Solicitor Barber

1 Honor.

2 THE COURT: Ma'am, you're, you're excused from your  
3 subpoena. You may stay or go, wherever you choose.

4 THE WITNESS: Okay.

5 SOLICITOR BARBER: State calls Shakia Thomas.

6 THE COURT: Ma'am, come, come right up here.

7 THE CLERK: Please raise your right-hand and place your  
8 left-hand on the Bible.

9 SHAKIA THOMAS, being first duly  
10 sworn, testified as follows:

11 THE CLERK: Please be seated. Please state your full  
12 name spelling your last name and talk right into the  
13 microphone.

14 THE WITNESS: Shakia Thomas. My last name is  
15 T-H-O-M-A-S.

16 THE COURT: Ms. Thomas, you have a very soft voice. Do  
17 two things for me please. Number one, pull the microphone  
18 to adjust to, to suit you and please use your outside voice  
19 so we all can hear. They're recording.

20 Okay?

21 THE WITNESS: Yes, sir.

22 THE COURT: A little louder.

23 THE WITNESS: Yes, sir.

24 THE COURT: There you go. Thank you.

25 THE WITNESS: Okay.

Shakia Thomas - Direct examination  
By Solicitor Barber

1 THE COURT: Counsel.

2 THE WITNESS: Shakia Thomas.

3 SOLICITOR BARBER: Thank you, Your Honor.

4 THE WITNESS: My last name is T-H-O-M-A-S.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 DIRECT EXAMINATION

8 BY SOLICITOR BARBER:

9 Q. Good morning, Ms. Thomas.

10 A. Good morning.

11 Q. Can you please tell the jury how old you are?

12 A. 34.

13 Q. And where do you currently work?

14 A. Kudzu Staffing Agency, Burke High School.

15 Q. Where are you from?

16 A. Downtown Charleston.

17 Q. And have you always lived in downtown Charleston?

18 A. Yes, ma'am.

19 Q. Do you recall where you were living in 2019?

20 A. Yes, ma'am.

21 Q. And was that the downtown Charleston area?

22 A. Yes, ma'am, ■ Hanover Street.

23 Q. Now I want to take you to a specific day in 2019.

24 August 8<sup>th</sup> of that year.

25 Do you recall what happened that day?

Shakia Thomas - Direct examination  
By Solicitor Barber

1 A. Yes, ma'am, I---

2 Q. And what do you remember about that day?

3 A. Coming home with my kids and pulling up to my home and  
4 seeing an argument.

5 Q. I know you stated that you pulled up to your home.  
6 what kind of vehicle were you driving at the time?

7 A. A white Nissan Armada.

8 Q. I am showing you what has been entered as Exhibit 58.

9 Do you see the vehicle you were driving that day  
10 anywhere in this picture?

11 A. Yes, ma'am, it's parked behind my grandfather's car,  
12 the second -- not the first white car but the truck. Behind  
13 that.

14 Q. And that little monitor, it will allow you to mark on  
15 it. So, if you could, just circle it or point an arrow  
16 showing the jury which vehicle was yours.

17 A. (WHEREUPON, there was no audible response.)

18 Q. Thank you.

19 Now, you stated that you were -- arrived home with your  
20 kids and what did you see when you arrived home?

21 A. My neighbor unloading his U-Haul and arguing with a  
22 young man on a bike.

23 Q. Do you recall -- can you describe to the jury what the  
24 young man kind of looked like just based on what you can  
25 remember?



Shakia Thomas - Direct examination  
By Solicitor Barber

1 A. He was a young black male, younger than me, on a bike.

2 Q. And what about your neighbor?

3 what does he look like?

4 A. He was a -- he was a little taller than me, white male,  
5 maybe two years or three years older than me.

6 Q. About how long would you say -- the argument you  
7 mentioned, how -- about how long did that last?

8 A. I would say about two minutes to three minutes -- maybe  
9 two minutes before I got out my car.

10 Q. And what were you doing during that time?

11 A. I decided to sit in my car and listen to music with my  
12 kids before I took them out.

13 Q. Now, you said that you took them out.

14 what happened once you got out of the car?

15 A. I thought the argument was over. So, when I got out my  
16 car, no more than two seconds later I heard shots and  
17 started screaming and crying and ran to the front of my car  
18 to get my kids out.

19 Q. So, you said that you thought that the argument was  
20 over.

21 why did you think it was over?

22 A. It just seemed like everything had settled down and he  
23 started moving stuff out his truck. So I assume it was  
24 over.

25 Q. Was anyone else around at that time?

Shakia Thomas - Direct examination  
By Solicitor Barber

1 A. As I got out my car, there was someone riding by on a  
2 bike in the opposite direction.

3 Q. And---

4 A. He helped me get my kids out.

5 Q. Okay. And going back to your neighbor, how -- about  
6 how long had you known your neighbor?

7 A. I known my neighbor for about I want to say six months,  
8 seven months.

9 Q. And did you ever have any contact with him or --?

10 A. Yes, ma'am, he---

11 Q. And what was that like?

12 A. He played with my kids a lot. My kids loved him. We  
13 talked every time I came home. He would just sit out on his  
14 stoop, on his steps, and just sitting.

15 Q. Now, you stated you got out of the car and took your  
16 kids inside, heard the gunshots.

17 What happened after that?

18 A. After I heard the gunshots, I looked back and he was  
19 laying on the concrete -- well, on the steps full of blood.

20 Q. When you say he, who are you referring to?

21 A. My neighbor.

22 SOLICITOR BARBER: I have nothing further at this time,  
23 judge.

24 THE COURT: Thank you.

25 Counsel.

Shakia Thomas - Cross-examination  
By Ms. Hensley

1 MS. HENSLEY: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. HENSLEY:

4 Q. Good morning, Ms. Thomas.

5 A. Good morning.

6 Q. Is it Shakia?

7 A. Yes, ma'am.

8 Q. I think -- I always think it's funny in a courtroom  
9 when they ask you to spell your last name cause your name,  
10 like my name, it's the first name that's hard to spell,  
11 right, than pronounce?

12 A. Yes, ma'am.

13 Q. And my first name's Laree and my mother always thought  
14 it'd be easy to pronounce but it never has been. So, I'm  
15 Laree Hensley. I'm Shannon Johnson's lawyer.

16 So, so you lived, at, at this time, right there at 48  
17 Hanover, right?

18 A. Yes, ma'am.

19 Q. And it's kind of -- we can see from the picture but  
20 it's kind of catercorner from --

21 A. Direct---

22 Q. -- ■ Hanover?

23 A. Directly across.

24 Q. Directly across?

25 A. Straight across.

Shakia Thomas - Cross-examination  
By Ms. Hensley

1 Q. So your car's just parked behind, right?

2 A. Yes, ma'am.

3 Q. I was extremely impressed with your parallel parking  
4 skills.

5 A. Thank you.

6 Q. I would of never be able to park that Nissan Armada  
7 anywhere on that block.

8 So, so you were pulling in when you saw this argument  
9 taking place, right?

10 A. Yes, ma'am.

11 Q. But you did have your windows up and your air  
12 conditioning on, right?

13 A. Yes, ma'am.

14 Q. And the music going, right?

15 A. Yes, ma'am.

16 Q. So you couldn't actually hear what was being said.  
17 Is that fair?

18 A. No, I could hear an argument. I just turnt it up  
19 because I didn't want my kids to hear it.

20 Q. So you could hear the, the sounds of argument?

21 A. The sounds of an argument.

22 Q. Could you specifically hear what was being said?

23 A. No, ma'am.

24 Q. Okay. That's, that's -- that's what I was trying to  
25 figure out.

Shakia Thomas - Cross-examination  
By Ms. Hensley

1           Okay. So you get your car parked and you're just kind  
2 of waiting for a minute, right?

3 A.    Yes, ma'am.

4 Q.    And you said that there was a younger fellow on a bike,  
5 right?

6 A.    Yes, ma'am.

7 Q.    And he was younger than you, right?

8 A.    Seemed younger than me.

9 Q.    Younger than you?

10 A.    Yes, ma'am.

11 Q.    And, you know, I guess we're always polite. It's not  
12 nice to ask a woman her age but can you tell me how old you  
13 were in 2019?

14 A.    In 2019, I'm maybe 31.

15 Q.    31.

16           So, he was younger than that, right?

17 A.    (WHEREUPON, there was no audible response.)

18 Q.    And you said I think that he was -- Tim was taller than  
19 you, right?

20 A.    Yes, ma'am.

21 Q.    And maybe two or three years older than you?

22 A.    Yes, ma'am.

23 Q.    So you, you thought Tim was maybe around 33 or 34 -- 32  
24 or 33?

25 A.    I'm not exactly sure of his age but I do recall, when

Shakia Thomas - Cross-examination  
By Ms. Hensley

1 we talked a few times, he was older than me.

2 Q. Okay. I got you. That's fair.

3 And taller than you, right?

4 A. Yes, ma'am.

5 Q. So he's a pretty tall fellow, right?

6 Over 6-foot, right?

7 A. I don't know the exact height. I just know he was a  
8 little taller than me.

9 Q. How tall are you?

10 A. 5'5".

11 Q. And you said that the arguing went on for two or three  
12 minutes, right?

13 A. Yes, ma'am.

14 Q. And that it seemed like it stopped because Tim went  
15 back to moving stuff out of his truck.

16 Is that fair?

17 A. Yes, ma'am.

18 Q. And then when -- and I'm sure to have your children  
19 there and to hear gunshots, your immediate concern was on  
20 your children, right?

21 A. Yes, ma'am.

22 Q. But after I think the fellow on the -- a different  
23 fellow on a bike helped you get your kids in the house, you  
24 did run back over there, right?

25 A. That -- I'm sorry?

Shakia Thomas - Cross-examination  
By Ms. Hensley

1 Q. You -- after -- you ran over to 43 Hanover after the  
2 shots were fired, right?

3 A. No, I went to my yard, and when I saw the blood, I  
4 turned back around.

5 Q. So---

6 A. It was already scary. So I just didn't want to --.

7 Q. So you did not cross the street?

8 A. No, ma'am.

9 Q. You -- at no time did you cross over from ■ Hanover  
10 over to the sidewalk of ■ Hanover?

11 A. Not that I recall.

12 Q. Okay. That's fair.

13 I mean it's been a while and there was a lot going on  
14 and I'm sure your primary concern was on your children,  
15 right?

16 A. Yes, ma'am.

17 Q. And -- but you did see Tim laying on the steps?

18 A. Yes, ma'am.

19 Q. I think that's all the questions I have, Ms. Thomas.  
20 Thank you so much.

21 A. You welcome.

22 THE COURT: Anything at all?

23 SOLICITOR BARBER: Just briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY SOLICITOR BARBER:

Shakia Thomas - Redirect examination  
By Solicitor Barber

1 Q. Ms. Thomas, you've described to us what you recall from  
2 that day. You stated that you stayed in your car for a  
3 moment.

4 A. Yes, ma'am.

5 Q. Can you -- and why was that?

6 A. Because I saw the argument and it sounded kind of, kind  
7 of heated. I didn't hear the argument. But it was a --  
8 definitely an argument.

9 Q. And Ms. Hensley asked you about the air conditioner and  
10 you stated that you turned up the radio.

11 why did you do that?

12 A. Because I didn't want my kids to hear the argument. I  
13 grew up in that neighborhood. I just didn't want them to  
14 hear.

15 Q. So, after assessing the situation and kind of being  
16 aware of the situation, you stayed in the car be -- to be  
17 safe with your kids.

18 why did you get out of the car?

19 A. Because I assumed it was over. I thought the argument  
20 had been done with. I got out the car. No more than a few  
21 seconds after getting out my car, all I heard was gunshots.  
22 It seemed to be about four or five gunshots.

23 Q. You---

24 A. After that I panicked and got my kids out.

25 Q. And like Ms. Hensley said, your first concern was your



Shakia Thomas - Redirect examination  
By Solicitor Barber

1 kids?

2 A. Yes, ma'am.

3 Q. Thank you.

4 A. You welcome.

5 THE COURT: Anything at all?

6 MS. HENSLEY: Nothing further. Thank you.

7 THE COURT: Thank you.

8 Is she released?

9 SOLICITOR BARBER: Yes, Your Honor.

10 THE COURT: Ma'am, you may step down, please be  
11 careful, or you may stay or go. You are released from your  
12 subpoena.

13 THE WITNESS: Thank you.

14 THE COURT: Break?

15 Mr. Foreman, and ladies and gentlemen of the jury, as,  
16 as I promised you, we've run about 90 minutes or so. We've  
17 been here since the top of the hour but you've been here now  
18 a good hour and a half, 90 minutes or so. I don't like to  
19 break testimony but she's now finished. And before we call  
20 another witness, we're gonna take our morning break.

21 This will be a good solid 15, 18 minute break for you  
22 to refresh yourselves. Get some water, coffee, might be  
23 some crackers back there. If you need anything, Mr. Bailiff  
24 or Mrs. Bailiff will take care of whatever your needs might  
25 be.

1       Let me ask this and I hope the answer is no.

2       But is there a member of the jury who smokes and wants  
3 to smoke cause we can't do it in the courthouse?

4       (WHEREUPON, there was no audible response.)

5       THE COURT: Very good. Thank you for not smoking.

6       I was telling you, my law clerk gets tired of hearing  
7 this, it killed my sister at age 48. So, I'm glad nobody's  
8 smoking.

9       All right. Mr. Foreman, nobody talks about the case.  
10 It is certainly not at an end and, besides, you're on a  
11 break, you're working, and the last thing you want to do  
12 when you take a break is talk about work. So, go back and  
13 talk about the ballgame or something else fun.

14       Mr. Foreman, if you'll take the jury out, and when we  
15 come back, if you'll take her seat please.

16       (WHEREUPON, the following takes place outside the  
17 presence of the jury.)

18       THE COURT: We'll be in recess for about, about 10  
19 minutes past the hour. Ten minutes past the hour.

20       (WHEREUPON, a short recess was taken at this time.)

21       THE COURT: Everyone ready to go?

22       Let's see, let's see the lawyers. Come up.

23       (WHEREUPON, a bench conference was held at this time.)

24       THE COURT: We are back on the record and I believe  
25 defense counsel has a motion.

1 MS. HENSLEY: Yes, Your Honor.

2 At this time the defense would just move to -- and I, I  
3 believe the State consents for a sequestration order for the  
4 witnesses until they're released.

5 THE COURT: Any objections?

6 SOLICITOR BARBER: No objection from the State.

7 THE COURT: That's the order of the Court.

8 MS. HENSLEY: Except obviously of their case agent.

9 THE COURT: Right.

10 Okay. Anything else before I bring the jury back?

11 MS. HENSLEY: Nothing from me.

12 THE COURT: Ready for the jury?

13 Ms. Kelly, are you ready?

14 Hearing no objection, bring the jury.

15 You got to object if you want to --.

16 (WHEREUPON, the following takes place within the  
17 presence of the jury.)

18 THE BAILIFF: All jurors are present, Your Honor.

19 THE COURT: Thank you. Please be seated.

20 Ready to work, counsel?

21 SOLICITOR BARBER: Yes, Your Honor.

22 State calls Travis Scott.

23 TRAVIS SCOTT, being first duly  
24 sworn, testified as follows:

25 THE CLERK: Please be seated. Please state your full

Travis Scott - Direct examination  
By Solicitor Barber

1 name spelling your last name.

2 THE WITNESS: Travis Scott. S-O-C-T (sic). S-O-C-T.

3 THE COURT: Mr. Scott, if you would adjust the  
4 microphone please and I'm gonna ask you to use your outside  
5 voice so the jurors and all of us can hear you. These folks  
6 are recording.

7 THE WITNESS: Correct.

8 THE COURT: Thank you.

9 Counsel.

10 SOLICITOR BARBER: Thank you, judge.

11 DIRECT EXAMINATION

12 BY SOLICITOR BARBER:

13 Q. Good morning, Mr. Scott.

14 Can you state your age for the jury?

15 A. 41 years old.

16 Q. And where do you currently live?

17 A. North Charleston.

18 Q. Where were you living back in 2019 if you can recall?

19 A. In North Charleston.

20 Q. Do you remember the day of August 8<sup>th</sup> of 2019?

21 A. Yes, ma'am.

22 Q. And where were you that day?

23 A. On Hanover Street.

24 Q. And while in the area of Hanover Street, do you recall  
25 what happened, if anything?

Travis Scott - Direct examination  
By Solicitor Barber

- 1 A. All I seen was a fight.
- 2 Q. And when you saw the fight, what did you do?
- 3 A. Try to break it up.
- 4 Q. Okay. And in breaking up that fight or trying to break  
5 up that fight, did, did the parties fighting separate?
- 6 A. Yes.
- 7 Q. And do you remember what those people looked like?
- 8 A. Yeah, I know it was a white guy and a black guy.
- 9 Q. Okay. And did you, at any point, talk to law  
10 enforcement after this fight?
- 11 A. No.
- 12 Q. So, after you -- after you saw the fight, do you  
13 remember anyone else being around other than the parties who  
14 were arguing?
- 15 A. Several people -- several people been out, out there.
- 16 Q. Did you interact with any of the other people out  
17 there?
- 18 A. No. Nothing but a young lady.
- 19 Q. You said a young lady?
- 20 A. (WHEREUPON, there was no audible response.)
- 21 Q. And what involvement did you have with the young lady  
22 that day?
- 23 A. Nothing. I just helped her with her kids.
- 24 Q. Okay. And when you say you helped her with her kids,  
25 they were just in the area?

Travis Scott - Direct examination  
By Solicitor Barber

1           what were they doing when you --?

2   A.    I can't really recall.

3   Q.    You just helped her and---

4   A.    Yeah, I---

5   Q.    And when you say helped her, what did you help her do?

6   A.    I helped her get her, her kids to safety.

7   Q.    Okay. Do you, do you recall describing the people in  
8   the bike to law enforcement at all?

9   A.    No.

10   Q.   Not their physical characteristics or anything?

11   A.    No.

12   Q.    Did you know either of the parties?

13   A.    I know my brother -- I know a couple -- my brother was  
14   there. My cousin was there.

15   Q.    And the people who were arguing, did you know them  
16   personally?

17   A.    No.

18   Q.    But had you seen them in the neighborhood or around?

19   A.    Yes.

20           SOLICITOR BARBER: Okay. Beg the Court's indulgence.

21           THE COURT: Yes, ma'am.

22           (Pause.)

23   Q.    Mr. Scott, do you remember meeting with your attorney  
24   and a detective at your attorney's office?

25   A.    Yes, ma'am.

Travis Scott - Direct examination  
By Solicitor Barber

1 Q. And at that point were you shown a lineup?

2 A. Yes, ma'am.

3 Q. And do you remember identifying the person you saw in  
4 the argument?

5 A. Yes, ma'am.

6 Q. And when you identified them, how did you do that?

7 A. I can't recall.

8 Q. Did you -- so you said -- you mentioned you saw a  
9 lineup.

10 Did you mark on that page---

11 A. Yes.

12 Q. ---or anything of that sort?

13 A. Yes.

14 Q. And how -- what kind of marking did you make on that  
15 page?

16 A. A circle.

17 Q. And that indicated what?

18 A. That was the person that was out there.

19 Q. Thank you, Mr. Scott.

20 I have nothing further at this time, Your Honor.

21 THE COURT: Okay. Counsel.

22 MS. HENSLEY: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. HENSLEY:

25 Q. Good morning, Mr. Scott.

Travis Scott - Cross-examination  
By Ms. Hensley

1 A. Good morning.

2 Q. I'm Laree Hensley. I'm Shannon Johnson's lawyer.

3 A. Yes.

4 Q. We met briefly yesterday, right?

5 A. Yes, ma'am.

6 Q. So, you were out in the area of Hanover Street on the  
7 evening of August the 8<sup>th</sup>, 2019, right?

8 A. Yes, ma'am.

9 Q. And with you was your brother, Kendell, right?

10 A. Yes, ma'am.

11 Q. Is that right?

12 And your cousin, Densitty, right?

13 A. Yes, ma'am.

14 Q. I think maybe y'all were riding your bikes going to get  
15 some food or something?

16 A. Yes, ma'am.

17 Q. And you stopped when you saw an altercation going on --

18 A. Yes, ma'am.

19 Q. -- right?

20 And that altercation, I think in your interview with  
21 the detectives, you, you said you saw an altercation between  
22 a little young boy, right?

23 A. Yes, ma'am.

24 Q. And I -- is that the young black male?

25 A. Yes, ma'am.



Travis Scott - Cross-examination  
By Ms. Hensley

- 1 Q. And then a heavy set white male --
- 2 A. Yes, ma'am.
- 3 Q. -- right?
- 4 And you'd agree with me that the, the young fellow was
- 5 significantly smaller than the -- the young black fellow was
- 6 significantly smaller than the heavy white fellow, right?
- 7 A. Yes, ma'am.
- 8 Q. And the heavy fellow was being aggressive towards the
- 9 young black fellow, right?
- 10 A. Yes, ma'am.
- 11 Q. I mean about the time you come up, I believe the fight
- 12 is occurring on the opposite side of the street from 43
- 13 Hanover, right?
- 14 A. Yes, ma'am.
- 15 Q. Up kind of near those cars?
- 16 A. Yes, ma'am.
- 17 Q. And the heavy set white male has the young black male
- 18 in a headlock?
- 19 A. Yes, ma'am.
- 20 Q. And is punching him in the face?
- 21 A. Yes, ma'am.
- 22 Q. And you stopped to try to intervene to help the young
- 23 black male --
- 24 A. Yes, ma'am.
- 25 Q. -- right?

Travis Scott - Cross-examination  
By Ms. Hensley

1 I mean it never was y'all's -- your intention to gang  
2 the white guy, right?

3 A. No, ma'am.

4 Q. And you come up after this has already started --

5 A. Yes, ma'am.

6 Q. -- right?

7 And you'd agree with me, I mean some things went on,  
8 but the heavy set white male was being extremely aggressive,  
9 wasn't he?

10 A. Yes, ma'am.

11 Q. I mean in his voice, in his tone?

12 A. Yes, ma'am. But so much was going on I can't really  
13 grasp everything.

14 Q. I understand, and I understand it and, and there's a  
15 video. I'm just trying to get what you can remember from  
16 your impressions.

17 All of this happens fairly quickly, right?

18 A. Yes, ma'am.

19 Q. You remember though having an interaction with the  
20 young fellow where you handed him his hat?

21 A. Yes, ma'am.

22 Q. You remember that part?

23 A. Yes, ma'am.

24 Q. And even during that part, do you remember the heavy  
25 set white fellow coming along behind the black fellow while

Travis Scott - Cross-examination  
By Ms. Hensley

- 1 he was trying to get his bike out?
- 2 A. Yes, ma'am.
- 3 Q. And you tried to help him with that part too, right?
- 4 A. Yes, ma'am.
- 5 Q. And even after the gunshots, you were still kind of in
- 6 the area because you came up and helped Ms. Thomas with her
- 7 kids, right?
- 8 A. Yes, ma'am.
- 9 Q. And I think maybe you had seen the white fellow in the
- 10 neighborhood before, right?
- 11 A. Yes, ma'am.
- 12 Q. And in that same area of Hanover, whatever?
- 13 A. Yes, ma'am.
- 14 Q. walking his dog?
- 15 A. Yes, ma'am.
- 16 Q. But you didn't really know him?
- 17 A. No, ma'am.
- 18 Q. And did -- and hadn't had any interactions with him
- 19 where he'd personally been aggressive towards you?
- 20 A. No, ma'am.
- 21 Q. But you're more on age with him, right?
- 22 A. I don't know his age.
- 23 Q. would, would you guess that you're -- you're 41, right?
- 24 A. Yes, ma'am.
- 25 Q. And the young black fellow, he's certainly not your

Travis Scott - Cross-examination  
By Ms. Hensley

1 age, right?

2 A. Yes, ma'am.

3 Q. He's younger even than probably your brother and your  
4 cousin, right?

5 A. Yes, ma'am.

6 Q. And I know you-all met at your attorney's office,  
7 right?

8 A. Yes, ma'am.

9 Q. And did -- and it took a little while before you had a  
10 chance to sit down and tell the police about what you had  
11 seen, right?

12 A. Yes, ma'am.

13 Q. And that just was scheduling issues, right?

14 A. Yes, ma'am.

15 Q. I understand.

16 Just beg the Court's indulgence.

17 Just give me one second, Mr. Scott. I'm just trying to  
18 go through my notes.

19 THE COURT: Yes, ma'am.

20 Q. I guess when you met with Detective Wolfson you did  
21 identify some photographs, right?

22 A. Yes, ma'am.

23 Q. And I guess they were still photographs taken off of  
24 cameras that were around in a area, right?

25 A. That probably -- I don't know.

Travis Scott - Cross-examination  
By Ms. Hensley

1 Q. They showed you some pictures?

2 A. Yes, ma'am.

3 Q. And you looked at them, right?

4 A. Yes, ma'am.

5 Q. You didn't take any pictures?

6 A. No, ma'am.

7 Q. So you looked at her pictures and you were able to  
8 identify people like that's me, right?

9 A. Yes, ma'am?

10 Q. That's my brother?

11 A. Yes, ma'am.

12 Q. That's my cousin?

13 A. Yes, ma'am.

14 Q. That makes sense.

15 Thank you so much, Mr. Scott. That's all the questions  
16 that I have right now.

17 A. Yes, ma'am.

18 THE COURT: Anything at all?

19 SOLICITOR BARBER: Nothing further from the State, Your  
20 Honor.

21 THE COURT: Thank you.

22 Sir, you may step down. Please be careful.

23 Is he released?

24 SOLICITOR BARBER: Yes, Your Honor.

25 THE COURT: Any objection to release?

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 MS. HENSLEY: None at all.

2 THE COURT: Sir, you may stay or go. Your subpoena's  
3 expired.

4 Next witness is?

5 SOLICITOR SIMPSON: Mr. Ostendarp, Your Honor.

6 THE CLERK: Please raise your right-hand. Place your  
7 left-hand on the Bible.

8 ALEC OSTENDARP, being first duly  
9 sworn, testified as follows:

10 THE CLERK: Please be seated. Please state your full  
11 name spelling your last name.

12 THE WITNESS: Alec Ostendarp. O-S-T-E-N-D-A-R-P.

13 THE COURT: Sir, if you'd be kind enough to adjust the  
14 microphone and use your outside voice please.

15 THE WITNESS: Again?

16 THE COURT: Thank you. Yes, sir.

17 DIRECT EXAMINATION

18 BY SOLICITOR SIMPSON:

19 Q. Good morning, Mr. Ostendarp.

20 How are you?

21 A. Good.

22 How are you?

23 Q. I'm doing well. I just want to kind of introduce you  
24 here to the jury.

25 How old are you?

Alec Ostendarp - Direct examination  
By Solicitor Simpson

- 1 A. I'm 26.
- 2 Q. And where do you currently live?
- 3 A. Wilmington.
- 4 Q. Okay. Do you come down here for the purposes of your  
5 testimony today?
- 6 A. Yes.
- 7 Q. Thank you. We appreciate that.  
8 What do you do?
- 9 A. What do I do like for work?
- 10 Q. Yeah.
- 11 A. I work at Dick's.
- 12 Q. Is that a restaurant?
- 13 A. No, it's a sporting store.
- 14 Q. Oh, sorry. I get confused. I'll just leave that  
15 there.
- 16 So -- and what sort of educational background do you  
17 have?
- 18 A. College education.
- 19 Q. Okay. And where did you attend college?
- 20 A. College of Charleston.
- 21 Q. Okay. And where did you live in August of 2019?
- 22 A. ■ Hanover, Charleston, South Carolina.
- 23 Q. Okay. And if you could, just describe for the jury a  
24 little bit sort of the layout of ■ Hanover to help us  
25 (indiscernible).

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 A. I was on the top floor. It was a -- it was three  
2 different units and I was in the C unit upstairs.

3 Q. Okay. And did the C unit have a -- sort of a balcony  
4 to it?

5 A. Yes.

6 Q. And was that balcony on the second floor as well?

7 A. Yes.

8 Q. And you recall the incident that brings you here today.  
9 Is that correct?

10 A. Yes.

11 Q. And what were you doing on August the 8<sup>th</sup> of 2019,  
12 evening hours?

13 what -- best of your recollection.

14 A. I was on the porch with my dog.

15 Q. Okay. Nice day to the best that you can remember?

16 A. Yeah, I think so.

17 Q. Okay. Was your cellphone on you?

18 A. Yes.

19 Q. Okay. Did there come a point in time when you're  
20 hanging out with your dog on your porch that you notice  
21 something that grabbed your attention?

22 A. Yes, I heard a fight, like yelling at each other,  
23 people yelling at each other.

24 Q. Okay. Could you also see that fight from where you  
25 were positioned on your balcony?



Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 A. For the most part, yes. There's a U-Haul on the  
2 street.

3 Q. Okay. And looking down by the U-Haul and seeing this  
4 altercation, were you struck immediately that, that it was  
5 just very, very serious?

6 A. No.

7 Q. Okay. What was sort of your initial attitude seeing  
8 what was going on between these two individuals?

9 A. I just heard people yelling at each other. So I  
10 thought it was just a normal fight. Somebody was gonna get  
11 hit.

12 Q. Okay. Did you text anybody about it?

13 A. Yeah, I texted my friends and said like there's a  
14 fight.

15 Q. Okay. And then, you know, you had your cellphone on  
16 you.

17 what did you do then?

18 A. I started videotaping it.

19 Q. Okay. And then that was just sort of --?

20 A. That was cause I just thought somebody was gonna get  
21 hit.

22 Q. Okay. And did there come a point in time when you were  
23 videotaping this altercation that things changed from this  
24 might be something amusing to get on video to this is a  
25 serious situation?

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 A. Yeah, when I saw the gun.

2 Q. Okay. So, and were you videotaping at the point when  
3 you first noticed that there was a gun involved?

4 A. Yes.

5 Q. Okay. How did you respond to that sort of escalation  
6 of the situation?

7 A. I stopped videotaping and I tried to get my dog inside.

8 Q. Okay. And as you, you stopped videotaping, you're  
9 trying to get your dog inside, what happens?

10 A. Heard five gunshots.

11 Q. Okay. What happened after you -- what did you do after  
12 you heard the gunshots?

13 A. I got inside.

14 Q. Okay. Did there come a point in time where you felt  
15 safe enough to come back outside to your balcony?

16 A. Yeah, I think when the whole street was kind of taped  
17 off --

18 Q. Okay.

19 A. -- and I saw police walking down. So, I told them I  
20 had a video.

21 Q. Okay. So just to give a little more detail to that.

22 Did there come a point in time soon thereafter where  
23 the street -- where the police presence is obvious on that  
24 street?

25 A. Yes.

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 Q. Was it a response -- a big -- would you -- you know, I  
2 don't want to put words in your mouth but was it a big  
3 response?

4 A. Yeah, I would think so.

5 Q. Okay. And you said you saw an area that was cordoned  
6 off and taped off?

7 A. Yeah, I think it was the whole -- like the whole block.

8 Q. Okay. And so, in relation to this video you had on  
9 your phone, I think I cut you off there, what did you decide  
10 to do in relation to that?

11 A. I talked to a police officer and then I emailed it to  
12 him.

13 Q. Okay. So, you describe what you had just described for  
14 the jury to the police?

15 A. Yes.

16 Q. Did they express some interest in obtaining that video  
17 that you took on your cellphone?

18 A. Yes.

19 Q. And where did y'all decide was sort of the best and  
20 easiest way to relay that to them?

21 A. I emailed it to them.

22 Q. Okay. Did that officer give you a specific email  
23 address?

24 A. Yes.

25 Q. Okay. And did you email the video on your phone to

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 that officer?

2 A. Yes.

3 Q. And I forgot to ask you, you know, you take the video,  
4 put the dog in.

5 Did there come a time -- anytime where you took more  
6 video?

7 A. Yes.

8 Q. And when was that?

9 A. That was after.

10 Q. Okay. But that would just -- would not contain the  
11 events we're here to talk about. That's just sort of the  
12 response.

13 A. Yeah.

14 Q. Different pieces of the response?

15 A. Yes.

16 SOLICITOR SIMPSON: Okay. May I approach the witness,  
17 Your Honor?

18 THE COURT: Yes.

19 Q. I'm showing you what's been marked for ID only as  
20 State's 18.

21 A. Uh-huh.

22 Q. Do you recognize that exhibit?

23 A. Yes.

24 Q. And what is this exhibit, State's 18?

25 A. The videos that I took.

Alec Ostendarp - Direct examination  
By Solicitor Simpson

1 Q. Okay. And were you able to review those videos off of  
2 this exhibit?

3 A. Yes.

4 Q. And are those a fair and accurate copies of the video  
5 that you've described for this jury here today?

6 A. Yes.

7 SOLICITOR SIMPSON: Your Honor, at this point in time  
8 the State would seek to admit State's 18.

9 THE COURT: Any objections?

10 MS. HENSLEY: None, Your Honor. Thank you.

11 THE COURT: Without objection.

12 SOLICITOR SIMPSON: Thank you.

13 (WHEREUPON, State's Exhibit No. 18 was received into  
14 evidence at this time.)

15 SOLICITOR SIMPSON: Court's indulgence.

16 THE COURT: Yes, sir.

17 (Pause.)

18 Q. Mr. Ostendarp, thank you so much for your, your  
19 presence here today. I know you had to travel to be here.  
20 Answer any questions that Ms. Hensley has.

21 THE COURT: Counsel.

22 CROSS-EXAMINATION

23 BY MS. HENSLEY:

24 Q. Good morning.

25 A. Morning.

Alec Ostendarp - Cross-examination  
By Ms. Hensley

1 Q. Tell me again how to pronounce your last name.

2 A. Ostendarp.

3 Q. Ostendarp. I had taken some notes about this case, and  
4 when you got on the witness stand, I was like oh, I bet I  
5 didn't spell it right and I was trying to search a PDF. So,  
6 I just searched for O-S-T-E but I found you. So --.

7 Okay. So, on August the 8<sup>th</sup> you lived downtown at what  
8 address on Hanover?

9 A. [REDACTED] Hanover.

10 Q. [REDACTED].

11 A. C.

12 Q. [REDACTED]C?

13 A. Yes.

14 Q. So that was upstairs.

15 So you had a balcony and that's where you were when  
16 this all started---

17 A. Yes, ma'am.

18 Q. ---right?

19 And so I think -- was the first thing that brought your  
20 attention to this fight that hearing the female yelling?

21 A. Yes.

22 Q. And so, at that point, the, the point that you were  
23 alerted to the fight, was because of the yelling by the  
24 female, right?

25 A. Yes.

Alec Ostendarp - Cross-examination  
By Ms. Hensley

1 Q. And you thought, and I think you told the police, then  
2 you thought it was just a normal, everyday fight, right?

3 A. Yes.

4 Q. And you texted your girlfriend fight, fight, fight?

5 A. Yes.

6 Q. And then started recording, right?

7 A. Yes.

8 Q. Okay. And -- but during the actual shooting part you  
9 were inside, right?

10 A. For the shooting I was still on the porch.

11 Q. But not videoing?

12 A. Not videoing.

13 Q. I got you.

14 And you told the police you heard five or six shots,  
15 right?

16 A. Yes.

17 Q. And then that last video is just kind of the scene  
18 after, right?

19 A. Yes.

20 Q. And you testified that there was a big police presence,  
21 right?

22 A. Uh-huh.

23 Q. I mean it was -- the road was jam packed with police,  
24 right?

25 A. I wouldn't say jam packed but it was cordoned.

Alec Ostendarp - Cross-examination  
By Ms. Hensley

1 Q. And there were police cars at the top of Hanover,  
2 right?

3 A. Yes.

4 Q. All the way down to the, to the corner store on  
5 Hanover, right?

6 A. They were at each end.

7 Q. At each end?

8 A. Yes.

9 Q. And they cordoned that all off with that yellow crime  
10 scene tape like you see in the movies?

11 A. Yes.

12 Q. And, and there were many, many police officers out  
13 there.

14 Is that fair?

15 A. Yeah, that's fair.

16 Q. I mean that's a pretty crowded road.

17 You, you couldn't put too many police cars physically  
18 in it, right?

19 A. Right.

20 Q. I got you.

21 I mean people park on both sides and it's just kind of  
22 a small downtown street?

23 A. Uh-huh.

24 Q. Typical Charleston --

25 A. Yes.



Alec Ostendarp - Cross-examination  
By Ms. Hensley

1 Q. -- street and you had already graduated from College of  
2 Charleston then?

3 A. Yes.

4 Q. Just kind of in-between jobs?

5 A. Uh-huh.

6 Q. Yes?

7 A. Yes.

8 Q. I'm not trying to trick you.

9 A. You're fine.

10 Q. It -- it's hard to remember. I think it's just normal  
11 conversation.

12 And you didn't not see the events that took place  
13 before it caught your attention about the female yelling,  
14 right?

15 A. No.

16 Q. Okay. Thank you so much. I appreciate it.

17 A. You welcome.

18 THE COURT: Counsel, anything at all? .

19 SOLICITOR SIMPSON: Not of this witness, Your Honor.

20 THE COURT: Thank you.

21 Sir, you may step down. Please be careful.

22 Is he, is he released?

23 SOLICITOR SIMPSON: He is, Your Honor.

24 THE COURT: Any objection?

25 MS. HENSLEY: None, Your Honor.

Alec Ostendarp - Cross-examination  
By Ms. Hensley

1 THE COURT: Sir, your subpoena is expired. You may  
2 stay or go, whichever you choose.

3 SOLICITOR BARBER: State calls Tim Weber.

4 THE CLERK: Please raise your right-hand. Place your  
5 left-hand on the Bible.

6 TIM WEBER, being first duly  
7 sworn, testified as follows:

8 THE CLERK: Please be seated. Please state your full  
9 name spelling your last name.

10 THE WITNESS: My name is Timothy Weber. W-E-B-E-R.

11 THE COURT: Sir, adjust the microphone to suit yourself  
12 and please answer her questions.

13 Counsel.

14 DIRECT EXAMINATION

15 BY SOLICITOR BARBER:

16 Q. Mr. Weber, can you tell the jury how old you are?

17 A. I am 52 years old.

18 Q. And where do you currently work?

19 A. I work, I work for Keystone Shipping.

20 Q. Where do you live?

21 A. I live on South Street in Charleston.

22 Q. Do you recall where you were living in 2019?

23 A. I do.

24 Q. And where was that?

25 A. South Street. Same address in Charleston.

Tim Weber - Direct examination  
By Solicitor Barber

1 Q. Did you own any other properties at that time?

2 A. I owned several properties at that time.

3 Q. And where are those located?

4 A. In Charleston in, in, in -- on mostly on the east side  
5 including ■ Hanover.

6 Q. Do you recall the day of August 8<sup>th</sup> of 2019?

7 A. I do.

8 Q. And what do you remember about that day?

9 A. I remember specifically getting a phonecall from my  
10 sister who was living at ■ Hanover at the time about a  
11 murder or what a -- shots that were fired. So I immediately  
12 went to ■ Hanover and I was there probably two minutes  
13 after, you know, the shots were fired.

14 Q. And so just to clarify for the jury, you weren't there  
15 when those shots were fired?

16 A. I was not.

17 Q. So, once you got back to the residence on ■ Hanover,  
18 what did you do next?

19 A. I immediately pulled out my phone and looked at the  
20 surveillance footage that I had on a camera that was on a  
21 house.

22 Q. And how is the surveillance footage set up on the  
23 house?

24 A. Excuse me?

25 Q. How is it set up on the house?

Tim Weber - Direct examination  
By Solicitor Barber

1 A. I've got one camera pointed north and one camera  
2 pointed south.

3 Q. And I know that there are a few different --?

4 A. Off of the (indiscernible). I'm sorry.

5 Q. No, you're fine. I know they're a few different  
6 devices that do the surveillance.

7 Do you recall which one you had?

8 A. I have a Nest camera.

9 Q. So, after you reviewed that footage, what did you do  
10 after that?

11 A. I immediately showed it to the police.

12 Q. And did the police recover that footage from you?

13 A. Yes.

14 Q. And how did you get that, that footage to them?

15 A. It was later that evening. But a detective came to my  
16 house and I gave him my user name and password and he went  
17 in and, and got the footage off of the server.

18 Q. And at any point did you have to send the footage or  
19 did he just look at it from that user name and password?

20 A. He got it from the user name and password.

21 Q. I am showing you what has been premarked for  
22 identification purposes only as Exhibit 16.

23 Your Honor, may I approach?

24 THE COURT: Yes.

25 A. Yes.

Tim Weber - Direct examination  
By Solicitor Barber

1 Q. Do you recognize that?

2 A. Yes.

3 Q. And how do you recognize it?

4 A. You showed it to me a minute ago or earlier.

5 Q. And is that your signature?

6 A. It is.

7 Q. And do you know that -- what do know this to be?

8 A. It's a, a copy of the surveillance camera angle or the,  
9 the surveillance camera direction that it points.

10 Q. And justly to clarity for them, from the home at 52  
11 Hanover?

12 A. Yes, that's correct.

13 SOLICITOR BARBER: Your Honor, at this time the State  
14 moves to admit Exhibit 16 into evidence.

15 MS. HENSLEY: No objection, Your Honor.

16 THE COURT: Without objection, 16.

17 (WHEREUPON, State's Exhibit No. 16 was received into  
18 evidence at this time.)

19 SOLICITOR BARBER: Thank you, Your Honor. I have  
20 nothing further at this time.

21 THE COURT: Counsel.

22 MS. HENSLEY: I don't have any questions for Mr. Weber,  
23 Your Honor. Thank you.

24 THE COURT: Thank you.

25 Sir, you may step down. Please be careful.

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 Is he released from his subpoena?

2 SOLICITOR BARBER: Yes, sir.

3 THE COURT: Sir, you may stay or go. You are released  
4 from your subpoena.

5 SOLICITOR SIMPSON: Your Honor, the State at this time  
6 is gonna be calling Officer Christopher Freshman.

7 THE CLERK: Please raise your right-hand. Place your  
8 left-hand on the Bible.

9 CHRISTOPHER FRESHMAN, being first  
10 duly sworn, testified as follows:

11 THE CLERK: Please be seated.

12 THE WITNESS: Thank you.

13 THE CLERK: Please state your full name spelling your  
14 last name.

15 THE WITNESS: Sergeant Christopher Freshman.  
16 F-R-E-S-H-M-A-N.

17 THE COURT: Sir, if you'll adjust the microphone and  
18 keep your voice up please.

19 THE WITNESS: Yes, sir.

20 THE COURT: Thank you.

21 Counsel.

22 DIRECT EXAMINATION

23 BY SOLICITOR SIMPSON:

24 Q. Sergeant Freshman, good morning.

25 A. Morning.

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 Q. How are you doing today?

2 A. Doing well.

3 Q. If I could just introduce you to the jury and have you  
4 tell them a little bit about your background and where  
5 you're from.

6 A. Sergeant Chris Freshman. I been at the department  
7 since 2009. In law enforcement since '06. I've been a  
8 sergeant since 2018. Currently assigned to the range as our  
9 range master.

10 Q. Okay. And what was your best way to describe your job  
11 title in August of 2019?

12 A. So, in 2019 I was a patrol sergeant. I worked Team 2.  
13 Team 2 is everything south of Calhoun Street. And on that  
14 day I was working that night as well on second shift.

15 Q. Okay. And you said that day.

16 You're referring to August 8<sup>th</sup> of 2019?

17 A. Correct.

18 Q. Okay. Patrol sergeant, what's sort of -- what's sort  
19 of the duties and roles of a patrol sergeant?

20 A. So, depending on what team you work in, you have a  
21 certain amount of officers that work for you. You're  
22 basically helping them make the right decisions, coaching  
23 them and mentor, approving reports, responding to calls.  
24 Pretty much everything you think of.

25 Q. Okay. Is an emergency response a, a part of, of

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 what -- any patrol officer, particularly a sergeant?

2 A. Absolutely.

3 Q. Okay. And so by patrol, it's meant you're assigned an  
4 area, a specific area of town, and you're making sure  
5 everything's going okay and everybody's safe in that area?

6 A. Correct. Yes, sir.

7 Q. Okay. Is that fair?

8 And so you mentioned a specific time.

9 Did you have occasion, in that role as a patrol  
10 sergeant, to become involved in a, a shooting that took  
11 place at ■ Hanover on August 8<sup>th</sup>?

12 A. I did.

13 Q. And sort of describe for the jury what -- how that  
14 unfolded from your point of view.

15 A. So, like I said, I worked everything south of Calhoun  
16 Street. Earlier that evening we responded. I was helping  
17 Team 1, which is everything north of Calhoun Street, with a  
18 call at Sanders-Clyde Elementary School. We were there for  
19 an alarm or something. And while standing there, we heard  
20 several what sounded to me like gunshots or loud pops in the  
21 area. So we drove south and I -- the call came out as I was  
22 driving in that general location.

23 So, when I got to Hanover Street, that's when I noticed  
24 the victim was laying on the ground and some people were  
25 trying to give him CPR.



Christopher Freshman - Direct examination  
By Solicitor Simpson

1 Q. Okay. Do you exit your vehicle there on Hanover?

2 A. I did.

3 Q. Okay. And, again, that -- not to be repetitive but you  
4 get out and you approach ■ Hanover.

5 What's happening when you get there?

6 A. So, I get there and I see some individuals giving the  
7 victim CPR. His girlfriend, at the time, said that he had  
8 been shot.

9 Q. All right. I'm sorry. Let me just clarify something.  
10 Please don't mention anything that was -- any words that  
11 were stated to you. It's okay if you just mentioned---

12 A. I got it.

13 Q. ---you talked to somebody. But not any specific  
14 statements that were made.

15 A. Okay. It was alleged that he had been shot. So, I  
16 moved that individual away from that -- the, the gentleman  
17 on the ground because she was not helping the situation.  
18 Tried to get her away from that so I can try to get him some  
19 medical help.

20 Q. And was that person you're describing, is that  
21 Christina Colon?

22 A. That was.

23 Q. Okay. Did you -- again, you mentioned this but if you  
24 just talk a little bit about her, without saying anything  
25 she said, her sort of demeanor when you arrived there.

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 A. She was very frantic. When she did speak, it was loud  
2 and, and very troubled.

3 Q. Okay. Understandably so, right---

4 A. Right.

5 Q. ---due to the situation?

6 So you moved her away from sort of stoop there?

7 A. Correct. I pulled her away cause that's where the  
8 gentlemen was laying.

9 Q. Okay. Did you also go with her in -- into her  
10 apartment?

11 A. We did. She had a five year old at the time daughter  
12 and we wanted to go make sure that she was safe in the --  
13 she was in the bedroom at the front of the house.

14 Q. Okay. So she was safe?

15 A. Yes.

16 Q. Okay. Did you later come to learn what the status of  
17 the individual that was on the front stoop there?

18 A. The gentleman?

19 Q. Yes.

20 A. Yes, he had later was deceased from his wounds.

21 Q. Okay. And without going to any details whatsoever, can  
22 you also confirm, reviewing documentation that allows you to  
23 testify competently, that Ms. Christina Colon, the one you  
24 were speaking with, is no longer living as well?

25 A. I can.

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 Q. All right. So, she is, she is certainly deceased at  
2 this point?

3 A. Yes, sir.

4 Q. Okay. So, it sounds like you heard the shots and  
5 responded, right?

6 A. Yes, sir.

7 Q. So, it is fair to say that the police response in this  
8 situation was pretty quick?

9 A. It was. There were several of us up at the school  
10 which is just a few blocks away.

11 Q. Okay. Was it a response in force?

12 I mean a lot of -- did a lot of people -- units  
13 respond?

14 A. We had several units respond pretty quickly---

15 Q. Did you---

16 A. ---yes, sir.

17 Q. Did you stay on scene there for a while?

18 A. I stayed on scene for the duration of the call, yes,  
19 sir.

20 Q. Fair to say you were one of if not the first to arrive?

21 A. One of three first to -- yes, sir.

22 Q. One of three.

23 okay. A lot of other people obviously drawn to this  
24 area due to the, the incident?

25 A. There were a few people that came out of the houses or

Christopher Freshman - Direct examination  
By Solicitor Simpson

1 came out down the street, yes, sir.

2 Q. Okay. Officer Freshman, thank you for your testimony.

3 Please answer any questions Ms. Hensley has.

4 A. Yes, sir.

5 CROSS-EXAMINATION

6 BY MS. HENSLEY:

7 Q. Good morning, Officer Freshman.

8 A. Good morning, ma'am.

9 Q. Is it officer?

10 A. Yes, ma'am, or sergeant or --.

11 Q. Sergeant. I always get police ranks confused.

12 A. Yes, ma'am.

13 Q. I was in the Navy and I understand those ranks. But we  
14 don't have any sergeants. So, I just wanted to, to get it  
15 right.

16 Okay?

17 A. Yes, ma'am.

18 Q. So, Sergeant Freshman, on August the 8<sup>th</sup> you were  
19 down at Sanders-Clyde, right?

20 A. Yes, ma'am.

21 Q. And came straight to Hanover Street, right?

22 A. Yes, ma'am, down the street and had a -- plenty of  
23 turns cause of the one way streets.

24 Q. Right.

25 A. Right.

Christopher Freshman - Cross-examination  
By Ms. Hensley

1 Q. Downtown problem, right?

2 A. Yes, ma'am.

3 Q. So -- and while you're coming, you're getting  
4 information, even some descriptions and stuff, right?

5 A. From what I can remember, yes, ma'am. The call came  
6 out after I was already in route to it.

7 Q. Cause you got in the car when you heard the shots?

8 A. Yes, ma'am, we heard it, got in the car, and started  
9 driving that direction and the call came out.

10 Q. Which makes total sense.

11 And so, when you got there, I think Officer Harris was  
12 already there.

13 Is that right?

14 A. I don't think -- Harris?

15 Is, is there a first name on that, ma'am?

16 Q. Is it Tish maybe?

17 A. She was a detective. I think the first detective that  
18 arrived on scene much later.

19 Q. Okay. What it -- was it then Gault and Washington?

20 Are they the people---

21 A. So---

22 Q. ---who were there?

23 A. Yes, ma'am. Now, now Sergeant Gault and Officer  
24 Washington were both on scene as well.

25 Q. So -- and then -- and right at that about that's the

Christopher Freshman - Cross-examination  
By Ms. Hensley

1 same time you, you pull up, right?

2 A. Yes, ma'am.

3 Q. And so you -- and, at that time, you, you thought that  
4 the fellow had gotten shot on the steps, right?

5 A. Yes, ma'am.

6 Q. And you thought that because that's where the majority  
7 of the blood was, right?

8 A. Correct.

9 Q. And you'd had them move him down a little bit while  
10 they were doing the CPR?

11 A. Yes, ma'am, they couldn't do CPR on a step like that.

12 MS. HENSLEY: And -- beg the Court's indulgence.

13 THE COURT: Yes, ma'am.

14 (Pause.)

15 Q. And so you are assessing the situation, getting  
16 information, and giving information, right?

17 A. Yes, ma'am.

18 Q. And you're there for a long, long time, right?

19 A. For the majority of the evening, yes, ma'am.

20 Q. And -- I mean the -- it got dark and there was a lot of  
21 people doing crime scene things and all of that stuff there,  
22 right?

23 A. Yes, ma'am.

24 Q. And you were assisting in that too, right?

25 A. A little bit, yes, ma'am.

Christopher Freshman - Cross-examination  
By Ms. Hensley

1 Q. Maybe if you located something, dropping a piece of  
2 paper, so later, when they came back through, they could  
3 figure out where what you saw was, that kind of thing?

4 A. So instead of paper I'd put an officer at that  
5 location.

6 Q. I'm sorry?

7 A. Instead of putting paper down, we don't put index cards  
8 or paper down anymore.

9 Q. Right.

10 A. We just have, have an officer stand there --

11 Q. Oh, okay.

12 A. -- and make sure that part doesn't get disturbed.

13 Q. I understand.

14 So you -- you're sort of directing all those things,  
15 right?

16 A. Yes, ma'am.

17 Q. And you talked to several people out there that day,  
18 right?

19 A. Yes, ma'am, I believe so.

20 Q. Maybe the upstairs neighbor, Shannon?

21 A. Very briefly.

22 Q. But all of that stuff was on your body cam?  
23 You had on a body cam?

24 A. Yes, ma'am, I did.

25 Q. I said when, when they called you to testify I was glad

Christopher Freshman - Cross-examination  
By Ms. Hensley

1 they said your name cause everything I'd seen about you was  
2 on your body cam.

3 So, I couldn't see your face, right?

4 A. Right.

5 Q. Most of these pictures -- folks I recognize but --.

6 And y'all were looking for casings and things like  
7 that, right?

8 A. Yes, ma'am, different pieces of evidence.

9 Q. Right.

10 Just normal stuff you would do when you're  
11 investigating the shooting --

12 A. Correct.

13 Q. -- right?

14 And it's fair to say that Ms. Colon was loud?

15 A. Very loud, yes, ma'am.

16 Q. And frantic?

17 A. Very much.

18 Q. And troubled and that's all just what you would expect  
19 to see in a reaction to this, right?

20 A. Yes, ma'am.

21 Q. But she's not even really responsive to your  
22 directions, right?

23 A. From what I can remember, no, ma'am. I don't think she  
24 was.

25 Q. Thank you. I appreciate it, Sergeant Freshman. Thank



Christopher Freshman - Cross-examination  
By Ms. Hensley

1 you.

2 A. Yes, ma'am.

3 THE COURT: Anything?

4 SOLICITOR SIMPSON: Nothing, Your Honor.

5 THE COURT: Thank you.

6 Is he released?

7 SOLICITOR SIMPSON: He, he can, yes.

8 THE COURT: Any objection?

9 MS. HENSLEY: None.

10 THE COURT: Sergeant, you may step down. Thank you.

11 Please be careful. You are released from your subpoena.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Thank you.

14 SOLICITOR SIMPSON: Your Honor, at this time the State  
15 calls Ashliegh Wojslawowicz.

16 THE CLERK: Please raise your right-hand. Place your  
17 left-hand on the Bible.

18 ASHLIEGH WOJSLAWOWICZ, being first duly  
19 sworn, testified as follows:

20 THE CLERK: Please be seated. Please state your full  
21 name spelling your last name.

22 THE WITNESS: Ashliegh Wojslawowicz.

23 W-O-J-S-L-A-W-O-W-I-C-Z.

24 THE COURT: Ma'am, if you'll keep your voice up please.

25 THE WITNESS: Absolutely.

Ashliegh Wojslawowicz - Direct examination  
By Solicitor Simpson

1 THE COURT: Thank you.

2 Counsel.

3 SOLICITOR SIMPSON: Thank you.

4 DIRECT EXAMINATION

5 BY SOLICITOR SIMPSON:

6 Q. Ms. Wojslawowicz, is it okay if I call you Ashliegh?

7 A. That is fine, yes.

8 Q. All right. Thank you.

9 Can you describe a little bit to the jury what is it  
10 you do for a living?

11 A. Of course. I am a master crime scene investigator.  
12 So, my duties involve responding to different types of crime  
13 scenes for the purpose of locating, documenting, collecting,  
14 and preserving forensic evidence.

15 Q. Okay. And what kind of education -- let's start there.  
16 What kind of educational background do you have?

17 A. I possess a bachelor of science in criminal justice  
18 with a minor in psychology, a master of science in criminal  
19 justice, and a doctorate of education with an emphasis in  
20 organizational leadership.

21 Q. And does that job as a master crime scene investigator  
22 also involve sort of a continuing education component?

23 A. Yes, it does.

24 Q. Is it the type of field where you're sort of always  
25 learning?

Ashliegh Wojslawowicz - Direct examination  
By Solicitor Simpson

1 A. Absolutely, yes.

2 Q. Okay. And if you could just recount, to the best of  
3 your recollection for this jury, sort of some of that  
4 ongoing education and training that you've received  
5 throughout your career?

6 A. Of course. So, upon entering the field, you are given  
7 400 hours of in-service training. But that is just the  
8 starting point. From there you pursue certification in  
9 crime scene investigation through the International  
10 Association for Identification.

11 So, I am a certified senior crime scene analyst which  
12 is the highest tier you can obtain. I also have  
13 approximately several hundred hours of various trainings to  
14 include death investigations, property crime, violent crime,  
15 as well as a subject matter expert for the National Center  
16 for Biomedical Research and training. I'm also an adjunct  
17 profession for Trip McCollum (phonetic) University.

18 Q. Okay. Well, that's a good segue to my next question  
19 which is having obtained sort of the profession level that  
20 you've obtained, is, is teaching other people also a part of  
21 your job?

22 A. Absolutely, yes.

23 Q. Okay. And where have you done that?

24 A. Through Louisiana State University, I'm a subject  
25 matter expert and instructor for them. So I have instructed

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1 first responders and crime scene personal, both domestic and  
2 international, on several occasions. I am a trainer for our  
3 crime scene unit. So, all new hires who come into our  
4 department for the crime scene position, I, I facilitate  
5 their training and make sure that they have a understanding  
6 of the field that is necessary for that to include hosting  
7 other trainings and lectures both state and throughout the,  
8 the nation.

9 Q. And I'll ask you sort of a silly question that I think  
10 is probably impossible to answer, but how many actual  
11 on-the-job crime scenes do you think you've responded to in  
12 your career?

13 A. I can, I can estimate, being with the department for  
14 about 12 years at this point, easily five or six hundred.

15 Q. Okay. And just if you could, just recount, to the  
16 degree you haven't heard already, your history with CPD and,  
17 and what you've done through that, that period of time?

18 A. Of course. So I have been with the department for 12  
19 years. I came on in January of 2011. At that time I was a  
20 crime scene investigator, which is your basic level of  
21 first -- secondary responder. Throughout that I continued  
22 my education as well as my training in the field to where I  
23 received promotion to the master crime scene position, which  
24 is a -- consider it the equivalent of a road sergeant. So I  
25 have a team that is under me and I manage that team and

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1 provide leadership and training for them.

2 In addition to that, I've served on several committees  
3 conducting research, evaluating forensic science procedures,  
4 et cetera.

5 Q. And have you ever testified in court before related to  
6 that particular field?

7 A. Yes, I have.

8 Q. Okay. And just approximately how many times?

9 A. Approximately 35 to 40.

10 Q. Okay. You've mentioned a phrase secondary responder.  
11 Can you describe for the jury sort of what you meant by  
12 that?

13 A. So, when we use the term first responder, that is  
14 referring to the individuals that would be one of the first  
15 on scene. So that would be your, your firefighters, your  
16 EMS, your police officers.

17 For myself, because I'm a crime scene investigator, I,  
18 I am considered a secondary responder. So that means that  
19 other individuals have responded to the scene first, and  
20 based upon what they have observed or what they know, they  
21 then contact myself and then I show up.

22 Q. Okay. And explain to the jury what -- just how you  
23 conduct yourself in your standard sort of response to a  
24 crime scene.

25 A. Standard operating procedure for a forensic response

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1 would include first arriving to the scene and meeting with a  
2 individual, whether that being the highest ranking officer  
3 or command officer on scene, a detective, or a -- one of the  
4 first responding officers. I facilitate a debriefing. They  
5 give me the information that is relevant to my investigation  
6 at the time. And then, with that information, then I  
7 conduct a -- an overall observation, a walk through of the  
8 scene, to do an assessment of what is there on the scene.

9 Q. Okay. And is sort of documenting the scene as you find  
10 it an important part of any crime scene investigation?

11 A. Yes, it is.

12 Q. And how do you typically document a scene?

13 A. More often than not that is through photographs.  
14 Documentation can also be video. It can be handwritten  
15 notes. It can be sketches. But for this particular  
16 instance, it's referring to photographs and video.

17 Q. Okay. And so to this particular incident, do you  
18 recall responding professionally to the area of ■ Hanover  
19 Street on August the 8<sup>th</sup> of 2019?

20 A. I do.

21 Q. Okay. And how did you proceed in that -- at that  
22 scene?

23 A. Once when I arrived on scene I met with the command  
24 staff officers as well as several of the sergeants who were  
25 already on scene and conducted that briefing of what they

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1 had observed on scene.

2 Q. And without?

3 A. And---

4 Q. I'm sorry to interrupt you but without---

5 A. Of course.

6 Q. ---going into anything specifically that was told to  
7 you by another, were you made aware that this did involve an  
8 alleged shooting?

9 A. Yes, I was.

10 Q. Okay. So what are some items you might be looking for  
11 in a response to a shooting?

12 A. First off I'm looking for scene security to make sure  
13 that the scene has been well preserved and maintained.  
14 That -- and then also with the, the assumption of a shooting  
15 having occurred, we're looking for firearm related evidence.  
16 So --.

17 Q. Okay. And you say you're documenting the scene as you  
18 find it.

19 But in a, in a public place, were, were -- were you  
20 aware that EMS had also responded?

21 A. Yes.

22 Q. And that there were other individuals in the area when  
23 this incident occurred?

24 A. Yes.

25 Q. As well as a pretty robust patrol officer response?

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1 A. Yes.

2 Q. All right. So, you're, you're preserving the scene as  
3 best you can.

4 But it's fair to say that -- highly possible that the,  
5 the scene could of been disturbed by any of those previous  
6 factors?

7 A. Yes. My documentation, my observations are done to  
8 capture the scene as it is at the time of my response.

9 Q. Okay. And you had mentioned sort of some of the things  
10 you would, you would be looking for to document in the  
11 shooting.

12 Did you -- were you directed to or did you locate any  
13 of those things in this case?

14 A. Yes, I was.

15 Q. And what, what sort of relevant items did you document?

16 A. I documented -- located and documented five fired  
17 cartridge casings.

18 Q. Okay. And you mentioned that -- (indiscernible) piece  
19 of important part of this documentation process?

20 A. Yes.

21 Q. And I'm gonna hand you what's been marked for ID only  
22 at this point as State's 33 through 51.

23 If you can just take just a couple minutes to peruse.

24 A. Uh-huh.

25 Q. ---those exhibits.



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1 A. Yeah.

2 Q. Do you recognize State's 33 through 51?

3 A. Yes, I do.

4 Q. And what are they?

5 A. These are photographs of the scene that I conducted  
6 that night.

7 SOLICITOR SIMPSON: Okay. Your Honor, at this point in  
8 time the State would seek to admit 33 through 51.

9 THE COURT: Any objection?

10 MS. HENSLEY: Without objection.

11 THE COURT: Without objection, 33 through 51 are in.

12 (WHEREUPON, State's Exhibit Nos. 33 through 51 were  
13 received into evidence at this time.)

14 Q. Ashliegh, I'm gonna sort of have you document --  
15 recount for the jury sort of how you processed this scene.  
16 But I think it'd be helpful to just use the photographs one  
17 at a time and have you describe these to the jury.

18 A. Sure.

19 Q. I show you what's been marked and entered as State's  
20 33. You mentioned the first sort of priority is making sure  
21 the scene is secure.

22 could -- would this photograph help you sort of  
23 describe what you're talking about here?

24 A. Yes, it would.

25 Q. So, in, in what ways are you, you observing here if the

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1 scene has been secured upon your arrival?

2 A. So, specifically in this image, this is the general  
3 area of where the primary crime scene was located. So  
4 specifically you see the yellow barrier tape that is  
5 surrounding what is considered that in -- primary scene.

6 Q. And the primary scene was in front of what address?

7 A. 43 Hanover.

8 Q. And do you know where ■ Hanover is in that?

9 A. Yes. So ■ Hanover is right there.

10 Q. Okay. When you locate an item that may have some  
11 relevance to a crime, how do you sort of mark that to let  
12 everybody know and this is where something is?

13 A. In order to identify those items of interest, yellow  
14 evidence markers are placed next to that item and then  
15 photographed.

16 Q. I show you what's entered as State's 34.

17 Do you see any of those markers you're referring to  
18 here?

19 A. Yes, you can.

20 Q. Okay. And are they, they the -- they're what color?

21 A. Yellow.

22 Q. I don't know if you can see that on your screen but  
23 what numbered marker are these?

24 A. So in, in this image you can see Marker 1, 2, 3, and  
25 then 4 is right here slightly obscured.

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1 Q. I didn't even see four. That's why you're a better  
2 investigator than me.

3 35, you mentioned a, a couple of items there.

4 what do you, what do you see here?

5 A. All right. This is just a different vantage point.

6 So, again, we see Marker Number 3 and then Marker Number 4  
7 right in front of that U-Haul truck.

8 Q. Okay. Do -- let me pause there for a minute.

9 As part of your training and experience that you've  
10 already recounted for the jury, does that include some sort  
11 of, of basic general knowledge about firearms --

12 A. Yes, it does.

13 Q. -- and how they function?

14 A. Yes.

15 Q. what -- how does the re -- what's the distinction  
16 between, if you, if you feel comfortable answering it, a  
17 revolver and an automatic firearm?

18 A. So, the most obvious distinction between the two types  
19 of firearms would be involving the cartridge casing and how  
20 it is ejected or if it's not ejected from the firearm once  
21 discharged.

22 Q. Okay. So what happens to the -- first of all, what is  
23 a cartridge casing?

24 A. A cartridge casing is a metal component that holds the  
25 propellant, the primer, and the bullet when we're referring

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1 to firearm ammunition.

2 Q. Okay. And what -- explain a little bit the mechanics  
3 of a, of a -- of that cartridge casing with the projectile  
4 being fired.

5 what happens when a bullet is triggered?

6 A. So, for what you're referring to, for an automatic or a  
7 semiautomatic handgun, that cartridge casing, once when the  
8 firearm is discharged, that casing will be ejected from the  
9 handgun in order for the next unfired bullet to load for  
10 discharging. If we were speaking of a revolver, that casing  
11 remains within the cylinder. It does not automatically  
12 discharge. You would have to manually open and empty it in  
13 order to reload.

14 Q. Okay. So in an automatic, the shell casing is ejected  
15 from the firearm.

16 In your training and experience, can that travel some  
17 distance?

18 A. It, it can, yes.

19 Q. Okay. And so in a revolver it wouldn't be ejected. In  
20 an automatic it gets ejected and travels some distance.

21 A. Generally, yes.

22 Q. And if it hits a surface, it can bounce, right?

23 A. Yes.

24 Q. Roll?

25 A. Yes.

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By Solicitor Simpson

1 Q. Going back -- showing State's 36, you earlier indicated  
2 a, a Evidence Marker 1.

3 Is that the same marker?

4 A. Yes, it is.

5 Q. And what is that marking?

6 A. This is depicting a, a silver in color fired cartridge  
7 casing.

8 Q. Same thing?

9 A. Yes, this is a closer photograph of the same item.

10 Q. Evidence Marker -- I mean -- I'm sorry. State's 38.

11 A. This is a gold in color fired cartridge casing.

12 Q. Okay. And that's probably a good transition for us to  
13 that -- for me to ask you about would you have noted sort of  
14 the brand of the, of the cartridge casing or any markings on  
15 them?

16 A. Yes, the brand or marking would be located on the head  
17 stamp.

18 Q. Okay. That -- is that just the part where the pin  
19 hits?

20 A. Yes, that -- that's where the pin hits the, the casing.

21 Q. And even, even only at number two, did you make any  
22 observations regarding the consistency of color, brand,  
23 markings on these shell casings?

24 A. I did.

25 Q. And what was that?

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By Solicitor Simpson

1 A. I did note there was some -- a variety in color but the  
2 caliber of the cartridge, cartridges were similar.

3 Q. Okay. And just being cautious. I'm sure I'm boring  
4 some of those (indiscernible) that know about firearms.

5 But for those that don't, what is a caliber?

6 A. The caliber essentially is the size of the projectile.  
7 So those vary in different millimeters across -- from the  
8 barrel when it is discharged. But it's, it's essentially  
9 the size.

10 Q. And so one gun would, with some very small exceptions,  
11 would one gun fire generally the same caliber of, of bullet?

12 A. Correct.

13 Q. You said---

14 A. The, the caliber of the, the firearm would correlate to  
15 the caliber of the ammunition.

16 Q. Okay. And, generally speaking, would a gun of one  
17 caliber be able to fire a bullet with a---

18 A. Generally, no.

19 Q. Okay. So, we -- you, you just took -- number two for  
20 one and two were seeing a consistency in caliber even though  
21 there's an inconsistency in what I'll call brand.

22 Is that fair?

23 A. Yes.

24 Q. Moving onto Number 3.

25 A. This is a silver in color fired cartridge casing.

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By Solicitor Simpson

1 Q. And that was Evidence Marker 3, State's 39.  
2 State's 40.

3 A. This is a gold in color fired cartridge casing.

4 Q. Okay. And what would have been done with those four  
5 cartridge casings after you photographed for yourself?

6 A. Once when they were photographed, they would be  
7 measured to note their location and then collected by  
8 myself.

9 Q. Okay. And we're talking about four shell casings --  
10 cartridge casings.

11 Is that correct?

12 A. Yes.

13 Q. Okay. Something -- was anything a little bit different  
14 about the --?

15 A. Yes, a fifth casing was located. However, it was  
16 underneath one of the parked vehicles.

17 Q. I'm showing you State's 41.

18 What is that?

19 A. This is a black Chevrolet that was parked right at the,  
20 the border of that primary scene.

21 Q. And if you look between the two tires under sort of the  
22 running board there, is there -- it's a little fleshed out  
23 but is there something on the pavement there?

24 A. Yes. So right in this area.

25 Q. Okay. And what is that?

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By Solicitor Simpson

1 A. would be a fired cartridge casing.

2 Q. Okay. It -- was the paper placed to sort of document  
3 the location under the car of the casing?

4 A. Yes.

5 Q. State's 42.

6 A. All right. So in this image you can see where that  
7 piece of paper was, and further back underneath the vehicle,  
8 that is where the cartridge casing was located.

9 Q. Okay. And how did you go about taking a picture of  
10 that to document an actual casing?

11 A. Well, first, the casing was photographed as it was, was  
12 first observed in that image and then we were able to locate  
13 the driver of that vehicle who moved the vehicle for us so  
14 we could further document and get measurements and  
15 photograph with it an evidence marker.

16 Q. State's 43.

17 A. So this is an image after that vehicle had been moved  
18 forward without disturbing the, the Casing Number 5. And so  
19 this vantage point is showing Evidence Marker 4 and in  
20 relationship to Evidence Marker 5, which is right there.

21 Q. 44.

22 A. This is a mid range photograph of Evidence Marker 5  
23 with that shell casing.

24 Q. And, again, this, this vehicle has just been rolled  
25 forward, right?



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By Solicitor Simpson

- 1 A. Correct.
- 2 Q. All right. And 43.
- 3 A. And this is a closer up photograph of that same casing.
- 4 Q. So, did we see any additional variation in the brand
- 5 with the different -- as we, you know, aside from the 1, 2,
- 6 and the 3, 4, and 5?
- 7 A. Yes, the, the branding did vary between the casings.
- 8 Q. Okay. But all, all of the same caliber?
- 9 A. Correct.
- 10 Q. And what was that caliber?
- 11 A. .40 caliber.
- 12 Q. All right. Showing you what's been marked for ID only
- 13 as of this point is State's 52. If you would, just look
- 14 inside that and note the markings on the exterior.
- 15 A. Uh-huh.
- 16 Q. Are you able to confidently identify as State's 52 for
- 17 ID only.
- 18 A. Yes.
- 19 Q. And what is State's 52?
- 20 A. Yes, these are the cartridge casings that I collected
- 21 from the scene.
- 22 Q. Okay. And is that a container containing all five of
- 23 the cartridge casings?
- 24 A. Yes, it is.
- 25 Q. Okay. What do you do once you collect something from

Ashliegh Wojslawowicz - Direct examination  
By Solicitor Simpson

1 the crime scene?

2 A. Once the evidence is collected, it is sealed in a  
3 secure packaging and initialed and what we call voucher. We  
4 create that chain of custody in order to track the item.

5 Q. Okay. And where do you take it when you're -- after  
6 it's collected?

7 A. Once when it is sealed and vouchered, it is submitted  
8 to our evidence unit.

9 Q. And is the evidence unit a secure storage facility?

10 A. Yes, it is.

11 Q. Okay. And, again, it's packaged and sealed is the  
12 intention there so it would be obvious if anybody had messed  
13 with that evidence in any way?

14 A. Correct. Yes.

15 Q. Okay. And you -- and is that done for the purposes of  
16 maybe later analysis and testing?

17 A. Yes.

18 Q. Okay. Does -- there became unique markings on each of  
19 those -- each, each of that packaging that allows one to  
20 look at it and know immediately which one is which and what  
21 they're referring to.

22 A. Yes. In, in the method of packaging, we are able to  
23 differentiate which item is, is in each container. So, for  
24 example, here we have the smaller boxes. Each round was  
25 placed into one box and identified by its item number and

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By Solicitor Simpson

1 then these are individually sealed. Together these are then  
2 placed into a secondary envelope which is where our label  
3 information and our seal is placed again.

4 SOLICITOR SIMPSON: Your Honor, at this point in time  
5 the State would seek to admit State's 52.

6 THE COURT: Any objection?

7 MS. HENSLEY: None. No objection, Your Honor.

8 THE COURT: 52 is admitted.

9 (WHEREUPON, State's Exhibit No. 52 was received into  
10 evidence at this time.)

11 Q. You mentioned that the central location of this crime  
12 scene was what address again?

13 A. 43 Hanover Street.

14 Q. Did you also investigate and document sort of the area  
15 of the doorway at 43 Hanover Street?

16 A. Yes, I did.

17 Q. And what led to documenting that area?

18 A. The observation of a red, red like substance that were  
19 present on the stairs, the door, the doorframe, and the  
20 sidewalk of that area led the attention to that specific  
21 area.

22 Q. Okay. I'm showing you State's 46.

23 what residence is this?

24 A. This is a photograph of 43 Hanover Street.

25 Q. State's 47 is the same?

Ashliegh Wojslawowicz - Direct examination  
By Solicitor Simpson

1 A. Similar image of the same location.

2 Q. State's 48, is this the substance you were just  
3 describing?

4 A. Yes. Yes, this is the red blood like staining that was  
5 present in that front stairway/doorway area.

6 Q. State's 49.

7 A. And this is a photograph of that same doorway. But  
8 this is walking up a couple of those steps right there  
9 that -- at that landing.

10 Q. State's 50.

11 A. This is a -- another photograph of that same area. But  
12 in the back right corner there was a -- what appeared to be  
13 a fired projectile.

14 Q. Okay. And could you -- at the risk of being redundant,  
15 explain again to the jury the difference between the shell  
16 casings and the projectile.

17 what is -- what part of the bullet is the projectile?

18 A. So, the projectile is what is projected out from the,  
19 the firearm. You would call it a bullet.

20 Q. And State's 51, Evidence Marker 9, what is that?

21 A. This is a closer up photograph of that same item, the  
22 fired projectile.

23 SOLICITOR SIMPSON: May I approach the witness, Your  
24 Honor?

25 THE COURT: Yes.

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By Solicitor Simpson

1 Q. I'm showing you what's been marked as State's Exhibit  
2 60. I don't believe that's been opened.

3 But do the exterior markings and labeling in State's 60  
4 allow you to confidently identify what is inside of that  
5 packaging?

6 A. Yes, it does.

7 Q. And what is inside of that packaging?

8 A. So, this is the pack -- the sealed packaging for the  
9 fired projectile.

10 Q. Again, is that the fired projectile found right  
11 there -- right there inside of the, the stoop of 43 Hanover?

12 A. Yes, it is.

13 SOLICITOR SIMPSON: Your Honor, at this point in time  
14 the State would seek to admit State's 60 into evidence.

15 THE COURT: 60.

16 MS. HENSLEY: I'm sorry.

17 Did he say 60?

18 SOLICITOR SIMPSON: 60, yes. 6-0. It's---

19 MS. HENSLEY: I, I just didn't have it on my list. So  
20 --.

21 SOLICITOR SIMPSON: I think that I just handwrote it.

22 MS. HENSLEY: Oh.

23 Okay. Without objection, Your Honor.

24 THE COURT: Without objection.

25 (WHEREUPON, State's Exhibit No. 60 was received into

Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1 evidence at this time.)

2 SOLICITOR SIMPSON: Court's indulgence.

3 THE COURT: Yes.

4 (Pause.)

5 Q. Thank you so much, Ms. Wojslawowicz, Wojslawowicz.

6 Please answer any questions that Ms. Hensley has for you.

7 A. Of course.

8 CROSS-EXAMINATION

9 BY MS. HENSLEY:

10 Q. Good afternoon. Tell me one more time how to say it.

11 A. Wojslawowicz.

12 Q. Wojslaw -- Ms. -- Doctor Wojslawowicz, right?

13 A. Yes.

14 Q. Okay. I'm Laree Hensley. I'm Shannon Johnson's lawyer  
15 I tried to write it down phonetically and then so much time  
16 went past I was like --.

17 A. It's fine.

18 Q. I still can't remember.

19 So, you got to the scene on August the 8<sup>th</sup> about  
20 20:15 -- 20:13, right?

21 A. Correct. Yes.

22 Q. That's 8:13, right?

23 A. Yes.

24 Q. When I was in the Navy I could only tell time the 16:00  
25 but I can do that math.



Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1           So, so it was a -- about 45 minutes after the alleged  
2 incident, right?

3           19:40 --?

4 A.   Approximately.

5 Q.   Approximately.

6 A.   Yes.

7 Q.   Cause it -- like you can tell by your pictures it's  
8 already starting to get dark, right?

9 A.   Correct, yes.

10 Q.   And, and you're the CSI guy, right?

11 A.   Yes.

12 Q.   Or gal I guess.

13           So, when you get there, they've already put up some of  
14 that crime scene tape, right?

15 A.   That is correct, yes.

16 Q.   And, and they've actually cordoned off -- is that how  
17 you say it?

18           They've roped -- they marked off two separate areas,  
19 right?

20 A.   Yes.

21 Q.   So the first one is the little square that's your  
22 primary crime scene, right?

23 A.   Yes.

24 Q.   And then they had gone all the way down Han -- Hanover,  
25 and using some polls and stuff like that, marked off the

Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1 rest of that street --

2 A. Yes.

3 Q. -- right?

4 And so when you get there, you're getting some  
5 information about what, what happened, right?

6 A. Uh-huh.

7 Q. And then -- yes?

8 A. Yes.

9 Q. And then you're documenting everything by taking all  
10 these photographs, right?

11 A. Yes.

12 Q. And lots of different photos of the same, of the same  
13 thing from different angles and stuff so you can get  
14 prospective and stuff like that?

15 A. Yes.

16 Q. So, I noticed that, like the distance between the  
17 projectile you had marked as I think -- where Projectile 5  
18 was and where Projectile 4 was was a pretty long ways,  
19 right?

20 A. The fired cartridge casings --

21 Q. The fired cartridge casings---

22 A. -- 4 and 5.

23 Q. I know projectile bullet case -- casing, right?

24 A. Yes.

25 Q. Cartridge.



Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1       Okay. I got you. So -- and I think you talked to  
2 Mr. Simpson about how, how that could happen just because of  
3 the way the cartridge gets ejected, right?

4 A. Yes.

5 Q. And one -- he -- you talked about it could roll, right?

6 A. Yes.

7 Q. It could bounce?

8 A. Uh-huh. Yes.

9 Q. And that could account for the distance, right?

10 A. Absolutely.

11 Q. And so could the distance from if the shooter had been  
12 moving?

13       That could account for that distance too, right?

14 A. Yes.

15 Q. But what you're doing when you very first get there is  
16 just making sure that the scene is preserved and maintained,  
17 right?

18 A. Correct.

19 Q. And obviously there was a lot of stuff going on in that  
20 scene before you got there, right?

21 A. Yes.

22 Q. And you got some information I think from Sergeant  
23 Freshman when you arrived.

24       Is that right?

25 A. The initial information that I received came from

Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1 Lieutenant Rivers, Lieutenant Burn, and Sergeant Garrison.

2 Q. And then you walked through with Sergeant Freshman---

3 A. Yeah.

4 Q. ---right?

5 A. And then I did a, a walk through with Sergeant  
6 Freshman.

7 Q. And that's because he had probably been there longer  
8 than those other, other fellows, right?

9 A. Yes.

10 Q. And you took some pictures of like that piece of paper,  
11 for example, that is, is by where your Evidence Marker  
12 Number 5 was, right?

13 A. Yes.

14 Q. And that's because somebody who had been there ahead of  
15 you had noticed that there was something under that car,  
16 right?

17 A. Yes. Correct.

18 Q. And that's the way they marked it was with the little  
19 piece of paper?

20 A. Yes. Correct.

21 Q. I got you.

22 By the time you got there, did they still have officers  
23 just as markers standing by things or no?

24 A. By the time that I arrived the -- most of the officers  
25 had moved from that primary scene to stand outside of it to

Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1 allow---

2 Q. Okay.

3 A. ---myself to process the scene.

4 Q. Just one second.

5 okay?

6 A. Sure.

7 Q. I'm sorry, doctor.

8 (Pause.)

9 MS. HENSLEY: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Pause.)

12 Q. You also, as the CSI guy/gal, also do other things too,  
13 right?

14 A. That's correct.

15 Q. I mean---

16 A. Yes.

17 Q. ---in this case you actually responded to police  
18 headquarters and took some gunshot residue from a potential  
19 suspect and/or witness, right?

20 A. I, I did. I was requested to collect a, a GSR, gunshot  
21 residue kit, from an individual.

22 Q. And that was not Shannon Johnson, right?

23 A. Correct.

24 Q. And also in this case did you get some assistance from  
25 a K-9 in this case to locate evidence?

Ashliegh Wojslawowicz - Cross-examination  
By Ms. Hensley

1 A. I, I did a -- per standard operating procedures, before  
2 we clear a scene, especially one that involves a, a shooting  
3 where we may have firearm evidence, we have a -- one of our  
4 K-9 officers search the scene with us prior to clearing to  
5 locate any additional items of interest.

6 Q. Sure.

7 And that -- is that just outside the area -- outside  
8 the residence of ■ Hanover or inside and outside?

9 A. For when I was there with him in my presence, it was  
10 specifically for that primary scene that was outside that  
11 front doorway area, the stoop, the sidewalk, and that  
12 primary street.

13 Q. So, no K-9 was taken in the house to see if any  
14 firearms were located in there.

15 Is that fair?

16 A. Not to my knowledge.

17 Q. Not with you?

18 A. Correct. Not, not in my presence.

19 Q. Okay. Thank you so much. I appreciate your help.

20 A. Of course.

21 MS. HENSLEY: I don't have any further questions.

22 THE COURT: Anything?

23 SOLICITOR SIMPSON: Nothing further, Your Honor.

24 THE COURT: Is she released?

25 SOLICITOR SIMPSON: She is.



1 THE COURT: Any objection?

2 MS. HENSLEY: No objection.

3 SOLICITOR SIMPSON: Doctor, you are released from your  
4 subpoena. You may stay or go, whichever you choose.

5 THE WITNESS: Thank you.

6 THE COURT: Thank you.

7 Counsel.

8 SOLICITOR SIMPSON: Your Honor, I think we've got our  
9 next witness -- witnesses teed up for after lunch. I think  
10 this would be a good spot --.

11 THE COURT: Very good.

12 Mr. Foreman, ladies and gentlemen of the jury, as I  
13 told you, we would try to stop between 12:00 and 12:30 and  
14 we are right on the mark here.

15 We're gonna recess until two o'clock, until two  
16 o'clock. That gives you plenty of time to, to go get  
17 something to eat, refresh yourselves, so forth.

18 There's something different gonna happen this  
19 afternoon. You're gonna be part of watching some witnesses  
20 testify by, by what's known as WebEx, which is a virtual  
21 platform. Your court system in the State of South Carolina  
22 did not close during the pandemic. There's some things we  
23 could not do such as have in person jury trials but we never  
24 closed.

25 We switched to a -- an electronic platform, a virtual

1 platform called webEx and that, that webEx is part of a  
2 Cisco system on our state computers and it's double  
3 encrypted for security. So, it's encrypted out and in for  
4 security.

5 This afternoon, by agreement and by consent, there are  
6 some witnesses that are gonna testify virtually and  
7 remotely. For whatever reason I don't know. Maybe  
8 they're -- just unavailable to be here today. So they're  
9 gonna testify virtually.

10 That will be on our screens?

11 SOLICITOR SIMPSON: Yes, Your Honor.

12 THE COURT: Up on our screens here this afternoon. And  
13 so I'm -- and, and I'm a huge fan of webEx.

14 So, anyway, having said that, we -- don't talk about  
15 the case. We're taking a break for lunch. Don't talk about  
16 it and, and especially among yourselves cause you're not  
17 deliberating at this point in time. Refresh yourselves and  
18 be back at whatever time you deem necessary. But I intend  
19 to take the bench sharply at 2:00.

20 Mr. Foreman, if you'll take everybody out.

21 (WHEREUPON, the following takes place outside the  
22 presence of the jury.)

23 THE COURT: Okay. We'll be in recess until 2:00PM,  
24 2:00PM.

25 SOLICITOR SIMPSON: Your Honor, I have two quick



1 matters I'd like to get on the record.

2 THE COURT: Okay.

3 SOLICITOR SIMPSON: I can do that when we come back if  
4 you'd like or I can do it now.

5 THE COURT: Let's do it when we come back.

6 SOLICITOR SIMPSON: Okay.

7 THE COURT: All right. Two o'clock.

8 (WHEREUPON, Court was in recess for the lunch hour.)

9 THE COURT: Okay. I think there's a couple things you  
10 wanted to put on the record, solicitor.

11 SOLICITOR SIMPSON: Thank you, Your Honor.

12 The probative ID value of the testimony of Travis Scott  
13 is, is obviously lower considering the stipulation  
14 previously entered. However, because it's such a hotly  
15 litigated topic at the moment, I just wanted to establish on  
16 the record that Mr. Scott is facing some charges with our  
17 office. I don't think we really explored that in his  
18 testimony. He was represented by counsel.

19 No promises have been to -- extended to him. But a  
20 recent -- in a recent Supreme Court case, Judge Few seemed  
21 to suggest that we need to know, as a solicitor, what he's  
22 thinking or hoping and I make no secret about the fact that  
23 I bet he was hoping for some consideration.

24 I have not promised him anything to that and there were  
25 several emails exchanged between his prosecutor and our

1 office and his legal counsel about the scheduling of his  
2 criminal matters that were delayed a couple times in order  
3 for him to do what he did here today. Those emails were  
4 shared with defense. We were such -- we were transparent to  
5 a degree of here are all those emails that have gone back  
6 and forth and I, I understand what, you know, due to the  
7 nature of his testimony here, that the defense decided not  
8 to, you know, cross him on that stuff and I understand that.

9 But I just wanted to be on the record transparent about  
10 that so there's no issue later coming up about it.

11 THE COURT: That was for Mr. Scott?

12 SOLICITOR SIMPSON: That's Mr. Scott, Your Honor.

13 THE COURT: Okay. Yeah.

14 SOLICITOR SIMPSON: Yes.

15 THE COURT: Okay.

16 SOLICITOR SIMPSON: Yes, secondly, I have here what  
17 I've marked for ID only as State's 25. If I could see---

18 THE COURT: State's 25?

19 SOLICITOR SIMPSON: State's 25. We have previously  
20 entered into evidence a video clip from ■ Hanover, which  
21 was State's -- it's, it's in evidence.

22 Forgive me. May I approach the evidence?

23 THE COURT: Sure.

24 SOLICITOR SIMPSON: At 6:16.

25 Okay. State's 25 contains a cropped version of



1 State's -- of a portion of State's 16. Ms. Hensley, Hensley  
2 has seen this cropped version, which is sort of a -- you  
3 know what I mean by cropped. So for portions expanded so  
4 to, to give a bigger view of, of the action so to speak.  
5 Ms. Hensley's seen this and reviewed it. I believe she  
6 would like to use this for her purposes and I would like to  
7 use it as well.

8 So, we're at a point now where I believe that's just  
9 put it into evidence by consent if I'm understanding that  
10 correctly.

11 So, at this point in time, the State would seek to  
12 enter State's 25, a clip of State's 16, with the consent of  
13 the defense.

14 THE COURT: Any objection?

15 MS. HENSLEY: Oh, none at all, Your Honor. I'm, I'm  
16 familiar with it. I've reviewed it. Mr. Simpson and I  
17 talked about it. He's correct and I would want to use it  
18 and he does too. So --.

19 THE COURT: 25 is in without objection.

20 (WHEREUPON, State's Exhibit No. 25 was received into  
21 evidence at this time.)

22 MS. HENSLEY: And also with regard to Mr. Scott, all of  
23 that, of course, was correct that I was aware of it and,  
24 strategically, I didn't feel the need to bring up  
25 Mr. Scott's pending charges. But I certainly was aware of

1 the communication and the fact that he'd been made no  
2 promises. They didn't explore it and so I didn't feel like  
3 Mr. Scott was arguing with me. So I don't need it.

4 THE COURT: Okay. Anything else?

5 SOLICITOR SIMPSON: The -- just to request that I be  
6 let into the courtroom, the virtual courtroom. Last week we  
7 did a -- better thinking she can see me if I'm logged in  
8 too.

9 THE COURT: So you got to talk to the boss about that  
10 one.

11 SOLICITOR SIMPSON: Thank you so much. And we've  
12 checked with tech and I believe he -- Mr. Richardson, can  
13 you hear me?

14 MR. RICHARDSON: Yes, I can.

15 SOLICITOR SIMPSON: Can you hear me if I don't turn on  
16 my mic?

17 (WHEREUPON, there was no audible response.)

18 MR. RICHARDSON: I believe I just lost you.

19 SOLICITOR SIMPSON: I, I --.

20 MR. RICHARDSON: Now I can hear you.

21 SOLICITOR SIMPSON: It's creating kind of an echo.

22 MR. RICHARDSON: Okay. Turn my volume down?

23 SOLICITOR SIMPSON: How about now?

24 THE COURT: Got an echo.

25 Is everybody muted except you?



1 MS. HENSLEY: And I'm not logged in. So --.

2 THE COURT: Okay. Try it again.

3 Everybody's muted in the courtroom except you. You  
4 should not -- I'm muted.

5 SOLICITOR SIMPSON: Mr. Richardson, can you hear me?

6 (WHEREUPON, there was no audible response.)

7 SOLICITOR SIMPSON: Can you hear me?

8 MR. RICHARDSON: I can hear you, yes, sir.

9 SOLICITOR SIMPSON: Let's see -- who is -- can you hear  
10 me now?

11 Something's happening that we didn't have last week.

12 Is it the digital?

13 You're not logged in.

14 SOLICITOR SIMPSON: Mr. Richardson?

15 MR. RICHARDSON: Yes, sir.

16 THE COURT: Mr. Richardson?

17 MR. RICHARDSON: Yes, sir.

18 SOLICITOR SIMPSON: Sir, we're just testing out audio.

19 (Pause.)

20 THE COURT: While they're working on that, let me see  
21 the -- all three lawyers in the hall.

22 (WHEREUPON, a conference was held at this time.)

23 THE COURT: We'll get on the record here.

24 I have a note dated today's date from my foreperson,  
25 Juror Number 218, regarding, regarding a matter from Juror

1 132 and I want to be on the record that, in the hallway, I  
2 discussed this note with both counsel for the defense and  
3 the solicitor's office and we addressed juror 132 regarding  
4 the matter.

5 Juror Number 132 is not one hundred percent sure about  
6 what may or may not have transpired. But I told the lawyers  
7 that I'm gonna put it on the record. I want to make this a  
8 Court's Exhibit and give the lawyers any chance to say  
9 anything you want to. But I don't think at this time I need  
10 to take any corrective action.

11 solicitor.

12 SOLICITOR SIMPSON: Not at this point in time.

13 THE COURT: From defense?

14 MS. HENSLEY: Nothing, Your Honor.

15 THE COURT: Okay. Mr. Court Reporter, we'll let this  
16 be a Court's Exhibit please.

17 (WHEREUPON, the note from the jury was marked at  
18 Court's Exhibit No. 12 and received into evidence at this  
19 time.)

20 SOLICITOR SIMPSON: May I take a moment, Your Honor?

21 THE COURT: Sure.

22 (Pause.)

23 SOLICITOR SIMPSON: Mr. Richardson, can you hear me?

24 MR. RICHARDSON: Yes, sir.

25 SOLICITOR SIMPSON: I think he can see me and they can



1 see him. I don't know if that courtroom view is --

2 THE CLERK: Necessary.

3 SOLICITOR SIMPSON: -- necessary at this point.

4 (Pause.)

5 THE CLERK: Can you see?

6 MR. RICHARDSON: Yes, I can.

7 SOLICITOR SIMPSON: And you can still hear me okay,  
8 Mr. Richardson?

9 MR. RICHARDSON: Yes, sir.

10 THE COURT: We ready for the jury?

11 SOLICITOR SIMPSON: Yes, Your Honor.

12 THE COURT: We'll have the jury.

13 who is your next witness, Richardson?

14 (WHEREUPON, the following takes place within the  
15 presence of the jury.)

16 THE BAILIFF: All jurors are present, Your Honor.

17 THE COURT: Thank you.

18 Is everybody ready to work, Mr. Foreman?

19 THE FOREMAN: Yes, sir.

20 THE COURT: All right. Please be seated.

21 Solicitor, call your next witness.

22 SOLICITOR SIMPSON: Thank you, Your Honor.

23 At this point in time the State calls James Richardson  
24 with the Georgia Bureau of Investigation and I would ask the  
25 Court's permission to be seated during this witness to

1 better facilitate these questions.

2 THE COURT: Yes, sir. We got to get Mr. Richardson  
3 sworn.

4 Counsel -- Madam Clerk.

5 THE CLERK: Can you hear me from here?

6 THE WITNESS: Yes, ma'am.

7 JAMES RICHARDSON, being first duly  
8 sworn, testified as follows:

9 THE CLERK: Please state your full name spelling your  
10 last.

11 THE WITNESS: Yes, ma'am. My name is GBI Special Agent  
12 James Richardson. That's R-I-C-H-A-R-D-S-O-N.

13 DIRECT EXAMINATION

14 BY SOLICITOR SIMPSON:

15 Q. Good afternoon, Mr. Richardson.

16 A. Afternoon.

17 Q. Because there's a bit of a delay in the online format,  
18 I'm gonna try to ask a long question. If you could just  
19 give us a long answer so we don't have to keep going back  
20 and forth.

21 I'm gonna ask you just to introduce yourself first to  
22 the jury. Include a little bit about your background, your  
23 education, and your history in law enforcement, and what job  
24 you have right now.

25 A. All right. I'm Special Agent James Richardson. I work

James Richardson - Direct examination  
By Solicitor Simpson

1 for the Georgia Bureau of Investigations currently. I'm  
2 originally from Charleston, South Carolina. My background  
3 is I'm originally from Charleston and I graduated from the  
4 Citadel Military College in South Carolina in 2009.

5 I was employed with Charleston Police Department in  
6 October of 2009. I worked in many different sections from  
7 patrol to investigations. Ultimately was promoted to the  
8 rank of sergeant where I was patrol sergeant for a certain  
9 amount of time until I left employment with the Charleston  
10 Police Department in July of 2020 or, excuse me, August of  
11 2020. And my current employment now is I am as a special  
12 agent with the Georgia Bureau of Investigations Region 2  
13 field office outside of Columbus, Georgia currently.

14 Q. Okay. You said you graduated from the Citadel?

15 A. Yes, sir.

16 Q. Were you aware they lost in basketball again to the  
17 College of Charleston?

18 A. I try not to show emotions on that, sir, but that is  
19 very (indiscernible) it's fair to say.

20 Q. Yeah, I'd like the, like the Court to take notice of  
21 that as well.

22 You -- so you notice that -- you said you're currently  
23 with the Georiga Bureau of Investigations?

24 A. Yes, sir.

25 Q. Did you know that you work -- you were formally

James Richardson - Direct examination  
By Solicitor Simpson

1 employed with the College -- with the Charleston Police  
2 Department.

3 Is that correct?

4 A. Yes, sir.

5 Q. Were you so employed with the Charleston Police  
6 Department in August of 2019?

7 A. Yes, sir.

8 Q. And what was your role with the CPD at that time?

9 A. At that time I was a detective in the violent crimes  
10 unit.

11 Q. Okay. Do you recall working with a Detective Elizabeth  
12 wolfsen?

13 A. Yes, sir.

14 Q. Okay. Do you recall in that capacity becoming involved  
15 in an investigation into the shooting death of Timothy Haman  
16 at ■ Hanover Street on August 8<sup>th</sup> of 2019?

17 A. Yes, sir, I do.

18 Q. And in what way -- what way and manner was your  
19 involvement in that case?

20 A. I was one of the assisting investigators to the lead  
21 case agent, which was then Detective Elizabeth wolfsen.

22 Q. Okay. So Elizabeth wolfsen was the lead agent?

23 A. Yes, sir.

24 Q. And you were assisting her?

25 A. That is correct.



James Richardson - Direct examination  
By Solicitor Simpson

1 Q. And what type of -- what do you remember doing further  
2 into that assistance?

3 A. Okay. As an assistant investigator, I was tasked with  
4 canvassing for video in a given area where the crime  
5 occurred. One notice specifically the Martin Luther King,  
6 Junior pool over -- located at 155 Jackson Street. From  
7 there I also assisted with distribution of still screenshot  
8 images from data surveillance obtained during the course of  
9 the investigation, which was disseminated to local  
10 Charleston Police Department work units that worked in that  
11 area, specifically the east side where the incident  
12 occurred. I also assisted with two interviews during that  
13 investigation.

14 Q. Okay. On the subject specifically of video collection  
15 and your role in that in this case, do you recall picking up  
16 a, a flash drive containing some video or allegedly  
17 contained some video of 78 Hanover Street here the Knight's  
18 Grocery?

19 A. Yes, sir.

20 Q. And how did that come to be?

21 A. Yes, sir. There was a local citizen that lived at that  
22 address and wished to remain anonymous, but, nonetheless,  
23 wanted to assist in the investigation. And, having contact,  
24 we got in contact with him. And through the course of that  
25 request, he had some video surveillance that he wanted to

James Richardson - Direct examination  
By Solicitor Simpson

1 provide to the violent crime unit. And, on August 12<sup>th</sup>,  
2 at approximately -- forgive me. It's been so long. Late  
3 afternoon, a thumb drive containing exterior video  
4 surveillance was left in a disclosed mailbox located on  
5 Hanover Street and I was tasked with picking up that USB  
6 thumb drive containing that video footage for later review  
7 in relation to the investigation.

8 Q. Okay. And when you went to this to -- and you just  
9 went to a mailbox and picked it up out of a mailbox?

10 A. Yes, sir.

11 Q. And you -- where -- what did you do with it once you  
12 picked it up out of a mailbox?

13 A. I'm sorry, sir?

14 Q. What did you do with it after you picked it up out of  
15 the mailbox?

16 A. Once I picked it up, I returned to the Charleston  
17 Police Department, the investigator division, where it was  
18 ultimately turned over to the lead case agent who was then  
19 Detective Wolfsen, Wolfsen for review.

20 Q. Okay. I want to ask you, we've looked through the  
21 reports in this case together, correct?

22 A. Yes, sir.

23 Q. And, and this -- would this be normally something you  
24 would document in a report at that time?

25 A. Normally, yes, sir.

James Richardson - Direct examination  
By Solicitor Simpson

1 Q. And does it appear that there was an oversight and that  
2 you going to this mailbox was not in any -- documented in  
3 the reports?

4 A. That's correct, yes, sir.

5 Q. Okay. But do you stand here today with a specific  
6 recollection of picking up this video from the mailbox and  
7 bringing it to Agent wolfsen?

8 A. That is correct, yes, sir.

9 Q. And it -- so it wasn't logged in evidence by you. It  
10 was just transferred over from that location to the lead  
11 agent.

12 A. That is correct.

13 SOLICITOR SIMPSON: All right. Court's indulgence.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q. And, and am I also correct that at, at this point in  
17 time you don't recall the individual's name at 78 Hanover  
18 Street that agreed to leave you this video?

19 A. The subject's name that lives at that address is a  
20 property owner by the name of Charlie Lentz.

21 Q. Okay. So you, you do. I'm sorry. Didn't think he  
22 did.

23 So Charlie Lentz was the individual who said wished to  
24 stay out of this but you could come pick up that video from  
25 his mailbox?

James Richardson - Direct examination  
By Solicitor Simpson

1 A. That is correct, yes, sir.

2 Q. Okay. Agent Richardson, thank you so much for joining  
3 us virtually here. If you could, I believe you see Ms.  
4 Hensley, who is the defense attorney, in another of the  
5 screen and answer any questions that, that she might have  
6 for you.

7 A. Yes, sir.

8 MS. HENSLEY: And, Your Honor, I just would just ask  
9 that I be allowed to sit also?

10 THE COURT: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MS. HENSLEY:

13 Q. Good afternoon, Agent Richardson.

14 How are you?

15 A. I'm excellent, ma'am.

16 How are you?

17 Q. I'm doing well.

18 You can hear me all right?

19 A. Yes, ma'am.

20 Q. And I'm Laree Hensley. I'm Shannon Johnson's lawyer.  
21 It's good to see you.

22 So, I, I do have your report from this case and  
23 there's -- you, you -- you'd agree you've already testified  
24 there's no mention of this video at all in your report,  
25 right?

James Richardson - Cross-examination  
By Ms. Hensley

1 A. That's correct.

2 Q. There's no mention of the contact by Mr. Lentz,  
3 correct?

4 A. That is correct.

5 Q. And there's no mention that -- of you going to a  
6 mailbox and picking up a thumb drive, right?

7 A. That is correct.

8 Q. And you don't know where the thumb drive was before you  
9 picked it up, right?

10 A. No, ma'am.

11 Q. Or what, if anything, had been done to it before you  
12 picked it up?

13 A. No, ma'am.

14 Q. I mean you'd agree that since it's completely not  
15 mentioned in your report it had been hard for anybody to  
16 investigated any of that before your testimony today, right?

17 A. I'm sorry.

18 One more time.

19 Q. I'm just asking you like there wouldn't have been any  
20 way for me to know about it from just reading the report,  
21 right?

22 A. That's correct. Yes, ma'am.

23 Q. I mean your report consists of several different pages  
24 of several different things you did, right?

25 A. That's correct.

James Richardson - Cross-examination  
By Ms. Hensley

1 Q. And among those was interviewing some witnesses and  
2 some people who had made contact with the police department  
3 about this case, right?

4 A. Right.

5 Q. And you listed those people's names, correct?

6 A. That's correct.

7 Q. And even put into evidence -- put into the case file  
8 your interviews of those folks, right?

9 A. That's right.

10 Q. But there's nothing in the case file at all about any  
11 contact by Mr. Lentz --

12 A. From who?

13 Q. -- right?

14 From you?

15 A. No, ma'am, that's correct. There's no contact from me.  
16 That's an oversight on my part.

17 Q. Your report's pretty detailed about going to the MLK  
18 pool, correct?

19 A. Yes, ma'am.

20 Q. And actually there's nothing in your report about your  
21 interview of any other folks, right?

22 A. The two subjects, one that I assisted on, was going to  
23 be a Marie Verney as well as my assistance to an interview  
24 with Kendell Scott.

25 Q. But if there's nothing really in your report about your



James Richardson - Cross-examination  
By Ms. Hensley

1 interview with Kendell Scott either, right?

2 A. That was documented under then Detective Sergeant  
3 Thomas Staley's supplemental report.

4 Q. Right. And I have that. I, I, of course, have seen  
5 that and had your name in that.

6 But just in your report there's not, right?

7 A. No, ma'am, we don't do -- common practice, we don't  
8 duplicate reports. If there's a lead investigator or a lead  
9 interviewer, they will typically complete the report for  
10 that purposes and we're merely just an assistance for  
11 interview purposes.

12 Q. Sure.

13 And Detective Bailey, in his report, mentions that you  
14 participated in that interview, right?

15 A. Yes, ma'am.

16 Q. But the things that you did alone, like talk to  
17 Mr. Lentz and go pick up this thumb drive, would of just  
18 been in your report alone, correct?

19 A. It would of been in my report alone, yes. Yes, ma'am.

20 Q. But because of an oversight it wasn't?

21 A. Yes, ma'am, and, unfortunately an oversight on my part,  
22 yes, ma'am.

23 Q. And that -- you said that was on August the 12<sup>th</sup>,  
24 correct?

25 A. Yes, ma'am, approximately.

James Richardson - Cross-examination  
By Ms. Hensley

1 Q. And, at that time, that was obviously when you were  
2 still a detective in the violent crimes unit in the  
3 Charleston Police Department, right?

4 A. Yes, ma'am.

5 Q. And there isn't audio or at least audio, maybe audio  
6 and video, recording of your participation in the Kendell  
7 Scott interview, right?

8 A. Yes, ma'am.

9 Q. And I guess, as a detective, you don't wear a body  
10 camera, right?

11 A. No, not typically, no, ma'am.

12 Q. I think that's all the questions that I have, Agent  
13 Richardson. Thank you so much.

14 THE COURT: Anything at all?

15 THE WITNESS: Thank you.

16 SOLICITOR SIMPSON: Just briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY SOLICITOR SIMPSON:

19 Q. Agent Richardson, are you -- do you think of yourself  
20 as a conscientious law enforcement officer?

21 A. Yes, sir.

22 Q. Try to keep things by the book?

23 A. I'm sorry?

24 Q. Do you try to keep things by the book and by  
25 regulations and do things the right way?



James Richardson - Redirect examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. But---

3 A. Of course.

4 Q. You're human, right?

5 A. That is correct, yes, sir.

6 Q. Okay. Was there any sort of malicious intent in, in  
7 not including this in a report or is this just an oversight,  
8 an oversight on your part?

9 A. It was just an oversight in a very dynamic  
10 investigation that we said -- has to investigate thoroughly  
11 and this was an oversight on my part unfortunately.

12 Q. And, again, just to reiterate, your role, as it, as it  
13 relates to this video, was picking it up from a mailbox and  
14 giving it to Elizabeth wolfsen?

15 Is that, is that pretty much a complete summary of what  
16 was failed to be included in the report?

17 A. That's correct.

18 Q. Okay. And, again, you know, mention was made of some  
19 of your other roles.

20 Those would of been captured on audio and video, the  
21 interviews?

22 A. That's right.

23 Q. Okay. And to the best of your knowledge, you know, if  
24 this video you picked up was deemed relevant, would it have  
25 been logged into evidence by Ms. wolfsen?

James Richardson - Redirect examination  
By Solicitor Simpson

1 A. That is correct.

2 Q. And would there be a record of that in the, in the  
3 records?

4 A. Yes, sir, it would be in, in record for the records  
5 management system at the Charleston Police Department which  
6 contains evidence based information and log-in time---

7 Q. And it---

8 A. ---description of evidence, et cetera.

9 Q. Is generation of everything that's in evidence in a  
10 case typically shared with the parties to a, a criminal  
11 action?

12 A. You broke up a little bit, sir.

13 Q. Oh.

14 Is an inventory of everything that's in evidence in a  
15 particular case typically provided to both parties in a  
16 criminal action?

17 A. Yes, sir.

18 Q. Okay. So, this, this video would not be a secret, and  
19 to this moment, it would -- it's just the fact that you  
20 picked it up out of a mailbox and took it to Elizabeth  
21 wolfsen would be missing. Not the video itself would not be  
22 a secret up until this moment in trial.

23 Is that correct?

24 A. That's correct.

25 SOLICITOR SIMPSON: Okay. I have nothing further of

James Richardson - Recross examination  
By Ms. Hensley

1 this witness, Your Honor.

2 THE COURT: Anything at all?

3 MS. HENSLEY: Just very briefly, Your Honor.

4 RECROSS EXAMINATION

5 BY MS. HENSLEY:

6 Q. So, the contact with Mr. Lentz though, that's not gonna  
7 be contained in this Ms. wolfsen -- Detective wolfsen's  
8 report, right?

9 A. No, ma'am.

10 Q. That would of just been in your report if you had done  
11 one, correct?

12 A. Yes, ma'am.

13 Q. So, knowing where the 78 Hanover video came from is the  
14 part that's missing, right?

15 A. Yes, ma'am.

16 Q. And you did your report on the -- well, you have a  
17 couple that -- the, the first one you did on August the  
18 23<sup>rd</sup>, right?

19 A. August the 23<sup>rd</sup>?

20 Q. The date and time of your report. Maybe you don't  
21 remember.

22 A. That's actually written.

23 Q. Sure.

24 And that was about what happened on August the 11<sup>th</sup>,  
25 right, going to the MLK pool, right?

James Richardson - Recross examination  
By Ms. Hensley

1 A. Right.

2 Q. And your report about your interview with Ms. Merney  
3 (phonetic), that was written on August the 26<sup>th</sup> but that  
4 happened on August the 9<sup>th</sup>, right?

5 A. That's correct.

6 Q. But the day that you had contact with Charlie Lentz,  
7 that was what day, August the 12<sup>th</sup>?

8 A. That's August the 12<sup>th</sup>, the same day.

9 Q. So the same day you had contact, that's also the day  
10 you went to the mailbox?

11 A. Yes, ma'am.

12 Q. That's all the questions I have. Thank you, again,  
13 Agent Richardson.

14 THE COURT: All right. Thank you, agent.

15 That ends, that ends---

16 THE WITNESS: Thank you, sir.

17 THE COURT: ---your question and answer period.

18 Anything further, solicitor?

19 SOLICITOR SIMPSON: No, Your Honor.

20 THE COURT: Okay. Sir, you may -- you are released  
21 from your subpoena. Thank you for your assistance by webEx.

22 THE WITNESS: Yes, sir. Thank you very much.

23 THE COURT: Thank you.

24 SOLICITOR BARBER: State calls Doctor Ellen Riemer.

25 THE CLERK: Please raise your right-hand.



Ellen Riemer - Direct examination  
By Solicitor Barber

1 ELLEN RIEMER, being first duly  
2 sworn, testified as follows:

3 THE CLERK: Will you please state your full name  
4 spelling your last?

5 THE WITNESS: My name is Doctor Ellen Riemer.  
6 R-I-E-M-E-R.

7 THE COURT: Doctor, if you will, adjust the microphone  
8 to suit yourself and we're gonna ask you to use your outside  
9 voice please.

10 THE WITNESS: Okay. Thank you.

11 THE COURT: They're, they're recording and, and so --.

12 THE WITNESS: Got it.

13 THE COURT: Thank you.

14 DIRECT EXAMINATION

15 BY SOLICITOR BARBER:

16 Q. Good afternoon, Doctor Riemer.

17 Could you please tell the jury where it is you  
18 currently work?

19 A. Yes, I work at the Medical University of South Carolina  
20 where I am a forensic pathologist for almost 14 years now.

21 Q. And how long have you been practicing medicine as a  
22 total?

23 A. Well, I, I received my M.D. degree in 1997. So that's  
24 25 years. And I did my pathology residency and, and  
25 fellowships. And so basically been practicing pathology

Ellen Riemer - Direct examination  
By Solicitor Barber

1 and, and medicine for 25 years.

2 Q. And within those -- that 25 years, what training did  
3 you receive specifically?

4 A. Yes. So I did my, my residency in pathology at  
5 Columbia University Medical Center, Columbia Presbyterian  
6 Medical Center it's sometimes called, in the City of New  
7 York and, following that -- that was a four year residency.  
8 Following that, I did a fellowship in forensic pathology at  
9 the Office of the Chief Medical Examiner of the State of  
10 Maryland. Following that I did an additional fellowship  
11 training year in cardiovascular and pulmonary pathology.  
12 And then I took my first -- I -- my attending physician job,  
13 which was in North Carolina, where I remained for six years  
14 before moving to Charleston.

15 Q. Doctor Riemer, within your current role, is there any  
16 continued education involved in that?

17 A. Yes, I -- I'm always, you know, taking seminars and  
18 attending courses to -- it's a requirement to maintain, you  
19 know, your medical license. You know, you got a medical  
20 degree and then you, you, of course, as part of the job of  
21 being a doctor in any field is to maintain -- be sure you're  
22 up-to-date on well, new developments and I think most  
23 doctors do that because that's what they -- they want to be  
24 a good doctor. But then they're also requirements and I  
25 always exceed the requirements cause I do too much



Ellen Riemer - Direct examination  
By Solicitor Barber

1 education.

2 Q. As a part of those duties, do you perform autopsies?

3 A. Yes. So the main part of my job at MUSC as a forensic  
4 pathologist is performing autopsies in order to determine  
5 the cause and manner of death.

6 Q. And approximately how many autopsies would you say you  
7 do a year?

8 A. What was the question?

9 How many --?

10 Q. Autopsies will you say you do in a given year.

11 A. In a year, well, lately it's been about 300 -- 250 to  
12 300. In the course of my career, I've done 5,000 -- about  
13 5,500 autopsies.

14 Q. would you say that you have a special practice area,  
15 Doctor Riemer?

16 A. well, forensic pathology.

17 Q. And---

18 A. So, you know, I'm board certified in pathology as well  
19 as forensic pathology. So, you know, when people go to  
20 medical school, they can choose a specialty. They can go to  
21 surgery, internal medicine. I chose pathology. And then  
22 after completing my residency in pathology, I was interested  
23 especially in forensic pathology. So, I did a, a fellowship  
24 in that and I'm also board certified in forensic pathology  
25 and that constitutes the majority of my work.

Ellen Riemer - Direct examination  
By Solicitor Barber

1 Q. You mentioned that you're board certified.

2 What are the requirements to become certified?

3 A. Yeah. So the requirements are you have to complete a,  
4 a recognized educational training program in -- residency  
5 program and then that makes -- you know, you -- at which  
6 like you -- you know, they're certain requirements to learn  
7 everything you need to learn. And then, after that, you  
8 take a very long exam. It's like two or three days. I  
9 don't remember how long it was -- actually was. And when  
10 you pass that exam, you get board certified.

11 And then so I have two boards in, in -- one in  
12 anatomical pathology and then -- that was my general  
13 pathology. And then another one in forensic pathology.

14 Q. And are those national certifications?

15 A. Yes, they -- they're national certifications by the  
16 American Board of Pathology. That's the, that's the  
17 organization that certifies pathologist throughout the  
18 country. Every specialty has its own board certification  
19 process.

20 Q. As it relates to testifying, have you ever previously  
21 been qualified as an expert witness in the area of forensic  
22 pathology?

23 A. Yes, I have not kept track exactly. But in the order  
24 of several hundred times.

25 SOLICITOR BARBER: Your Honor, at this time the State



Ellen Riemer - Direct examination  
By Solicitor Barber

1 would like to offer Doctor Riemer as an expert in the field  
2 of forensic pathology.

3 MS. HENSLEY: Without objection, Your Honor.

4 THE COURT: Without objection, she is so qualified.

5 The Court finds that her testimony will assist the jury in  
6 this matter and that she possesses the knowledge, training,  
7 skill, and education to do so.

8 Ladies and gentlemen of the jury, normally a motion --  
9 a person must testify as to something they have seen, heard,  
10 or sensed by smell or something to that effect. However, an  
11 exception exists when someone is qualified due to their  
12 education, training, or experience, or experience. That  
13 person is allowed to give an expert opinion of testimony.

14 That does not mean that you must accept her opinion.  
15 You may reject it in its entirety even if it's  
16 uncontroverted. But she is hereby qualified as an expert  
17 witness and you are to give no further -- no greater weight  
18 to her testimony than any other witness.

19 Thank you, counsel.

20 SOLICITOR BARBER: Thank you, judge.

21 Q. Doctor Riemer, can you explain to the jury what an  
22 autopsy is and what it entails?

23 A. Yes. So an autopsy is basically a specialized surgical  
24 procedure type of examination on an individual who's  
25 deceased, and it begins with -- and it's done in order to

Ellen Riemer - Direct examination  
By Solicitor Barber

1 evaluate any kind of abnormalities that are in the body and  
2 even on the outside of the body, inside of the body, and it  
3 begins with an external examination of the body to look for  
4 any abnormalities whether it's injuries or disease.

5 And then, after completing the external examination,  
6 the internal examination is done by examining all of the  
7 internal organs individually. So the -- you know, it, it --  
8 there's inspection of the internal organs and then each of  
9 the organs is, is carefully gone through to look for any  
10 abnormalities or disease processes or injuries. You know,  
11 I -- my, my job is to, by the time I'm done with an autopsy,  
12 is to know why and how a person died.

13 And as part of that autopsy, it's really a medical  
14 investigation, I'm able to do tests that I believe were  
15 available -- like are necessary. Maybe I'll perform an  
16 x-ray. I can also take tissue slides.

17 So if I find like a tumor that I didn't know was there  
18 and I wanted to know what it is, I can -- and every,  
19 every -- it's, it's just a complete -- I do whatever I need  
20 to do in order to determine the cause and manner of death.

21 THE COURT: Excuse me, doctor. If you would move the  
22 microphone to your right just by 2-inches so when you're  
23 talking to the jury it will---

24 THE WITNESS: Got it.

25 THE COURT: Thank you.



Ellen Riemer - Direct examination  
By Solicitor Barber

1 THE WITNESS: Okay. Yeah, no problem.

2 THE COURT: Thank you.

3 Counsel.

4 Q. Doctor Riemer, I know it was a while ago but I'd like  
5 to focus your attention on August 10<sup>th</sup> of 2019.

6 Did you have the occasion on that day to perform an  
7 autopsy on Timothy Haman?

8 A. Yes, I, I did the autopsy on Mr. Haman that day.

9 Q. And what were your findings?

10 A. So, he was a, a man who died from a gunshot wound to  
11 the back.

12 Q. And---

13 A. You -- would you like for me to elaborate on the  
14 details?

15 Q. If you could and specifically what damage did that shot  
16 have to that particular area of his body?

17 A. Yes. So there was an entrance wound on the right side  
18 of the back and the bullet went through the right 10<sup>th</sup> rib  
19 posteriorly. So we've got 12 ribs from the top to the  
20 bottom. So it was kind of closer to the bottom of the  
21 chest -- of the rib cage in the back and, and then it went  
22 through the right lung. And then when -- unfortunately went  
23 through the aorta, okay, which is a major -- the major blood  
24 vessel of the body.

25 All blood coming out of the heart that's pumped out of

Ellen Riemer - Direct examination  
By Solicitor Barber

1 the heart first goes through the aorta before it's  
2 distributed. It's kind of like the, you know, the main  
3 highway before all the -- it, it -- the blood gets  
4 distributed to all extremities and else -- and internal  
5 organs.

6 So, it went through the aorta, the aorta and then it  
7 actually went through both ventricles of the heart, the left  
8 ventricle and the right ventricle, including the  
9 pericardium, which is the, the sack like the protective  
10 envelope overlying the heart.

11 Okay. So we're going from back toward the front now  
12 and we're going toward the left. (Indiscernible) started on  
13 the right side of the back. So, once it's inside, it went  
14 through that right lung, then the aorta, and the heart. Now  
15 it's already into the left side and went through the left  
16 lung, and then the left fourth rib anteriorly so before  
17 exiting on the left side of the chest.

18 So we have an entrance wound in the right side of the  
19 back, the exit wound in the -- on the left side of the front  
20 of the chest and between those -- that was like a very, you  
21 know, a lot of important, you know, organs and vital  
22 structures between where it entered and exited.

23 So it went through both lungs and the heart as well as  
24 the aorta and that caused massive internal bleeding with  
25 blood around the heart as well as blood in both chest

Ellen Riemer - Direct examination  
By Solicitor Barber

1 cavities.

2 Q. Doctor Riemer, after someone endures a gunshot wound  
3 like the one you just described, how would you expect their  
4 body to react?

5 A. Well, you know, we need -- all of that blood that was  
6 internal bleeding, it, it -- it's suppose to be -- first of  
7 all, there's damage to the heart.

8 Okay. The heart's gonna not be able to work properly  
9 since there's, there's holes in it and then the lungs are  
10 gonna collapse because of the, the bullet holes through the  
11 lungs. The aorta has a hole. So blood that's -- normally  
12 the aorta is, is the major conduit to carry blood. Blood's  
13 gonna be leaking out all through, you know, into both chest  
14 cavities.

15 So there's gonna be rapid cessation of vital processes.  
16 The heart's gonna stop beating. This is probably a rapid  
17 internal bleed because it went through the heart and both  
18 lungs and the aorta. So, you know, blood is, is -- there's  
19 a lot of internal bleeding fairly quickly and, you know,  
20 before somebody officially dies, they're actually gonna pass  
21 out.

22 So, at some point he would of passed out and then  
23 eventually his brain will stop because there's no blood flow  
24 to the brain since it's all bleeding where it's not suppose  
25 to be.

Ellen Riemer - Direct examination  
By Solicitor Barber

1 Q. So, Doctor Riemer, can you say with certainty what  
2 killed Mr. Haman?

3 A. Yes. So, Timothy Haman died of a gunshot wound to  
4 back.

5 SOLICITOR BARBER: Your Honor, may I approach the  
6 witness?

7 THE COURT: Yes.

8 Q. Doctor Riemer, I'm showing you what has been marked for  
9 identification purposes only Exhibit 26 and 27.

10 Are you familiar with those?

11 A. Well, I actually have not seen these pictures before.  
12 So these are not photos of, of the autopsy -- of -- autopsy  
13 photos. These are pictures -- they look like they were  
14 taken in an emergency room because there's a lot of  
15 emergency -- so I don't really -- I'm not familiar with  
16 these pictures.

17 Q. Well, Doctor Riemer, are those the photos of---

18 A. Yeah.

19 Q. ---the bullet you describe?

20 A. Yeah. So this is -- the entrance wound is on the right  
21 side of the back as I can see. It's on the lower portion of  
22 the back. Yeah, but this, this is actually a photo taken  
23 while he was in the emergency room before he was  
24 transported, which, which I recognize but I -- it's -- it  
25 doesn't have, you know, my autopsy identifiers on it.

Ellen Riemer - Direct examination  
By Solicitor Barber

1 Q. As a part of your autopsy reports, do you often use a  
2 diagram?

3 A. Yes, that's kind of a standard thing. You know, it's a  
4 way of documenting injuries on a diagram. You know, we have  
5 a blank body diagram we start with and just a -- you know,  
6 photographs do a lot but I also take notes and write things  
7 down on a diagram so what -- during the autopsy and that's a  
8 very important part of doing an autopsy as well.

9 Q. And if I showed you a depiction of one of those  
10 diagrams, would you recognize it?

11 A. Yes.

12 SOLICITOR BARBER: May I approach, Your Honor?

13 THE COURT: Yes, ma'am.

14 Q. Doctor Riemer, I'm handing you what has been marked for  
15 identification purposes as State's Exhibit 28.

16 Do you recognize that?

17 A. Yes. So this is a blank body diagrams of, you know,  
18 the male adult diagram and usually we start, on, on a male  
19 patient, decedent, I start with this and we'll take notes  
20 and make notations on it.

21 Q. And if I -- if you were asked to point out where the  
22 gunshot wound of Timothy Haman took place, could you do that  
23 today?

24 A. Yes.

25 SOLICITOR BARBER: Your Honor, at this time the State

Ellen Riemer - Direct examination  
By Solicitor Barber

1 moves to admit and publish exhibit -- State's Exhibit 28.

2 THE COURT: 28.

3 MS. HENSLEY: No objection to 28.

4 THE COURT: Without objection, 28 is admitted.

5 (WHEREUPON, State's Exhibit No. 28 was received into  
6 evidence at this time.)

7 Q. Doctor Riemer, can you please point out on that screen  
8 there to the jury where the bullets hit Mr. Haman?

9 A. Yes. So the entrance wound was on the right side of  
10 the back -- oh, look, there's a mark.

11 Okay. Cool.

12 All right. It's actually a little -- it's a little bit  
13 to the right of that but it's, it's in that area. That's  
14 around where the entrance was like kind of lower portion of  
15 the rib cage on the back and then it went into the body,  
16 through the right lung, the aorta, which is the major blood  
17 vessel of the body, the heart, then toward the left side,  
18 and exited around there.

19 So we've got -- from right to left, back to front and  
20 toward. So this is the right side of the body. This is the  
21 left side of the body.

22 SOLICITOR BARBER: Beg the Court's indulgence.

23 THE COURT: Yes, ma'am.

24 (Pause.)

25 SOLICITOR BARBER: I've nothing further for this



Ellen Riemer - Direct examination  
By Solicitor Barber

1 witness at this time.

2 THE COURT: Counsel.

3 MS. HENSLEY: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. HENSLEY:

6 Q. Good afternoon.

7 A. Hi.

8 Q. Doctor Riemer?

9 Is that right?

10 A. It's Riemer actually.

11 Q. Riemer. I'm sorry. I'm Laree Hensley. I'm Shannon  
12 Johnson's lawyer.

13 A. Okay.

14 Q. I don't think we've ever met.

15 A. No.

16 Q. So, you did this autopsy on August the 10<sup>th</sup>, right?

17 A. Yes.

18 Q. And so when you received Mr. Haman's body, you received  
19 some bag -- he was nude, right?

20 A. Let me see. I have to review that information. He was  
21 unclothed.

22 Q. Okay. And there was a bag of clothes -- clothing and  
23 other personal belongings received separately?

24 A. Yes.

25 Q. But that's not really your concern for the---

Ellen Riemer - Cross-examination  
By Ms. Hensley

1 A. Right.

2 Q. This---

3 A. I mean it comes in. I don't know where it's -- I  
4 don't, I don't review it. If it's on him, you know, I'm  
5 gonna look at it but I don't really look at things that are  
6 brought in. I don't know what was done to it.

7 Q. Right. And that, that makes total sense to me.

8 And I've just noticed that -- noted that the very first  
9 thing that you note is his height and weight, right?

10 A. Yes. So, you know, there's a lot of things I -- that  
11 I -- we do at the outset is I measure the height while the  
12 person is actually lying down. So, I use a tape measure.  
13 So it could be a little bit off. You, you know, it's not  
14 like somebody's standing up. And then we have scales that  
15 are, that are used to weigh people and that's -- they're  
16 also, you know, maybe not a hundred percent exact but pretty  
17 close.

18 Q. But you had his height as 73 inches tall.

19 So that's 6'1", right?

20 A. Correct. 6'1".

21 Q. And you had him at 216 pounds?

22 A. That's what he weighed, yes.

23 Q. And you noted that he appeared to be a stated age of 41  
24 years?

25 A. Correct.

Ellen Riemer - Cross-examination  
By Ms. Hensley

1 Q. Okay. And I noticed in your report that you also -- in  
2 the course of your investigation, you took some clippings of  
3 his fingernails, right?

4 A. Yes, that is done as a routine matter and pretty much  
5 anytime somebody comes in and if there's any kind of injury,  
6 like gunshot wounds, stab wounds, blunt force injury, it's,  
7 it's kind of a -- instead of saying ah, do we need to take  
8 fingernails in this case, you know, some -- if you do things  
9 consistently, I -- you know, I'll never miss when that's  
10 needed. So that's part of a -- the, the what -- the things  
11 that are collected within -- at the autopsy of a homicide  
12 victim.

13 Q. I understand and I appreciate that.

14 So -- and one of the reasons you might would of done  
15 that is if there was some evidence of a fight before this or  
16 something like that?

17 A. Yeah, that's right. It could potentially have been --  
18 have some evidentiary value. It's beyond the scope of the  
19 autopsy to make that determination. But in -- investigators  
20 in, in a homicide, you know, may, you know, determine that's  
21 something important to examine.

22 Q. And you wouldn't have been the testing -- the person  
23 who would of done any testing of that---

24 A. No.

25 Q. ---if any testing was done, right?

Ellen Riemer - Cross-examination  
By Ms. Hensley

1 A. That's correct. I just collect the fingernails. They  
2 get passed on along with other evidence.

3 Q. And then you put that in your report that you did  
4 that---

5 A. That's right.

6 Q. ---right?

7 And I, I notice that -- I didn't see any tox screen.

8 Is that something that you would do or somebody else  
9 would do?

10 A. Yeah. well, actually there are -- there is a  
11 toxicology report that was performed in this case. But, in  
12 my opinion, I didn't need -- toxicology kind of takes a long  
13 time sometimes to get the results back and I had a clearcut  
14 cause of death. So, it wasn't particularly important to me  
15 to the -- I, I do have toxicology results. When I receive  
16 them, I put them in the file. But I did not include them in  
17 the actual autopsy report.

18 So, the sentence that I said was samples of peripheral  
19 blood are sent and amass for toxicology analysis and that  
20 analysis will be, you know, in a separate report and I have  
21 the separate report.

22 Q. And was that report forwarded to the investigators in  
23 this case?

24 A. I don't know.

25 Q. Okay. That's fair. Thank you so much. I appreciate

Ellen Riemer - Cross-examination  
By Ms. Hensley

1 it, Doctor Riemer.

2 A. Okay.

3 THE COURT: Anything at all, counsel?

4 SOLICITOR BARBER: Just briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY SOLICITOR BARBER:

7 Q. Doctor Riemer, you spoke about the entrance and exit of  
8 the bullet.

9 How do you determine where it enters and where it  
10 exits?

11 A. Yes. So this is part of the, the education and  
12 experience of, of forensic pathologist is to -- well, the  
13 entrance wounds and exit wounds usually have very different  
14 types of physical features. So, for entrance -- for  
15 instance, an entrance wound -- and I have a -- this picture  
16 of it that you---

17 MS. HENSLEY: And, Your Honor, I would just object to  
18 the publication of this photo. I don't believe that any  
19 foundation's been laid for that photograph and this -- a  
20 witness has never seen it before today. So I---

21 THE WITNESS: Okay.

22 MS. HENSLEY: ---I would just object to that.

23 THE WITNESS: Okay.

24 SOLICITOR BARBER: And, Your Honor, we're not asking  
25 for the photo to be published.

Ellen Riemer - Redirect examination  
By Solicitor Barber

1 THE WITNESS: Okay.

2 SOLICITOR BARBER: It's fine.

3 THE COURT: Okay.

4 A. No problem.

5 So an entrance wound on the skin, okay, the way the --  
6 usually it, it -- when a bullet pierces the skin, it --  
7 it's -- kind of think of it as like it's going through the  
8 skin. It's making a hole but then it scrapes the skin along  
9 where it's enter -- entering. So, it kind of creates a  
10 scraped border, a mar -- we call it a marginal abrasion, an  
11 abrasion on the border of the entrance wound and that's very  
12 typical of an entrance gunshot wound in most locations of  
13 the body.

14 In contrast, an exit wound is kind of like, you know,  
15 the bullet is in the inside of the body and then it's gonna  
16 break through the skin at the end. So, it frequently kind  
17 of causes a tearing of the skin and it's more -- your -- the  
18 exit wounds tend to be more irregular. But we specifically  
19 don't see the kind of abrasion on the margins of the skin at  
20 an -- exit wounds. It's kind of like a bullet's -- kind  
21 of -- since it's coming from beneath the skin, it kind of  
22 pushes the skin out. It's like tearing through a curtain as  
23 opposed to, you know, creating a hole.

24 So this is -- you know, and it's not always a hundred  
25 percent clearcut. But, in this case, there was clear, you

Ellen Riemer - Redirect examination  
By Solicitor Barber

1 know, I could see that the entrance wound was on the back  
2 and the exit wound was on, on the front. And, and a lot of  
3 times even the, the wound path through the body can create a  
4 wound track that's -- shows a certain direction in it.

5       So, you know, it -- it's -- I start out by looking at  
6 the external examination and, most of the time, I'm able to  
7 tell the entrance and exit wounds by my visual examination  
8 on -- externally. Sometimes, when I do the internal  
9 examination, I will revisit that if I think it -- I maybe  
10 wasn't correct initially. But what's in my final autopsy  
11 report is the, is the, is the conclusion that I came to.

12 Q. And, Doctor Riemer, Ms. Hensley asked you about the  
13 fingernails and other things that you tested during your  
14 analysis of that body.

15       Did you also test for things like powder burns?

16 A. No. Well, yeah, the -- so I don't know what you  
17 exactly mean by powder burns. But there's something called  
18 gunshot residue or, you know, which is -- would be on  
19 someone's hands. That's not something I would test for.

20       Gun powder stippling is my -- would be gun powder that  
21 would be deposited on the skin around an entrance wound when  
22 there's discharge of a firearm within a certain range like a  
23 close range.

24       So, for instance, think of a bullet coming out of the  
25 barrel of a gun. Something is pro -- this is a really high,

Ellen Riemer - Redirect examination  
By Solicitor Barber

1 you know, really moves fast. So, something has to propel  
2 that bullet out of the barrel of the gun and what does that  
3 is gun powder.

4 Okay. Gunpowder, you know, it's, it's basically  
5 ignited and then gunpowder burns and creates all this energy  
6 and pushes the bullet out of the barrel of the gun. Now,  
7 gun powder can travel for maybe, you know, up to a couple of  
8 feet. But then it doesn't travel as long as the bullet.

9 So, if, if somebody's shot within 2-feet or, or so of a  
10 body, I frequently see those gun -- burned gunpowder  
11 particles around the entrance wound. If it's further away,  
12 we don't have any.

13 Q. And you stated to Ms. Hensley that you knew the clear  
14 cause of death.

15 How confident are you in that conclusion?

16 A. Yeah, it's called a reasonable degree of medical  
17 certainty. So, I -- he was healthy. There's nothing else  
18 wrong with him. He had a bullet that pierced vital organs  
19 that would be non-survivable. So I'm confident that the  
20 gunshot wound to the back is what -- responsible for his  
21 death.

22 Q. Thank you, Doctor Riemer.

23 I have nothing further at this time, Your Honor.

24 THE COURT: Anything at all?

25 RECROSS-EXAMINATION



Ellen Riemer - Recross examination  
By Ms. Hensley

1 BY MS. HENSLEY:

2 Q. Just one or two little follow-ups from that, Doctor  
3 Riemer.

4 So when EMS and people responded, the police responded,  
5 it -- if they had concluded that this fellow was shot in the  
6 chest, that was probably because of the hole in his chest,  
7 right?

8 A. Yeah, I, I don't know what they concluded. But a lot  
9 of times, you know, people aren't necessarily trained in---

10 Q. Sure.

11 A. Like some -- I sometimes will get EMS report that says  
12 somebody was shot in the front of the chest, and then, on my  
13 examination, I'll, I'll conclude that's not actually the  
14 case.

15 Q. Thank you so much.

16 A. Okay.

17 THE COURT: Is she released?

18 SOLICITOR BARBER: Yes, Your Honor.

19 MS. HENSLEY: No objection.

20 THE COURT: No objection.

21 Doctor, you may step down. Please be careful. You are  
22 released from your subpoena.

23 THE WITNESS: Okay.

24 THE COURT: You may stay or go, whichever you choose.

25 THE WITNESS: Thank you.

Mark Mellette - Direct examination  
By Solicitor Simpson

1 THE COURT: Thank you.

2 SOLICITOR BARBER: Your Honor, if I may, may I grab  
3 those exhibits from the witness stand?

4 THE COURT: Sure.

5 SOLICITOR BARBER: Thank you.

6 THE COURT: Madam Clerk.

7 THE CLERK: Please raise your right-hand. Place your  
8 left-hand on the Bible.

9 MARK MELLETTE, being first duly  
10 sworn, testified as follows:

11 THE CLERK: Please be seated. Please state your full  
12 name spelling your last name.

13 THE WITNESS: Okay. My name is Mark Mellette. Last  
14 name is spelled M-E-L-L-E-T-T-E.

15 THE COURT: Sir, I'm gonna ask you to adjust the  
16 microphone to suit yourself please and use your outside  
17 voice.

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 Counsel.

21 SOLICITOR SIMPSON: Thank you.

22 DIRECT EXAMINATION

23 BY SOLICITOR SIMPSON:

24 Q. Mr. Mellette, if you could just describe for the jury  
25 sort of your background and education, experience, and then

Mark Mellette - Direct examination  
By Solicitor Simpson

1 what led you to law enforcement, kind of your work history  
2 in law enforcement, and your current position, rank, and  
3 what you do today.

4 A. Yes, sir. So my name is Mark Mellette. I'm a  
5 detective sergeant with the Charleston Police Department and  
6 I've been employed there for about 13 years now. I'm, I'm  
7 currently assigned as the supervisor of the robbery unit.  
8 Myself and my team of five detectives are charged with  
9 investigating all robberies that occur within the City of  
10 Charleston.

11 In my nearly 13 years I've served in various roles,  
12 numerous patrol assignments, and numerous investigative  
13 assignments. I've served as either a detective or a  
14 supervisor in just about every investigative unit at CPD.

15 I have extensive investigative based training. Just to  
16 rattle off a couple, advanced homicide investigations and  
17 advanced interview and interrogation techniques. I have a  
18 bachelor's degree in criminal justice from Florida Atlantic  
19 University, which sort of sparked my interest in law  
20 enforcement, and I furthered it with a master's degree from  
21 Charleston Southern University.

22 Q. So, you, you currently hold a master's degree in what  
23 area?

24 A. Criminal justice.

25 Q. Okay. And if you could, just -- you probably stated

Mark Mellette - Direct examination  
By Solicitor Simpson

1 this. Just remind us what your role was in CPD in August of  
2 2019.

3 A. Yes, sir. In 2019 I was the detective sergeant, the  
4 supervisor of the white collar crime and auto theft unit.

5 Q. Okay. And even though you were with the white collar  
6 crime and auto unit, would you, nevertheless, sometimes be  
7 called in to assist with larger investigations --

8 A. Absolutely.

9 Q. -- in other areas?

10 A. Absolutely. With a large investigation such as a  
11 homicide, those investigations are typically very resource  
12 intensive and will often times require assistance from other  
13 units. I had a background as a detective in the homicide  
14 unit prior to promotion. So, I was eager to assist in any  
15 way that I could with this case.

16 Q. Okay. And did you, in fact, assist in, in the  
17 investigation of the shooting death of Tim Hama at ■  
18 Hanover Street on August the 8<sup>th</sup> of 2019?

19 A. Yes, sir, I did.

20 Q. And in what way?

21 A. I was first asked -- well, I was informed that a  
22 request for video was placed with Knight's Supermarket,  
23 which is a business on the east side, and I was asked to  
24 first assist by seeing if that video surveillance request  
25 had been fulfilled.



Mark Mellette - Direct examination  
By Solicitor Simpson

1 Q. Okay. Let's pause you right there and talk about  
2 Knight's for a second.

3 what kind of business is the Knight's Supermarket?

4 A. It's essentially a convenience store. It's situated  
5 less than two blocks north of the murder scene and it is a  
6 very popular hangout for people on the east side.

7 Q. Okay. Busy, busy spot?

8 A. Busy.

9 Q. In your experience that you've already sort of  
10 recounted for the jury, had you had occasion, prior to this,  
11 to have any involvement with Knight's Grocery?

12 A. Absolutely. A number of occasions.

13 Q. Okay. Had you ever been inside Knight's Grocery?

14 A. Yes.

15 Q. One time, two times?

16 A. Numerous times.

17 Q. Okay. Were you familiar with the area surrounding  
18 Knight's Grocery?

19 A. Yes.

20 Q. Did any past investigations lead to any necessity by  
21 you or by others that you're familiar with in obtaining  
22 copies of surveillance videos for Knight's Grocery?

23 A. Yes, absolutely.

24 Q. All right.

25 A. And through that experience, I knew there to be cameras

Mark Mellette - Direct examination  
By Solicitor Simpson

1 both inside and outside of the store.

2 Q. Okay. Is the management of Knight's Grocery, Grocery,  
3 ownership of Knight's Grocery, typically pretty cooperative  
4 with Charleston Police Department when it comes to providing  
5 you with copies of their surveillance videos?

6 A. Yes, sir.

7 Q. And is obtaining copies of those videos from the  
8 Knight's Grocery management something you -- you've done  
9 before---

10 A. Yes, sir.

11 Q. ---in these investigations?

12 A. Yes, sir.

13 Q. Okay. So you said you were tasked sort of with that  
14 job of, of picking up the Knight's Grocery surveillance  
15 video?

16 A. Yes, sir.

17 Q. How did that proceed, that task proceed?

18 A. So, I responded to Knight's Grocery and I made contact  
19 with the owner and I found that the video surveillance  
20 request had not yet been fulfilled. So, I took that  
21 opportunity to take a look at the surveillance system  
22 screens live timestamp and I did that to ensure that the  
23 timestamp was accurate---

24 Q. You said---

25 A. ---because often---



Mark Mellette - Direct examination  
By Solicitor Simpson

1 Q. I'm sorry to interrupt you but is that a good idea in  
2 any case when you're, when you're involving -- involved in  
3 getting surveillance video?

4 A. Yes. Because if the timestamp on the screen is  
5 inaccurate, your true time that you're requesting is not  
6 going to be reflective in the video. It's going to be  
7 adjusted to the inaccurate timestamp.

8 Q. Okay. So that timestamp is typically gonna run  
9 throughout the video if you're in close proximity to the  
10 video you're obtaining?

11 A. Correct.

12 Q. And so if -- would you note -- if it's four minutes  
13 fast you would want to know that, right?

14 A. Yes.

15 Q. And so because the video you're obtaining's gonna all  
16 have a timestamp on it that's fast?

17 A. Correct.

18 Q. And just so I understand that correctly.

19 A. Yes.

20 Q. Okay. What observations, if any, did you make about  
21 the Knight's Grocery time and date stamp on, on the -- when  
22 you went down to get it?

23 A. Yes, sir. Well, I found that the time -- while the  
24 time was accurate, the date was one day set to the future.  
25 So, when I was pulling this video, it was August 9<sup>th</sup> of

Mark Mellette - Direct examination  
By Solicitor Simpson

1 2019. Yet the screen depicted a future date of  
2 August 10<sup>th</sup>. So, I knew that it was 24 hours fast.

3 Q. So the time was correct?

4 A. Correct.

5 Q. And the -- it was just that the day was one day into  
6 the past, into the future on the video?

7 A. Yes, sir.

8 Q. Okay. So what did that tell you about the request that  
9 you had made from management from the copies -- for the  
10 copies of the video?

11 A. They told me that if I wanted video from the 8<sup>th</sup> I  
12 needed to make that request on the 9<sup>th</sup> on the system.

13 Q. Okay. So you're there actually on the date of  
14 August 9<sup>th</sup>, correct?

15 A. Correct.

16 Q. But in order to make the request for the --

17 A. Previous.

18 Q. -- video on the 8<sup>th</sup>, you needed to pull what they would  
19 have as the 9<sup>th</sup>?

20 A. Yes.

21 Q. And that's due to your live observations there in  
22 Knight's of their search -- video surveillance?

23 A. Correct.

24 Q. Okay. And you said you -- you've looked at -- into  
25 that video surveillance system on previous occasions.



Mark Mellette - Direct examination  
By Solicitor Simpson

1 Is that correct?

2 A. Correct.

3 Q. Multiple cameras?

4 A. Multiple cameras.

5 Q. And you've been inside Knight's Grocery before, right?

6 A. Yes.

7 Q. All of those cameras give you a, a fair and accurate  
8 representation of the interior of Knight's Grocery?

9 A. They do.

10 Q. What about the exterior cameras?

11 A. As well. Multiple cameras.

12 Q. Okay. And, again, with that experience you've  
13 recounted, were you, would you say, very familiar with the  
14 interior and exterior of Knight's Grocery?

15 A. Yes, sir, I would.

16 Q. Okay. So, having noted this time difference in the  
17 video surveillance system, how did you proceed from there?

18 A. Sure. So I adjusted the request for the footage. We  
19 asked for I believe it was 4:00PM to 9:00PM. He wanted it  
20 on the incident date, which was the 8<sup>th</sup>. So I made sure  
21 that when the video was copied from 4:00 to 9:00, and the  
22 system it was input as the 9<sup>th</sup>, that way, that way it would  
23 have the true time. And once that request was made, while  
24 waiting for the video to be available for pick up, I  
25 assisted in other ways.

Mark Mellette - Direct examination  
By Solicitor Simpson

1 Q. Okay. So you went and did another task sort of on your  
2 to do list?

3 A. Yes, sir.

4 Q. Fair enough.

5 Did you then return to the Knight's Grocery?

6 A. I did. I returned when I was informed that the video  
7 was completed and ready for pickup.

8 Q. Okay. Did you pick up that video?

9 A. I did.

10 Q. What did you do with that video when you picked it up?

11 A. I brought it directly back to Charleston Police  
12 headquarters and began to review the video for investigative  
13 leads.

14 Q. Okay. And you said directly.

15 Does that mean you logged it for days in evidence and  
16 got around to it when you could or you went right from  
17 picking that up to the review?

18 A. It's a very active investigation. Information, leads  
19 need to be learned and passed on immediately to keep this  
20 investigation moving. So, yes, I responded directly to  
21 headquarters and began to review the video for leads to pass  
22 on to the team.

23 Q. And, again, you're, you're viewing this the day after  
24 the incident?

25 A. That's correct.

Mark Mellette - Direct examination  
By Solicitor Simpson

1 Q. Okay. So you've obtained -- obtained the video in a  
2 close proximity of time as the incident?

3 A. Yes.

4 Q. Okay. At this point in time in the investigation, are  
5 you looking for a particular individual on the Knight's  
6 Grocery video?

7 A. Yes, sir. At the time a suspect in the shooting had  
8 already been developed and pictured from other video  
9 sources. So, I had an image of who I was to be looking for  
10 in this video.

11 Q. Now, to be clear, that wasn't a name, right?

12 A. Correct.

13 Q. And what, what were you looking for in this Knight's  
14 Grocery video at this point in time in the investigation?

15 A. A, a male with a specific physical and clothing  
16 description.

17 Q. And what was that clothing, clothing description to the  
18 best of your recollection?

19 A. After I -- cause Knight's revealed better images which  
20 gave better quality assessment of his clothing description.

21 Are you asking what I knew before or what it was found  
22 to be?

23 Q. Well, let's put it to you this way.

24 Did you have a -- video and still images from other  
25 sources?

Mark Mellette - Direct examination  
By Solicitor Simpson

1 A. Yes.

2 Q. And are you comparing those to Knight's Grocery?

3 A. Yes, I am.

4 Q. Okay. And after that comparison, what did you  
5 determine about -- did you determine that the person of  
6 interest was in the Knight's video?

7 A. Yes.

8 Q. Okay. Very short amount of time or a pretty lengthy  
9 amount of time?

10 A. Well, he was observed at various points in the day.  
11 First around the four o'clock hour he approached and entered  
12 the store.

13 Q. Is that from the exterior camera?

14 A. It's from the exterior camera. You see him approach  
15 and then the interior cameras capture his business inside of  
16 the store.

17 Q. Okay. And is he in there for a good amount of time?

18 A. Several minutes I believe.

19 Q. Okay. Pictured from -- on several different cameras?

20 A. Yes.

21 Q. Okay. And continue.

22 A. Yep. So as far as his description, this, this was a  
23 young black male with dark skin, slim build, goatee, and  
24 clothing from head to tail. He was wearing a dark -- it was  
25 a brown baseball cap facing forward with a Louis Vuitton

Mark Mellette - Direct examination  
By Solicitor Simpson

1 emblem on the front.

2 Q. And let me ask you about that emblem.

3 stitched in or is it -- does it have sort of---

4 A. I believe it was stitched.

5 Q. You describe it.

6 A. I believe it was stitched.

7 Q. Okay.

8 A. It was just a large Louis Vuitton emblem on the front  
9 of the hat.

10 Q. Pretty distinctive?

11 A. Yes.

12 Q. Okay.

13 A. As well as his shirt. His shirt was quite distinctive.  
14 It was dark in color, multi colored, designs all over the  
15 shirt and short sleeve with Fendi printed across the chest.  
16 He also had some unique jeans with fades and tear designs  
17 and things of that nature and he had light in color shoes  
18 with white soles. So, he's easy to recognize in the video.

19 Q. Pretty distinctive clothing?

20 A. Yes.

21 Q. Clothing of a nature that, you know, well, perhaps not  
22 unique on the whole entire planet but it's pretty easy to  
23 recognize?

24 A. Yes.

25 Q. And you're comparing that to what you call -- what is

Mark Mellette - Direct examination  
By Solicitor Simpson

1 it -- a video of a shooting, correct?

2 A. Yes.

3 Q. Okay. And did you determine this individual was likely  
4 the same---

5 A. Yes.

6 Q. ---individual as the others?

7 A. Yes.

8 Q. And the clips of, of all those interactions in the  
9 knight's Grocery, did you identify them in your report and,  
10 and note them---

11 A. Yes, I did.

12 Q. ---for future analysis of that video?

13 A. Yes.

14 SOLICITOR SIMPSON: Okay. Your Honor, I'd like to  
15 approach, approach the witness.

16 THE COURT: Yes, sir.

17 Q. Showing you what's been marked for ID only at this  
18 point as State's 12.

19 A. Yes, sir.

20 Q. Do you recognize that exhibit?

21 A. I do.

22 Q. Okay. And what is that exhibit?

23 A. That is a disk containing video from Knight's Grocery  
24 and it has my initials on it.

25 Q. Okay. Now, this isn't in the form you initially would

Mark Mellette - Direct examination  
By Solicitor Simpson

1 of taken out that video from, right?

2 A. That's correct. It's not.

3 Q. Okay. And -- but you've reviewed what's on this?

4 A. Yes.

5 Q. All right. Are these the relevant clips from the  
6 larger video --

7 A. Yes.

8 Q. -- that you took from the Knight's Grocery?

9 A. Yes, sir.

10 Q. And are they a fair and accurate version of the  
11 relevant portions of that video that you reviewed from  
12 Knight's?

13 A. They are.

14 Q. Do they give a fair and accurate depiction of the  
15 interior of Knight's Grocery that you're familiar with  
16 through your experience?

17 A. They do.

18 Q. What about the exterior?

19 A. They do.

20 Q. And with the exception of noting the date change, did  
21 the times correspond with each other on the camera?

22 A. Yes, sir.

23 Q. In other words, did you see an individual leave, leave  
24 one camera?

25 Does he then appear on another consistent with how this

Mark Mellette - Direct examination  
By Solicitor Simpson

1 video surveillance system's set up?

2 A. Yes.

3 SOLICITOR SIMPSON: Okay. Your Honor, at this point in  
4 time the State would seek to admit State's Exhibit 12.

5 MS. HENSLEY: Without objection, Your Honor.

6 THE COURT: Without objection, 12 is admitted.

7 (WHEREUPON, State's Exhibit No. 12 was received into  
8 evidence at this time.)

9 SOLICITOR SIMPSON: Court's indulgence.

10 THE COURT: Yes, sir.

11 Q. Sergeant Mellette, please answer any questions that  
12 defense may have.

13 A. Yes, sir.

14 THE COURT: Counsel.

15 MS. HENSLEY: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. HENSLEY:

18 Q. Good afternoon, Sergeant Mellette.

19 A. Good afternoon.

20 Q. I'm Laree Hensley. I'm Shannon Johnson's lawyer.

21 A. Yes, ma'am.

22 Q. So basically in gathering the video, you have some, you  
23 have some other video and some still photos, right?

24 A. Yes, we had a, a suspect that we were looking for a  
25 description, yes.



Mark Mellette - Cross-examination  
By Ms. Hensley

1 Q. And so, when you go to Knight's, then you're just  
2 looking to see if those -- that, that just -- if you can  
3 find somebody that looks like what you already know, right?

4 A. It was to capture video surveillance while it was  
5 present before it was purged a known popular hangout very  
6 close to the scene to see if that person from the shooting  
7 was present earlier in the day.

8 Q. And, in fact, there were other people that you knew to  
9 have been present also in that Knight's video, right?

10 A. There was a lot of people at Knight's, yes, ma'am.

11 Q. And people that were invest -- being part of -- that  
12 were part of this investigation, right?

13 A. I believe I recall a, a witness being also observed in  
14 the video.

15 Q. At least one, right?

16 A. At least one.

17 Q. Maybe more than one---

18 A. Uh-huh.

19 Q. ---right?

20 A. Yes.

21 Q. And those were things you already knew by August the  
22 9<sup>th</sup>, right?

23 A. Yes.

24 Q. Cause you went on August the 9<sup>th</sup> and then I know that  
25 you have to fix the request time.

Mark Mellette - Cross-examination  
By Ms. Hensley

1 Did you pick it back up on August the 9<sup>th</sup>?

2 A. Yes, I did.

3 Q. And in-between then you maybe interviewed some other  
4 folks, right?

5 A. Yes, ma'am.

6 Q. And you said that what you knew was you, you were  
7 looking for a young black male, right?

8 A. That was part of it. The clothing description, the  
9 distinct clothing description, was quite easy to locate in  
10 the video.

11 Q. Right.

12 But the pictures that you had before you looked at the  
13 knight's video, you didn't know you were looking for a Louis  
14 Vuitton hat, did you?

15 A. You know, I -- more than three years ago, I'm not sure  
16 what exactly was in -- I knew. We had a image of this  
17 person from head to toe and it was enough for me to  
18 successfully review that video in search of that person.

19 Q. Sure. And I, I get that---

20 A. Well---

21 Q. ---and I, I understand.

22 A. But you're correct. The, the knight's video provided  
23 greater clarity and I was able to make more clear  
24 observations because up close and personal the cameras were  
25 as opposed to --.

Mark Mellette - Cross-examination  
By Ms. Hensley

- 1 Q. As opposed to what you had from the street and people  
2 moving?
- 3 A. To, to get detail like that on the hat to my memory---
- 4 Q. The brand---
- 5 A. Yes, ma'am.
- 6 Q. ---and stuff like that?
- 7 And so it's a, a slim built fellow, right?
- 8 A. Yes.
- 9 Q. Dark skinned---
- 10 A. Yes.
- 11 Q. ---right?
- 12 Did you say with or without facial hair?
- 13 I, I maybe just missed that.
- 14 A. Well, in my supplemental report, I, I noted that he has  
15 a goatee.
- 16 Q. Okay. Did you interview any folks who gave you any  
17 information about the victim?
- 18 A. Yes.
- 19 Q. And was that the victim's neighbors?
- 20 A. Yes.
- 21 Q. And from that information that you gathered, did you  
22 get information that the victim was aggressive?
- 23 A. No, he was described as a very friendly neighbor.
- 24 Q. And so you weren't aware of any aggression by the  
25 victim, right?

Mark Mellette - Cross-examination  
By Ms. Hensley

1 A. Oh, I'm not sure about that. The person that I  
2 interviewed described him as a very friendly neighbor.

3 Q. So he's a good guy and you don't have any knowledge of  
4 any prior violence by the victim, right?

5 A. I don't. Not to my knowledge.

6 Q. Okay. Thank you very much, Sergeant Mellette. I  
7 appreciate it.

8 A. Yes, ma'am.

9 THE COURT: Anything at all, counsel?

10 SOLICITOR SIMPSON: Nothing further.

11 THE COURT: Thank you.

12 Is he released?

13 SOLICITOR SIMPSON: Yes, sir.

14 MS. HENSLEY: No objection.

15 THE COURT: No objection.

16 Detective, you may step down. Please be careful and  
17 you are released from your subpoena which means you may stay  
18 or go.

19 THE WITNESS: Thank you, judge.

20 THE COURT: Thank you.

21 Okay. Let's break?

22 Okay. Mr. Foreman, ladies and gentlemen, it's now  
23 3:30, actually 3:32. We've been in here since the top of  
24 the hour because we had a couple minutes, about 18 minutes,  
25 of computer technology issues. We could see and then we

1 couldn't hear and then we could hear and couldn't see and --  
2 but, but some of these fine people in the courtroom managed  
3 to make all of that work. So, nonetheless, we've been  
4 running a good solid hour and a half.

5 Let's take our afternoon break. Again, this will be a  
6 good 15, 20 minute break. Refresh yourselves. Use the  
7 facilities, get a drink of water, whatever. But do not talk  
8 about the case, Mr. Foreman, cause it's not -- if you'll  
9 take, take your jury out.

10 (WHEREUPON, the following takes place outside the  
11 presence of the jury.)

12 THE COURT: All right. Anything from anybody?  
13 We'll take about a 15, 20 minute break.

14 SOLICITOR SIMPSON: Your Honor, just, just so that you  
15 know, we do believe we rest today on the stipulation and the  
16 entry of what served as some evidence. We've culled down  
17 our, our witness list pretty considerably. We had an  
18 absolutely full slate of about 15 for today but I, I -- we  
19 only have one more for -- planned for today and then it  
20 would be our intention tomorrow morning to call two and  
21 rest.

22 THE COURT: Okay. Well, I tell you what let's do.

23 Let's, let's everybody take about 15 minutes and then  
24 let's see the lawyers just real quick in my, in my chambers  
25 just so we get an idea because Maddie starts the jury charge

1 as soon as we start the trial. Actually she started it  
2 probably last week because, you know, we, we knew what we  
3 had. But, nonetheless, and we won't do it today. But I  
4 always have a jury charge conference so that we go over  
5 anything.

6 But we'll talk about that in about 15 minutes.

7 How about that?

8 SOLICITOR SIMPSON: Okay. Thank you, sir.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Were you able to get in touch?

11 SOLICITOR SIMPSON: (Indiscernible), Your Honor.

12 THE COURT: Okay.

13 SOLICITOR SIMPSON: No, unfortunately.

14 THE COURT: Okay.

15 SOLICITOR SIMPSON: We, we got a number that he's  
16 always really -- and he's just not answering which leads me  
17 to believe he is testifying in some---

18 THE COURT: Yeah.

19 SOLICITOR SIMPSON: ---other jurisdiction.

20 THE COURT: He's, he's in another courtroom. Okay.

21 SOLICITOR SIMPSON: Yeah.

22 THE COURT: We understand that the, the next -- the  
23 SLED agent is in multiple courtrooms this week and he's  
24 gonna -- probably gonna be unavailable this afternoon and,  
25 and you've got two -- that was the last one for today.

1 SOLICITOR SIMPSON: Yes, sir, we have three remaining  
2 witnesses including him.

3 THE COURT: Okay. And I was just telling Madam Clerk  
4 that. So --.

5 All right. So, is there anything we need to do this  
6 afternoon other than me re -- charge the jury not to  
7 deliberate, talk about it, and we'll reconvene tomorrow  
8 morning?

9 SOLICITOR SIMPSON: Yes, sir, I just note for Madam  
10 Clerk that, that we'll need the AL (phonetic) again  
11 tomorrow.

12 THE CLERK: Again.

13 SOLICITOR SIMPSON: And, and just to get ahead of  
14 matters, should we get to a point of sentencing, there are  
15 some people that want to participate virtually in that  
16 should it happen obviously from out of state. So --.

17 THE COURT: We didn't talk -- I don't know that we'll  
18 get that far tomorrow but --.

19 SOLICITOR SIMPSON: Oh, correct, yeah, just---

20 THE COURT: Probably Thursday, yes.

21 Okay.

22 SOLICITOR SIMPSON: Keeping ahead of, you know, just  
23 (indiscernible) --

24 THE COURT: Thank you.

25 SOLICITOR SIMPSON: -- we would need the equipment for

1 the rest of the week.

2 THE COURT: All right. Well, let's anybody -- any  
3 objection to me releasing the jury?

4 MS. HENSLEY: None, Your Honor.

5 THE COURT: Okay. Let's bring them back in so I can  
6 charge them not to discuss the juror -- discuss the matter.

7 SOLICITOR SIMPSON: Yes, sir.

8 (WHEREUPON, the following takes place within the  
9 presence of the jury.)

10 THE BAILIFF: All jurors are present, Your Honor.

11 THE COURT: Thank you.

12 Mr. Foreman, if everybody'd be seated. Everybody be  
13 seated please.

14 Mr. Foreman, at this time I'm gonna tell you and the  
15 jury that the next witness is an agent from SLED also known  
16 as South Carolina Law Enforcement Division. He is in  
17 another courtroom in Richland County because he was  
18 subpoenaed to be there as well and he was gonna -- is -- not  
19 it was is testifying virtually. He is still in a courtroom  
20 in Richland County and it's getting a little later in the  
21 day. We don't know what time he would be through.

22 So, we're gonna take him as the first, first witness  
23 tomorrow as far as we know?

24 SOLICITOR SIMPSON: As far as we know, yes.

25 THE COURT: As far as we know, he'll be the first



1 witness tomorrow morning and he also will -- he'll still be  
2 virtual, right, solicitor?

3 SOLICITOR SIMPSON: Yes, Your Honor.

4 THE COURT: Okay. So you can -- you should expect him  
5 in the morning. We just can't get him this afternoon  
6 because he's otherwise tied up on another case in Richland  
7 County.

8 So, with that, I'm told that there's -- that agent and  
9 a couple of more lay -- no. Well, one more lay witness  
10 maybe and then maybe another police officer witness or so in  
11 the State -- what's known as the State's case in chief.

12 So, with that, the State may well conclude its  
13 presentation some time tomorrow by lunchtime and where we go  
14 from there we don't know exactly yet because the defense,  
15 remember, has absolutely zero burden to put up anything.  
16 The State has to prove him guilty beyond a reasonable doubt.  
17 He does not have to prove anything. Again, I charge you he  
18 is presumed innocent of the charges made against him.

19 Having said that, we're gonna recess for the afternoon  
20 for the evening. Do not try to do any research. Do not  
21 talk about the case. We're gonna resume tomorrow at 9:00AM  
22 sharp (phonetic) sharp. Again, I will be here and others  
23 will be here before then. I'm usually here -- I got here  
24 this morning about 8:12 I think it was, something like that.  
25 But I'm here a little after 8:00AM and make sure we're ready

1 to go at 9:00. But we'll be ready at 9:00 tomorrow morning.

2 Okay. Everybody, do not do any research. Don't talk  
3 about the case.

4 Mr. Foreman, take your jury out and be with -- be in  
5 recess until tomorrow morning.

6 (WHEREUPON, the following takes place outside the  
7 presence of the jury.)

8 THE COURT: Okay. We'll be in recess till tomorrow  
9 morning at 9:00AM, ladies and gentlemen.

10

11 (WHEREUPON, Court was in recess for the evening.)

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1                                Wednesday, December 7<sup>th</sup>, 2022

2  
3            THE COURT:    Test, test, test, can you hear me?

4            (WHEREUPON, there was no audible response.)

5            THE COURT:    Agent Greer, can you hear me?

6            (WHEREUPON, there was no audible response.)

7            THE COURT:    Agent Greer?

8            MR. GREER:    Yes, sir.

9            THE COURT:    Okay.    I, I think we're live.    He's live.

10           Can you see us okay?

11           MR. GREER:    I can see you.

12           THE COURT:    Okay.    Good.

13           Is Mr. Simpson coming?

14           SOLICITOR BARBER:    He is, Your Honor.    He went to the  
15    restroom.

16           THE COURT:    He should of done that before he left home.

17           (Pause.)

18           THE COURT:    Okay.    I think, I think the jury's here.

19           Are we about ready?

20           SOLICITOR SIMPSON:    Yes, sir, I just would like to log  
21    on and --

22           THE COURT:    Sure.

23           SOLICITOR SIMPSON:    -- and test the tech---

24           THE COURT:    Okay.

25           SOLICITOR SIMPSON:    ---and then we'll be ready to go.

1 Thank you.

2 THE COURT: Take your time. Take your time.

3 (Pause.)

4 THE COURT: We'll have the jury.

5 THE BAILIFF: Yes, sir.

6 (WHEREUPON, the following takes place within the  
7 presence of the jury.)

8 THE BAILIFF: Judge, all jurors are present and seated.

9 THE COURT: Thank you.

10 Everybody be seated.

11 Mr. Foreman, everything good with the jury?

12 THE FOREMAN: Yes, sir.

13 THE COURT: Thank you very much.

14 Solicitor, are you ready to call the first witness?

15 SOLICITOR SIMPSON: I am, Your Honor.

16 The State calls Paul Greer from the State Law  
17 Enforcement Division via WebEx.

18 THE COURT: Madam Clerk.

19 THE CLERK: Can you hear me okay?

20 THE WITNESS: I, I can hear you.

21 THE CLERK: Please raise your right-hand.

22 PAUL GREER, being first duly  
23 sworn, testified as follows:

24 THE CLERK: Please state your full name spelling your  
25 last name.

Paul Greer - Direct examination  
By Solicitor Simpson

1 THE WITNESS: My name is Paul Greer. G-R-E-E-R.

2 SOLICITOR SIMPSON: All right. Your Honor, I was  
3 informed in the interim by the deputy that if I get  
4 physically closer to the AL there he can hear me better.

5 Is that permissible to you?

6 THE COURT: Sure.

7 DIRECT EXAMINATION

8 BY SOLICITOR SIMPSON:

9 Q. Agent Greer, does that make the audio a little more  
10 clear?

11 A. Much better, yes, sir.

12 Q. Okay. Great. Good morning, Mr. Greer. Thank you for  
13 being with us.

14 A. Good morning.

15 Q. Where are you right now?

16 A. I am in our laboratory at SLED at our headquarters  
17 area.

18 Q. And where, where is that located in the state?

19 A. That is located in Columbia, South Carolina on Broad  
20 River Road in our headquarters laboratory. We're in the  
21 process of moving from an old laboratory to a new laboratory  
22 at the moment.

23 Q. Okay. And I, I just want to ask you, how many  
24 solicitors subpoenaed you to testify this week?

25 A. I did have five subpoenas total for the week---

Paul Greer - Direct examination  
By Solicitor Simpson

1 Q. Okay.

2 A. ---when the week began.

3 Q. So can we just agree that lawyers are the worst and do  
4 everything to make your life terrible?

5 A. Oh, we just have a lot going on. I can say that about  
6 it.

7 Q. Well, what is it you do for SLED, Mr. Greer?

8 A. At SLED, I'm a forensic scientist in our firearms  
9 department of the forensic services laboratory.

10 Q. And could you just explain to the jury a little bit  
11 about your personal background, educational background, and  
12 work history that would lead you to that line of work and  
13 qualify you for that line of work?

14 A. Sure. I received a bachelor of science in biological  
15 sciences from the University of South Carolina. After  
16 graduating I completed an internship at SLED in the firearms  
17 department. I was hired on in the firearms department as a,  
18 a forensic scientist in March of 2014 where I've been since.

19 Upon starting at SLED I completed our in-house course  
20 of instruction training program for firearm and tool mark.  
21 This is an apprenticeship fellow training program that's  
22 conducted under the supervision of other court qualified  
23 examiners and this lasts approximately three to three and a  
24 half years. So it's a lot of training involved.

25 During that time I completed a -- multiple written

Paul Greer - Direct examination  
By Solicitor Simpson

1 practical examinations. I assisted other examiners in the  
2 laboratory prep their cases and also complete a mini  
3 microscopic comparisons throughout that period. At the  
4 conclusion of that training program I was given the  
5 confidence of firearm exams that includes some mock  
6 casework. Upon completing that successfully, I was able to  
7 begin casework on my own.

8 Q. And, in, in that process, did I hear you correctly that  
9 that whole process took years?

10 It took---

11 A. Yes, sir, the training program for firearm and tool  
12 mark is rather lengthy. So it took approximately three and  
13 a half years to have me fully trained to do firearms  
14 identification.

15 Q. And when you get to that point of sort of full  
16 training, you, you mentioned other people are over --  
17 reviewing your work, blindly reviewing your work, and  
18 concluding that, that they agree with that.

19 what -- what's that process like?

20 A. Oh, sure. So everything in the firearms department at  
21 SLED has 100 hundred percent micro verification process. So  
22 what that means is when we're examining evidence, looking at  
23 it, we're reaching conclusions to issue a report. Another  
24 court qualified examiner comes behind, looks at our evidence  
25 and reaches a conclusion. If that conclusion is the same as

Paul Greer - Direct examination  
By Solicitor Simpson

1 the one that I provided, then they will agree with me and  
2 the report can be issued and sent through our review  
3 process.

4 All of your technical records and reports also undergo  
5 a review process to be technically and administrative  
6 reviewed before that is issued and that's always part of our  
7 quality system here at SLED in the laboratory.

8 Q. And are, are those blind reviews?

9 In other words, the reviewer does not know the  
10 conclusion that you've made when they make their conclusion?

11 A. Correct. I will arrive at a conclusion prior to the  
12 second examiner looking at that evidence. They will look at  
13 it, and without knowledge of my conclusions, and arrive at  
14 their own conclusion.

15 Q. And so that prevents them from saying oh, I know Paul,  
16 he's a good guy, let's just rubber stamp this report, right?

17 That's the idea of why it would be blind---

18 A. Yes, sir.

19 Q. ---so they don't know what you -- okay. Have you ever  
20 testified in court before as to your scientific opinions  
21 involving---

22 A. Yes.

23 Q. ---ballistics, firearms review?

24 A. Oh, yes, sir, I have.

25 Q. And approximately how many times?



Paul Greer - Direct examination  
By Solicitor Simpson

1 A. Approximately 24 times.

2 Q. Okay. And how many -- and you can certainly  
3 approximate this.

4 But how much comparisons do you think you've made  
5 throughout that training program and in your working career  
6 as a firearms examiner?

7 A. At this point the now comparisons would be in the  
8 thousands.

9 SOLICITOR SIMPSON: Okay. Your Honor, at this point in  
10 time the State would offer Paul Greer as an expert in  
11 firearms and ballistics analysis.

12 MS. HENSLEY: Without objection, Your Honor.

13 THE COURT: Okay. And the Court finds that the  
14 testimony will assist the jury, that the witness possesses  
15 the knowledge, training, skill, and that his testimony is  
16 reliable.

17 Ladies and gentlemen, once again, I tell you that this  
18 person is now qualified as an expert in firearms  
19 ballistic -- and what was it, ballistics and --?

20 SOLICITOR SIMPSON: Ballistics and firearms.

21 THE COURT: And firearms.

22 SOLICITOR SIMPSON: Yeah.

23 THE COURT: By virtue of his training and skill. This  
24 does not mean that you must accept, accept his testimony.  
25 You give whatever weight to it that you deem is advisable.

Paul Greer - Direct examination  
By Solicitor Simpson

1           Go ahead, solicitor.

2   Q.   Mr. Greer, what, what is a fired shell cartridge?

3   A.   A, a fired cartridge case, I believe that's what you  
4   may be referring to?

5   Q.   Yes.

6   A.   Okay. A fired cartridge case is simply the cylindrical  
7   component that contains the bullet, gun powder, and the  
8   primer. So, if you imagine a cartridge, it's that a lot of  
9   times brass or nickel colored silver component that holds  
10   all of those pieces together to comprise a fired or unfired  
11   cartridge.

12   Q.   Okay. And in an automatic weapon, what happens  
13   typically when that is fired, when a bullet -- a shell is  
14   fired from an automatic weapon?

15   A.   When a cartridge is fired in an automatic or  
16   semiautomatic firearm, the pressures from firing should help  
17   to acuate, acuate that mechanism so that way you're not  
18   gonna be doing it manually. For instance, when you load a  
19   magazine, you put that magazine into a, a semiautomatic  
20   pistol, for instance, that magazine goes into the mag well  
21   (phonetic). You may pull back on the slide to load that  
22   cartridge from the magazine into the chamber.

23           At that point the firings and the battery of trigger  
24   should be fired. When you pull the trigger, it will release  
25   the serial on that firing pin, fire the cartridge. Your

Paul Greer - Direct examination  
By Solicitor Simpson

1 bullet will travel down the barrel and those pressures from  
2 firing will help to push the slide of that pistol backwards.  
3 All that is doing to kind of a on its own from those  
4 pressures from firing.

5       When that slide is from barrel -- from the pressure,  
6 that cartridge case, that cylindrical component that we were  
7 speaking of, is extracted or pulled out of that chamber and  
8 typically ejected from the gun. So, it's kicked out if you  
9 will and all that's done through the pressures from firing  
10 that cartridge.

11       At point in time, if there's another available  
12 cartridge from the magazine, it would -- when the slide is  
13 being brought back forward, it would pull that cartridge  
14 from the -- that magazine and load it into the chamber to be  
15 fired again.

16 Q.   And the -- your preferred terminology for that  
17 cylindrical casing would just be fired shell casing or fired  
18 --?

19 A.   We refer to that as a, a cartridge case. The cartridge  
20 cases is just the, the cylindrical component without the  
21 projectile out of it.

22 Q.   Okay. And if you -- are you able to look at fired  
23 cartridge casings microscopically and determine if they were  
24 fired from the same firearm?

25 A.   Yes, sir.

Paul Greer - Direct examination  
By Solicitor Simpson

1 Q. And explain to the jury how you're able to draw that  
2 conclusion.

3 A. Sure. When cartridge cases are fired from in a  
4 firearm, they are microscopically, little tiny scratches and  
5 striations and impressions, is -- and also some overall  
6 raised characteristics that you call class characteristics.  
7 The process -- the machine process of that gun marks  
8 these -- this evidence.

9 At SLED we can use a comparison microscope to look at  
10 all of these marks. A comparison microscope is simply two  
11 microscopes joined together through the use of an  
12 (indiscernible).

13 So you think of when you may have been in a, a lab one  
14 time to where you were looking through a -- one little  
15 microscope at an item underneath that. That's basically  
16 what we're doing is except we're able to look at two things  
17 at one time and under some high powered magnification. And  
18 so we're looking at all these tiny features under, under the  
19 microscope in order to see if there's any agreement in those  
20 characteristics and that helps us to determine if cartridge  
21 cases were fired by a particular firearm or by the same  
22 firearm or by a different firearm.

23 Q. Okay. So, if you had -- well, let's just get to it.

24 Did you analyze any evidence in the present case?

25 A. Yes, sir, I did.

Paul Greer - Direct examination  
By Solicitor Simpson

1 Q. And what, what was -- what were those items that you  
2 analyzed in this case?

3 A. In this case I received five fired .40 Smith & Wesson  
4 caliber cartridge cases.

5 Q. Okay. And did you perform the analysis that you just  
6 described to determine if these five casings had been fired  
7 by the same firearm?

8 A. Yes, sir, I performed an analysis.

9 Q. And what were your conclusions?

10 A. After examining these and looking at them under the  
11 microscope, it was determined and concluded that Items 1  
12 through 5 had been fired by the same firearm.

13 Q. And is that -- are you confident in that conclusion  
14 even not withstanding that they were different brands and  
15 different colors?

16 A. Yes, sir, it was my conclusion that those were fired by  
17 the same firearm.

18 Q. Okay. And I'm gonna -- I might get a little quiet  
19 here. I'm gonna move over to my computer just to show you  
20 an, an item.

21 Have -- do items arrive to you in a state that the --  
22 adds to you some confidence that they have been un-tampered  
23 with or, or handled in any manner?

24 A. Yes. When items are submitted to a laboratory from our  
25 local agencies around the state, they come in through our

Paul Greer - Direct examination  
By Solicitor Simpson

1 evidence control department. Upon submission, it is  
2 required that they be sealed in a container, envelope, and  
3 initial and dated if possible there.

4 when I received the evidence in this case, it was all  
5 inside of an evidence heat sealed envelope and it did not  
6 appear to have been tampered with when (indiscernible)  
7 later.

8 Q. Okay. I'm gonna walk over to my computer here and do  
9 my best to show you a envelope that has already been entered  
10 into evidence as State's 52.

11 Does SLED also give all items sort of a unique lab  
12 number that allows you to make that conclusion that this, in  
13 fact, is what we're referring to?

14 A. Right. When the items are brought to the SLED  
15 laboratory, everything that is entered here into our system  
16 receives its own lab number and that's typically an L  
17 number. In this case it was will L20-01681. And every item  
18 also gets an item number that it -- can be associated with  
19 and track it throughout the laboratory.

20 Q. Okay. I'll try to speak up but let me know if you  
21 can't hear me.

22 I'm showing you just sort of a broad view of, of an  
23 envelope that's been entered as State's 52 and you've  
24 mentioned a specific lab number.

25 Does this lab number on this exhibit correspond with

Paul Greer - Direct examination  
By Solicitor Simpson

1 the lab number you just gave?

2 A. Yes, sir.

3 Q. Okay. So, to the best of your knowledge from what  
4 you've seen without getting through each individual item  
5 in -- within here, do you believe this to contain the shell  
6 casings that you analyzed in this case?

7 A. That appears to be the container that it was packaged  
8 in, yes, sir, when I, I received it and I also see my  
9 initials there on the envelope that I've placed prior to my  
10 examination.

11 SOLICITOR SIMPSON: Okay. Court's indulgence.

12 THE COURT: Yes, sir.

13 (Pause.)

14 Q. Mr. Greer, I, I apologize for the actions of all the  
15 lawyers in this state. But thank you for your patience and  
16 thank you for being here with us today. Please answer any  
17 questions Ms. Hensley might have of you.

18 A. Yes, sir. Thank you.

19 THE COURT: Counsel.

20 CROSS-EXAMINATION

21 BY MS. HENSLEY:

22 Q. Good morning, Mr. Greer, Agent Greer.

23 A. Good morning.

24 Q. I'm Laree Hensley. I'm Shannon Johnson's lawyer.

25 A. Uh-huh. Yes, ma'am.

Paul Green - Cross-examination  
By Ms. Hensley

1 Q. Can you hear me okay?

2 A. I can.

3 Q. I just have a few questions.

4 When you were talking about the -- a second examiner  
5 reviews your reports, right?

6 A. (WHEREUPON, there was no audible response.)

7 Q. Do you know in this case who the second examiner was?

8 A. Yes, ma'am, I know who micro verified my results. At  
9 this current moment that person more than likely also  
10 reviewed my case file and report. But I do not have access  
11 to that computer information just to confirm that.

12 Q. So you can't tell me the name?

13 A. I can tell you the name, yes, ma'am.

14 Q. Who is that?

15 A. The, the person who reviewed the evidence and looked at  
16 what's in evidence was Michelle Ickenbiller (phonetic).

17 Q. Thank you so much.

18 And I just have a couple of questions.

19 You -- your preferred terminology is cartridge case.

20 Is that right?

21 A. That's correct.

22 Q. Okay. I just want to be sure I get it right.

23 So you analyze these cartridges and confirm your  
24 analysis to determine they came from the same gun, right?

25 A. That's correct.



Paul Green - Cross-examination  
By Ms. Hensley

1 Q. Even though they were different colors and brands,  
2 right?

3 A. Yes, ma'am.

4 Q. And I noticed on your report that -- and I guess you  
5 get this information at the top from what's submitted to  
6 you.

7 Is that right?

8 A. I'm -- the -- I'm sorry.

9 Which information are you speaking of?

10 Q. I mean right underneath the date it says firearms  
11 department and has the SLED lab number, right?

12 A. Yes, ma'am.

13 Q. And then your case number that's referring to the City  
14 of Charleston Police Department, right?

15 A. Right.

16 Q. And that information came from them, right?

17 A. Yes, ma'am. All the information there above our  
18 disclaimer section, that's provided by our computer system  
19 based on how the evidence is submitted from the submitting  
20 agency.

21 Q. So the information you had from the City of Charleston  
22 was that this was from an incident date of August the 9<sup>th</sup>,  
23 2019, correct?

24 A. That's correct.

25 Q. I believe that's all the questions I have. Thank you

Paul Green - Cross-examination  
By Ms. Hensley

1 so much, Agent Greer.

2 A. Yes, ma'am, thank you.

3 SOLICITOR SIMPSON: Nothing further.

4 THE COURT: Okay. Nothing further.

5 Sir, you are released from your subpoena. Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: Solicitor.

8 SOLICITOR SIMPSON: Thank you, Your Honor.

9 At this point in time the State calls Matthew Lawcock  
10 with Charleston Police Department.

11 THE CLERK: Please raise your right-hand. Place your  
12 left-hand on the Bible.

13 MATTHEW LAWCOCK, being first duly  
14 sworn, testified as follows:

15 THE CLERK: Please be seated.

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Please state your full name spelling your  
18 last name.

19 THE WITNESS: First name is Matthew. Last name is  
20 Lawcock. It's spelled L-A-W-C-O-C-K.

21 DIRECT EXAMINATION

22 BY SOLICITOR SIMPSON:

23 Q. All right. Good morning.

24 Is it Detective Lawcock, Agent Lawcock?

25 A. De -- so I -- I now currently work across the street

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 with the U.S. Marshals Service. But I was a detective at  
2 the time of this arrest.

3 Q. Okay. So now it would be Deputy U.S. Marshal Lawcock?

4 A. Yes, sir.

5 Q. Okay. Sorry for that -- any confusion there.

6 If you could, speaking of that though, explain to the  
7 jury sort of your educational and professional background  
8 that, that would lead you to where you are professionally  
9 today.

10 A. So, I have a bachelor's degree in criminal justice and  
11 also a master's degree in criminal justice. I was employed  
12 by the City of Charleston for eight years. I got hired  
13 there in 2011. In 2019, sorry, 2020 I left the City of  
14 Charleston and I got employed with the U.S. Marshals Service  
15 and I currently work with the U.S. Marshals Service across  
16 the street. With that being said, I've been to two police  
17 academies for both agencies.

18 Q. Okay. And you reference a period of time that you  
19 worked for the Charleston Police Department.

20 A. Yes, sir.

21 Q. Could you sort of recount for us your progression  
22 through the Charleston Police Department, what sort of roles  
23 did you play there, ranks, et cetera?

24 A. Yeah. So when I first got hired with the Charleston  
25 Police Department, I worked in the Team 4 area, which is

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 West Ashley. I started off just in basic patrol unit  
2 capacity and that was answering calls for services, doing  
3 traffic stops, kind of just the -- if you ever needed  
4 anything like a shoplifting or anything like to that effect,  
5 I would be the, the guy who would respond to that. I did  
6 that for approximately two or three years.

7 And then I got transitioned over to another unit that  
8 at the time it was called Power Squad and that was two -- it  
9 was usually two officers in a unmarked car, and we would go  
10 to areas of the city that had a little bit more crime,  
11 violent crime going on in that, in that area, and we would  
12 patrol those areas.

13 After that I went to the warrants unit and I worked in  
14 the warrants unit for about three years and then, after  
15 that, I got selected to go to the U.S. Marshals Task Force.

16 Q. So, what does the warrant unit do?

17 A. So, the, the warrant unit is responsible for literally  
18 we would -- we, at the, at the city, we could get every  
19 single warrant that wasn't served by patrol. So, whatever  
20 warrants, you know, our central unit or the, the detectives  
21 signed out on anybody, they would funnel down to the  
22 warrants unit and they would get divvied up amongst us to  
23 try and go out and look for people who had warrants and  
24 arrest them.

25 Q. And so when we're talking about a warrant, we're

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 talking about an arrest warrant?

2 A. Correct, yes, sir.

3 Q. Is that---

4 A. Arrest warrant. Not a search warrant.

5 Q. An, an authorization to arrest someone?

6 A. Yeah, it's a -- I mean it's a commandment from a judge  
7 to go and arrest somebody.

8 Q. Okay. And were you so working in August of 2019?

9 A. So, in August of 2019 I was employed with the City of  
10 Charleston Police Department and I was assigned to the U.S.  
11 Marshals Task Force.

12 Q. Okay. And what does that mean for a CPD officer to be  
13 assigned to the task force of another agency?

14 A. So, a lot of federal agencies, probably just about all  
15 of them, have what's called TFOs or task force officers and  
16 those officers are usually, at least in this area, they'll  
17 be one local officer from each jurisdiction assigned to the  
18 task force. So, for instance, for, for us, the U.S.  
19 Marshals, we have a task force officer from the City of  
20 Charleston, North Charleston, Summerville, Berkeley County,  
21 and we just had one with -- who was with us from ATF.

22 And we -- our job basically is to go out and look for  
23 people who might be harder to find. And the city, whatever  
24 jurisdiction, jurisdiction has the warrant, they will ask us  
25 to adopt certain warrants and then the task force, made up

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 of all those people, will go out and look for those people.  
2 And it, it kind of -- it makes things a little more  
3 streamlined because you have contacts at all those agencies.

4 So you can go across these jurisdictional boundaries  
5 that would be a little bit more difficult if you were just a  
6 local officer. But because you have contacts in all these  
7 other agencies, you -- it's, it's (sic) streamlines  
8 everything and you can go, go other places without any sort  
9 of hiccup or issue.

10 Q. And so does that program you just described offer a  
11 option of cooperative -- cooperation to locate people that  
12 are wanted in higher profile instances?

13 A. Yeah. We have -- given that it's the federal  
14 government, we have a, a, a little -- we have more resources  
15 and some more money that we can -- you know, we can offer  
16 rewards for people, you know, things to that effect. So it,  
17 it makes it a little bit easier.

18 Q. Okay. And in that role that you just described, did  
19 you become involved in the apprehension of an individual  
20 named Shannon Johnson after an arrest warrant was issued?

21 A. I did.

22 Q. Okay. And, if you could, just describe to the jury how  
23 your involvement proceeded in this case?

24 A. So, off the top of my head, I'm not exactly sure, you  
25 know, when the warrant was issued. But I remember Monday,

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 August 12<sup>th</sup>, starting to do surveillance and doing research  
2 on the fugitive, Shannon Johnson.

3 Q. Okay. And are you working sort of cooperating with the  
4 lead investigator in a, in a case typically?

5 A. Correct. Yes. So, whoever the case agent is from the  
6 city, the detective who -- the main detective on the case,  
7 we'll, we'll have a lot of communication back and forth.

8 Q. And do you remember who that was in this case?

9 A. Yeah, it was Detective Beth.

10 Q. Okay. Beth wolfsen?

11 A. Yes.

12 Q. Okay.

13 A. Correct.

14 Q. And so what do you recall about August the 12<sup>th</sup>?

15 A. So, we were in the Bridge, Bridgeview Apartment Complex  
16 and we were -- it was myself and one of my partners in our  
17 unmarked vehicle. And we were doing surveillance. And we  
18 had been there for, for several hours doing surveillance.

19 Q. Okay.

20 A. And I remember -- and I'm not sure if it was Detective  
21 wolfsen or it just be -- cause I was on Shannon Johnson's  
22 Facebook page. But he posted a photo of himself in that  
23 apartment complex, the Bridgeview Apartment, Apartment  
24 Complex. And I remember it so vividly because he was  
25 wearing these very distinct pants. They're bright

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 multicolored pants and I remember make -- making the comment  
2 like oh, well, if see him, he'll be easy to identify because  
3 of the pants that he had on in that photo.

4 Q. Okay. And it was completely from the photo and  
5 familiarity with the -- you said Bridgeview?

6 A. Uh-huh.

7 Q. Yeah.

8 Sometimes do people call that Bayside too?

9 A. Yep, I think it's the older term for it.

10 Q. The old term, yeah.

11 So, anyways, recognizable that here's a photo on  
12 Facebook of him in, in that apartment complex?

13 A. Correct.

14 Q. Okay.

15 A. Yeah.

16 Q. And you noted the distinctiveness of his pants?

17 A. Yeah, the distinctiveness of the pants and you -- once  
18 you, you know, I mean it'd be the same thing like if you  
19 were in your own neighborhood as far as, you know, you see  
20 the background of a photo. You can pinpoint where, where  
21 that is in your neighborhood. So, once -- you know, once  
22 you've worked in some of these apartment complexes long  
23 enough, you just -- you can see a photo. You see the  
24 background. You know that's that exact apartment complex.

25 So we were pretty confident that he was at least there



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By Solicitor Simpson

1 earlier in the day.

2 Q. Okay. And how did your day proceed from there?

3 A. So, we were there for, like I said, I mean -- I don't  
4 remember exactly what time we got over there. But we were  
5 doing surveillance for quite, quite a long time. And I  
6 think it was around five o'clock in the evening, maybe 5:30,  
7 we were parked by like the main clubhouse for the apartment  
8 complex, and it's a little like circle, round about area,  
9 and we were parked in front of building -- I think it was  
10 112.

11 So, my partner and I noticed it was three -- I think it  
12 was two, two or three black males come from our right-hand  
13 side, which I think was Building 110, and they walked over,  
14 and when we looked over, we noticed one of them had on these  
15 extremely bright pants. And, obviously, looked up and we  
16 identified that individual as Shannon Johnson.

17 They looked at us. They got pretty much right in front  
18 of our vehicle. The vehicle was off at the time just so  
19 it -- we didn't raise too much suspicion and people weren't,  
20 you know, paying too much attention to us. But they glanced  
21 in at us and looked at us and kind of just seemed like  
22 inquisitive almost but kept on walking.

23 And soon as -- so that we didn't -- we didn't want to  
24 just jump out right then. So, we, we -- I called for other  
25 units to, to come into the apartment complex and that we had



Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 identified him. I think one of those was K-9 officer  
2 Brewer.

3 Q. And you noted earlier you were unmarked, correct?  
4 Not -- no uniform?

5 A. So---

6 Q. No --?

7 A. What we -- what we -- we're, we're wearing a -- like  
8 a -- it's called a outer carrier vest. So, it has markings  
9 on it. It has -- my badge was on it. It says police on it.  
10 On the back it says U.S. Marshals Task Force. It's all  
11 identifiable as law enforcement. But I'm not marked in the  
12 sense of like I did not have a, a actual like police uniform  
13 on of like a patrol officer, something like that.

14 Q. And, and I should of clarified.  
15 Your vehicle was unmarked?

16 A. The vehicle was marked, yeah. It was a black SUV.

17 Q. And this other officer responding called in, he's in a  
18 marked vehicle?

19 A. Yes. So, the second, the second officer, the K-9  
20 officer, he's in a, a fully marked vehicle. It says  
21 Charleston Police K-9. I believe it has overhead lights on  
22 it and it's fully marked.

23 Q. And this officer, in your presence, pulled up?

24 A. Yeah. So what happened was Shannon Johnson ended up  
25 going behind Building 112. We called for backup to come in.

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1 we said we identified him. And once he rounded the corner,  
2 we exited the vehicle and we went over and, and attempted to  
3 make contact with Shannon Johnson behind Building 112.

4 At the same time as we were attempting to make contact  
5 with him is when the K-9 officer pulled up and it was at, at  
6 that time Shannon looked back at us and saw us coming, saw  
7 the K-9 officer, and just started running.

8 Q. Okay. So he -- when, when it became obvious that you,  
9 outfitted as you've already described and this marked police  
10 uniformed officer were coming in his direction, he ran?

11 A. Correct.

12 Q. And how -- where did he -- what direction did he run  
13 to?

14 How did that all go down?

15 A. So, I'm not sure if y'all are familiar with the  
16 Bridgeview area. It's just -- it's shown on the map at all.  
17 But there's a cemetery that backs up to the apartment  
18 complex.

19 So, as soon as he saw us, he took off. He ended up  
20 going through -- I think it was a couple breezeways. I  
21 don't remember the building numbers of them. But he ended  
22 up on the backside of the apartment complex that is running  
23 adjacent to the cemetery and he ran in the -- at the same  
24 time the K-9 officer released his K-9 to go and seek  
25 Mr. Johnson.

Matthew Lawcock - Direct examination  
By Solicitor Simpson

1        So, he ran along the, the fence line and then got to a  
2 point where, you know, it -- the property line ended for the  
3 apartment complex and the cemetery commenced. So he ended  
4 up jumping over that fence as we were in pursuit of him.

5 And once he got to the other side of the fence or fence, he  
6 actually stopped at that point and there was a little bit of  
7 dialogue back and forth there where he was like why are  
8 you -- what are you, what are you doing. Why are you  
9 chasing me. So, at that point I told him he had a warrant.

10 Q.    Okay. And so after jumping the fence and after the  
11 dog, K-9, had been deployed but was still on the opposite  
12 side of the fence, he ultimately -- you guys are on one side  
13 of the fence. He's directly on the other.

14 A.    Correct.

15 Q.    He stops?

16 A.    Yeah.

17 Q.    Is he apprehended at that point?

18 A.    Sorry, what?

19 Q.    Is he apprehended by you at that point?

20 A.    Yeah. So I -- the K-9 officer, Officer Brewer, he held  
21 coverage on Mr. Johnson while I hopped over the fence and  
22 detained Mr. Johnson.

23 Q.    Okay. Thank you, Agent Lawcock. Please answer any  
24 questions Ms. Hensley has for you.

25 A.    Yes, sir.

Matthew Lawcock - Cross-examination  
By Ms. Hensley

1 CROSS-EXAMINATION

2 BY MS. HENSLEY:

3 Q. Good morning.

4 Agent Lawcock, is that what it is?

5 A. Yeah, it's -- you can call me Matt. It doesn't matter?

6 Q. All right.

7 A. Yeah.

8 Q. Morning, Matt. I'm Laree Hensley. I'm Shannon  
9 Johnson's lawyer. I just have a few questions.

10 A. It's nice to meet you.

11 Q. So I have your report here and the -- I guess the  
12 second report that I had dated August the 16<sup>th</sup>, you said  
13 that report says on Monday, July the 12<sup>th</sup>, 2019, you  
14 arrested Shannon Johnson.

15 A. I believe it says August 12<sup>th</sup>?

16 MS. HENSLEY: Your Honor, could I approach?

17 THE COURT: Sure.

18 Q. I'll just let you look at this.

19 Tell me if you recognize it.

20 A. Okay.

21 Q. And that says July the 12<sup>th</sup>, right?

22 A. Yeah. So, it looks like -- it's just some sort of  
23 supplement for entering a cellphone into evidence and it  
24 does say July. So, it, it may of been a clerical error.

25 Q. Sure. I understand.

Matthew Lawcock - Cross-examination  
By Ms. Hensley

1        So this all happened on Monday, August the 12<sup>th</sup>  
2        though, right?

3        A.    Yes, ma'am.

4        Q.    Just to be sure.

5        And, at that time, you-all were outside Bridgeview or  
6        Bayside, whatever---

7        A.    Yes, ma'am.

8        Q.    ---which -- it's the same place.

9        Just old name, new name?

10       A.    Right.

11       Q.    Right?

12       A.    Yeah.

13       Q.    I got you.

14       And you saw Shannon's distinctive pants, right?

15       A.    Uh-huh.

16       Q.    And then I think you said you attempted to make contact  
17       behind Building 112, right?

18       A.    Yes, ma'am.

19       Q.    And then there was a brief foot pursuit---

20       A.    Yes, ma'am.

21       Q.    ---correct?

22       So it wasn't like a chase through the city or anything  
23       like that, right?

24       A.    I mean I, I -- it's relative, correct.

25       Q.    I got you.

Matthew Lawcock - Cross-examination  
By Ms. Hensley

1 And you described it in your report as brief---

2 A. Yeah, I wouldn't---

3 Q. ---right?

4 A. I wouldn't say it was several miles. It was maybe a  
5 quarter mile to be, you know, a little bit more -- give  
6 y'all some context.

7 Q. And then after Shannon, Shannon jumped over the fence,  
8 he basically surrendered to you, correct?

9 A. He asked why.

10 Q. He stopped?

11 A. Yeah, he, he did stop at that point. Once, once there  
12 was something in-between us and, you know, there was, I  
13 guess -- yeah, once there's something in-between us, he  
14 stopped and asked why we were chasing him.

15 Q. And you told him that you had a warrant?

16 A. I said -- I, I told -- he had a probation warrant in  
17 addition to the murder warrant. So, I told him he had a  
18 probation warrant.

19 Q. And did you transport him somewhere after that?

20 A. I believe I walked him over to another officer's  
21 vehicle and that officer transported him.

22 Q. So, that was the entirety of your interaction with  
23 Shannon?

24 A. Yes, ma'am.

25 Q. And at this time, on August the 12<sup>th</sup>, 2019, you had a

Matthew Lawcock - Cross-examination  
By Ms. Hensley

1 warrant for Shannon's arrest on these charges, correct?

2 A. Yes, ma'am.

3 Q. The charges that we're here for today?

4 A. Correct.

5 MS. HENSLEY: Beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 (Pause.)

8 MS. HENSLEY: That's all the questions that I have.

9 Thank you.

10 THE COURT: Anything at all?

11 SOLICITOR SIMPSON: Now----

12 THE COURT: Wait just a minute---

13 THE WITNESS: I'm sorry.

14 THE COURT: ---agent.

15 REDIRECT EXAMINATION

16 BY SOLICITOR SIMPSON:

17 Q. Agent Lawcock, just one question.

18 You know, despite any maybe clerical errors on some of  
19 the paperwork, are you confident that this incident you've  
20 just described to the jury took place on August the 12<sup>th</sup>?

21 A. Yes, sir, I am.

22 Q. And, again, that date of August the 12<sup>th</sup> is  
23 referenced throughout your report say for the part that was  
24 just to you by Ms. Hensley?

25 A. Yes, it is.



1 THE COURT: Any -- anything at all, counsel?

2 MS. HENSLEY: No, Your Honor. Thank you.

3 THE COURT: Marshal or U.S. Marshal, you may be  
4 released---

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: ---at this point in time.

7 Does anybody need -- any, any objection to him being  
8 released so he can get back to work?

9 Any, any---

10 SOLICITOR SIMPSON: Oh, no. I'm sorry, Your Honor.

11 THE COURT: Okay. You're released, sir.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Yes, sir.

14 SOLICITOR SIMPSON: All right. Thank you, Your Honor.  
15 The State calls Detective wolfsen.

16 ELIZABETH WOLFSEN, being first  
17 duly sworn, testified as follows:

18 THE CLERK: Please be seated. Please state your full  
19 name spelling your last.

20 THE WITNESS: Elizabeth wolfsen. W-O-L-F-S-E-N.

21 DIRECT EXAMINATION

22 BY SOLICITOR SIMPSON:

23 Q. Sergeant wolfsen, I just refer to you as Detective  
24 wolfsen and I apologize for that.

25 It's Sergeant wolfsen now, correct?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. Could you just introduce yourself to the jury and  
3 explain a little bit about your personal background,  
4 educational background, and your work history?

5 A. Sure. So I have been employed with the city since 2010  
6 with the Charleston City Police Department. Prior to that I  
7 did a bachelor's degree in criminal justice and psychology  
8 from Charleston Southern University. I also have a master's  
9 degree from the Citadel, which is in social sciences, as  
10 well as a graduate certificate in leadership from the  
11 Citadel as well.

12 I graduated from the South Carolina Criminal Justice  
13 Academy in 2010 when I was beginning my employment with the  
14 Charleston City Police Department. I started as a patrol  
15 officer, which you've heard described at length at this  
16 point. I did my patrol time in our Team 1 district, which  
17 is the peninsular area north of Calhoun Street.

18 From there I began kind of a variety of investigation  
19 assignments around 2015. I did some low level  
20 investigations, some undercover kind of intelligence led  
21 investigations. I was assigned then to our special victim's  
22 unit where I worked for a time. So think sexual assaults,  
23 domestic violence, things with children, stuff like that.  
24 And from there I went to our violent crime unit.

25 So anything that is kind of an aggravated sort of

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 assault in nature. So stabbing, shootings, anything  
2 involving death up to and including homicide, of course.

3 From there I was promoted to sergeant. I went in  
4 pat -- supervised a patrol squad for a time. I was then  
5 moved to internal affairs where I did about a year and a  
6 half. Currently I'm assigned as our public information  
7 officer. So you can think basically kind of the  
8 spokesperson for the police department.

9 So, I sort of went from internal affairs to external  
10 affairs. So now I do all of our media work, the news,  
11 social media. I'm in charge of all that stuff.

12 Q. Okay. And, you know -- I know you mentioned that just  
13 now.

14 Can you just sort of clarify what, what -- which of  
15 those roles were you serving in August of 2019?

16 A. I was a detective in our violent crimes unit.

17 Q. And is it fair to say that, with all your experience,  
18 you're familiar with the jurisdiction of the Charleston  
19 Police Department?

20 A. Yes, sir, I am.

21 Q. Is that the -- within the boundaries of the City of  
22 Charleston?

23 A. Yes, sir.

24 Q. Is the entirety of that jurisdiction within Charleston  
25 County?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. And the events in this case at ■ Hanover, did those  
3 take place in City of Charleston, County of Charleston?

4 A. Yes, sir.

5 Q. Okay. And what was your role?

6 we've, we've heard you referred to throughout this  
7 trial.

8 I should say have you, have you been with us through --  
9 throughout the case?

10 A. Yes, sir.

11 Q. What was your role in this investigation?

12 A. I was assigned as the lead agent or lead investigating  
13 detective for this particular incident. So, upon learning  
14 of what happened, I kind of began to do re, research of  
15 sorts. Kind of get up-to-date on all the information that's  
16 been obtained, what we know, what we're looking for, and  
17 kind of where we're going. So, it's sort of a, a, a  
18 management of all of the aspects of the case.

19 Q. And do you have other police officers and detectives  
20 assisting you as lead agent?

21 A. Absolutely. So, as you heard Sergeant Mellette  
22 explain, when we have an, an incident of this magnitude, a  
23 homicide, it's a very resource driven situation. So, it's  
24 sort of an all hands on deck. Everybody is trying to figure  
25 out what happened, what's going on, and where we're going

Elizabeth Wolfson -- Direct examination  
By Solicitor Simpson

1 with the investigation.

2 And so all those tasks are sort of delved out and  
3 people take on different roles and everyone's kind of  
4 gathering information.

5 Q. But are there other detectives, other officers,  
6 reporting back to you with any sort of evidentiary leads or  
7 items of evidence that they've collected?

8 Are they -- do you serve the repository of?

9 A. Yes, sir, definitely.

10 Q. Okay. So do you, do you do your best to maintain sort  
11 of some work and familiarity with the investigation from a  
12 bird's-eye view?

13 A. Yes.

14 Q. Okay. And, again, I think today in your testimony, at  
15 least from me, we're gonna focus on a couple of aspects of  
16 that work. But I don't want to leave the jury thinking  
17 that's all you did. So, I'm gonna ask you a couple of  
18 general questions.

19 Did you interview witnesses in this case?

20 A. I did. Multiple people, yes.

21 Q. Did other detectives interview individuals, come back,  
22 and, and report what -- to you --

23 A. They did.

24 Q. -- about those interviews?

25 Did you review the physical evidence collected in this

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 case?

2 A. I did.

3 Q. Did you -- were you -- did you kind of remain aware of  
4 any sort of forensic testing that was done on this physical  
5 evidence?

6 A. Yes, sir.

7 Q. And have you been here on -- you've been here in trial  
8 all week, right, you already said?

9 A. Yes, sir.

10 Q. And so a lot of the work we've already heard about you  
11 would of had sort of an oversight role with that.

12 Is that correct?

13 A. At the very least, yes.

14 Q. Okay. Having, having sort of gotten all that out of  
15 the way, I'd like to sort of focus on a couple of aspects of  
16 your investigation in this case.

17 Did you supervise the collection of video surveillance  
18 in this case?

19 A. Yes, sir. So, again, with an incident of this  
20 magnitude, a lot of times we'll actually de -- define it in  
21 sort of grids so that people aren't overlapping with one  
22 another. But everyone did a canvas, went to numerous  
23 different residences, businesses, all sorts of places in an  
24 effort to collect video, and that video would evolve in --  
25 made aware of to me, and, for at least the most of it, I

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 would of reviewed it myself.

2 Q. Okay. And I -- again, fair to say some of it comes  
3 back relevant, some of it you determine doesn't have  
4 anything of use?

5 A. A lot of it, yes---

6 Q. And then---

7 A. ---has no relevance.

8 Q. And, in 2019, as well to this day, it can be a lot of  
9 video, right?

10 A. There was a lot of video, yes.

11 Q. Okay. Did you also utilize social media in your  
12 investigation?

13 A. Yes, sir.

14 Q. Okay. And, and specifically what social media site was  
15 most relevant to this case?

16 A. Facebook.

17 Q. Okay. We'll get to those details in a minute. I'd  
18 like to ask you a couple quick questions about timing.

19 Does evidence always come in to you in the most logical  
20 order?

21 A. No, it, it comes as we get it. So, it's sort of up to  
22 me, as the case agent, to make chronological sense of it and  
23 kind of the where's, and what's, and who's.

24 Q. In making that sort of chronological sense of it,  
25 that's often something that sort of comes later when you got

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 a more full picture.

2 A. Absolutely.

3 Q. Is that correct?

4 A. Yes, sir.

5 Q. Is it okay today if we take things sort of in a more  
6 chronological sense as opposed to the order in which you  
7 would of been aware or this stuff would of been brought to  
8 you?

9 Is that okay?

10 A. Yes, sir.

11 Q. Okay. I'd like to start with social media. You  
12 mentioned Facebook.

13 A. Yes, sir.

14 Q. If you could for if -- just in case any juror has lived  
15 in a cave for the last 15 years, explain to the jury what  
16 Facebook is, what you, you know, your training and  
17 experience in law enforcement has, has taught you about how  
18 the basic functionality of a, of a Facebook account.

19 A. So, Facebook, for, for us, just can offer a wealth of  
20 information. I like to think of it as sort of, in some  
21 cases, a, a timeline of a person's whereabouts, the  
22 what's -- what are they doing, where are they going, who are  
23 they with, who are they communicating with. Of course, they  
24 can upload photos, videos, posts. But they can be assigned  
25 as a public setting or as a private setting.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1        So there's an additional component, and you-all may be  
2 familiar with like Facebook Messenger, so you could use it  
3 almost as like a text messaging sort of function and the  
4 person who the account belongs to can friend people.

5 Q.    And is that, is that -- I'm sorry to interrupt you.

6 A.    Not at all.

7 Q.    Is that the terminology Facebook uses for---

8 A.    Yes.

9 Q.    ---established contacts on their social media---

10 A.    Yes, sir.

11 Q.    ---a friend?

12 A.    Yeah. And so they can make things as public or as  
13 private as, as they want to and use it, again, as kind of a  
14 messaging board or a scrapbook of sorts of what they're  
15 doing.

16 Q.    So, the -- a new user of Facebook would establish a --?

17 A.    User name.

18 Q.    Okay. And they can put -- is it accurate that that  
19 person can put whatever name they want?

20 A.    Yes, sir.

21 Q.    That, that -- do you just see a matching name, that  
22 doesn't guarantee that's the person, right?

23 A.    Correct.

24 Q.    Okay. And it can be a funny name, right?

25 A.    Sure.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Street name?

2 A. Sure.

3 Q. Okay. But the user just gets to put in whatever they  
4 want establishing the name?

5 A. Yes, sir.

6 Q. Okay. And then you mentioned, once you join, you can  
7 make contacts with other people and you make a contact, link  
8 up, what is that called again?

9 A. Friending.

10 Q. Okay. And you already mentioned the text message  
11 component.

12 Can a person also share photos?

13 A. Yes, sir.

14 Q. And can a person share videos on Facebook?

15 A. Yes, sir.

16 Q. And you made an important point.

17 Is some of this the user can keep private?

18 A. Yes, sir.

19 Q. And some of it can be public?

20 A. That's correct, yes, sir.

21 Q. Available to anybody?

22 A. That's right.

23 Q. Just any, any user can log in and see what another  
24 person, friend or not, has made public?

25 A. Yes, sir.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. Generally speaking, can you just -- you've,  
2 you've already hinted on this a bit, but, but has social  
3 media become sort of an important part in a, a modern law  
4 enforcement investigation?

5 A. Absolutely. So typically -- and I've been to training  
6 specifically geared towards social media investigations.  
7 Frankly I'm more familiar with Facebook than I care to be.  
8 But it's something that we can really use and a lot of time  
9 it's phones. But often it's social media communications  
10 that people will discuss what they're doing up to and  
11 including being involved in criminal activity. So, it's  
12 something that we really use as an investigative tool.

13 Q. Did there come a point in this specific -- well -- and  
14 just for the record, when I say this specific investigation,  
15 what location am I talking about?

16 A. ■ Hanover Street.

17 Q. And the victim's name?

18 A. Timothy Haman.

19 Q. Okay. In this particular investigation, did you -- did  
20 there come a point in time where you had a main -- a main  
21 suspect?

22 A. Yes.

23 Do you want me to elaborate on that?

24 Q. Yeah. Yes.

25 And I'll ask you specifically, how did Facebook play a

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 role after you had established a suspect?

2 A. Sure. So at this point we had, as you've heard, some  
3 video surveillance and we did eventually, was just a couple  
4 days later, come up with a name and identify the suspect as  
5 Shannon Johnson who's the defendant.

6 So, what I did is just a basic public facing Facebook  
7 query of the name Shannon Johnson. I found a couple of  
8 accounts under that name. One of them appeared to be very  
9 active, are regularly updated, had a photo of the defendant  
10 as the profile. There were a number of photos and videos of  
11 the defendant on the page. And, again, it was being updated  
12 pretty regularly and I could see that from a public  
13 prospective.

14 So, I felt pretty confident that it was his page and  
15 that he was using it.

16 Q. Okay. So, you weren't certain of that fact, right?

17 A. No.

18 Q. But that led you to some degree of confidence due to  
19 the active nature of it and the photos and videos that are  
20 public on the Facebook account and you were, in fact,  
21 viewing the Facebook profile of Shannon Johnson?

22 A. Yes, sir.

23 Q. Did there come a point in time where you obtained an  
24 arrest warrant for Shannon Johnson?

25 A. Yes, sir, August the 12<sup>th</sup>.

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By Solicitor Simpson

1 Q. And did this specific Facebook account play a role in  
2 the apprehension of Mr. Johnson?

3 A. It did.

4 Q. And in what way?

5 If you could explain that to the jury?

6 A. After I obtained the arrest warrant, I was actively  
7 monitoring the Facebook account that I believed was --  
8 belonged to Shannon Johnson. So, on that day, Monday the --  
9 August the 12<sup>th</sup> that you heard Agent Lawcock speak of, it  
10 was shortly after 4:00, I think it was 4:13PM, a photo of  
11 the defendant was posted publically on the account. He was  
12 wearing a bright blue shirt. He was wearing bright kind of  
13 multi colored floral pants, bright white tennis shoes, and,  
14 again, as I mentioned, I worked in my patrol time and  
15 through my investigations spent a lot time in the downtown  
16 area.

17 So, from the background, I could tell that he was in --  
18 some people call it Bayside. That's the older name. But in  
19 Bridgeview Apartment Complex.

20 SOLICITOR SIMPSON: Okay. And, Your Honor, may I have  
21 access to the -- may I approach, Your Honor, briefly?

22 THE COURT: Yes.

23 (WHEREUPON, a bench conference was held out of the  
24 hearing of the jury at this time.)

25 THE COURT: Madam Clerk, do we have all the exhibits?

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1 THE CLERK: That's it.

2 THE COURT: They're here.

3 (Pause.)

4 THE COURT: I, I think that we have -- that a juror  
5 needs to take a break. And so we're gonna break at this  
6 time.

7 Thank you for catching my attention, Mr. Bailiff.

8 Let -- Mr. Foreman, do not, when you go out, do not  
9 discuss the case whatsoever. Don't -- just refresh  
10 yourselves, and whenever you're ready to come back, you let  
11 the bailiff know and he'll bring you back in.

12 If you'll take the jury out.

13 (WHEREUPON, the following takes place outside the  
14 presence of the jury.)

15 THE COURT: We're gonna be in recess for about 10 or 15  
16 minutes. See if you can find -- talk to -- whatever.

17 SOLICITOR SIMPSON: Sure. Thank you.

18 THE COURT: Ma'am, you may step down. Please don't  
19 talk to anyone at all about the case.

20 Okay.

21 (WHEREUPON, a short recess was taken at this time.)

22 THE COURT: Did you find the exhibits?

23 MS. HENSLEY: I do have a motion.

24 THE COURT: Did, did you find your exhibits?

25 SOLICITOR SIMPSON: I, I just regenerated them, Your

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1 Honor.

2 THE COURT: All right.

3 SOLICITOR SIMPSON: So we, we -- before Ms. Hensley  
4 makes her motion, we will -- I think this is probably  
5 something best taken up tomorrow morning or maybe in our,  
6 our gap this afternoon. I think we do have a real problem  
7 in that you considered I think 10 Court's Exhibits and I  
8 believe the miscommunication is that, you know, when I  
9 marked them and said handing them to the Court for  
10 consideration, I did that as admitting a Court's Exhibit and  
11 I -- but I totally understand the reporter did not take that  
12 as a formal admission of the exhibit into the record.

13 I can re -- I don't know what ultimately happened to  
14 those Court's Exhibits. But I can certainly regenerate  
15 them, review them with Ms. Hensley so that she can say yes,  
16 this is -- we'll be on the same page as to what was  
17 considered and then maybe reoffer them as Court's Exhibit in  
18 the morning I think will be the most efficient way to do  
19 that, to solve that problem as long as we were on the same  
20 page that what I compiled is an exact copy of what you  
21 considered in the Facebook and Neil v. Biggers pretrial  
22 motions.

23 THE COURT: Okay. Counsel.

24 MS. HENSLEY: And, Your Honor, at this juncture, I  
25 think, considering Agent Lawcock response to my question

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1 about the warrant, and his response that he had a probation  
2 warrant, I must make a motion for a mistrial. He had  
3 testified, according to my notes, Shannon asked why are you  
4 chasing me. I told him he had a warrant and then he stopped  
5 and he detained him. That's was what I was asking. I said  
6 and you told him you had a warrant. He said he had, he had  
7 a probation warrant.

8 I think that's, you know, a bell that can't be unrung.  
9 I don't believe that I opened the door. I asked him the  
10 exact question that he had answered -- that I just basically  
11 said what he said, told him you had a warrant, and I think,  
12 you know, an officer with 11 years experience at least would  
13 know that that was improper.

14 And so, at this time, I would move for a mistrial.

15 SOLICITOR SIMPSON: Thank you, Your Honor.

16 I'd first like to state what I hope is obvious, that  
17 there was no sort of subterfuge planned in that answer nor  
18 is she, she indicating discussing that. You know, there  
19 were parts of, of that witness' testimony that referred to  
20 knowing Shannon Johnson from prior arrests and we talked  
21 about how that was a no go zone.

22 So, I felt like he took the stand, you know, pretty  
23 much knowing the boundaries. But I think we have a  
24 situation here that, when an attorney for either side asks a  
25 question, they're -- they can't then complain about the --



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1 an honest answer they received.

2 And, in this case, when they were pursuing Shannon  
3 Johnson, they had a probation warrant and an arrest warrant  
4 for murder. They take him in. They conduct an interview,  
5 which we have decided not to use in our case in chief, but  
6 in that interview, it -- it's readily apparent right from  
7 the get go that Mr. Johnson believes he is only been  
8 arrested on a probation warrant.

9 They had not served or told him about the murder  
10 warrant yet. They served, served that on him in the course  
11 of that interrogation.

12 So, I think, with respect to Ms. Hensley, is a  
13 fantastic lawyer, I just think she asked the question and  
14 she got an honest answer to it and we quickly moved on.

15 I will leave this to opposing counsel. I have no issue  
16 whatsoever with a, a, a corrective charge. But sometimes  
17 that draws more attention to, to a, to a fact you'd rather  
18 than just keep as, as sort of benign as it stands and I'll  
19 leave that up to the Court and Ms. Hensley for a correct --  
20 I don't think a mistrial is, is, is important when she  
21 received an honest answer to a question she asked and she  
22 asked so you told him you had a warrant. He said yes, I  
23 told him he had a probation warrant, which is an accurate  
24 answer.

25 You know, again, unringing a bell, there's no

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1 purposeful miss on the part of the witness or the State in  
2 that answer. I don't -- I think a mistrial is, is improper  
3 at this time.

4 THE COURT: Yeah, the motion for a mistrial is denied.  
5 I heard that myself. In fact, I wrote my note who -- a note  
6 here, a good paragraph long, to Maddie because part of her  
7 serving with me is, is for her to learn, that, that was an  
8 issue but a mistrial is a drastic remedy and should only be  
9 granted in drastic circumstances.

10 I noted to her that you did exactly what I would of  
11 done. I moved on. I would have moved on and I wrote that.  
12 I'll share the note with you if you'd like. But I said  
13 she's a good lawyer and I agree you are a good lawyer as, as  
14 counsel has said. She moved on so as not to draw attention  
15 to it.

16 MS. HENSLEY: Yeah, and I certainly don't want a  
17 corrective charge. So --.

18 THE COURT: I, I -- and, and I'm an old defense --  
19 criminal defense lawyer and neither would I because I've  
20 told her you draw, you draw attention to it. But I'm  
21 denying that. I, I caught it. You caught it and I looked  
22 up. Mr. Simpson over there turned pale. In fact, my first  
23 sentence says---

24 SOLICITOR SIMPSON: It's -- usually I turn red.

25 THE COURT: Here's what I, here's what I wrote.

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1 Lawcock said PPP warrant. Chad turned pale.

2 SOLICITOR SIMPSON: I was certainly aware of when it  
3 happened and then---

4 THE COURT: So, it was not a misstep on your part. I  
5 want the record to be clear about that. It was not a  
6 misstep on your part. If you -- and you did exactly what I  
7 would have done when I practiced law, which was for 25  
8 years. I moved on so as to not draw attention for it. But  
9 I will give the defense a corrective charge if -- and, and I  
10 will strike it and I will instruct the jury to disregard it  
11 if you ask me to do that.

12 MS. HENSLEY: Can I think about it?

13 THE COURT: Yes, sir. Yes, ma'am. You may. You may.

14 As to the missing documents to regenerate them, is  
15 there any objection to that?

16 MS. HENSLEY: Oh, none at all.

17 THE COURT: Well --.

18 MS. HENSLEY: I did see all those documents and had  
19 them in my notes but --.

20 THE COURT: Yeah, I --.

21 MS. HENSLEY: I don't know where they went either.

22 THE COURT: I, I agree with that. As a very young  
23 lawyer with a seasoned judge, a court reporter failed to  
24 turn on the recording equipment, and, on appeal, that judge  
25 was directed by the Supreme Court to recreate the record and

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1 I learned from that that there is such a thing. So he's  
2 gonna be recreating those documents and, and, and I will  
3 allow those in without objection. We --.

4 MS. HENSLEY: You said the Court's Exhibit?

5 THE COURT: The Court's Exhibit documents, whatever he  
6 wants to use them for. They'll be back in as Court's  
7 Exhibits, and if he wants to introduce one of them,  
8 you'll -- he'll have to put it in as a State's Exhibit,  
9 right?

10 SOLICITOR SIMPSON: And, and the ones that I, I needed  
11 at the time, I've recreated and marked as just State's  
12 Exhibits and --

13 THE COURT: Okay.

14 SOLICITOR SIMPSON: -- and, and we'll use the separate  
15 exhibits for what we wanted them for.

16 THE COURT: Okay. Now, let me ask this. If, if, in  
17 the event that, that we don't go until tomorrow, is, is  
18 there a -- is there a plan here for you to -- I don't know  
19 if the defense is gonna put up anything at all.

20 So, do you need to regenerate those documents now that  
21 you want?

22 SOLICITOR SIMPSON: I think we'll naturally get a break  
23 at some point, like lunch or something, that I can go do  
24 that that will be a more efficient use of our time. But if  
25 you would prefer to -- just to get this out of the way right

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1 now, I will walk back right now and do that.

2 THE COURT: I'm leaving it up to you. I just, I  
3 just -- I, I have -- I do not know and I suspect that  
4 defense counsel doesn't know definitely whether or not the  
5 defendant will testify. That's -- be his decision.

6 But, sir, we'll get to that in a little while but  
7 that's your decision.

8 But in the event that he does not, and this, this  
9 matter will end up going to the jury this -- later this  
10 afternoon.

11 SOLICITOR SIMPSON: I, I think---

12 THE COURT: Sure.

13 SOLICITOR SIMPSON: I think, at that time, we can give  
14 a little bit of time. I mean I'll need maybe 10 minutes --

15 THE COURT: Okay. Okay. All right.

16 SOLICITOR SIMPSON: -- or whatever.

17 THE COURT: So, was want to -- it's 10:35.

18 Do you want to proceed on at this point in time and do  
19 you plan to recall the witness or how do you plan to --  
20 cause I know you're gonna put those, whatever you want in,  
21 through this witness, right?

22 SOLICITOR SIMPSON: Oh, I have, I have all I need to  
23 proceed with this witness right now.

24 THE COURT: Gotcha.

25 SOLICITOR SIMPSON: I'm---



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1 THE COURT: Okay.

2 SOLICITOR SIMPSON: With the Court's Exhibit, I would  
3 just come in and maybe put it just out of the presence of  
4 the jury that Ms. Hensley's looked at what I'm presenting to  
5 you and it's the same material that you considered in this  
6 pretrial motion.

7 THE COURT: Okay. I thought maybe you were gonna ask  
8 her about it.

9 Okay.

10 SOLICITOR SIMPSON: I -- there's some duplicates but  
11 I've made new copies for the -- the purpose of her.

12 THE COURT: Okay. Then are we ready for the jury?

13 SOLICITOR SIMPSON: The State's ready to continue, Your  
14 Honor. Thank you.

15 THE COURT: Okay. Have you -- do you have a decision  
16 or do you want, you want me to do something or you're gonna  
17 keep that under advisement for a little bit?

18 You can, you can, you can think about it what you --.

19 MS. HENSLEY: Let me -- if I could -- it's hard for me  
20 to think about it while Sergeant Wolfson's testifying. But  
21 I think I'll just ask you to go ahead and do it. Just  
22 strike it and, and instruct the jury.

23 THE COURT: Okay. At, at, at -- you want me to do that  
24 when they come back in?

25 Let me do that after she -- maybe she testifies or

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1 something at an appropriate time.

2 MS. HENSLEY: Then I'll think about it still. Ask me  
3 again.

4 THE COURT: That'd be good too. That'd be good too.  
5 We're ready for the jury.

6 Officer, you want to come back up?

7 THE WITNESS: Yes, sir.

8 MS. HENSLEY: Having thought about it, Your Honor, I  
9 think maybe now's the best time to do it to just before  
10 Sergeant Wolfson finishes her testimony just to go ahead and  
11 get it out of the way and get it stricken so that way I  
12 don't have to worry about the discussion about it later.

13 THE COURT: That sounds great.

14 (WHEREUPON, the following takes place within the  
15 presence of the jury.)

16 THE BAILIFF: Be seated.

17 THE COURT: Thank you.

18 THE BAILIFF: Judge, all jurors are present and seated.

19 THE COURT: Thank you. Please be seated.

20 Mr. Foreman, ladies and gentlemen of the jury, a  
21 comment was made by the previous officer who was testifying  
22 about a probation warrant. That has -- is to be stricken  
23 from the record and disregarded by you. You should not --  
24 you should not consider any such testimony that is no longer  
25 in evidence.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Anything from the State?

2 SOLICITOR SIMPSON: No, Your Honor.

3 THE COURT: From the defense?

4 MS. HENSLEY: No, Your Honor. Thank you.

5 THE COURT: Thank you.

6 Solicitor.

7 SOLICITOR SIMPSON: Thank you, Your Honor.

8 CONTINUED DIRECT EXAMINATION

9 BY SOLICITOR SIMPSON:

10 Q. Sergeant wolfsen, believe when we, when we paused your  
11 previous testimony we were talking about a publically shared  
12 image on Facebook on the Shannon Johnson account you  
13 previously described.

14 You looked at that and were you able to determine where  
15 that was taken?

16 A. Yes, sir, Bridgeview Apartment Complex.

17 Q. Okay. And was this a point in time where Mr. Johnson  
18 was actively wanted on an arrest warrant for murder?

19 A. Yes, sir.

20 SOLICITOR SIMPSON: Okay. Your Honor, throughout  
21 Sergeant wolfsen's testimony we've got a lot of exhibits  
22 moving around.

23 Can I just ask for permission to approach the witness  
24 as well?

25 THE COURT: Yes, sir.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 SOLICITOR SIMPSON: Thank you.

2 Showing you what's been marked for ID only at this time  
3 as State's 9.

4 A. Yes, sir.

5 Q. You referenced an image that, that you recognized to be  
6 from Bridgeview Apartments?

7 A. Yes, sir.

8 Q. Is that the image?

9 A. Yes, sir.

10 SOLICITOR SIMPSON: Your Honor, at this point in time  
11 the state would seek to admit State's 9.

12 THE COURT: Any objection?

13 MS. HENSLEY: No, Your Honor.

14 Q. And---

15 THE COURT: Without objection.

16 (WHEREUPON, State's Exhibit No. 9 was received into  
17 evidence at this time.)

18 Q. Sergeant Wolfson, you, you noted some distinct clothing  
19 worn in that photograph by Mr. Johnson?

20 A. Yes, sir, the -- it's a bright blue shirt, multi  
21 colored floral pants, and if you move it just a bit, you  
22 can, can see there's like bright white tennis shoes as well.

23 Q. And it was -- what about this photo allowed you to say  
24 oh that's, that's -- looks like Bridgeview or Bayside?

25 A. I've been in that complex I don't know how many times.

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By Solicitor Simpson

1 I actually worked in a community action team for a couple of  
2 years where I was specifically assigned as one of the  
3 officers in this complex.

4 So, knowing that brick, that color, and then kind of  
5 this, sorry, grassy area here and where you can see back  
6 behind that, the other building, I felt extremely confident  
7 that this was Bridgeview.

8 Q. Okay. And did you so direct others working under your  
9 supervision that that was the case and maybe an area to  
10 focus on?

11 A. I did.

12 Q. Okay. Was Mr. Johnson, in fact, apprehended that day?

13 A. He was.

14 Q. And did you have an opportunity to see him after he was  
15 apprehended?

16 A. Yes, I did.

17 Q. All right. I'm showing you what's been marked for ID  
18 only at this point as State's 19.

19 Do you recognize that exhibit?

20 A. Yes, sir.

21 Q. And is that just a still photograph of the defendant  
22 after he was apprehended that day?

23 A. Yes, sir.

24 SOLICITOR SIMPSON: Your Honor, at this point in time  
25 the State would offer State's 19 into evidence.

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By Solicitor Simpson

1 MS. HENSLEY: Without objection.

2 THE COURT: Without objection, it's admitted.

3 (Whereupon, State's Exhibit No. 19 was received into  
4 evidence at this time.)

5 Q. And so, Sergeant wolfsen, as to the voracity or  
6 authenticity of this Facebook profile account, you saw a  
7 picture of the defendant --

8 A. Yes.

9 Q. -- on a certain day?

10 A. Yes, sir.

11 Q. And in a certain area?

12 A. Yes, sir.

13 Q. On the face -- Facebook account?

14 A. Yes, sir.

15 Q. Officers working with you went to that general location  
16 that day, Bridgeview Apartment?

17 A. Yes, sir.

18 Q. Did -- and there did they apprehend the defendant?

19 A. Yes, sir, the, the photo that you saw initially was  
20 posted, like I mentioned, just after 4:00PM. I think it was  
21 4:13PM it was posted on the page. I, in monitoring his  
22 page, saw the photo, alerted those officers to it, and he  
23 was actually apprehended around 5:40 I think. This then is  
24 a photo of him in an interview at the police station after  
25 he was transported to the, to the headquarters.

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By Solicitor Simpson

1 Q. So, you know, forgive an obvious question but did that  
2 series of events further confirm for you that this was, in  
3 fact, Shannon Johnson's active Facebook account?

4 A. Definitely.

5 Q. And through that process, did you determine that  
6 perhaps this Facebook account may be a source of further  
7 evidentiary witnesses?

8 A. Yes. So I wanted to -- and as I mentioned, often  
9 people will communicate about their lives, their  
10 whereabouts, what they're doing up to and including criminal  
11 activity that they're involved in. So, the ability to post  
12 photographs of one's self or where they are, what they're  
13 doing, and to message about any content, post videos and  
14 things of that nature, was very important to me at that  
15 time.

16 Q. And you previously referenced that Facebook has sort of  
17 a public aspect to it?

18 A. Yes, sir.

19 Q. Does it also have a private aspect to it?

20 A. Yes, sir.

21 Q. And given the requisite evidence and findings, does law  
22 enforcement have a method to obtain the private aspects of  
23 Facebook?

24 A. We do.

25 Q. And what is the, the procedure for doing that?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. It's a -- I authored a search warrant for the --  
2 basically all of the contents of this Facebook page that I  
3 confidently believed belonged to Shannon Johnson.

4 Q. Okay. And did you limit that request in time at all or  
5 would --?

6 A. I, I did. It went from -- I asked for July 3<sup>rd</sup>,  
7 2019, to August the 13<sup>th</sup>, 2019.

8 Q. I'm showing you what's been marked for ID only as  
9 State's 2.

10 Can you look in that envelope?

11 A. This is a CD which contains the data that I received  
12 back from Facebook. It amounted to almost a thousand pages  
13 of information. So, it's on a CD.

14 SOLICITOR SIMPSON: Your Honor, I just note for the  
15 record that State's 2 for ID only, the complete Facebook  
16 record.

17 So, you presented a search warrant to a judge?

18 A. I did.

19 Q. Was it approved?

20 A. It was.

21 Q. Who was it submitted to then?

22 A. It was submitted to Facebook to their records  
23 department.

24 Q. Okay. And State's 2 for ID only, that was the  
25 response.



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By Solicitor Simpson

1        You, you approximate about how many pages of data was  
2        in that response?

3        A.    It was nearly a thousand which were provided to me and  
4        authenticated complete with a certificate of authenticity by  
5        a custodian of records with Facebook.

6        Q.    Okay. Did your review of State's 2 for ID only further  
7        confirm for you that this was Shannon Johnson's Facebook  
8        page?

9        A.    Yes, sir.

10       Q.    And is that in the same method as before, just more so?

11       A.    It was definitely more broad. I had, at that point,  
12       access to messages, all of his private messages from  
13       July 3<sup>rd</sup> to really August 12<sup>th</sup>, which is the day he was  
14       apprehended. And he had sent photos of himself, videos, any  
15       of the things that he posted on the page of the account that  
16       had been made private, I could see those as well at that  
17       point.

18       Q.    Okay. And obviously you had a specific day that it was  
19       more significant than the other.

20              Is that correct?

21       A.    August 8<sup>th</sup>.

22       Q.    And is that the, the day of the, the murder offense?

23       A.    Yes, sir.

24       SOLICITOR SIMPSON: Okay. Your Honor -- well, thank  
25       you, Your Honor.

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By Solicitor Simpson

1 I'm handing you what's been marked for ID only as  
2 State's 13. You mentioned earlier that Facebook had a  
3 messaging component.

4 A. Yes, sir.

5 Q. Is that one user or one profile can communicate sort of  
6 like a text message with another?

7 A. Exactly. That's time and date stamped.

8 Q. Okay. I think this would be a good time to ask you  
9 these questions.

10 What does UTC stand for?

11 A. Coordinated Universal Time. And so you can think of  
12 this as it's basically a way that everyone in the world uses  
13 a universal time. So, it's an international function and  
14 Facebook, most phone companies, actually I'm not aware of  
15 any phone companies that don't use it, they report things in  
16 what's called UTC time so that it's universally known what  
17 the time of that would be.

18 Q. That's sort of a time marker that applies regardless of  
19 timezones---

20 A. Exactly.

21 Q. ---internationally?

22 A. Yes.

23 Q. For an old guy, what would we maybe use to call that?

24 A. Greenwich Mean Time.

25 Q. Okay. And what is the difference between UTC and our

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By Solicitor Simpson

1    timezone of eastern standard time?

2    A.    So, in the summer months it changes when there's  
3    daylight savings time. But, as you know, this was August  
4    the 8<sup>th</sup> was with -- which would of been summer months. And  
5    so UTC time would be four hours ahead of our time.

6    Q.    Okay. And is also recorded in sort of the military  
7    24-hour format?

8    A.    Yes, sir.

9    Q.    Okay. So, eight o'clock would be 20 --

10   A.    Correct.

11   Q.    -- zero, zero.

12          Okay.

13   A.    8:00PM, yes.

14   Q.    So, again, not to belabor the point but you take  
15   whatever time is reported on the records and you subtract  
16   four hours for any sort of local time in the summer months?

17   A.    Exactly.

18   Q.    And is all that we're gonna talk about involve the  
19   summer months?

20   A.    It does.

21   Q.    Okay. And so when I asked you something about time,  
22   what time a message occurred, or a picture was sent, you're  
23   reporting it in eastern standard time, right?

24   A.    I will give it an eastern standard time, yes.

25   Q.    Okay. In doing the basic math that we just discussed?



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1 A. Correct.

2 Q. Okay. So in the message -- in the, in the exhibit you  
3 have before you, were there any comments made, without  
4 saying what they were, relevant to Mr. Johnson's location on  
5 August the 8<sup>th</sup> of 2019?

6 A. Yes, there were.

7 Q. Okay. And do you -- does the context of these comments  
8 made sent from that Facebook profile give the reader an idea  
9 of what area of the city he was in at that time?

10 A. Yes, sir.

11 SOLICITOR SIMPSON: Your Honor, at this point in time  
12 the State would seek to admit State's 13.

13 MS. HENSLEY: I just object to the hearsay contained in  
14 State's 13, Your Honor.

15 THE COURT: And the purpose of introducing State's 13  
16 is?

17 SOLICITOR SIMPSON: Your Honor, the responses to  
18 Mr. Johnson's -- may -- should we approach?

19 THE COURT: Yeah.

20 SOLICITOR SIMPSON: Okay.

21 (WHEREUPON, a bench conference was held out of the  
22 hearing of the jury at this time.)

23 THE COURT: State's 13 is admitted over, over objection  
24 of defense. It's admitted, it's admitted. It does not  
25 contain matters not for the truth of the matter asserted.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 But to show the location and the time.

2 SOLICITOR SIMPSON: Thank you, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON, State's Exhibit No. 13 was received into  
5 evidence at this time.)

6 SOLICITOR SIMPSON: Your Honor, at this point in time  
7 we're publishing State's 13.

8 Again, you -- I asked you, Sergeant Wolfson, was there  
9 any material here that would maybe give us an idea of where  
10 Shannon Johnson's, the area he was in around the time of the  
11 murder?

12 A. Yes, sir.

13 Q. Could I direct you to the underlying, underlying  
14 passages in this?

15 A. Yes, sir.

16 Q. Is he at one point asked where he's at at that time?

17 A. He is.

18 Q. And how does he respond?

19 A. He says that he is 82C Johnson Street and this was, as  
20 you can see, August the 8<sup>th</sup>, 2019. UTC time would be 22:25,  
21 which would be 10:25PM. So, in eastern standard time, this  
22 would be 6:25PM.

23 Q. So, so then does he also indicate where he could be  
24 later after -- you said 6:25PM?

25 A. Yes, sir.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Does he also indicate where he might be later?

2 A. He does. He says it doesn't matter. It don't matter.  
3 That's where I always be or by Knight's Corner Store. This  
4 is at again on August the 8<sup>th</sup>, 2019, 22:30, would be  
5 10:30PM. So this would be 6:30PM in eastern standard time  
6 and Knight's Corner Store is located at 77 Hanover Street,  
7 which is at the corner of Hanover and Sheppard Streets.

8 Q. So, Sergeant Wolfson, I'm showing you what's been  
9 marked for ID only as State's 11.

10 Do you recognize that exhibit?

11 A. This is a overhead map of that general area.

12 Q. Does it indicate where 82C Johnson Street --?

13 A. Yes.

14 Q. And is that a, a correct --

15 A. Yes.

16 Q. -- indication of where that is?

17 Do you also see an indication where Knight's Grocery  
18 is?

19 A. Yes, sir.

20 SOLICITOR SIMPSON: Okay. Now, Your Honor, at this  
21 point in time I'd like to admit State's 11.

22 MS. HENSLEY: Without objection.

23 THE COURT: Without objection, 11 is in.

24 (WHEREUPON, State's Exhibit No. 11 was received into  
25 evidence at this time.)

Elizabeth Wolfen - Direct examination  
By Solicitor Simpson

1 Q. So, Sergeant Wolfen, do you see the red marker?

2 A. Yes, sir.

3 Q. Is that the accurate location of 82 Johnson Street?

4 A. Yes, sir, the, the buildings on Johnson Street, they  
5 run like perpendicular. So those would all be Johnson  
6 Street addresses and they run through apartments.

7 Q. And---

8 A. So 82C.

9 Q. That's a touchscreen in front of you. I know you've  
10 used it before.

11 Can you just show where Knight's Grocery is?

12 A. Knight's Grocery, again, is at the corner of Hanover  
13 and Sheppard Street.

14 Q. And although not on the map, could you just sort of  
15 indicate the general direction or area that ■ Hanover would  
16 be seen as is this?

17 A. So, it's a couple of blocks south on Hanover Street  
18 from Sheppard Street.

19 Q. All right. Is that where---

20 A. About two and a half blocks.

21 Q. ---he's parked at Knight's Grocery?

22 A. No, not at all.

23 Q. You referenced a specific day and time period that you  
24 were interested on the Facebook page.

25 Is that correct?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. Is that -- what date was that again?

3 A. August the 8<sup>th</sup>.

4 Q. Does State's 13 also include an exchange of  
5 photographs?

6 A. It does.

7 Q. And what was the -- showing the witness what's been  
8 entered as State's 15.

9 what was the date and time that photograph was  
10 exchanged?

11 A. This is -- can I speak to the message as well or just  
12 the photograph?

13 Q. Is this part of the exchange between the two -- same  
14 two individuals that we previously entered it?

15 A. Yes, sir.

16 Q. And is this a message that was sent by the defendant,  
17 not the person he's talking to?

18 A. Correct.

19 Q. Okay. Yeah, you can talk about the message and this  
20 message accompanied the sending of the picture?

21 A. Correct.

22 Q. Okay. Go ahead.

23 A. So on -- this is reported as August the 9<sup>th</sup> at 1:48  
24 UTC, which is AM. So, for my purposes, this would actually  
25 have been August the 8<sup>th</sup> at 9:48PM.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Q. So, for context, this is that time, 9:48PM, the day Tim  
2 Haman was killed?

3 A. That's correct.

4 Q. I got you.

5 A. The defendant writes put this as your cover. I, I took  
6 that to mean cover photo as you've probably seen on people's  
7 Facebook pages. And then one minute later at what would be  
8 9:49PM our time, this is noted as 1:48AM UTC time, he sends  
9 an image.

10 Q. Okay. Showing you what's been marked for ID only as  
11 State's 5.

12 what is State's 5?

13 A. This is the image that was sent in the messaging  
14 contact.

15 SOLICITOR SIMPSON: Your Honor, at this point in time  
16 the State would seek to admit State's 5.

17 MS. HENSLEY: I got lost in the exhibit numbers, Chad.

18 SOLICITOR SIMPSON: No, no, no.

19 MS. HENSLEY: I'm sorry.

20 No objection, Your Honor. I'm sorry.

21 THE COURT: Without objection, State's 5.

22 (Whereupon, State's Exhibit No. 5 was received into  
23 evidence at this time.)

24 Q. Sergeant wolfsen, was there anything of -- besides the  
25 dock -- the date and time on the Facebook account that that

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 image was sent, is there anything about the image itself  
2 that was -- you found relevant to your investigation at that  
3 time?

4 A. This, this was extremely relevant to me. I, by this  
5 point, had seen various photos, video surveillance, and  
6 people had given me statements showing and alluding to the  
7 very specific outfit that the person who perpetrated this  
8 crime was wearing at the time.

9 As you heard Sergeant Mellette discuss, there was video  
10 from Knight's Grocery, again which is just down the street  
11 from where this incident occurred. And so we had pretty  
12 decent video surveillance footage of the suspect at that  
13 time who was wearing a brown hat with a gold Louis Vuitton  
14 symbol on the front, a black shirt with markings on it. I  
15 knew that it was -- said Fendi across the chest. I knew  
16 that the, the repeated marking on there said Fendi.

17 I also knew that he, he had jeans on that were like a  
18 lighter color on the bottom half and a darker color on the  
19 top. Had some tearing in them. I also knew that he had  
20 white tennis shoes with like a blue on the top near the  
21 laces. So, this -- I also would add that a number of people  
22 said that he was wearing earphones at the time that this  
23 incident occurred.

24 So, this was very important to me.

25 Q. And you've testified before -- you've been here with us

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 all week and we've referred to a lot of that video, right?

2 A. Yes, sir.

3 Q. I want to ask you about some additional video.

4 Does the City of Charleston maintain its own  
5 surveillance cameras in the City of Charleston?

6 A. Yes, sir, we do. We received a, a number of cameras  
7 that came on a grant several years ago. And so the City of  
8 Charleston, for all intense and purposes, owns, maintains,  
9 and, as a detective, I have the ability to monitor those,  
10 take footage from those, anything like that.

11 Q. So those are fully accessed?

12 You have full access to those as the lead agent in a  
13 homicide investigation?

14 A. Definitely.

15 Q. And that even includes, you know, going back to  
16 previous times and pulling older footage?

17 A. Yes.

18 Q. Okay. So, if I'm ever out on King Street, I should  
19 know that I -- every (indiscernible).

20 A. I would certainly bear that in mind.

21 Q. Okay.

22 A. Yes.

23 Q. Is there a positioned city camera somewhere relevant to  
24 this case that you deemed relevant that you wanted to take a  
25 look at?



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, the store, again Knight's Grocery, is at the  
2 corner of Hanover and Sheppard Streets. One block north of  
3 that's Hanover and Cooper Streets. So we have a camera that  
4 is at that corner, Hanover and Cooper, which faces south.  
5 So, it catches a good portion of going south down the street  
6 as well as the entirety of the front of that store.

7 Q. So, Knight's -- is it fair to say if I were to go in  
8 and out of Knight's Grocery I'd be viewed on this camera?

9 A. Sure.

10 Q. I'm showing you what's been marked for ID only as  
11 State's 17.

12 Do you recognize that exhibit?

13 A. Yes, sir.

14 Q. And how, how do you -- when I'm handing you CDs and  
15 they look like CDs, how are you recognizing the actual  
16 exhibit?

17 A. They're marked with the location or what, you know,  
18 whatever the purpose is.

19 Q. Okay.

20 A. So this one is 78 Hanover.

21 Q. Okay. Because I handed you the wrong one. Thank you.  
22 I hand you what's been marked as ID only for State's  
23 15.

24 Do recognize that exhibit?

25 A. Yes, sir, this one is city cameras.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Q. Okay. And then do -- does it also bear a -- your  
2 initials on it?

3 A. It does.

4 Q. And what do those initials indicate to you?

5 A. That I have seen and verified what's on this CD.

6 Q. And what -- on that CD, is that the relevant portions  
7 of the city camera that you just mentioned relevant to this  
8 investigation?

9 A. Yes, sir.

10 Q. And relevant because we see who in this video?

11 A. The defendant.

12 SOLICITOR SIMPSON: Your Honor, at this point in time  
13 the State would seek to enter State's 15, the city camera  
14 footage.

15 MS. HENSLEY: Without objection.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit No. 15 was received into  
18 evidence at this time.)

19 Q. Also relevant to video, Sergeant wolfsen, you're aware  
20 that, in this day and age, people -- a lot of people have  
21 Ring and Nest cams?

22 A. Yes, sir.

23 Q. And what are those?

24 A. Just basically surveillance cameras. Most people use  
25 them for security purposes on the exterior and/or interior

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 of their homes or businesses.

2 Q. Again, I want to ask you specifically about the  
3 resident at 78 Hanover Street.

4 Do you know where that is?

5 A. I do.

6 Q. Are you familiar with its location?

7 A. I am.

8 Q. Are you familiar with the area in front of that  
9 location?

10 A. Yes, sir.

11 Q. Are you aware that that location had, at that time,  
12 security cameras?

13 A. I am.

14 Q. And were you here for the testimony of Officer  
15 Richardson with the Georgia, Georgia Bureau of  
16 Investigation?

17 A. Yes, sir.

18 Q. Do you recall, as part of your investigation, some  
19 interaction with an individual who did not want to -- well,  
20 let me ask you.

21 Da -- did -- do you have any -- do you recall there  
22 being, as lead agent, either yourself or through Agent  
23 Richardson, learning of an individual at 78 Hanover Street?

24 A. Yes, sir.

25 Q. Did that individual wish to be involved in this case?

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 A. No. And this -- actually Detective Richardson, at the  
2 time Detective Richardson, was familiar with him. I -- he  
3 had had a case where this person provided video on another  
4 incident. And so it was him that, that reached out and  
5 asked if we could have a copy of his video footage knowing  
6 that it was there.

7 Q. Okay. Well, did there come a time in your  
8 investigation where Detective Richardson delivered to you a  
9 flash drive purported to contain video?

10 A. Yes, sir.

11 Q. And from what location was this video alleged to have  
12 been taken?

13 A. 78 Hanover.

14 Q. Okay. Did you view the video at 78 Hanover?

15 A. Yes, I did.

16 Q. And are you familiar with the area that should of been  
17 in that video of stuff -- if it were, in fact, taken at 78  
18 Hanover?

19 A. Yes, sir.

20 Q. Did the video appear to you to be a fair and accurate  
21 representation of the area in front of the residence at 78  
22 Hanover Street?

23 A. Yes, sir.

24 Q. At this point in time we've discussed multiple video  
25 surveillance of this area.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Is that correct?

2 A. Yes, sir.

3 Q. Did the video at 78 Hanover Street correspond to other  
4 video sources you had received?

5 A. It did. Yeah, you could see, for instance, if a --  
6 there was a, a motorcycle that was traveling north on  
7 Hanover Street. So, I could see it in the footage from 52,  
8 which is farther south, and then I would see it from the  
9 footage at 78. I would see it in the footage from Knight's  
10 Grocery. I would see it in the footage from Hanover and  
11 Cooper. A black 4Runner, like a Toyota 4Runner comes  
12 through.

13 So all of that led me to believe that this camera that  
14 was situated kind of between places that I already had  
15 camera footage, I could confirm that it was the correct date  
16 and time, outside of the fact that it was, by vehicles and  
17 people and things happening on the footage.

18 Q. And did the footage from 78 Hanover contain a  
19 timestamp?

20 A. Yes.

21 Q. And so similar to the testimony you just gave, was the  
22 timestamp on this video footage corresponding with other  
23 videos with the exception of what we've heard about Knight's  
24 Grocery being one day?

25 A. Yes, sir.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. Likewise, if you saw a person walk through the  
2 Knight's Grocery video or the 52 Hanover video, would you  
3 also see the corresponding travel of that person to the 78  
4 Hanover?

5 A. Yes, sir.

6 Q. And that -- did that make you comfortable that this  
7 was, in fact, the portion of video from 78 Hanover for the  
8 time that, that you were most interested in?

9 A. Yes, sir.

10 Q. Despite the owner's unwillingness to sort of give a  
11 formal statement or cooperate with you on it?

12 A. Yes, sir.

13 Q. We noted previously -- what did you do with this video  
14 once you, once you got it?

15 A. I reviewed the footage and I did -- I logged it into  
16 evidence.

17 Q. And logging something into evidence would have an  
18 official record of your name, you logged it on this day?

19 A. Yes, I would also have sealed the item and marked it  
20 with my own initials, dated, noted, and we keep it in an  
21 electronic records management system. So, once I vouch  
22 that, there's no -- it timestamps everything with my name,  
23 my sign-in. There's no other way to do it.

24 Q. And at that point in time does -- and what day did you  
25 do that if you recall?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Did you check---

2 A. It was---

3 Q. ---your notes?

4 A. Yeah, if I can just check my report one second. August  
5 the 13<sup>th</sup> of 2019 at 11:10AM.

6 Q. Okay. And that video would of become a part of the  
7 official record of this case, right?

8 A. That's right.

9 Q. And any party involved in this case would have access  
10 to that?

11 A. That's right.

12 Q. That video?

13 A. Yes, sir.

14 Q. And there'd be a record of you logging it and what it  
15 was?

16 A. That's right.

17 Q. Okay. I asked you that because you were here for the  
18 testimony of Officer Richards -- Richardson, correct?

19 A. Yes, sir.

20 Q. That picking up of that video, is that documented in an  
21 official police report?

22 A. It's not.

23 Q. Nevertheless, do you sit here today with a clear  
24 recollection of how you received that video?

25 A. Yes, sir.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Q. Okay. And is the failure to document that in a report  
2 an oversight?

3 A. Human error.

4 Q. A mistake?

5 A. Yes, sir.

6 Q. And do you sit here today admitting that was a mistake?

7 A. Yes, sir.

8 Q. Okay. Any intent in not putting it -- again, the video  
9 was documented, right?

10 A. That's right.

11 Q. Logged into evidence?

12 A. Yes, sir.

13 Q. And made an official part of this case?

14 A. Yes, sir.

15 Q. And shared with any party to the case?

16 A. Yes, sir.

17 Q. Okay. So, is the not writing about that in an official  
18 report some attempt to be secretive or hide anything from  
19 you?

20 A. No, sir.

21 Q. Okay. Pretty -- days after a homicide, pretty chaotic  
22 atmosphere?

23 A. Quite.

24 Q. All hands on deck sort of situation?

25 A. Definitely.



Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Q. A lot of people reporting to you at that time?

2 A. Yes, sir.

3 Q. And did you write a report in this case?

4 A. I wrote a number of reports in this case.

5 Q. Well, it -- so that's my point. Several pages of  
6 reports.

7 Is that correct?

8 A. Yes.

9 Q. And that attempt was to thoroughly document everything  
10 that you did, right?

11 A. That's our intent always, yes, sir.

12 Q. Okay. But you missed this?

13 A. Yes, sir.

14 SOLICITOR SIMPSON: Okay. Your Honor, at this point in  
15 time the State would seek to admit State's 17 into evidence.

16 MS. HENSLEY: Without objection, Your Honor.

17 THE COURT: Without objection, State's 17 is admitted.

18 (WHEREUPON, State's Exhibit No. 17 was received into  
19 evidence at this time.)

20 Q. We've talked a lot sort of about this general area.

21 I'm handing you what's been marked for ID only as State's  
22 21, 22, 23, and 24. I'd ask you to take a minute to review  
23 those.

24 A. Yes, sir.

25 Q. Do you recognize those exhibits?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir. This is a -- essentially a series of  
2 overhead map views and they're marked sequentially at places  
3 that we would of gotten video footage.

4 SOLICITOR SIMPSON: Okay. Your Honor, at this point in  
5 time the State would seek to admit 21 through 24.

6 MS. HENSLEY: Just beg the Court's indulgence.

7 THE COURT: Uh-huh.

8 (Pause.)

9 MS. HENSLEY: Without objection, Your Honor.

10 THE COURT: Without objection, all exhibits are  
11 admitted.

12 (WHEREUPON, State's Exhibit Nos. 21 through 24 were  
13 received into evidence at this time.)

14 Q. Sergeant Wolfson, starting here with State's 21.

15 what are we looking at on that computer?

16 A. This is an overhead of a general area. You can see  
17 here this street is Hanover street. This is Sheppard. So  
18 this is Knight's Grocery.

19 Q. Okay. And is Knight's Grocery labeled Knight's Grocery  
20 in that exhibit?

21 A. Yes, sir.

22 Q. Showing you very similar State's 22.

23 Same area of Hanover Street?

24 A. Yes, sir, Knight's Grocery again here.

25 Q. Is there an additional location marked on that?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, this is -- it appears here as a vacant lot but  
2 it's a relatively new build. So this is 78 Hanover Street.

3 Q. Okay. So, this is a, a fair and accurate  
4 representation of the area where there have been some  
5 changes?

6 This being Charleston.

7 A. Yes, sir. Yeah.

8 Q. Lots of.

9 And so you say the vacant lot indicated there is 78  
10 Hanover Street is now, is now the location of a building?

11 A. I think it's two buildings.

12 Q. Two buildings and that's where you got some video in  
13 this case?

14 A. Yes, sir.

15 Q. Okay. Showing you again very similar to State's 23.

16 Would you agree you can see it and -- if you zoom, you  
17 see an additional location marked on that?

18 A. Yes, sir, 52 Hanover.

19 Q. And did video collected from 52 Hanover also play a  
20 role in your investigation?

21 A. It did, yes, sir.

22 Q. And finally showing you State's 24 and I can maneuver  
23 this if you need me to. Some locations added on these  
24 markers.

25 What do we see there?

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 A. Yes, sir, ■ Hanover Street, which is the incident  
2 location. It's actually this house here.

3 Q. Okay. And was some cellphone video gathered in this  
4 case as well?

5 A. Yes. Oh, I apologize. It was from 59 Hanover,  
6 Mr. Ostendarp.

7 Q. Okay. And do we also see the 52 Hanover Street?

8 A. Yes, the video from there as well.

9 SOLICITOR SIMPSON: Okay. Court's indulgence for one  
10 moment.

11 THE COURT: Yes, sir.

12 (Pause.)

13 SOLICITOR SIMPSON: Your Honor, as we review some  
14 evidence, I may be seated from time to time with your  
15 permission?

16 THE COURT: Yes, sir.

17 Q. Detective wolfsen, you previously had, had identified  
18 State's 21 as a map entered into evidence.

19 A. Yes, sir.

20 Q. Is this State's 21, the first map you entered into  
21 evidence?

22 A. I believe so, yes.

23 Q. And does it indicate where Knight's Grocery is again?

24 A. Yes, sir.

25 Q. You -- previously -- you reviewed all of the evidence

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 thoroughly in this case?

2 A. Yes, sir.

3 Q. Generally speaking, what was the relevance of the video  
4 from Knight's Grocery that is already in evidence as State's  
5 12?

6 A. In, in part it was relevant because the defendant  
7 appeared in that video moments before this, this crime  
8 occurred. I think it was five or six minutes before the  
9 crime occurred for a period of the few minutes.

10 In addition to that, on the same day, August the 8<sup>th</sup>,  
11 8<sup>th</sup>, which was the day of the murder, he appeared at  
12 Knight's Grocery outside and inside the store interacting  
13 with a couple other individuals around 4:04PM that same day.

14 Q. So, that video from where you -- just after four  
15 o'clock PM that day, does that offer some of the best,  
16 clearest video of Shannon Johnson that day?

17 A. Yes, sir. Yeah, we -- I initially had the video from  
18 52 Hanover Street, which is a sort of farther out view. So,  
19 I had a pretty good idea of kind of what his clothing and  
20 his appearance was. But we wanted to canvas the area and  
21 get kind of a better set of footage that was more clear.

22 So, we obtained footage from Knight's Grocery as you  
23 heard Sergeant Mellette discuss and it offered a, a much  
24 more clear picture of kind of the finer details of what he  
25 looked like.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. And is it fair to say that, again, once you sort of, I  
2 won't say completed, but once your investigation has  
3 proceeded to a certain point and different videos come in  
4 that we're allowed to today to watch a large portion of, of  
5 Mr. Johnson's day that day or I should say the individual  
6 wearing what?

7 A. That day?

8 Q. Yes.

9 A. He was wearing a, a brown baseball hat that had a gold  
10 Louis Vuitton symbol on it, repeating Louis Vuitton symbols  
11 all over it, a black shirt that said Fendi in all capitals  
12 across the chest and also had repeating Fendi symbols all  
13 over it, jeans that were darker on the top than on the  
14 bottom with rips in them that were very distinct, and light  
15 colored white shoes that had a, a blue and red stripe on the  
16 top.

17 Q. Okay. And so that's the individual that you're  
18 scouring these videos for?

19 A. Definitely.

20 SOLICITOR SIMPSON: Your Honor, at this point in time I  
21 would, I would ask to publish State's 12 already in  
22 evidence.

23 MS. HENSLEY: No objection.

24 THE COURT: Yes, sir.

25 Q. As we watch these, if there's any point in time you

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 want to comment, be my guest and I may pause from time to  
2 time to ask you questions about what is seen.

3 A. Sure.

4 SOLICITOR SIMPSON: Your Honor, I'm sorry. I, I have a  
5 request I'd like to make that if, you know, it's all pretty  
6 clear to me. But that if a jury member, I know I'm, I'm  
7 like nearsighted/farsighted, needs to step down, and they  
8 think that that might offer them a better view of any of  
9 this video, would that be permissible?

10 THE COURT: Yes. We could, we could handle that. We  
11 might -- let me ask, if, if, if you can not see -- let's do  
12 it this way.

13 If you can not see either of these screens, if you'll  
14 raise your hand, I can make accommodation for you to, to  
15 move.

16 (WHEREUPON, there was no audible response.)

17 THE COURT: Okay. The jury's indicated they can see.

18 SOLICITOR SIMPSON: And, and I would just note they'll  
19 be portions where the -- and -- where, where things are --  
20 aren't quite as in the foreground as these. There might  
21 come a time they might change their mind and I could---

22 THE COURT: They'll let me know.

23 (WHEREUPON, a portion of video was played for the jury  
24 at this time.)

25 Q. Sergeant, so the Knight's Grocery contained many

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 different clips from many different angles.

2 Is that correct?

3 A. Yes, sir.

4 Q. Throughout the interior and the exterior of the store?

5 A. Yes, sir.

6 Q. All right.

7 (WHEREUPON, a portion of video was played for the jury  
8 at this time.)

9 Q. Sergeant Wolfson, through the course of your  
10 investigation, were you ever able to identify who this  
11 individual was in the white tank top here?

12 A. That's Mr. Travis Scott you heard from.

13 (WHEREUPON, a portion of video was played for the jury  
14 at this time.)

15 Q. Sergeant Wolfson, we've, you know, truncated that for  
16 purposes of time here today.

17 Is it fair to say that in these, these views of this  
18 individual's trip to the Knight's Grocery about four o'clock  
19 in the afternoon on the day of the murder is one allowed  
20 several views of this individual from several different  
21 angles and are you confident in that this individual seen in  
22 the Knight's Grocery, hat, shirt, distinctive jeans, and  
23 shoes, matches the, the picture that you obtained from the  
24 same day from Shannon Johnson's Facebook account?

25 A. Yes, sir.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. And we see the individual leaving Knight's  
2 Grocery here.

3 Do we know what direction he kind went out -- went in  
4 after the four o'clock visit?

5 A. He traveled north.

6 Q. Okay.

7 A. Like kind of to the more northern part of that  
8 neighborhood.

9 Q. And that address that I keep screwing up, Johnson  
10 Street, is Johnson Street in the direction that Shannon  
11 Johnson leaves the Knight's Grocery on this four o'clock  
12 visit?

13 A. Yes, sir.

14 Q. Does there come a time where Shannon Johnson returns to  
15 this area of Knight's Grocery?

16 A. Yes, sir, shortly before the murder occurred.

17 Q. Okay. And do you see this view?

18 Do you recognize which camera this is?

19 A. This is a city camera that's positioned at Hanover and  
20 Cooper Street. So it faces south on Hanover Street. This  
21 is, again, the corner of, of Hanover and Sheppard where  
22 Knight's Grocery is located.

23 Q. And we see the Knight's Grocery that we've talked so  
24 much about.

25 A. Yeah.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 Q. Okay. And this is State's 15, the city camera?

2 A. Yes, sir.

3 (WHEREUPON, a portion of video was played for the jury  
4 at this time.)

5 Q. And we see the individual dressed in the same clothing  
6 returning to Knight's in this, this video?

7 A. Yes, sir, and I, I would add that he's walking  
8 southbound. So one would assume he's coming from the north  
9 of this place.

10 Q. Okay.

11 (WHEREUPON, a portion of video was played for the jury  
12 at this time.)

13 Q. Sergeant Wolfson, does he, on this video, essentially  
14 continue in the southbound direction till off camera?

15 A. Yes.

16 Q. Showing you now what's been marked and entered as  
17 State's 22, we see here, is this the map that contains a  
18 second location?

19 A. Yes, sir.

20 Q. And what location is that again?

21 A. 78 Hanover Street.

22 Q. And that was the location of some additional video?

23 A. Yes, sir.

24 Q. Okay. Showing now State's 17, the 78 Hanover video.

25 (WHEREUPON, a portion of video was played for the jury

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 at this time.)

2 Q. I should stop and note, this -- does this video contain  
3 a visible timestamp?

4 A. Yes, sir, it, it says it's August 8<sup>th</sup>, 2019, at  
5 7:32PM.

6 (WHEREUPON, a portion of video was played for the jury  
7 at this time.)

8 Q. And did the 78 contain two different camera angles from  
9 the same unit?

10 A. Yes, sir, that last one faces sort of slightly  
11 northbound. This one is from the same residence but it's  
12 facing the other direction, southbound.

13 (WHEREUPON, a portion of video was played for the jury  
14 at this time.)

15 Q. So the individual dressed as we've been talking about  
16 seems to -- 43 Hanover would be south, correct?

17 A. Yes, sir. Yeah.

18 Q. But he takes a right.

19 A. Yes, onto Lyon Street.

20 Q. Okay. And he's on foot?

21 A. Correct.

22 Q. Before I hit play here, what location is this?

23 A. It's the Sheppard Street side of Knight's Grocery.

24 Q. Okay. So is this -- this is again back up at the  
25 Knight's Grocery?

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 A. Correct. But this time we're looking at Sheppard  
2 Street instead of Hanover Street, which runs perpendicular.

3 Q. Okay. We saw that individual take a right on foot.  
4 Is that correct?

5 A. Correct.

6 Q. If I were to walk around the block and come back to  
7 Knight's, would I be in this camera?

8 A. Yes, you'd take Lyon to I'd assume Nassau, come take a  
9 right onto Sheppard, and then you would appear here.

10 Q. And notwithstanding the day, the day differential  
11 that's been discussed, what is the timestamp on this show  
12 us?

13 A. 7:35PM.

14 Q. So not too long after what we've previously viewed?

15 A. Correct. Three minutes.

16 (WHEREUPON, a portion of video was played for the jury  
17 at this time.)

18 Q. And do we see the individual appear in this video?

19 A. Yes, sir, now he's on a bicycle.

20 Q. And, again, what's -- what, what are we looking at  
21 here?

22 A. It's the corner of Hanover and Sheppard outside of  
23 Knight's Grocery.

24 SOLICITOR SIMPSON: Okay. And, for the record, that's  
25 State's 12, Knight's Grocery cam.

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 (WHEREUPON, a portion of video was played for the jury  
2 at this time.)

3 Q. Does this view look familiar to you?

4 A. This is the city camera from Hanover and Cooper Street  
5 which, again, faces south on Hanover Street.

6 (WHEREUPON, a portion of video was played for the jury  
7 at this time.)

8 Q. And what direction is that individual heading at this  
9 time?

10 A. Southbound.

11 Q. And is southbound the direction of 43 Hanover?

12 A. Yes, sir.

13 (WHEREUPON, a portion of video was played for the jury  
14 at this time.)

15 Q. Again, this shows us where 78 Hanover is?

16 A. Yes, sir.

17 (WHEREUPON, a portion of video was played for the jury  
18 at this time.)

19 Q. Now, in this video, is it accurate that the individual  
20 does not take a right that he had taken before on his bike?

21 A. Correct. He continues south.

22 Q. And continuing south would bring one to the area of 52  
23 Hanover?

24 A. Correct. He would have to pass it if he continued on.

25 Q. And also pass 59 Hanover?

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 A. Yes, sir.

2 Q. And lead to ■ Hanover?

3 A. Yes, sir, eventually.

4 Q. In fact, even in this view, if we could -- if we look  
5 and you use the screen in front of you, in the deep -- as  
6 far down as we can see on the street, do we see a vehicle  
7 that, that played a role in this incident?

8 MS. HENSLEY: I just object to leading, Your Honor.

9 A. There's a U-Haul truck.

10 THE COURT: You want to rephrase your question?

11 SOLICITOR SIMPSON: Sure.

12 To give us a sense of relations of these various  
13 addresses we've talked to, is there anything you can see in  
14 this image that indicates to you the location of 43 Hanover  
15 Street?

16 A. Yes, sir, as was discussed, the victim was moving his  
17 girlfriend in at the time to the residence at 43 Hanover  
18 Street. So, there was a U-Haul parked on the street that  
19 you can see in this image.

20 Q. And do you note that in the area that you'd circled  
21 there?

22 A. Yes, sir.

23 (WHEREUPON, a portion of video was played for the jury  
24 at this time.)

25 Q. Again, we've seen this before, but, Sergeant Wolfson,

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 does this map contain a, a third location?

2 A. Yes, sir, 52 Hanover Street.

3 Q. And is 52 Hanover Street also a part of the evidence  
4 collected in this case?

5 A. It was.

6 Q. Now, this is State's 23 we're showing the jury now.  
7 Moving on to State's 16, a clip from 52 Hanover Street.

8 And with the Court's permission, I'd just like to  
9 reiterate that this is a point in time where it could be  
10 necessary if a juror wanted to get closer, and if they raise  
11 their hand, I will pause it if that's okay.

12 THE COURT: Thank you.

13 (WHEREUPON, a portion of video was played for the jury  
14 at this time.)

15 Q. Similarly, did 52 Hanover Street have more than one  
16 camera angle?

17 A. Yes, sir. So that last one was facing northbound and  
18 this one is facing southbound and these had the addition of  
19 audio capabilities as well.

20 Q. And the clips in State's 16, particularly the  
21 southbound camera, does it show us ■ Hanover Street?

22 A. Yes, sir, it does. So, the U-Haul truck again you see,  
23 and then directly behind that is -- this is the entrance of  
24 43 Hanover Street, that white building there.

25 (WHEREUPON, a portion of video was played for the jury



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By Solicitor Simpson

1 at this time.)

2 SOLICITOR SIMPSON: For the record, Your Honor, those  
3 were clips of State's 16, State's 17, and State's -- sorry.  
4 State's 16 and 17.

5 THE COURT: Thank you.

6 Q. We saw obviously a shooting take place in that.

7 A. Yes, sir.

8 Q. And did you note the approximate time of that shooting?

9 A. Seven fours---

10 Q. Is that---

11 A. 7:40, 7:41.

12 Q. And about the first 9-1-1 call, to your recollection,  
13 came in when?

14 A. It was right about 7:41 as well. We actually had and  
15 you heard Sergeant Freshman was over at Sanders-Clyde which  
16 is in relatively close proximity. But we also had officers  
17 at a nearby park who were doing an event about a little over  
18 a block away. They all heard the gunshots. And so they  
19 started responding actually before the first 9-1-1 call  
20 came.

21 Q. And you're aware that, after receipt of those videos,  
22 we cropped the most important ones?

23 A. Yes.

24 Q. Perhaps give, if not as clear, a larger view of that?

25 A. Yes, sir.



Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 SOLICITOR SIMPSON: Your Honor, at this point in time  
2 the State would seek to publish State's 25. That's already  
3 admitted into evidence.

4 THE COURT: Yes, sir.

5 (WHEREUPON, a portion of video was played for the jury  
6 at this time.)

7 SOLICITOR SIMPSON: And, Your Honor, I'm sorry for the  
8 interruption. I've gotten a note that I think the jury  
9 would like to take a little break. If I'm mistaken, I  
10 apologize.

11 THE COURT: Okay. Mr. Foreman, ladies and gentlemen of  
12 the jury, we're gon' take a -- we'll take a short break.  
13 About 15 minutes or so. And if you need a little more than  
14 that, Mr. Foreman, let the bailiff know.

15 Okay. Don't talk about the case.

16 (WHEREUPON, the following takes place outside the  
17 presence of the jury.)

18 THE COURT: Okay. We're gonna be in recess for about  
19 15 minutes.

20 Sergeant, you may leave the stand. Don't talk to  
21 anyone about your testimony.

22 THE WITNESS: Yes, sir. Thank you.

23 (WHEREUPON, a short recess was taken at this time.)

24 THE COURT: The jury's let Mr. Bailiff know they are  
25 ready.

Elizabeth wolfsen - Direct examination  
By Solicitor Simpson

1 Are we ready?

2 Oh, no.

3 (Pause.)

4 THE COURT: Okay. We ready?

5 Everybody ready?

6 Sir, you -- wait. He's talking to his lawyer.

7 (Pause.)

8 THE COURT: You need a moment?

9 You got --?

10 MS. HENSLEY: Your Honor, thank you.

11 THE COURT: You ready?

12 (WHEREUPON, there was no audible response.)

13 THE COURT: We'll have the jury please.

14 THE BAILIFF: Yes, sir.

15 (WHEREUPON, the following takes place within the  
16 presence of the jury.)

17 THE BAILIFF: Judge, all jurors are here and present.

18 THE COURT: Thank you. Please be seated.

19 Mr. Foreman, ready to go?

20 THE FOREMAN: Yes, sir.

21 SOLICITOR SIMPSON: Thank you, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY SOLICITOR SIMPSON:

24 Q. Sergeant wolfsen, when we left, you had identified

25 State's 25 already entered into evidence, which was a video

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 from 52 Hanover Street.

2 Different in what, in what way from the previous video?

3 A. That one has audio.

4 Q. Okay. And is State's 25, does it sort of zoom in on,  
5 on an area of, of what we've previously been entered?

6 A. Yes, sir. Yeah.

7 Q. Okay.

8 A. Sorry.

9 Q. So, while less clear, give us a little closer view?

10 A. Definitely, yes, sir.

11 (WHEREUPON, a portion of video was played for the jury  
12 at this time.)

13 SOLICITOR SIMPSON: Judge, I apologize. I believe I'm  
14 showing the video we've already seen. One moment.

15 (WHEREUPON, a portion of video was played for the jury  
16 at this time.)

17 Q. Sergeant Wolfson, did you also collect some cellphone  
18 video, or maybe not through cellphone, reviewed some  
19 cellphone video that was collected as part of this?

20 A. Yes, sir.

21 Q. Now, publishing State's 18 previously entered into  
22 evidence as post of cellphone video, does this offer us a  
23 different prospective on a short version of what we just  
24 watched?

25 A. Yes, sir, it -- the, the person taking this cellphone

Elizabeth Wolfson - Direct examination  
By Solicitor Simpson

1 video's on the opposite side of the street from 52 Hanover.  
2 But he's, he's up on a balcony at 59.

3 (WHEREUPON, a portion of video was played for the jury  
4 at this time.)

5 Q. Thank you, Sergeant Wolfson. Please answer any  
6 questions Ms. Hensley has.

7 A. Yes, sir.

8 THE COURT: Let me see the lawyers just one moment.

9 (Whereupon, a bench conference was held out of the  
10 hearing of the jury at this time.)

11 THE COURT: Mr. Foreman, I was conferring with the  
12 lawyers regarding time. I, I promised you we would break  
13 for lunch each day somewhere between 12:00 and 12:30 and  
14 cross-examination is expected to last longer than 20  
15 minutes.

16 So, what we're gonna do now, because I hate to break  
17 testimony, is, before she begins, let's break for lunch. I  
18 remind you again the trial is not at an end. It's not  
19 concluded. So, please don't discuss the case, make up --  
20 keep an open mind during these proceedings.

21 We're gonna break now and we're gonna, we're gonna  
22 reconvene at 1:45, okay, at 1:45. I want to make sure we  
23 have the afternoon available to us for testimony.

24 So, please be back in place ready to work at 1:45.

25 Mr. Foreman, if you please take your jury out.

1 (WHEREUPON, the following takes place outside the  
2 presence of the jury.)

3 THE COURT: You may leave the stand. You can not talk  
4 with anyone about your testimony.

5 THE WITNESS: Yes, sir.

6 THE COURT: Okay.

7 THE WITNESS: Thank you.

8 THE COURT: We'll be in recess until 1:45, 1:45.

9 (WHEREUPON, Court was in recess for the lunch hour.)

10 THE COURT: Okay. Everybody ready for our jury?

11 SOLICITOR SIMPSON: May I put something on the record,  
12 Your Honor?

13 THE COURT: Yes, sir.

14 SOLICITOR SIMPSON: We discussed earlier the mishap  
15 with the Court's Exhibits in pretrial. I have reprinted  
16 what have you -- have the exact copies here and, and I  
17 really appreciate Mr. Court Reporter helping me out and, and  
18 going back in the record and getting---

19 THE COURT: Yes, sir.

20 SOLICITOR SIMPSON: ---associating the correct numbers  
21 with each of these. Ms. Hensley has reviewed them and  
22 agrees that these are the same as the Court's Exhibit you  
23 considered pretrial save one. And so I'd ask permission to  
24 approach briefly with what's been marked as Court's 1.

25 THE COURT: All right.



1       SOLICITOR SIMPSON: We entered pretrial into evidence  
2 that document which is, you know, I'm Finding Lawyer 101  
3 that I had no copies but the original executed copy of that  
4 document. As you can see, that does not contain Ms.  
5 Hensley's signature because that's the copy I found on my  
6 computer. I had just signed and she hadn't signed yet. But  
7 I don't believe there's any dispute that that document was  
8 signed by both counsel and executed over a year ago prior to  
9 trial and we referred to that on the record pretrial.

10       THE COURT: Okay.

11       SOLICITOR SIMPSON: Save for one---

12       THE COURT: Any questions about this?

13       MS. HENSLEY: No questions---

14       THE COURT: Okay.

15       MS. HENSLEY: ---Your Honor.

16       THE COURT: All right.

17       SOLICITOR SIMPSON: Save for one, I'm, I'm submitting  
18 these in I believe the same numbers that they were referred  
19 to pretrial.

20       Court's 2, which is a, a jury notice that was found on  
21 Facebook.

22       Court's 3 through 7, which are pictures of the  
23 defendant found on Facebook used, used to establish  
24 authenticity.

25       The -- Court's 9, which is the certificate of

1 authenticity.

2 Court's 10, which is a series of photographs shown to  
3 Travis Scott which the defense alleged were suggestive and  
4 the lineup, which is Court's 11. And, at this time, I would  
5 formally move these in as Court's Exhibits only consistent  
6 with our pretrial matters, et cetera.

7 THE COURT: And there's---

8 MS. HENSLEY: No objection.

9 THE COURT: No objection, they're, they're Court's  
10 Exhibits.

11 No objection?

12 MS. HENSLEY: No objection.

13 THE COURT: Okay.

14 (WHEREUPON, the newly marked Court's Exhibit Nos. 1  
15 through 10 were received into evidence at this time.)

16 THE COURT: Does that cover it?

17 SOLICITOR SIMPSON: Yes, sir.

18 THE COURT: Anything further from the State?

19 Anything from the defense before we bring the jury?

20 MS. HENSLEY: No, Your Honor.

21 THE COURT: Okay. We'll have the jury.

22 THE BAILIFF: Yes, sir.

23 Sergeant, thank you. I forgot to get you back up.

24 Thank you.

25 THE WITNESS: Yes, sir. No, thank you.

1 THE COURT: I can tell you're---

2 THE WITNESS: Appreciate it.

3 THE COURT: ---a veteran.

4 THE WITNESS: I was informed back there.

5 THE COURT: Oh.

6 THE WITNESS: Don't let me take that victory.

7 (WHEREUPON, the following takes place within the  
8 presence of the jury.)

9 THE BAILIFF: Judge, all jurors are present and seated.

10 THE COURT: All jurors are present and seated. Thank  
11 you very much.

12 Everything good, Mr. Foreman?

13 (WHEREUPON, there was no audible response.)

14 THE COURT: Please give your attention to counsel.

15 MS. HENSLEY: Thank you, Your Honor.

16 May it please the Court.

17 CROSS-EXAMINATION

18 BY MS. HENSLEY:

19 Q. Good afternoon, Sergeant Wolfson.

20 A. Hello.

21 Q. We've met a few times before but I'm Laree Hensley.  
22 I'm Shannon Johnson's lawyer.

23 A. Yes, ma'am.

24 Q. I have some questions for you.

25 You -- earlier you were talking about you got assigned



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 this case I think on August the 8<sup>th</sup> about 8:30PM, correct?

2 A. Yes, ma'am, I, I received a phonecall that night and I  
3 learned at that point that this happened. A couple of the  
4 other members of the unit that I worked in at the time  
5 responded at that time. I recall that I came in the  
6 following day around 6:30 in the morning.

7 Q. Did you respond to the scene that night?

8 A. No, ma'am.

9 Q. Okay. But you have -- obviously you're the gatherer  
10 and collector and organizer of all of this evidence that  
11 came from that night till whenever, right?

12 A. For the most part, yes, ma'am.

13 Q. So, you come in in the morning I think about 6:30 and  
14 you meet with Detective Owens, right?

15 A. I did. Yep.

16 Q. And so Detective Owens was one of the detectives who  
17 were out there on August the 8<sup>th</sup>, correct?

18 A. Yes, ma'am.

19 Q. And there were a lot of detectives and officers out  
20 there that night, correct?

21 A. I would agree with that.

22 Q. I mean you probably -- haven't you gathered up all  
23 their body worn camera from that night, right?

24 A. Eventually I did. Not that night or that next day even

25 --

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. Sure.

2 A. -- but uh-huh.

3 Q. I mean as you're gathering all this video evidence and  
4 putting things into -- logging them in with your initials  
5 and all that, that we talked about -- specifically about  
6 that I think 78 Hanover video.

7 Is that what the address is?

8 A. Yes, ma'am.

9 Q. You're gathering these things from the officers who  
10 were involved, correct?

11 A. That's accurate. With the exception that officer's  
12 body worn cameras aren't something -- I would review them  
13 but I wouldn't log those into evidence. They're contained  
14 in their own server database.

15 Q. So, as we get those things, you -- those are things you  
16 would have reviewed, correct?

17 A. Probably not all of them in all of their entirety.

18 Q. Sure.

19 A. You know, I'm looking for evidence of the crime and,  
20 and investigation type things. So I'm not necessarily  
21 looking at, you know, the, the entire patrol response.

22 Q. Understanding -- and because so many of those officers  
23 had on cameras, some of it is duplicative, right?

24 A. Yeah. Absolutely.

25 Q. If Sergeant Freshman is talking or detective, I don't

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 know, what's Sergeant Freshman's rank?

2 what's Freshman's rank?

3 A. Sergeant.

4 Q. Sergeant.

5 A. Yes, ma'am.

6 Q. Yay. For once I get it right.

7 If Sergeant Freshman is talking to detective or talking  
8 to Officer Kelly, and they both have on body cams, then  
9 they're catching each other's body cams---

10 A. Sure.

11 Q. ---right?

12 A. Yes, ma'am.

13 Q. So it would just be duplicative of that, right?

14 A. I would agree with that.

15 Q. But Sergeant Freshman definitely was out there,  
16 correct?

17 A. Yes, ma'am.

18 Q. And Detective Owens, correct?

19 A. He wasn't one of the initial responding officers.

20 So -- just so you kind of have an understanding, we work in,  
21 I say we, investigators, the detectives at the police  
22 department, work in sort of designated units.

23 If and when we have a, a shooting that maybe was very  
24 significant or involved multiple people, not that any  
25 shooting is insignificant, or a homicide, generally violent



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 crime unit detectives specifically are called out because we  
2 would be the ones that work those types of cases. Outside  
3 of that, they're detectives from say the auto theft unit or  
4 the burglary unit that are working on a rotation. So every  
5 six or seven weeks you maybe work a night shift or a late  
6 afternoon, evening shift, or something like that.

7 So, in this case, this happened at about 7:40 in the  
8 evening. Kind of the way that this occurred was the -- at  
9 the time sergeant over the violent crime unit would of  
10 gotten a call, said that there was a homicide. He would of  
11 called all of us, which is who I got the call from, and  
12 tasked, depending on the circumstances, one to maybe three  
13 additional violent crime detectives to come in and kind of  
14 start the investigation.

15 Q. And, in this case, because of the location of the  
16 officers down at Sanders-Clyde, some of those guys just  
17 responded because they heard the shots, right?

18 A. Yes, ma'am.

19 Q. And I guess, in the very beginning, what was known was  
20 that it was an aggravated assault because, in the very  
21 beginning, there (sic) hadn't learned that Mr. Haman had  
22 eventually died, correct?

23 A. Correct. Yeah, I don't even know if they knew  
24 initially it was an aggravated assault. Just that they  
25 heard gunshots.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. Heard shots. Sure.

2 A. It could of been to nothing.

3 Q. And on scene I think first you have Officers Washington  
4 and Gault.

5 Do you recall that?

6 A. Yes, ma'am.

7 Q. And, and then I think Garrison, Freshman, right?

8 A. Yes, ma'am.

9 Q. Rivers?

10 A. I think -- Lieutenant Rivers I believe was the -- we  
11 call it a command duty officer. So we generally have  
12 somewhat of a command rank, which would be lieutenant or  
13 higher that works an overnight shift so they can kind of --  
14 they're in the entire city. But they kind of keep an  
15 overview of everything that's going on, particularly  
16 significant events. So they would respond. And if she was  
17 there that quickly, which I assume you're taking probably  
18 from a crime scene log or something, then she probably was  
19 downtown.

20 Q. And some of those officers are gathering up  
21 information, right?

22 A. Yes, ma'am.

23 Q. And that's what Officers Gault and Washington were  
24 doing since they got there initially, right?

25 A. I believe so. I know there was some initial attempts

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 to render medical aid and then someone who had a medical  
2 background came and started assisting with that. So, yes,  
3 they're trying to secure the scene as well. So, you know,  
4 when we're talking about the yellow tape that's sort of  
5 smaller and then the bigger one.

6 So, they're securing the scene. They're securing any  
7 witnesses or people they think may have information, talking  
8 to people. A lot of times those initial responding officers  
9 will make an effort to separate any witnesses so that we  
10 avoid like cross contamination of stories.

11 Q. And pretty soon after that -- pretty soon really after  
12 Officers Gault and Washington arrived, Sergeant Freshman  
13 arrived, correct?

14 A. I believe so, yes, ma'am.

15 Q. And I think -- and I don't know how to pronounce any of  
16 these names.

17 So Officer Calord (phonetic)?

18 A. Calory (phonetic).

19 Q. Calory. That's what it looked like. I didn't -- he,  
20 right?

21 A. He.

22 Q. Starts taping off the initial scene, right?

23 A. Yes, ma'am.

24 Q. And that's just kind of standard operating procedure  
25 and -- but you'd agree that it's pretty chaotic out there,

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 right?

2 A. Yes, ma'am.

3 Q. And they're trying to figure out who's out there, who  
4 knows what, all of those things, right?

5 A. Yes, ma'am.

6 Q. And it -- they learned -- Officer McDermott's out  
7 there, right?

8 A. Yes, ma'am.

9 Q. Is it officer, sergeant?

10 A. He was an officer, yes, ma'am.

11 Q. Okay.

12 A. Creighton.

13 Q. I'm sorry?

14 A. Creighton McDermott, uh-huh.

15 Q. He -- he's out there and Officer Jusstiano?

16 A. That's a tough one. Jusstiano.

17 Q. Jusstiano has responded and met with Officers  
18 Washington and Freshman, right?

19 A. I believe, yes.

20 Q. And so when all of these people get there, they're kind  
21 of trying to figure out who do they need to talk to.

22 Fair?

23 A. Yes, ma'am, and trying to make the way as well for  
24 emergency medical responders.

25 Q. Right.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Because there's an attempt to resuscitate, right?

2 A. Yes, ma'am.

3 Q. And that was even going on, you could see, when  
4 Sergeant Freshman got there?

5 A. Yes, ma'am.

6 Q. And, and it takes a while, a little while, just for EMS  
7 and all of them to respond, right?

8 A. Sure.

9 Q. And there's a -- like a nurse, a fellow riding a  
10 bicycle who's a nurse --

11 A. Uh-huh.

12 Q. -- he comes up and rendering aid, right?

13 A. Yes, ma'am, uh-huh.

14 Q. And, during the time, they're trying to get some  
15 descriptions, right?

16 A. I believe so.

17 Q. And the, the most specific description you-all received  
18 at the time---

19 SOLICITOR SIMPSON: Objection, Your Honor. Hearsay.

20 THE COURT: What's the -- what's the question?

21 Ask the question first.

22 MS. HENSLEY: Thank you, Your Honor.

23 The most spe -- the information that you gathered at  
24 the time, the initial time, was about a fellow with green  
25 twists in his hair?



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. There was information, yes, because there were a few --  
2 as you've seen from the video, there were several people  
3 that were there kind of in the immediate vicinity. So, yes,  
4 there was information that someone who had green twists in  
5 his hair, as I recall, was not said to be the shooter. But  
6 had been present at the -- in the vicinity.

7 Q. And the green twists in his hair was the most  
8 distinctive description that you had.

9 Is that fair?

10 A. Yeah, I would agree with that.

11 Q. And so the, the first calls that go out, because the  
12 whole, I would guess, the whole team who's down there and  
13 all the police officers who are down there, are getting this  
14 information relayed to them, right?

15 A. Yes, ma'am.

16 Q. And that, that first information at least being relayed  
17 was about looking for a fellow with green twists?

18 A. As a witness but, yes.

19 Q. As a witness.

20 A. Uh-huh.

21 Q. I agree.

22 well, at that point you don't really know what he is,  
23 right?

24 A. I mean I -- as I recall, and I, I could check back the  
25 specific way it was phrased, but as I recall, the --

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 whomever described the person with green twists in his hair  
2 specifically said that it was not shooter.

3 Q. So -- but as a witness -- well, I think I'll just go on  
4 to it then, Officer Kelly has been up there at  
5 Sanders-Clyde, correct?

6 A. I think he was.

7 Q. And he -- when he's coming down kind of towards the  
8 scene after the call goes out, the information goes out  
9 about green twists, he locates a fellow with green twists in  
10 his hair?

11 A. Yes, ma'am.

12 Q. Right?

13 A. Uh-huh.

14 Q. And, at that point, he just puts him in handcuffs,  
15 right?

16 A. I believe he came -- became uncooperative and then he  
17 was put into handcuffs, but yes.

18 Q. There's no evidence that he tried to run or anything,  
19 right?

20 A. I, I -- no -- I don't think so.

21 Q. Okay.

22 A. But, again, at that point -- our, our concern was  
23 gathering information on who just shot someone. So -- and  
24 to kind of lay that foundation, this gentleman with the  
25 green twists who was stopped, at some point interviewed, I

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 actually interviewed him a couple of days later because, by  
2 then, we had received this video, he had a cellphone. I did  
3 a search warrant on his cellphone in the hopes of gathering  
4 additional video evidence cause I thought that was a  
5 possibility. So, this, this person was an -- what we  
6 thought at the time was an integral part of the  
7 investigation. So, we were pretty concerned with --

8 Q. Keeping him there.

9 A. -- keeping him, yes.

10 Q. I got you and I'm, I'm glad you brought up that about  
11 his cellphone because what you thought, from looking at the  
12 video, was that this fellow with green twists -- and just to  
13 be clear, that's Densitty Maxwell, right?

14 A. Yes, ma'am.

15 Q. And Densitty Maxwell was somebody Officer Kelly kind of  
16 knew already, right?

17 A. I think that he had known him kind of from the area,  
18 uh-huh.

19 Q. And you thought, from looking at the video, Densitty  
20 Maxwell looked like he was recording with his phone, right?

21 A. Yes, ma'am.

22 Q. And it -- after you just -- even that night, on August  
23 the 8<sup>th</sup>, after we -- it had been decided that he wasn't the  
24 shooter and was a witness, he went -- he was taken down to  
25 the police station, right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. I believe he was. I think that Detective Owens spoke  
2 with him, uh-huh.

3 Q. Detective Owens, and they were -- they wanted to know  
4 about the video, was he videoing, right?

5 A. I -- I'm not sure specifically what they asked him but  
6 --.

7 Q. Well, didn't he give them his cellphone and the code  
8 the, pass code to his phone, in that interview with  
9 Detective Owens?

10 A. I believe he did.

11 Q. Cause his, his phone has died, correct?

12 Do you remember that part?

13 A. I don't remember.

14 Q. That -- and he's in the interview room and Detective  
15 Owens is talking about having to keep his phone and Density  
16 even offers to take him to his house and get the charger and  
17 let him look at it right there.

18 Do you remember that?

19 A. Not specifically, no.

20 Q. But when you -- because you wanted to look in his phone  
21 and get a search warrant for his phone --

22 A. Uh-huh.

23 Q. -- y'all kept his phone, right?

24 A. Yes, ma'am.

25 Q. And even when he came back down there, he was really

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 forthcoming about all that?
- 2 A. For the most part, yes.
- 3 Q. I mean he was willing to give the police his phone.
- 4 That seems pretty forthcoming to me.
- 5 A. Yes, ma'am.
- 6 Q. And, and he was telling you that he wasn't recording
- 7 with his phone and he knew that cause his phone was like on
- 8 five percent or something?
- 9 A. Something to that effect, yes, ma'am.
- 10 Q. And he wasn't recording it turned out, right?
- 11 A. I didn't find anything in that return from the search
- 12 warrant to suggest that to me, no.
- 13 Q. And you'd had his phone the whole time. So --.
- 14 A. To my knowledge, uh-huh, yes, ma'am.
- 15 Q. And so Detective Owens was out there, right?
- 16 A. He responded out there, yes, ma'am. He was one of the,
- 17 the violent crime detectives that the supervisor called and
- 18 requested to come out.
- 19 Q. And so Detective Owens is going around and trying to
- 20 talk to people who might have seen something?
- 21 A. Yes, ma'am.
- 22 Q. Correct?
- 23 A. Uh-huh.
- 24 Q. For example, maybe Shakia Thomas who we heard from this
- 25 week.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. I'm not sure whether he spoke with her that night or  
2 not. I know that I spoke with her like the next day, maybe  
3 two days later.

4 Q. It seemed like the 9<sup>th</sup> through the 10<sup>th</sup>.

5 Did you go to her house and talk to her grandmother and  
6 they put her on speakerphone and then you --

7 A. Yes, ma'am.

8 Q. -- got to meet with her---

9 A. Exactly.

10 Q. ---after that?

11 And the fellow, Mr. Cruck I think, who lived across the  
12 street, Detective Owens definitely spoke to him.

13 Do you recall that?

14 A. Yes, ma'am.

15 Q. And do you recall Mr. Cruck -- Detective Owens getting  
16 information that Mr. Haman was---

17 SOLICITOR SIMPSON: Objection, Your Honor. Hearsay.

18 MS. HENSLEY: I'm not offering it for the truth of the  
19 matter, Your Honor, but rather---

20 THE COURT: Ask the question in its entirety.

21 MS. HENSLEY: Okay.

22 THE COURT: And then don't answer till I --.

23 MS. HENSLEY: Okay. Thank you, Your Honor. Let me,  
24 let me just find my notes so I'll get this right.

25 was hot blooded and aggressive with regular guys in the

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 neighborhood?

2 THE COURT: Don't -- that's asking for him -- what him  
3 to say?

4 MS. HENSLEY: I'm asking did Detective Owens get that  
5 information, yes, Your Honor.

6 THE COURT: Sustained. That's sustained. That's  
7 hearsay.

8 Q. And -- but Detective Owens met with Mr. Cruck.

9 Is that how you say it?

10 Do you know?

11 A. I have no idea. I'm sorry.

12 Q. And got some information from him, correct?

13 Mr. Cruck wasn't actually there when this happened,  
14 right?

15 A. Correct.

16 Q. I think he had been there and left?

17 A. I believe -- yes. Yeah. Yes, ma'am.

18 Q. Maybe on a moped?

19 A. Yes.

20 Q. Does that make it---

21 A. Yes. Thank you.

22 Q. There's a lot of information, right?

23 It's hard to kind of keep it all straight.

24 A. Yes, ma'am.

25 Q. And eventually when you were identifying witnesses, the

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 you -- the black male witnesses who were there, obviously we  
2 had green twists, Densitty?

3 Densitty?

4 A. Densitty, yes, ma'am.

5 Q. Densitty Maxwell.

6 And then when Densitty comes in, he's identifying for  
7 two other folks who were witnesses with him, right?

8 A. Travis Scott and his brother, Kendell Scott. I think  
9 Densitty is a cousin to them.

10 Q. Cousins to them. So --.

11 A. Uh-huh.

12 Q. When -- by that time -- by the time Densitty's doing  
13 all that, y'all have actually pulled some video and have  
14 some pictures of that, right?

15 A. Yes, ma'am, and we had some officers that knew, just  
16 from being in the neighborhood, and, you know, they spent a  
17 lot of time in the neighborhood. So they knew them as well.

18 Q. Knew them?

19 A. Uh-huh.

20 Q. And so Densitty -- and he's the fellow with the green  
21 twists, right?

22 A. Yes, ma'am.

23 Q. He's the easier one for me to remember and he  
24 identifies his cousins, correct?

25 A. Correct.



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Q. And that's Kendell Scott, right?
- 2 A. Uh-huh.
- 3 Q. And Travis Scott, right?
- 4 A. Correct.
- 5 Q. And we've heard from Travis this week, and we know
- 6 that, in the video, Travis is the older black gentleman in
- 7 the tank top and the khaki shorts---
- 8 A. Correct.
- 9 Q. ---right?
- 10 A. Yes, ma'am.
- 11 Q. And so Densitty, even though I think it's hard in the
- 12 video to see green twists, he's, he's in the video.
- 13 A. He is.
- 14 Q. And Kendall has on a tank top?
- 15 A. He does.
- 16 Q. So the three of them, Densitty, has on a white T --
- 17 white or gray t-shirt, right?
- 18 A. I believe so.
- 19 Q. With sleeves?
- 20 A. Yes. Yes, ma'am.
- 21 Q. I'm just trying to figure out, so when we watch the
- 22 video, we kind of know who everybody is. So, we've seen the
- 23 video and we know Densitty with sleeves, Travis a little bit
- 24 older, khaki shorts and tank top --
- 25 A. Yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. -- and Kendell in a tank top and you don't really see  
2 as much of him but he's, he's probably the first one to  
3 leave, right?

4 A. I believe so, yes, ma'am.

5 Q. And so you -- by the morning of the 9<sup>th</sup> when you get  
6 there, that information is known, right?

7 A. Yeah. Yes, ma'am.

8 Q. I mean cause Densitty was there way up until the night  
9 like after midnight. It turns the 9<sup>th</sup> on his -- he's in an  
10 interview room.

11 So all that's recorded, right?

12 A. Yes, ma'am.

13 Q. So, you have all of that, and even in the morning of  
14 the 9<sup>th</sup>, you had collected that Nest video at 52 Hanover  
15 Street---

16 A. That's right.

17 Q. ---right?

18 A. Yes, ma'am.

19 Q. And I guess Alec -- Alex video?

20 A. I, I think I had his too, Mr. Ostendarp.

21 Q. I think in your report a cellphone which depicted  
22 portion of the events.

23 So that's Mr. Ostendarp?

24 A. Yes, ma'am.

25 Q. Say it for me.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Ostendarp.
- 2 Q. Ostendarp. Mr. Ostendarp's video.
- 3 So you had all of that stuff pretty early?
- 4 A. Yes, ma'am.
- 5 Q. So I mean basically then you're starting your search
- 6 for the person who fired the gun, right?
- 7 A. Correct.
- 8 Q. Because you've determined that it wasn't the green
- 9 twist guy, the khaki shorts guy, or the other guy in no, no
- 10 sleeves, right?
- 11 A. That's right.
- 12 Q. And so Detective Owens is the one who interviewed
- 13 Densitty at the station, right?
- 14 A. Yeah.
- 15 On the first interview?
- 16 Q. Yeah.
- 17 A. Yes, ma'am.
- 18 Q. On the first interview?
- 19 A. Uh-huh.
- 20 Q. You interviewed him I think a couple days later he
- 21 comes back, right?
- 22 A. Yes, ma'am.
- 23 Q. And, by this time, Sergeant Mellette has gathered some
- 24 video from the Knight's Grocery store, right?
- 25 A. Not that early in the morning.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. On the 9<sup>th</sup> though, right?

2 A. On the 9<sup>th</sup>, yes. Yes, ma'am.

3 Q. And then you're able to start to recognize clothing and  
4 that kind of stuff---

5 A. Correct.

6 Q. ---right?

7 A. Yes, ma'am. Once we got the Knight's video, we had a  
8 much better picture of what was being worn and kind of the  
9 appearance and -- of the individual, yes, ma'am.

10 Q. And all the information that you had was that the  
11 fellow on the bike rides up and says something to the  
12 victim, right?

13 A. Yes, ma'am.

14 Q. And then turns around and comes back, right?

15 A. Right. By this point I had seen the video that you-all  
16 just saw with, with the audio that kind of depicts the whole  
17 situation. I had seen that.

18 Q. And so that's the information that, that we're going  
19 off of that the altercation began with the fellow we now  
20 know on the bicycle who was singing as Shannon Johnson, he  
21 said something to Mr. Haman.

22 That's correct?

23 A. Correct, yes, ma'am.

24 Q. And then came back and then they had a, a physical  
25 altercation. That's the information that you had.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Yes, ma'am.
- 2 Q. And that -- the information that you say you had  
3 already seen on the Nest video from 52 Hanover?
- 4 A. I saw it pretty early that next day when I came in.  
5 So, yes, ma'am.
- 6 Q. And so, when you reviewed the video, you believed that  
7 Shannon Johnson said something to Mr. Haman?
- 8 A. I didn't know it was him yet.
- 9 Q. Right.
- 10 A. But, yes, I did.
- 11 Q. And in the videos that you have from the city camera  
12 at -- down there by Knight's store, right?
- 13 A. Yes, ma'am.
- 14 Q. And the video from Knight's Store?
- 15 A. Uh-huh.
- 16 Q. And even that I guess 78 Hanover?  
17 Is that the video that the number --?
- 18 A. 78 Hanover, we didn't receive that or I didn't receive  
19 the video---
- 20 Q. Probably till the 13<sup>th</sup> or something.
- 21 A. Till -- yeah, the 12<sup>th</sup> I think. Might---
- 22 Q. Even---
- 23 A. ---of been the 13<sup>th</sup>.
- 24 Q. Even looking at all that video -- prior to this in the  
25 video where you can see Shannon Johnson in the street, he is

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 singing and moving his arms around, right?

2 A. I'd agree with that.

3 Q. And, and he's walking up Hanover doing that, right?

4 A. Yes, ma'am.

5 Q. Even when he's -- it looks like that's what he's doing  
6 when he's turning online.

7 That's just kind of what he's doing, right?

8 A. Yes, ma'am.

9 Q. As he comes back up to Knight's, he's still doing it,  
10 right?

11 A. Yes, ma'am.

12 Q. And nobody seemed to have any problem with that at  
13 anytime before his encounter with Mr. Haman?

14 A. There were people outside of Knight's. I didn't see  
15 any people really except for cars and things for the  
16 duration of that ride. But, yeah, outside of that I would  
17 agree.

18 Q. And the information that you had initially is  
19 consistent with what you said, that the guy with the  
20 headphones was -- had a verbal altercation with Mr. Haman  
21 for no reason, correct?

22 A. At the, at the very outset?

23 (WHEREUPON, there was no audible response.)

24 A. I don't know that I would call it a verbal altercation  
25 as it's very outset like when you rode by the first time.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. Right.

2 A. I think a person on the street could perceive that,  
3 with the expletives and the shouting that were being used,  
4 could perceive it was being said something to them. But I  
5 don't -- you know, I -- altercation I think is expanding it  
6 a little more than -- I don't think they really had a verbal  
7 altercation until he came back.

8 Q. Well, I had, from your search warrant, that the  
9 information you had was the suspect verbally accosted the  
10 victim.

11 A. I agree with that.

12 Q. That, by riding by and singing, he was verbally  
13 accosting the victim?

14 A. I personally feel that the language that was being  
15 used, at the volume it was being used, that one could  
16 certainly perceive being verbally accosted by that behavior.

17 Q. And so that's what was reported to you, that's what's  
18 in your search warrant, right?

19 A. Yes, ma'am.

20 Q. And I want to talk just a little bit about Facebook.  
21 You did just a public search for Shannon Johnson's  
22 name---

23 A. Yes.

24 Q. ---right?

25 A. Yes, ma'am.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. So anybody who has -- and, unfortunately, I have a lot  
2 of knowledge about Facebook from my own personal life.

3 Anybody who has a Facebook name in their own name,  
4 you -- anybody could just go in and search for it, right?

5 A. Sure.

6 Q. And you can see what people allow people to see, right?

7 A. Right.

8 Q. That's how Facebook works.

9 You can lock it down where only certain people can see  
10 it, right?

11 A. Right.

12 Q. I mean you can post things on Facebook that only you  
13 can see. I can choose a selection, drop down menu, only me,  
14 right?

15 A. Yes, ma'am, uh-huh.

16 Q. And then I could choose friends. Just my friends could  
17 see it---

18 A. Yes, ma'am.

19 Q. ---right?

20 And I could choose friends of my friends, right?

21 A. Yes, ma'am.

22 Q. And then I could choose nothing.

23 If I choose nothing, the default is just I guess  
24 public---

25 A. I believe---



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Q. ---right?
- 2 A. ---so, yes, ma'am.
- 3 Q. And the Facebook page that you looked at, it was on
- 4 public, whether by default or choice, that's how it was,
- 5 right?
- 6 A. Correct. Yes, ma'am.
- 7 Q. So it's just wide open, right?
- 8 A. For the most part, yes, ma'am.
- 9 Q. I mean you didn't pretend to be a friend and try to
- 10 friend Shannon, right?
- 11 A. No.
- 12 Q. You -- what you were able to see you were just able to
- 13 see?
- 14 A. Right.
- 15 Q. And I think you testified earlier that, you know, some
- 16 people use their own name, their real name, right?
- 17 A. Sure.
- 18 Q. Some people use fake names?
- 19 A. Correct.
- 20 Q. Make it -- made up names, funny names, whatever?
- 21 A. Yes, ma'am.
- 22 Q. And -- but you just searched for Shannon Johnson,
- 23 right?
- 24 A. Yes, ma'am.
- 25 Q. And I know back before they changed the algorithm, I

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 had my name backwards because it made it harder for people  
2 to search for me if it was Hensley Laree then Laree Hensley  
3 but Google caught up to all of this and it's --?

4 A. Yes, ma'am.

5 Q. Doesn't make any sense now.

6 The only thing about it is now when people don't know  
7 me when they call me by my last name, right?

8 A. Right.

9 Q. Okay. So, you, you did that search and got -- you, you  
10 pulled some pictures?

11 A. Yes, ma'am.

12 Q. And I think you said that the exhibit, State's 5, was  
13 extremely relevant to, to your investigation, right?

14 A. It was---

15 Q. That -- I think that you got that after the search  
16 warrant but --.

17 A. Five is the photo of the -- like in front of the fence?

18 Q. Yes.

19 A. Yes, after the search warrant.

20 Q. After the search warrant.

21 A. Yes, ma'am.

22 Q. But then is the one that was sent in the message,  
23 right?

24 A. Correct.

25 Q. That's how you found it in the -- from the message,

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 right?

2 A. That's right.

3 Q. And that message was on August the 8<sup>th</sup> at 9:49PM,  
4 right?

5 Something like that. I'm not gonna hold you to the  
6 time.

7 After, after dark?

8 A. Yes.

9 Q. But you would agree that the State's 5 obviously wasn't  
10 taken after dark?

11 A. I would agree.

12 Q. Just that's what time it was sent?

13 A. Correct.

14 Q. And that's how you knew it because it was in that  
15 messaging that you got as a result of your search warrant to  
16 Facebook, right?

17 A. Yes, ma'am.

18 Q. So you don't know when that picture was taken?

19 A. No, ma'am.

20 Q. And there just isn't really any way, from a Facebook  
21 search, to figure that out, right?

22 A. That's correct.

23 Q. But it was extremely interesting to you or extremely I  
24 think you said relevant because of the outfit, right?

25 A. Yes, ma'am, and I, of course, seen him depicted in

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By Ms. Hensley

1 other places at other times on that same day wearing that  
2 same outfit by that time.

3 Q. Sure.

4 Because you didn't even do the Facebook search warrant  
5 I don't think until like August the 26<sup>th</sup> or something,  
6 right?

7 A. Correct.

8 Q. And then later the, the photo from Bridgeview and/or  
9 Bayside, depending on -- I think Bayside's the old name,  
10 right?

11 A. Yes. Yes, ma'am.

12 Q. And Bridgeview's the new name?

13 A. Correct.

14 Q. But you had worked out there. You recognized that  
15 spot, and even -- I guess that's on August the 12<sup>th</sup>,  
16 Shannon is still uploading pictures and you could tell his  
17 location from that, right?

18 A. Yes, ma'am.

19 MS. HENSLEY: Beg the Court's indulgence. I apologize.  
20 (Pause.)

21 Q. So, by August the 9<sup>th</sup> you were doing all of that  
22 Facebook stuff, right?

23 A. By August the 9<sup>th</sup>?

24 Q. I mean on August the 9<sup>th</sup> were you -- you, you were  
25 looking at Shannon's Facebook or was that later?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. I don't think on the 9<sup>th</sup> I was. I don't even -- I  
2 don't -- I, I don't think we had him identified until either  
3 very late on the 9<sup>th</sup> or the 10<sup>th</sup>. I think it was  
4 actually---
- 5 Q. Maybe---
- 6 A. ---the 10<sup>th</sup>.
- 7 Q. ---it's Saturday, the 10<sup>th</sup>?
- 8 A. Yes, ma'am.
- 9 Q. Right. I think you're right.
- 10 And so by then your -- you, you have looked at the  
11 Facebook stuff and then by Monday, the 12<sup>th</sup>, you had  
12 located Shannon, right?
- 13 A. Yes, ma'am.
- 14 Q. And -- but your investigation was still continuing.  
15 Y'all were still meeting with people, right?
- 16 A. Yes, ma'am.
- 17 Q. Even in-between the 9<sup>th</sup> and the 12<sup>th</sup>, right?
- 18 A. Yes, ma'am.
- 19 Q. I think you met with Ms. Colon, right?
- 20 A. I did.
- 21 Q. And you had at least the summary -- did you meet with  
22 Ms. Thomas or was that---
- 23 A. I did.
- 24 Q. ---Detective Owens?
- 25 So you had met with her and the information that you

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 had received was that -- well, let me just withdraw the  
2 question. I, I may be just confused about that part. Hang  
3 on one -- just one second. Let me, let me step over here  
4 for one second.

5 Beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 (Pause.)

8 Q. So, at one point -- at some point, I don't know, I  
9 don't have a date on this, but you had developed like a  
10 wanted information about Shannon Johnson, correct?

11 A. Yes, ma'am.

12 Q. And you're basically putting that out for people to I  
13 guess be on the look out for him?

14 A. Are you talking about before or after -- so initially  
15 we'd taken some still shots from the video from 52 Hanover.  
16 Those were distributed to the police department and---

17 Q. Right.

18 What I'm talking about is after you had developed  
19 Shannon's name---

20 A. Yes.

21 Q. ---as the person you were looking for?

22 A. Yes, ma'am. Sorry.

23 Q. That's okay.

24 And so you put out that information about him and it  
25 contained his age, right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Yes, ma'am.
- 2 Q. His height?
- 3 A. Yes, ma'am.
- 4 Q. Right?
- 5 A. Uh-huh.
- 6 Q. And his weight?
- 7 A. Yes, ma'am.
- 8 Q. So you had him at 5'5" and about 130 pounds, right?
- 9 A. Whatever I took from DMV.
- 10 Q. Right. Sure. Sure.
- 11 A. Yes, ma'am.
- 12 Q. I always I think don't know if anybody would find me if
- 13 I went missing if they used the weight on my driver's
- 14 license. But --.
- 15 A. Same.
- 16 Q. That's, that's sort of where you get that information,
- 17 right?
- 18 A. Yes, ma'am.
- 19 Q. And that information was pretty consistent with what
- 20 you could see in the video, correct?
- 21 A. Some of the videos. Maybe the, the Knight's video
- 22 probably.
- 23 Q. And the information that you had received from people
- 24 who saw that -- saw -- were out there who witnessed things,
- 25 right?

Elizabeth wolfsen - Cross-examination  
By Ms. Hensley

1 A. I don't know that it was that specific.

2 Q. Not that specific. Certainly not height and weight.

3 A. No. No.

4 Q. But a slim, young, black fellow---

5 A. Yes.

6 Q. ---right?

7 A. Yes, ma'am.

8 Q. And so you on I guess by the 26<sup>th</sup> -- well, on August  
9 the 12<sup>th</sup> you met with Shannon, right?

10 A. Yes, ma'am.

11 Q. And you talked to Shannon about the incident?

12 A. I did.

13 Q. And, and by then, of course, you had seen that video,  
14 that Nest video, right?

15 A. Yes, ma'am.

16 Q. And I just want to kind of walk through that Nest video  
17 about some, some things you had seen and knew from that  
18 video.

19 Okay?

20 A. Sure.

21 Q. So, Sergeant, right?

22 Sergeant wolfsen, that's right, right?

23 A. Yes, ma'am.

24 Q. This is the video that you -- that is State's --?

25 SOLICITOR SIMPSON: 25.



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. -- 25 that you reviewed earlier with Mr. Simpson, and  
2 if you could just look at this with me and see -- and let's  
3 talk about what's -- what we see.

4 okay?

5 A. Okay.

6 Q. Play.

7 (WHEREUPON, a portion of the video was played for the  
8 jury at this time.)

9 Q. So, is that Densitty, red bicycle -- no, probably  
10 not---

11 A. No, I don't think so.

12 Q. ---right now.

13 So---

14 A. I don't know who that guy is.

15 MS. HENSLEY: Oh. Can we make it make sound?

16 SOLICITOR SIMPSON: Oh, sorry.

17 (WHEREUPON, a portion of the video was played for the  
18 jury at this time.)

19 MS. HENSLEY: Stop please.

20 So right there Shannon's riding by the U-Haul, right?

21 A. Yes, ma'am.

22 Q. And he's -- from way back before when we can even see  
23 him on the video, we can hear him singing, right?

24 A. Yes, ma'am.

25 Q. But he, at this point from what we can see, there's

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 nobody there, right?

2 A. Correct.

3 MS. HENSLEY: Okay. Play.

4 (WHEREUPON, a portion of the video was played for the  
5 jury at this time.)

6 Q. And then here we see Mr. Haman for the first time,  
7 right?

8 A. Yes, ma'am.

9 Q. And he comes out to the edge of the video, right?

10 A. Yes, ma'am.

11 Q. And we, we don't hear him say anything but he's  
12 certainly got his attention directed at Shannon, right?

13 A. I would agree with that.

14 MS. HENSLEY: Play.

15 (WHEREUPON, a portion of the video was played for the  
16 jury at this time.)

17 Q. And now Mr. Haman's standing there with his arms  
18 crossed, right?

19 A. I---

20 Q. You can't see?

21 A. I'm not sure what his arms are doing but he's standing  
22 there.

23 Q. Shannon comes back, right?

24 A. Yes, ma'am.

25 Q. And Shannon pulls up.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Stop.

2 And so now they're face-to-face, right?

3 A. Yes, ma'am.

4 MS. HENSLEY: Play.

5 (WHEREUPON, a portion of the video was played for the  
6 jury at this time.)

7 MS. HENSLEY: Stop.

8 That's Travis Scott right there, right?

9 A. I should of looked at his shorts before he went behind  
10 the tree but I'll believe you.

11 Q. That crepe myrtle's really in the way---

12 A. It is.

13 Q. ---isn't it?

14 A. Yes.

15 Q. And right there we can see Ms. Thomas's car pulling up  
16 --

17 A. Yes, ma'am, the---

18 Q. -- behind Travis?

19 A. The Nissan. The big SUV there.

20 Q. And Shannon's on his bike?

21 A. I assume he's---

22 Q. It's hard to tell.

23 A. You---

24 Q. You can see Shannon's bike is standing up.

25 A. Yes.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. And Mr. Haman's standing at the back of the U-Haul,  
2 right?

3 A. Yes, ma'am.

4 MS. HENSLEY: Okay. Play.

5 (WHEREUPON, a portion of the video was played for the  
6 jury at this time.)

7 MS. HENSLEY: Wait. Stop.

8 And that's Densitty right there, right?

9 He's suit -- got on this -- the gray or white t-shirt  
10 with sleeves?

11 A. I believe so, yes, ma'am.

12 Q. Thank you.

13 (WHEREUPON, a portion of the video was played for the  
14 jury at this time.)

15 A. Yes.

16 Q. And now Mr. Haman is pointing his arms, right?

17 Stop. I'm sorry.

18 A. Sorry. If I'm honest I was looking at Travis.

19 If we could back it just a -- you know.

20 Q. Maybe if we could just back up a little bit.

21 A. Excuse me. Sorry.

22 (WHEREUPON, a portion of the video was played for the  
23 jury at this time.)

24 MS. HENSLEY: Stop.

25 So Shannon says, what it sounds like to me, what's up

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 nigger---

2 A. I---

3 Q. ---and, and then says so I said the same thing back,  
4 right?

5 A. I only heard those two words.

6 Q. Okay. Well just -- I don't -- maybe I didn't let it  
7 play long enough.

8 (WHEREUPON, a portion of the video was played for the  
9 jury at this time.)

10 MS. HENSLEY: Stop. So maybe back up just a little  
11 bit, Chad, and I apologize.

12 I don't know how many times you've watched this video  
13 but --.

14 SOLICITOR SIMPSON: You want me to -- one second.

15 MS. HENSLEY: Just -- Chad, I'm sorry. Stop.

16 If we could back up to where he says you said what's  
17 up. I just -- I don't know that I got that clarified.

18 Can you see on that screen that's in front of you?

19 A. Yes, ma'am.

20 Q. Okay. Awesome.

21 So just when Shannon comes back, Chad, please.

22 SOLICITOR SIMPSON: Till he rides back up?

23 MS. HENSLEY: That's fine.

24 (WHEREUPON, a portion of the video was played for the  
25 jury at this time.)

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. Stop.

2 So did you hear that?

3 A. I, I think it's possible he said you said. I think  
4 it's possible he said I said. I --.

5 Q. I would say---

6 A. I think it's possible he said something that I can't  
7 understand.

8 Q. Right. Well, I -- I'll agree that it's not the best  
9 audio in the world and I think it does really have to be  
10 listened to really loud and in the probably more quiet place  
11 than this. But --.

12 Okay. So --.

13 A. Yes, ma'am, and I, I have listened to this with  
14 headphones in to try and hear---

15 Q. The same.

16 A. ---the nuances of this conversation. And I -- I've  
17 never perceived that as his -- you saying that to me is the  
18 first time I've ever even considered that as a possibility.  
19 That's not what I hear there but --.

20 Q. It's possible.

21 A. It's possible he says a lot of things.

22 Q. Right.

23 Play please, Chad -- Mr. Simpson. I'm sorry.

24 (WHEREUPON, a portion of the video was played for the  
25 jury at this time.)

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. And then the first punch is thrown and that's -- stop,  
2 Chad. I'm sorry.

3 And that's by Mr. Haman, right?

4 A. I'm sorry. I was not looking at the correct thing  
5 again. I'm not --.

6 Q. Well, there's Travis, right?

7 We'll get that.

8 A. I was listening and --.

9 Q. Before we, before we hit play, right here we can see  
10 that's Travis Scott in the --

11 A. Yeah.

12 Q. -- no sleeve shirt, right, the---

13 A. Correct. Yes, ma'am. I'm sorry.

14 Q. ---tank top?

15 A. I was listening that time instead of looking.

16 Q. It's, it's a lot.

17 A. It is.

18 Q. I'll agree.

19 A. Yes.

20 MS. HENSLEY: So play please.

21 (WHEREUPON, a portion of the video was played for the  
22 jury at this time.)

23 MS. HENSLEY: Stop.

24 So Mr. Haman punches Mr. Johnson, correct?

25 A. Mr. Haman, yes, throws the first blow although I would

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 caveat that with you see the -- what I would call a  
2 provoking action---

3 Q. And---

4 A. ---by Mr. Johnson first.

5 Q. ---Shannon Johnson's bike?

6 A. Yes.

7 Q. And he's backing up, right?

8 A. I'm not sure I would call that a full on retreat. I  
9 would call that---

10 Q. Well, I mean he's certainly moving away?

11 A. I mean, yes, although his body language suggests more  
12 that he would liken to engage in this fight.

13 Q. All right. But he's saying what are doing, right?

14 A. Something to that effect. I don't know.

15 Q. Just -- well, let's back up just a little bit and  
16 listen again.

17 (WHEREUPON, a portion of the video was played for the  
18 jury at this time.)

19 MS. HENSLEY: Stop.

20 By this time Ms. Thomas has accomplished -- is  
21 finished -- almost finished parallel parking back there,  
22 right?

23 A. Yes, ma'am. So I, for me, the what are you doing, I'm  
24 not sure I can't contribute that to Ms. Colon. I'm not sure  
25 who exactly is saying that.



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Q. Oh, you don't think that's Shannon Johnson's voice?  
2 A. Not really.  
3 Q. Okay.  
4 A. And---  
5 Q. That's fair.  
6 A. ---I would also say that Mr. Johnson takes off his hat.  
7 He takes a fighting stance. He's prepared---  
8 Q. Well---  
9 A. He's preparing for a fight more so than running away --  
10 Q. Well, let's go back a little bit---  
11 A. -- in my opinion.  
12 Q. ---and see -- listen to the voice again.  
13 (WHEREUPON, a portion of the video was played for the  
14 jury at this time.)  
15 MS. HENSLEY: Stop.  
16 So you think that's Ms. Colon?  
17 A. I think, I think it certainly could be. I'm not, I'm  
18 not gonna attribute that to a hundred percent. I've, I've,  
19 you know, met and talked to her one time and she wasn't  
20 shrieking at the time but --.  
21 Q. Well, I mean we're gonna hear her later. So we'll be  
22 able to figure it out---  
23 A. Sure.  
24 Q. ---if it sounds that same.  
25 Play please.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 (WHEREUPON, a portion of the video was played for the  
2 jury at this time.)

3 MS. HENSLEY: Stop.

4 And you'd agree that we can't see Ms. Colon here?

5 A. Correct.

6 Q. Okay.

7 (WHEREUPON, a portion of the video was played for the  
8 jury at this time.)

9 MS. HENSLEY: Stop.

10 And now Mr. Haman has Mr. Johnson in a headlock, right?

11 A. Yes, ma'am.

12 Q. That's Shannon in a headlock between Mr. Haman's arm,  
13 right?

14 A. I know that he ends up being in a headlock I -- cause  
15 they come to the left---

16 Q. Sure.

17 A. ---at some point. I should also say, and I apologize  
18 for interrupting, I'm also not sure that voice isn't Ms.  
19 Gagnon or some other -- it's a pretty high pitched voice.  
20 So, I was, you know, we can't see everybody in the---

21 Q. I agree.

22 A. ---area. So --.

23 Q. But you don't see Ms. Gagnon there, right?

24 A. When it's zoomed out you can.

25 MS. HENSLEY: And then -- just hit play.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 (WHEREUPON, a portion of the video was played for the  
2 jury at this time.)

3 MS. HENSLEY: Stop.

4 Okay. That's Ms. Colon's voice, right?

5 A. Yes.

6 Q. Significantly different than the what are you doing,  
7 what are you doing high pitched voice, right?

8 A. In that instance, yes. Although later in the video her  
9 voice gets quite high pitched.

10 MS. HENSLEY: And if you could just back up a little  
11 bit right there?

12 SOLICITOR SIMPSON: Here.

13 MS. HENSLEY: Sure.

14 (WHEREUPON, a portion of the video was played for the  
15 jury at this time.)

16 Q. So now he -- stop.

17 Shannon is in a headlock up against the car being  
18 punched in the face by Mr. Haman, right?

19 A. Yes.

20 Q. Yes.

21 And that's Travis standing right there, right?

22 A. Yes, ma'am.

23 MS. HENSLEY: Play.

24 (WHEREUPON, a portion of the video was played for the  
25 jury at this time.)

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 MS. HENSLEY: Stop.

2 So it's not until Shannon's in a headlock up against  
3 the car that Travis and/or Kendell and/or Densitty intervene  
4 in the fight, correct?

5 A. Correct. Physically, correct.

6 Q. Correct. Thank you.

7 SOLICITOR SIMPSON: Play?

8 MS. HENSLEY: Play. I'm sorry.

9 (WHEREUPON, a portion of the video was played for the  
10 jury at this time.)

11 MS. HENSLEY: Stop.

12 So that's Ms. Colon, right, and she's saying  
13 one-on-one, one-on-one, right?

14 A. Yes, ma'am.

15 (WHEREUPON, a portion of the video was played for the  
16 jury at this time.)

17 MS. HENSLEY: Stop.

18 Now, you can't see what's happening to Shannon over on  
19 the other side of the van, can you?

20 A. Right this second, no, ma'am.

21 Q. And the -- in fact, that's where Shannon Gagnon said  
22 the fight was, right?

23 A. I don't know.

24 Q. That's fair.

25 But you can't see what's happening?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 A. Correct.
- 2 Q. But it looks like we got Kendell in the no sleeve  
3 shirt, right?
- 4 A. Right.
- 5 Q. And that's Densitty in the shirt with sleeves---
- 6 A. Yes, ma'am.
- 7 Q. ---right?
- 8 A. Uh-huh.
- 9 Q. That's kind of blurry but -- and then we can't see  
10 Travis?
- 11 A. No, ma'am.
- 12 Q. We can't see -- we can see maybe the edge of Christina  
13 up there at the -- near Kendell?
- 14 A. Yep. Yes, ma'am.
- 15 Q. We can't see Mr. Haman?
- 16 A. Correct.
- 17 Q. And we can't see Ms. Gagnon?
- 18 A. Correct.
- 19 Q. And it looks like Mr. Thomas is still in her car?
- 20 A. Correct.
- 21 MS. HENSLEY: Okay. Play please.
- 22 (WHEREUPON, a portion of the video was played for the  
23 jury at this time.)
- 24 MS. HENSLEY: Stop.
- 25 We still can't see Shannon and what's happening to

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Shannon, right?

2 A. Correct.

3 Q. We can't see Mr. Haman?

4 A. Correct.

5 Q. And we can't see Travis?

6 A. Correct.

7 Q. And I think -- well, just, just play.

8 (WHEREUPON, a portion of the video was played for the  
9 jury at this time.)

10 MS. HENSLEY: Stop.

11 we can hear somebody yelling no, no, no, no, no, right?

12 A. Or stop or something of that effect.

13 Q. Something.

14 A. Uh-huh.

15 Q. And that's consistent with Travis trying to break up  
16 the fight?

17 A. I'm not sure if it was him yelling but --

18 Q. Right.

19 A. -- at some point---

20 Q. He---

21 A. ---he did try to intervene.

22 Q. That -- that's, that's (sic) was all the information  
23 you had was consistent with that?

24 A. Yes.

25 Q. Thank you.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

- 1 Play.
- 2 (WHEREUPON, a portion of the video was played for the
- 3 jury at this time.)
- 4 MS. HENSLEY: Stop.
- 5 So now there's Travis, right?
- 6 A. Yes, ma'am.
- 7 Q. And is that Shannon?
- 8 A. Yes, ma'am --
- 9 Q. And---
- 10 A. -- which appears like he's being pulled back.
- 11 Q. And Ms. Colon?
- 12 A. Yes.
- 13 Q. And Densitty with the sleeves?
- 14 A. Yes, ma'am.
- 15 Q. And Kendell getting on a bike --
- 16 A. Yes.
- 17 Q. -- or approaching a bike?
- 18 A. Yes.
- 19 Q. That bike may be his --
- 20 A. Picking a bike up.
- 21 Q. -- with the kickstand?
- 22 A. Yeah, I don't -- something's going on with the bike.
- 23 Q. I have---
- 24 A. Yes.
- 25 Q. ---two pairs of glasses. One to see the screen and one

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 to read and --

2 A. Gotcha.

3 Q. -- I never have the one I need in my hands. So --

4 okay. Please play.

5 (WHEREUPON, a portion of the video was played for the  
6 jury at this time.)

7 Q. And there's Shannon right there, right?

8 Stop.

9 A. You mean right, right there with Travis?

10 Q. With Travis.

11 A. Yes, Travis is returning---

12 Q. And---

13 A. ---Mrs. Johnson's hat.

14 Q. Hat.

15 And that -- you actually had a still photo of that,  
16 right?

17 A. I think at some point.

18 Q. Hadn't you-all discussed that with Travis about --

19 A. Yes.

20 Q. -- what you can see in that picture and that's  
21 consistent with what you can see in that picture?

22 A. Uh-huh. Yes, ma'am.

23 Q. Travis giving Shannon his hat back?

24 A. Correct.

25 MS. HENSLEY: Play please.



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 (WHEREUPON, a portion of the video was played for the  
2 jury at this time.)

3 Q. Now at this point -- stop.

4 Shannon's bike is behind Christina, right?

5 A. I believe so.

6 Q. Well, it hadn't moved, has it?

7 That's where it --?

8 A. No, I -- I'm, I'm just -- I think that's what I'm  
9 looking at, yes.

10 MS. HENSLEY: Play please.

11 (WHEREUPON, a portion of the video was played for the  
12 jury at this time.)

13 MS. HENSLEY: Stop.

14 And Travis is picking up the bikes, right?

15 A. Yes, ma'am.

16 Q. And Shannon is still on the other side of now  
17 Mr. Haman, right?

18 A. Mr. Haman goes like behind him I believe from what --  
19 our angle.

20 Q. From -- okay.

21 Play.

22 (WHEREUPON, a portion of the video was played for the  
23 jury at this time.)

24 MS. HENSLEY: Stop.

25 So, Mr. Haman now has circled around him, right?

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. I don't know if he circled around him. He went behind  
2 him.

3 Q. He went behind him and then turned back towards him,  
4 right?

5 Let's just watch it again.

6 (WHEREUPON, a portion of the video was played for the  
7 jury at this time.)

8 MS. HENSLEY: Stop.

9 Right?

10 And Shannon is walking away from Mr. Haman, right?

11 A. Sort of, yes, ma'am.

12 Q. Well -- okay. Play.

13 (WHEREUPON, a portion of the video was played for the  
14 jury at this time.)

15 Q. And now Shannon -- stop.

16 Shannon is walking towards Travis to get his bike,  
17 right?

18 A. Uh-huh. Yes, ma'am.

19 Q. And Mr. Haman is walking towards where the bike is?

20 A. Yes.

21 MS. HENSLEY: Play.

22 (WHEREUPON, a portion of the video was played for the  
23 jury at this time.)

24 MS. HENSLEY: Stop.

25 So now Mr. Haman is saying -- would you just play that

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 again, Mr. Simpson?

2 I'm sorry. Let's just listen to this part.

3 (WHEREUPON, a portion of the video was played for the  
4 jury at this time.)

5 MS. HENSLEY: Stop.

6 So there he says something about little brah, right?

7 A. I have no idea who says that. I actually -- my own  
8 thought is that Travis said that but --.

9 Q. Well, listen. Listen---

10 A. Who knows?

11 They're a lot of men out there.

12 Q. I agree there's a lot of men but let's, let's watch  
13 Mr. Haman and see what it looks like he's doing and who he's  
14 talking to.

15 (WHEREUPON, a portion of the video was played for the  
16 jury at this time.)

17 MS. HENSLEY: Stop.

18 He says I'm here, don't make me fire, right?

19 A. I have no idea.

20 Q. Damn right, little homey. I'm here. Don't make me  
21 fire.

22 You don't hear that?

23 A. No, ma'am.

24 MS. HENSLEY: Can we --?

25 (WHEREUPON, a portion of the video was played for the

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 jury at this time.)

2 MS. HENSLEY: Stop.

3 And now he's saying come on to him, correct?

4 A. I, I'm sorry. I'm genuinely trying. I don't hear  
5 that.

6 Q. And he's facing him?

7 A. Who's facing who?

8 Q. Mr. Haman's facing Shannon.

9 A. Yes.

10 Q. Saying come on.

11 A. I have no idea what he's saying.

12 Q. And just -- let's just play it.

13 (WHEREUPON, a portion of the video was played for the  
14 jury at this time.)

15 MS. HENSLEY: Stop.

16 Now, at this point -- well, just back up please,  
17 Mr. Simpson, to the damn right homey, little homey part. I  
18 think it's a little bit before this.

19 SOLICITOR SIMPSON: I'm not sure I know where that is  
20 but --.

21 MS. HENSLEY: well, until he comes on the front of the  
22 U-Haul where he's directly facing and appears to be talking  
23 to Shannon. There -- that's, that's good.

24 (WHEREUPON, a portion of the video was played for the  
25 jury at this time.)

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 Q. He pushes her out of the way.

2 Stop.

3 Now you don't -- Mr. Haman seems to be the only person  
4 talking.

5 A. I feel -- I really genuinely think that Travis is the  
6 one about the little brah thing. The other stuff, I, I  
7 think it's possible Mr. Haman is talking though I genuinely,  
8 genuinely don't have any clue what he's saying.

9 MS. HENSLEY: Play.

10 (WHEREUPON, a portion of the video was played for the  
11 jury at this time.)

12 MS. HENSLEY: Stop.

13 And then you hear white boy, right?

14 A. Sorry.

15 Q. You don't hear---

16 A. Can we---

17 Q. ---Mr. Haman continuing to talk as he walks around?

18 THE WITNESS: Can you play it again?

19 I'm sorry. I'm, I'm trying to hear this. I don't --.

20 (WHEREUPON, a portion of the video was played for the  
21 jury at this time.)

22 MS. HENSLEY: Stop.

23 Well let's watch from the other video where he---

24 A. Someone says white boy.

25 Q. White boy. Somebody says white boy.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. Sure.

2 Q. And at the point that is said, in this part of the  
3 video, Mr. Haman and Ms. Colon are out of the shot that you  
4 can see in this zoomed in shot---

5 A. Uh-huh.

6 Q. ---right?

7 A. Yes, ma'am.

8 Q. And the person who is saying that is continuing to  
9 talk, correct?

10 A. I don't know.

11 Q. Well, I mean you hear the words white boy, right?

12 A. I, I definitely hear them. From whom they came I have  
13 no idea, and other than that, there's definitely talking  
14 though I'm not sure what's said or who's---

15 Q. Who was saying it.

16 A. ---saying it. Sure.

17 Q. And something to the effect of I'm gonna be here all  
18 night.

19 You don't hear that either?

20 A. I --.

21 MS. HENSLEY: And if we could just continue to the end?

22 This, this contained all the way to the other view,  
23 right?

24 SOLICITOR SIMPSON: I believe so.

25 MS. HENSLEY: Thank you.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 (WHEREUPON, a portion of the video was played for the  
2 jury at this time.)

3 SOLICITOR SIMPSON: Just keep going?

4 (WHEREUPON, a portion of the video was played for the  
5 jury at this time.)

6 MS. HENSLEY: Oh, I thought you had the -- I thought  
7 you had them all clipped together.

8 SOLICITOR SIMPSON: I, I can, I can do that for you.  
9 Do you want to see the, the south view?

10 MS. HENSLEY: Yes.

11 SOLICITOR SIMPSON: Okay.

12 MS. HENSLEY: I had them all on one continuous.

13 SOLICITOR SIMPSON: Oh, yeah, I got you. Yeah, I got,  
14 I got the same one.

15 You want to see the one, the one after what we just  
16 watched?

17 MS. HENSLEY: Or during, yes.

18 SOLICITOR SIMPSON: Is that right?

19 MS. HENSLEY: Yes.

20 THE WITNESS: Almost---

21 Q. There's, there's not one really from the south view  
22 before that?

23 A. South view or north view?

24 Q. North view. I don't know. When you give directions  
25 like north and south, I have no idea.

Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. You want him going---

2 Q. Unless they're over here and I know south of Broad.  
3 That's all I know.

4 THE WITNESS: This is north.

5 SOLICITOR SIMPSON: The one that continues on from  
6 where we just watched?

7 MS. HENSLEY: No, I --.

8 SOLICITOR SIMPSON: Oh sorry. That's not the one.

9 MS. HENSLEY: It's okay.

10 You would agree though that whoever is talking keeps  
11 talking until the shots are fired, right?

12 A. I don't know that it's one person necessarily. But  
13 some, some people or someone is saying some thing.

14 Q. Right.

15 Right up until the shots are fired?

16 A. And after.

17 Q. Fair?

18 A. Yes. It was chaotic. I think a lot of people were  
19 saying a lot of things but --.

20 Q. Right.

21 well, you can certainly hear Ms. Colon after that,  
22 right?

23 A. Yes.

24 Q. And I would expect you couldn't hear Mr. Haman after  
25 that?