

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 25 2023
SC Court of Appeals

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONOVAN TIRRELL BRANNON,

APPELLANT.

APPELLATE CASE NO. 2022-000015

RECORD ON APPEAL

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INDEX

INDEX	i
PRETRIAL HEARING TRANSCRIPT DATED NOVEMBER 12, 2021	1
DEFENSE OBJECTION TO INTRODUCTION OF FACEBOOK RECORDS BY MR. MAULDIN	9
DEFENSE MOTION TO EXCLUDE EVIDENCE OF GANG AFFILIATION BY MR. MAULDIN	13
DEFENSE MOTION TO JOIN IN MOTION TO EXCLUDE EVIDENCE OF GANG ACTIVITY BY MR. WILLIAMS	17
RESPONSE BY ASSISTANT SOLICITOR FULLER	18
COURT DEFERS RULING	20
<u>JACKSON V. DENNO HEARING</u>	
SHAWN SPIVEY	
Direct Examination by Ms. Fuller	51
Cross- Examination by Mr. Williams.....	64
Redirect Examination by Ms. Fuller	67
Recross Examination by Mr. Williams	75
COURT DEFERS RULING ON ADMISSIBILITY OF STATEMENTS OF DEFENDANT BRANNON TO LAW ENFORCEMENT	77
ARGUMENT BY MS. FULLER	96
RESPONSE BY MR. WILLIAMS.....	98
COURT’S RULING FINDING STATEMENTS OF DEFENDANT BRANNON TO LAW ENFORCEMENT ADMISSIBLE	103
TRIAL TRANSCRIPT DATED NOVEMBER 15-19, 2021	128
OPENING STATEMENT BY MR. MCNAIR.....	200
OPENING STATEMENT BY MR. MAULDIN	209
OPENING STATEMENT BY MR. WILLIAMS	212

TESTIMONY

DANIEL SCHIRRA	
Direct Examination by Mr. McNair	221
Cross-Examination by Mr. Williams	228
Cross-Examination by Mr. Mauldin	229

TIMOTHY FRANKLIN	
Direct Examination by Mr. McNair	230

DEFENSE OBJECTION TO HEARSAY BY MR. WILLIAMS	233

TESTIMONY

TIMOTHY FRANKLIN (<i>IN-CAMERA</i>)	
Direct Examination by Mr. McNair	236
Cross-Examination by Mr. Williams	238

COURT'S RULING OVERRULING HEARSAY OBJECTION BUT LIMITING TESTIMONY TO IDENTIFICATION	241

TESTIMONY

TIMOTHY FRANKLIN	
Continued Direct Examination by Mr. McNair	242
Cross-Examination by Mr. Mauldin	243

BRANDON JEFFERY	
Direct Examination by Ms. Fuller	256
Cross-Examination by Mr. Williams	311
Cross-Examination by Mr. Mauldin	333
Redirect Examination by Ms. Fuller	346
Recross-Examination by Mr. Williams	355
Recross-Examination by Mr. Mauldin	358

DEMETRICH HARRIS	
Direct Examination by Ms. Fuller	360
Cross-Examination by Mr. Mauldin	365
Redirect Examination by Ms. Fuller	367

DEEPAK HARPALANI	
Direct Examination by Ms. Fuller	369
Cross-Examination by Mr. Mauldin	394

MICHAEL PHIPPS	
Direct Examination by Mr. McNair	396

Cross-Examination by Mr. Williams	407
Cross-Examination by Mr. Mauldin	421

GLENN ROSS

Direct Examination by Ms. Fuller	423
Cross-Examination by Mr. Williams	462
Cross-Examination by Mr. Mauldin	475
Redirect Examination by Ms. Fuller	481
Recross-Examination by Mr. Williams.....	488

HEATHER CLARY

Direct Examination by Ms. Fuller	493
Cross-Examination by Mr. Williams	570
Cross-Examination by Mr. Mauldin	587
Redirect Examination by Ms. Fuller	590
Recross-Examination by Mr. Williams.....	595

ANDY BARNES

Direct Examination by Mr. McNair	599
Cross-Examination by Mr. Williams	629
Cross-Examination by Mr. Mauldin	654
Redirect Examination by Mr. McNair	660
Recross-Examination by Mr. Williams.....	662
Recross-Examination by Mr. Mauldin.....	663

MILES RAWL

Direct Examination by Mr. McNair	664
Cross-Examination by Mr. Williams	668

MICHELLE EICHENMILLER

Direct Examination by Ms. Fuller	669
Cross-Examination by Mr. Williams	710
Cross-Examination by Mr. Mauldin	714
Redirect Examination by Ms. Fuller	721
Recross-Examination by Mr. Williams.....	728
Recross-Examination by Mr. Mauldin.....	730

DOCTOR JANICE ROSS

Direct Examination by Ms. Fuller	733
Cross-Examination by Mr. Williams	747
Cross-Examination by Mr. Mauldin	752
Redirect Examination by Ms. Fuller	755

ANDRINA HARRISON

Direct Examination by Mr. McNair	758
Cross-Examination by Mr. Williams	771

Cross-Examination by Mr. Mauldin	784
ADRIAN HEFNEY	
Direct Examination by Mr. McNair	786
Cross-Examination by Mr. Williams	796
O'BRIEN GILLIAM	
Direct Examination by Mr. McNair	800
Cross-Examination by Mr. Williams	816
Cross-Examination by Mr. Mauldin	829
Redirect Examination by Mr. McNair	836
ASIA LANE	
Direct Examination by Mr. McNair	840
ANIJA SALES	
Direct Examination by Ms. Fuller	845
TYLER STURKIE	
Direct Examination by Mr. McNair	856
Cross-Examination by Mr. Williams	866
Cross-Examination by Mr. Mauldin	871
Redirect Examination by Mr. McNair	874
ANTONIO STROMAN	
Direct Examination by Ms. Fuller	876
Cross-Examination by Mr. Mauldin	926
Redirect Examination by Ms. Fuller	930
Recross-Examination by Mr. Mauldin	932
TODD GARRICK	
Direct Examination by Ms. Fuller	932
Cross-Examination by Mr. Williams	944
Cross-Examination by Mr. Mauldin	946
MICHAEL PHIPPS	
Direct Examination by Mr. McNair	950
Cross-Examination by Mr. Williams	963
Cross-Examination by Mr. Mauldin	964
Redirect Examination by Mr. McNair	968
JASMINE PRINGLE	
Direct Examination by Mr. McNair	970
Cross-Examination by Mr. Williams	980
Cross-Examination by Mr. Mauldin	985
Redirect Examination by Mr. McNair	987
Recross-Examination by Mr. Williams	988

Recross-Examination by Mr. Mauldin.....	989
ADRIAN PARKER	
Direct Examination by Mr. McNair.....	990
BRANNON MARTHERS	
Direct Examination by Ms. Fuller	996
Cross-Examination by Mr. Williams	1053
Cross-Examination by Mr. Mauldin	1093
Redirect Examination by Ms. Fuller.....	1106
Recross-Examination by Mr. Williams.....	1114
Recross-Examination by Mr. Mauldin.....	1117
ROBERT CLAYTON SIMMONS	
Direct Examination by Ms. Fuller	1119
Cross-Examination by MS. Williams	1146
Cross-Examination by Mr. Mauldin	1156
STATE RESTS.....	1168
DEFENSE MOTION FOR A DIRECTED VERDICT ON BEHALF OF DEFENDANT BRANNON BY MS. WILLIAMS	
	1169
RESPONSE BY MS. FULLER.....	1176
COURT’S RULING DENYING DEFENSE MOTION FOR A DIRECTED VERDICT ...	1176
DEFENSE RENEWAL OF ALL PREVIOUS MOTIONS AND OBJECTIONS BY MS. WILLIAMS.....	
	1179
TESTIMONY COLLOQUY WITH DEFENDANT BRANNON.....	1180
DEFENSE RENEWAL OF ALL MOTIONS AND OBJECTIONS AND MOTION FOR DIRECTED VERDICT BY MS. WILLIAMS	
	1181
COURT’S RULING DENYING MOTION FOR DIRECTED VERDICT.....	1182
DEFENSE OBJECTION TO CHARGING HAND OF ONE HAND OF ALL BY MS. WILLIAMS.....	
	1183
COURT’S RULING DENYING DEFENSE MOTION	1184
DEFENSE RESTS	1186
CLOSING ARGUMENT BY MS. FULLER.....	1187
CLOSING ARGUMENT BY MR. WILLIAMS	1212

CLOSING ARGUMENT BY MR. MAULDIN	1231
VERDICT.....	1274
DEFENSE MOTION FOR A NEW TRIAL BY MR. MAULDIN	1277
COURT’S RULING GRANTING TEN DAYS FOR POST-TRIAL MOTIONS	1278
SENTENCING.....	1285
DEFENSE MOTION FOR A NEW TRIAL	1286
ORDER DENYING MOTION FOR NEW TRIAL	1291
STATE’S EXHIBIT #250 (SLED FIREARMS REPORT- CARTRIDGE CASE SUMMARY).....	1293
INDICTMENTS	1294
CERTIFICATE OF COUNSEL	1298

1 A. Yes, ma'am, I did.

2 Q. And did you review them when you received them?

3 A. Yes, ma'am, I did.

4 Q. Based on what he was telling you, were you able
5 to corroborate the information?

6 A. No.

7 Q. Okay. Were you able to obtain search warrants
8 for his number as well?

9 A. Yes, ma'am.

10 Q. And that's (803) 801-█████ is that correct?

11 A. Correct.

12 Q. And this number, he provided to you, correct?

13 A. Yes, ma'am.

14 Q. And looking at his phone records, were you able
15 to corroborate any of his information?

16 A. No, ma'am.

17 MR. MAULDIN: Objection; his phone records
18 aren't in evidence.

19 THE COURT: Not yet. We're just talking about
20 them like everything else. Overruled.

21 BY MS. FULLER:

22 Q. You also obtained a number of search warrants
23 in this case, correct?

24 A. Yes, ma'am.

25 Q. What other phone records did you obtain search

1 warrants for?

2 A. Donovan Brannon's phone records,
3 (803) 944-█████; Mr. Stroman's, (803) 582-█████; Anija
4 Sales -- if I said that correct, Ms. Sales' number,
5 (803) 580-█████; and Mr. Tyrese White,
6 (803) 379-█████.

7 Q. And then going back to Antonio Stroman's phone
8 number, just to be clear, the search warrant that
9 you obtained for him was technically a search
10 warrant to extract what you believed was Donovan
11 Brannon's phone; is that correct?

12 A. Correct.

13 Q. And once that search warrant was executed, it
14 was identified as --

15 A. Mr. Stroman's.

16 Q. And that's the phone number that was on that
17 device, correct?

18 A. Yes, ma'am.

19 Q. I'm going to show you, for ID, State's Exhibit
20 402, and ask if you've had an opportunity to review
21 this disc.

22 A. Yes, ma'am. It does have my initials on it.

23 Q. And what's on this disc?

24 A. Cell phone records.

25 Q. And what cell phone records are on this disc?

1 A. It would be the cell phone records for
2 Mr. Robertson, Mr. Brannon, Tyrese White, and
3 Jasmine Pringle.

4 Q. And 402 is just for ID.

5 And what cell phone companies provided these
6 records?

7 A. Verizon and AT&T.

8 MS. FULLER: And, Your Honor, this is ID
9 pursuant to State statute 19-5-520.

10 BY MS. FULLER:

11 Q. I'm going to show you a number of exhibits and
12 ask you if you recognize them. Beginning with
13 State's Exhibit 195, did you have an opportunity to
14 review this prior to trial?

15 A. Yes, ma'am.

16 Q. What is the printout for State's 195?

17 A. It's a printed-out copy of Donovan Brannon's
18 cell phone call detail records.

19 Q. And for what date is this printout range?

20 A. From June 5th of 2015 through June 9th, 2015.

21 Q. Showing you now State's Exhibit 196, did you
22 have an opportunity to review this in preparing for
23 trial?

24 A. Yes, ma'am.

25 Q. What is this?

1 A. It's a summarized version of the call detail
2 records for Mr. Brannon.

3 Q. And is it specific phone numbers that it's
4 summarizing?

5 A. Yes, ma'am; Mr. Robertson, Mr. Stroman, and
6 Mr. White.

7 Q. So this is a summary of Donovan Brannon's
8 communication with those three individuals
9 individually?

10 A. Yes, ma'am.

11 Q. I'm going to show you now State's Exhibit 197
12 and ask if you recognize it.

13 A. It is a printed copy of the call detail records
14 for Mr. Robertson.

15 Q. And what's the date range for that printed
16 copy?

17 A. June the 5th, 2015 to June the 8th of 2015.

18 Q. I'm going to show you now State's Exhibit 198.
19 And do you recognize this?

20 A. It is a copy of the text message details; not
21 the actual content, just the details of the records
22 for text messages for Mr. Robertson.

23 Q. And what's the date range for that one?

24 A. June the 6th of 2015 to -- June the 6th of 2015
25 is the date; however, the times range from

1 midnight:02 to 11:45 p.m.

2 Q. Thank you. I'll show you now what's been
3 marked for ID as State's Exhibit 199 and ask you if
4 recognize it.

5 A. Yes, ma'am. It's a copy of the call detail
6 records for Mr. Robertson with the summaries -- or a
7 shortened summary version of it with Mr. Brannon,
8 Mr. Stroman, Mr. White, and Ms. Pringle's phone call
9 information.

10 Q. I'm going to show you what's been marked for ID
11 as State's 200 and ask if you recognize this.

12 A. Yes, ma'am. It is Mr. Robertson's text message
13 content that is between himself and Anija Sales'
14 phone number.

15 Q. Is this the entire content or just removed
16 selected messages pulled out from the records you
17 received?

18 A. I believe it's the selected messages for Anija
19 Sales.

20 Q. Showing you now what's been marked for ID as
21 State's Exhibit 201 and ask if you recognize this.

22 A. It is a text message to an unknown person from
23 Mr. Robertson's phone -- or two messages.

24 Q. Okay. And what's the date on this one?

25 A. June 5th, 2015.

1 Q. And this message was contained in the cell
2 phone records that you received?

3 A. Yes, ma'am.

4 Q. I'm going to show you now for ID State's
5 Exhibit 202 and ask if you recognize this.

6 A. Another text message from Mr. Robertson's cell
7 phone records to an unknown named person.

8 Q. And this was contained in the cell phone
9 records that you received?

10 A. Yes, ma'am.

11 Q. I'm going to show you now for identification
12 what's been premarked as State's Exhibit 203 and ask
13 if you recognize it.

14 A. It is the call detail records printed out for
15 Ms. Pringle, dated from June 5th, 2015 to June 9th,
16 2015.

17 Q. I'm going to show you now what's been marked
18 for ID as State's Exhibit 204 and ask if you
19 recognize it.

20 A. It is a summarized version of incoming and
21 outgoing calls from Jasmine Pringle's number with
22 Mr. Robertson and Mr. White.

23 Q. I'm going to show you now what's been marked
24 for ID as State's 205.

25 A. AT&T phone records for Mr. White's cell phone.

1 And they're dated June 6th, 2015 to -- it also goes
2 to June 6th of 2015.

3 Q. Okay. I'm going to show you now for
4 identification another portion marked as State's
5 Exhibit 206 and ask if you recognize it.

6 A. This is provided from AT&T from Mr. White's
7 text message activity. It does not have content.
8 It's, essentially, just when messages were sent and
9 received.

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

11 Your Honor, at this time, the State seeks to
12 introduce State's Exhibit 195 through 206 into
13 evidence pursuant to SC Code 19-5-520.

14 MR. WILLIAMS: Without objection on behalf of
15 Defendant Brannon.

16 MR. MAULDIN: I would refer to my objection
17 made last week, Your Honor.

18 THE COURT: So noted.

19 State's Exhibits 195 through 206 are admitted
20 into evidence.

21 (State's Exhibit Nos. 195 through 206 admitted
22 into evidence.)

23 BY MS. FULLER:

24 Q. Looking now at State's Exhibit 195, just so we
25 can go over for the jury, Investigator Marthers,

1 what is contained in State's Exhibit 195?

2 A. That is the call detail records from
3 Mr. Brannon's phone.

4 Q. Okay. And looking at State's Exhibit 197, can
5 you describe to the jury what this is?

6 A. It would be the same thing; however, for
7 Mr. Robertson's phone.

8 Q. In looking at 198, can you describe for the
9 jury what this is?

10 A. That would be the text message details
11 concerning when they were sent and received for
12 Mr. Robertson's phone.

13 Q. And that's without content, correct?

14 A. Correct.

15 Q. Looking now at State's Exhibit 203, can you
16 describe for the jury what this is?

17 A. These are call detail records from
18 Ms. Pringle's phone number.

19 Q. Looking at State's 205, can you explain for the
20 jury what this is?

21 A. That is a copy of the AT&T cell phone records
22 for Mr. White.

23 Q. And looking at State's Exhibit 206, can you
24 explain to the jury what this is?

25 A. Mr. White's text message details without

1 content.

2 Q. I'm going to show you now what's been marked as
3 State's Exhibit 292 --

4 Showing defense counsel.

5 Showing you 292, and ask you if you recognize
6 it.

7 A. Yes, ma'am.

8 Q. And go ahead and tell me how you recognize
9 this.

10 A. It is, essentially, a diagram that has each
11 individual person's name and phone number associated
12 with the appropriate person.

13 Q. Okay. There's also nicknames at the top
14 portion, correct?

15 A. Yes, ma'am.

16 Q. Now, looking at Tyrese White and Antonio
17 Stroman, do you have them listed as the same
18 nickname?

19 A. Yes, ma'am.

20 Q. Can you explain to the jury how that was
21 determined?

22 A. We originally knew from interviews that Boosie
23 was with Mr. Robertson whenever he was picked up.
24 Throughout the course of the investigation, we've
25 learned that Mr. Tyrese White also had the same

1 nickname or moniker as Boosie or Little Boosie.

2 MS. FULLER: At this time, Your Honor, the
3 State seeks to introduce State's Exhibit 292 into
4 evidence.

5 MR. WILLIAMS: Without objection on behalf of
6 Brannon.

7 MR. MAULDIN: No objection, Your Honor.

8 THE COURT: All right. State's Exhibit 292
9 admitted to evidence.

10 (State's Exhibit No. 292 admitted into
11 evidence.)

12 BY MS. FULLER:

13 Q. And then just publishing for the jury, starting
14 in this box, what's the name?

15 A. Donovan Tirrell Brannon, a/k/a Fresh.

16 Q. And what's the nickname?

17 A. Fresh.

18 Q. And the phone number?

19 A. (803) 944-██████.

20 Q. And you were able to confirm this during the
21 course of the investigation?

22 A. Yes, ma'am.

23 Q. And over here, what's the name?

24 A. Shantrez Alejandro Robertson, a/k/a Red Nose;
25 phone number (803) 801-██████.

1 Q. And you were able to confirm this during the
2 course of the investigation?

3 A. Yes, ma'am.

4 Q. And over here?

5 A. Mr. Tyrese White, a/k/a Boosie; phone number
6 (803) 379-██████.

7 Q. You were able to confirm this during the course
8 of your investigation?

9 A. Yes, ma'am.

10 Q. And over here?

11 A. Antonio Stroman, a/k/a Boosie; phone number
12 (803) 582-██████.

13 Q. And we confirmed it. But you were able to
14 confirm this, too, during the course of the
15 investigation?

16 A. Yes, ma'am.

17 Q. Down here?

18 A. Jasmine Pringle; phone number (803) 767-██████.

19 Q. And then over here?

20 A. Anija Sales, (803) 580-██████.

21 Q. Publishing now State's Exhibit 196. Go ahead
22 and describe to the jury what they're looking at in
23 this exhibit.

24 A. That is Mr. Brannon's phone records that are,
25 essentially, summarized to just communication

1 between Mr. Robertson, Mr. Stroman, and Mr. White
2 from the dates of June the 5th and June 6th, 2015.

3 Q. Does this appear that in pulling out these --
4 let me ask you this: Are these communications
5 what's reflected in the phone records that you
6 received?

7 A. Yes, ma'am.

8 Q. And that's what we just went through, showing
9 the jury that they are?

10 A. They're call detail records, yes, ma'am.

11 Q. And these are just summaries based on select
12 phone numbers, correct?

13 A. Yes, ma'am.

14 Q. Okay. And throughout the day of the 5th, does
15 it appear that Donovan Brannon communicated with all
16 three of these individuals?

17 A. Yes, ma'am.

18 Q. And approximately what time on the day of the
19 5th, going into the morning of the 6th, did the
20 communication stop with these individuals?

21 A. I'm sorry? When did the communications start
22 on the 5th?

23 Q. We can start there. When did it start?

24 A. You have one contact from Mr. Robertson at 0224
25 in the morning; however, there's a pretty

1 substantial hour gap between that to the next one at
2 11:27 in the morning from Mr. Tyrese White.

3 Then, at that point, communication is --
4 there's some gaps, but not as significant as the one
5 in the very beginning. And the most notable gap is
6 whenever you get down towards the bottom on June the
7 6th, right at midnight:20. There's a gap between
8 that and 0348 in the morning.

9 Q. So it's clear, in standard -- I don't know.
10 That's 12:20 a.m.?

11 A. Yes, ma'am. Midnight:20 is 12:20 a.m.

12 Q. So the last outgoing communication from Donovan
13 Brannon to Shantrez Robertson was on June 6th at
14 12:20 a.m., correct?

15 A. Yes, ma'am.

16 Q. And the next communication with any of these
17 individuals was to Tyrese White at 3:48 a.m.,
18 correct?

19 A. Yes, ma'am.

20 Q. And the 911 call in this case was at 3:14 a.m.?

21 A. Approximately, yes, ma'am.

22 Q. Looking now at State's Exhibit 199, describe to
23 the jury what this is.

24 A. It's a summary from Mr. Robertson's cell phone
25 records between Mr. Brannon, Mr. Stroman, Mr. White,

1 and Ms. Pringle.

2 Q. When does the communication here begin?

3 A. Again, you have one at 2:24 in the morning on
4 June the 5th, and then another one at 1:39 p.m. on
5 June the 5th. And it's fairly consistent throughout
6 until you get down towards the bottom -- actually,
7 on the next page.

8 Q. Okay. I'm going to stop here for a second.

9 Communication with Tyrese White on the day of June
10 5th, when does it stop on June 5th?

11 A. Looks like it stops at 4:13 p.m.

12 Q. Okay. Now flipping to the next page, you were
13 testifying about a gap.

14 A. Yes, ma'am; a gap again on June the 6th, 2015,
15 at 12:20 a.m., and then June the 6th, 2015, at
16 4:31 a.m.

17 Q. Okay. And looking at the 4:31 a.m. call, who
18 is that communication with?

19 A. It is going to Ms. Pringle.

20 Q. And when you received the records and reviewed
21 the records, did you find a call between
22 Mr. Robertson and Ms. Pringle between 2:00 and 3:00
23 that morning?

24 A. No, ma'am.

25 Q. In reviewing the records, is that 4:31 call the

1 only call that morning between the two that you
2 found?

3 A. For June 6th, that's the first call.

4 Q. Okay. That's the first call for June 6th?

5 A. Yes, ma'am.

6 Q. And that's at 4:31?

7 A. Yes, ma'am.

8 Q. And his next time communicating with Tyrese
9 White on this phone?

10 A. Would be on June the 6th at 4:17 p.m.

11 Q. And that's the afternoon, correct?

12 A. Yes, ma'am.

13 Q. Looking now at State's Exhibit 204, can you
14 describe for the jury what this is?

15 A. It's Ms. Pringle's phone calls that are
16 summarized between her and Mr. Robertson and
17 Mr. White.

18 Q. And when was the first communication on June
19 6th reflected on this?

20 A. 4:31 a.m.

21 Q. And the next communication on her device
22 incoming is from who?

23 A. Incoming, the next communication would be
24 4:34 a.m. from Tyrese White.

25 Q. And will you publish the rest of the calls?

1 A. Another communication incoming at 4:38 a.m.
2 from Tyrese White; another incoming call, 4:43 a.m.
3 from Tyrese White; at 5:06 a.m., an outgoing to
4 Tyrese White; and then at 12:32 p.m., an incoming
5 call from Mr. Robertson. And then at 9 -- I'm
6 sorry, 7:16 p.m., an outgoing call to Mr. Robertson.

7 Q. And, again, in reviewing her phone records now,
8 did you find a call on June 6th prior to 4:31 a.m.?

9 A. No, ma'am.

10 Q. Looking now at State's Exhibit 202, can you go
11 ahead and publish this to the jury and -- explain
12 what this is and then publish it to the jury.

13 A. It's a text message that was captured from
14 Mr. Robertson's call detail -- text message content
15 records going to a phone number of (803) 556-██████.

16 Q. What's the date and time of this communication?

17 A. June 6th at 2:43 p.m.

18 Q. And this is a message that Mr. Robertson would
19 have written?

20 A. Yes, ma'am.

21 Q. And what is the content?

22 A. It states: Baby, when your people leave, I
23 need a place to lay low for a while.

24 Q. And this is on June 6th, 2:43 p.m., correct?

25 A. Yes, ma'am.

1 Q. Looking now at State's Exhibit 201, ask if you
2 can explain this to the jury.

3 A. It is text message content from Mr. Robertson's
4 phone to a phone number of (803) 718-████. It was
5 sent on June the 5th of 2015. The first message was
6 an incoming message at 3:49 p.m. It states: How
7 much you want for that nine-millimeter, back slash,
8 N got first 49er.

9 And then June 5th at 2015, at 3:51 p.m., an
10 outgoing message, \$250.

11 Q. Looking now at State's Exhibit 200, I'm going
12 to ask you to explain this to the jury and publish
13 the content, including the date and time as you're
14 publishing.

15 A. These are text messages between Mr. Robertson
16 and Ms. Anija Sales from June the 6th to June the
17 8th of 2015. The first message was on June the 6th
18 at 3:18 a.m. It was sent to Mr. Robertson reading:
19 Bae, please let me know you're all right.

20 On the same date at 5:11 p.m., another message
21 was sent to him: Bae, with all this going on,
22 please don't ignore me. That just makes me worry
23 more.

24 Then on the same date at 5:50 p.m., another
25 incoming text message: Call me. Tonio wanna to

1 talk to you.

2 Then skipping forward to June the 8th of 2015
3 at 11:55 a.m., Mr. Robertson sent a text message
4 reading: Good morning.

5 Same date, 12:29 p.m., incoming message was
6 received stating: Good afternoon, Bae.

7 12:34 p.m., same date, an outgoing message from
8 Mr. Robertson: How are you?

9 12:35 p.m., same day, incoming to
10 Mr. Robertson: I'm all right. How you doing?

11 12:42 p.m., outgoing text message: I'm well.
12 What you up to?

13 Then at 12:49 p.m. on the same day, incoming
14 message: Nothing. Just woke all the way up.

15 12:51 p.m., an outgoing text message from
16 Mr. Robertson: Lazy ass.

17 12:52 p.m., same day, an incoming text message:
18 I just ain't really been getting no sleep.

19 12:58 p.m., same day, an outgoing text message
20 asking: Why not?

21 1:02 p.m. on the same day, there was an
22 incoming message: I wake up about every hour
23 checking on Tonio and to see if I got a text or a
24 call from you.

25 Same day, 1:03 p.m., an outgoing message

1 stating: He's staying at y'all's house.

2 1:12 p.m., incoming message: What you up to?

3 Again at 1:12, another incoming message: Nah.

4 P's at my house.

5 1:14 p.m., an outgoing message: Huh?

6 At 1:17 p.m., an incoming text message stating:

7 We at my house. Dis me, bruh.

8 Then at 1:18, outgoing text message was sent on
9 the same day: What's good, big bruh? You good?

10 At 1:20 p.m., incoming message stating:

11 Chillin', Nunu cleaning this shit, but I'm good.

12 Just been having flashback like crazy.

13 1:23 p.m., same date, outgoing message: I bet,
14 bruh. Keep your head up though bruh.

15 1:26 p.m., incoming text message, same date:
16 Oh, yeah, bruh.

17 1:28 p.m., an outgoing text on the same day:
18 What they say about your whip?

19 Q. And a whip being a car, correct?

20 A. That's my understanding.

21 Q. Okay. The next page?

22 A. 1:35 p.m., same day, an incoming message: They
23 got it. Y'all ain't leave or shot in the car, did
24 y'all?

25 1:40 p.m., outgoing message: They not giving

1 your whip back?

2 1:41 p.m., same day, incoming message: Yeah,
3 when everything over. But my shit shot up, holes
4 everywhere.

5 1:43 p.m., outgoing message: About how many?

6 1:43 p.m., same day, an incoming message: Like
7 six or seven.

8 Then at 1 -- excuse me, 3:19 p.m., an incoming
9 message from the same day: Baby, I love you so
10 much.

11 9:07 p.m., same day, outgoing response: WYD?
12 Meaning what are you doing.

13 At 9:08 p.m., incoming response from the same
14 day: Nothing. Talking to Tonio.

15 9:14 p.m., same day, an incoming message: What
16 you doing?

17 9:21 p.m., an outgoing message: Chillin, had
18 you on my mind.

19 9:27 p.m., incoming message: You all right?

20 9:28 p.m. on the same day, another incoming
21 message: I miss you so much.

22 9:28 p.m., same day, an outgoing message:
23 Yeah.

24 At 9:29 p.m., an outgoing message: I miss you,
25 too.

1 At 9:56 on the same day, an incoming response
2 stating: Tonio said y'all need to lay low. The
3 detective said something about my name today.

4 At 9:58, same day, an outgoing message asking
5 to call.

6 BY MS. FULLER:

7 Q. In this case, did you also obtain search
8 warrants for Facebook records in this case?

9 A. Yes, ma'am.

10 Q. And that was for Shantrez Robertson's Facebook
11 account?

12 A. That's correct.

13 Q. I'm going to show you now what's been marked
14 for ID as State's 404 and ask you if you recognize
15 it.

16 A. Yes, ma'am. That's a disc that has the
17 Facebook records on it.

18 MS. FULLER: Your Honor, the State is marking
19 this for ID as authenticated pursuant to 19-5-520.

20 BY MS. FULLER:

21 Q. I'm showing you now State's Exhibit 255 and ask
22 if you recognize this.

23 A. Yes, ma'am. It's the initial part of the
24 Facebook business records that are first received on
25 the first few pages.

1 Q. And that would have user account information?

2 A. Yes, ma'am.

3 Q. Showing you now what's been marked for ID as
4 State's Exhibit 256, do you recognize this?

5 A. It is also the Facebook record. It's a
6 conversation between Mr. Robertson and another
7 person.

8 Q. We already have in evidence State's Exhibit
9 257. Do you recognize this as part of the Facebook
10 records you received as a communication between
11 Mr. Robertson and Antonio Stroman?

12 A. Yes, ma'am. It is.

13 Q. Did I show you this one already?

14 A. That one, yes.

15 MS. FULLER: At this time, Your Honor, the
16 State seeks to introduce State's Exhibit 255 as well
17 as State's Exhibit 256 into evidence pursuant to
18 19-5-520.

19 MR. MAULDIN: Subject to prior objection I made
20 on Friday, Your Honor.

21 MR. WILLIAMS: Without objection.

22 THE COURT: So noted. State's Exhibit 255 and
23 256 are admitted into evidence.

24 MS. FULLER: Thank you, Your Honor.

25 (State's Exhibit Nos. 255 and 256 admitted into

1 evidence.)

2 BY MS. FULLER:

3 Q. Looking at State's 255, can you describe to the
4 jury what we're looking at here?

5 A. After a search warrant has been sent to
6 Facebook, part of their response is to send back the
7 records that they keep or maintain. This is the
8 initial first few pages of what it is.

9 Essentially, the first few are establishing
10 what account was searched, the date and time it was
11 searched, and the information that was provided, as
12 far as who the accountholder is.

13 Q. Looking at the top here, the account
14 identifier, is that unique to an individual user's
15 account?

16 A. Yes, ma'am, it is.

17 Q. Down here, the name identified, is that subject
18 to change over time?

19 A. It can be changed by the accountholder.

20 Q. But the account identifier remains the same?

21 A. Once it's created, it stays the same.

22 Q. Down here, the registered email address.
23 What's the registered email address associated with
24 this account?

25 A. Two of them are registered for the account.

1 The first one is indicated to be

2 [REDACTED]@yahoo.com. And the second is

3 [REDACTED]@Facebook.com.

4 Q. The name here as indicated, Alejandro

5 Robertson, do you recognize Alejandro as

6 Mr. Robertson's middle name?

7 A. Yes, ma'am, it is.

8 Q. Back initially when you obtained these records,

9 did you obtain these records twice in this case?

10 A. Yes, ma'am.

11 Q. When you initially obtained these records, was

12 the account identifier the same?

13 A. No, ma'am, it was not.

14 Q. The account identifier?

15 A. Oh, I'm sorry. Yes, ma'am, that was.

16 Q. How about the username? Was it the same?

17 A. That was not.

18 Q. What was the name back then?

19 A. Ascari Robertson.

20 Q. And so when you re-requested the records, the

21 username was changed, correct?

22 A. That was different, yes.

23 Q. But the account identifier remained the same?

24 A. Correct.

25 Q. Flipping to page two, down here, in terms of

1 the hometown, can you publish that for the record?

2 A. It's indicated to be Great Falls, South
3 Carolina.

4 Q. On page 4 of these records, there's a date of
5 birth associated with this account.

6 A. [REDACTED]/1995.

7 Q. And it's not focusing. Okay. And that's the
8 date of birth there?

9 A. Yes, ma'am.

10 Q. And whose date of birth is that?

11 A. That would be Mr. Robertson's.

12 Q. Over here, there is recorded information. And
13 on this line, it indicates the account was
14 deactivated or reactivated. What, if anything, does
15 this suggest?

16 A. Based off the previous -- the line just below
17 that saying photo uploaded at 3:49 UTC, the next
18 thing that you would see on the next day would be,
19 essentially, the account being deactivated.

20 Q. And this is at what time?

21 A. It would be the next day at 4:44 p.m. UTC, not
22 converted for Eastern Standard, so 12:44 p.m.
23 Eastern Standard Time, our time.

24 Q. So this is June 6th at 12:44 p.m.?

25 A. Correct.

1 Q. And then there's a series of reactivation,
2 deactivation that follows?

3 A. Yes, ma'am.

4 Q. Going back to page 3, down here, another series
5 of deactivation, reactivation?

6 A. Yes, ma'am.

7 Q. And then remains deactivated for about two
8 days?

9 A. I would have to follow the tree of activations.

10 Q. So this is, your testimony, a deactivation?

11 A. Correct.

12 Q. Reactivation?

13 A. Correct.

14 Q. Deactivation?

15 A. Correct.

16 Q. Reactivation?

17 A. Correct.

18 Q. Deactivation?

19 A. Correct.

20 Q. And then reactivation?

21 A. Correct.

22 Q. And then?

23 A. Another deactivation.

24 Q. Okay. Publishing now State's Exhibit 256, what
25 does this appear to be?

1 A. It is a conversation between Mr. Robertson and
2 a Trenton Sampson.

3 Q. And this message right here, who wrote this
4 message?

5 A. Mr. Robertson.

6 Q. And what date and time did he write this
7 message?

8 A. It would have been June 5th, 2015, at 2:11 a.m.
9 UTC.

10 Q. And what time would that be Eastern Standard?
11 June the 4th at 10:11 p.m., if I did my math right?

12 A. Yes.

13 Q. And can you publish this message for the
14 record?

15 A. I got a Smith & Wesson nine-millimeter, brand
16 new, 17 shots.

17 Q. And that message would have been sent by
18 Mr. Robertson?

19 A. Correct.

20 Q. I'm going to show you State's 217 and 216 and
21 ask if you recognize this.

22 A. Yes, ma'am.

23 Q. And how do you recognize these photos?

24 A. These were photos that were provided after the
25 search warrant was conducted on Mr. Jeffery's phone.

1 Q. Were you able to identify the individuals in
2 these photos?

3 A. Yes, ma'am.

4 Q. And who are these individuals?

5 A. Going from left to right in 216, it's
6 Mr. White, Mr. Brannon, Mr. Robertson, and
7 Mr. Stroman.

8 Q. And looking at 217?

9 A. That is Mr. White.

10 Q. And looking at State's Exhibit 217, how were
11 you able to recognize -- identify State's Exhibit
12 217 as Mr. White?

13 A. We only had just the photograph. We didn't
14 have a positive ID on him, so we ran him through
15 facial recognition software that we have access to
16 from State Law Enforcement Division. And the
17 results that came back indicated that we needed to
18 look at Mr. White as a possible person of interest
19 as to who that photograph may be.

20 Q. And when the facial recognition came back, did
21 it only return one person?

22 A. There were a couple..

23 Q. And what was the percent confidence with Tyrese
24 White?

25 A. I can't remember off the top of my head.

1 Q. Was it the most confident?

2 A. If it wasn't the most, it was top two or three.

3 Q. And once you received that information, what
4 did you do?

5 A. At that point, I contacted local law
6 enforcement from the area that he was from to see if
7 they were familiar with him.

8 Q. And what area was that?

9 A. Lancaster and Great Falls.

10 Q. And were you --

11 MR. MAULDIN: Objection, Your Honor. I don't
12 want him to testify about what local law enforcement
13 told him.

14 THE COURT: Sustained.

15 Try to rephrase your question.

16 MS. FULLER: I don't know if I asked the
17 question. I asked what did he do, and he stated he
18 contacted local law enforcement. I didn't ask my
19 next question yet, so I don't know what the
20 objection is to. But I can ask another question.

21 THE COURT: Go ahead.

22 MS. FULLER: I just wanted the record to be
23 clear that I didn't ask the question.

24 THE COURT: Thank you.

25 BY MS. FULLER:

1 Q. As a result of your conversation with local law
2 enforcement, were you able to confirm the identity
3 through other ways that this was Tyrese White?

4 A. Yes, ma'am.

5 Q. And were you able to confirm his nickname as
6 well?

7 A. Yes, ma'am.

8 Q. And what was that nickname?

9 A. Boosie or Little Boosie.

10 MS. FULLER: At this time, Your Honor, the
11 State seeks to introduce 217 into evidence.

12 MR. WILLIAMS: No objection on behalf of
13 Brannon on State's Exhibit No. 217.

14 THE COURT: So State's Exhibit 217 admitted
15 into evidence.

16 (State's Exhibit No. 217 admitted into
17 evidence.)

18 BY MS. FULLER:

19 Q. Is this the photograph you used for facial
20 recognition?

21 A. Yes, ma'am.

22 Q. And is this the person you identified as Tyrese
23 White?

24 A. Yes, ma'am.

25 MR. MAULDIN: No objection to this one.

1 MS. FULLER: Do you have an objection?

2 MR. WILLIAMS: No.

3 BY MS. FULLER:

4 Q. In this case -- was the Hill View Truck Stop
5 surveillance footage received in this case?

6 A. Yes, ma'am.

7 Q. And what time frame was requested for the
8 surveillance footage?

9 A. 12:30 a.m. to 1:30 a.m.

10 Q. And what was the purpose of requesting that
11 footage?

12 A. It was indicated that Mr. Brannon had been to
13 that location prior to going to the club.

14 MR. WILLIAMS: No objection to 216, Your Honor.

15 THE COURT: Did you move 216?

16 MS. FULLER: I didn't. I gave him time to look
17 at it.

18 THE COURT: Oh, okay. Are you moving it now?

19 MS. FULLER: Shortly.

20 BY MS. FULLER:

21 Q. I'm going to hand you now State's Exhibit 258
22 and ask if you recognize this.

23 A. It is the security footage from the Hill View
24 Truck Stop.

25 Q. And you recognize it, also signed it and dated

1 it that you reviewed it?

2 A. Yes, ma'am.

3 Q. And now showing you State's Exhibit 259.

4 A. It's clips from that footage that we've
5 reviewed.

6 MS. FULLER: At this time, Your Honor, the
7 State seeks to introduce State's 258 and 259 into
8 evidence pursuant to 19-5-520.

9 MR. WILLIAMS: Without objection, Your Honor.

10 THE COURT: State's Exhibit 258 admitted into
11 evidence.

12 MS. FULLER: 258 and 259.

13 THE COURT: Oh, 259 will be admitted as well, I
14 think, without objection.

15 MR. WILLIAMS: Without objection, Your Honor.

16 (State's Exhibit Nos. 258 and 259 admitted into
17 evidence.)

18 BY MS. FULLER:

19 Q. In preparing for court today, were you able to
20 review certain portions of this recording?

21 A. Yes, ma'am.

22 Q. Were you able to identify individuals on this
23 recording?

24 A. Yes, ma'am.

25 Q. Who were you able to identify?

1 A. In the footage, I was able to observe
2 Mr. Brannon, Mr. Robertson, Mr. Stroman, and
3 Mr. White.

4 Q. Were you able to observe a vehicle?

5 A. Yes, ma'am.

6 Q. And what type of vehicle did you observe?

7 A. It was a burgundy Grand Marquis.

8 Q. Were you able to identify what each individual
9 was wearing?

10 A. Yes, ma'am.

11 Q. What was Mr. Brannon wearing?

12 A. MR Brannon was wearing a white T-shirt with a
13 block -- red block of letters in the center -- I
14 believe it said Civil -- blue jeans, and red shoes.

15 Q. What was Mr. Robertson wearing?

16 A. It was a white shirt. I couldn't make out,
17 because of the font, exactly what it said. It
18 looked like the letters started with an M. That was
19 his shirt.

20 On the back of his shirt, it had the letters
21 91. And he had white pants with stars and a pink
22 hat. I couldn't make out what it said, but I know
23 it started with the letter S.

24 Q. And Mr. Stroman, were you able to identify what
25 he was wearing?

1 A. Yes, ma'am. Mr. Stroman was wearing a white
2 T-shirt with a blue jean jacket vest kind of thing
3 and dark-colored pants.

4 Q. And were you able to identify what Mr. White
5 was wearing?

6 A. Mr. White had what looked like a black and blue
7 tank top with camo pants.

8 Q. Were you able to determine what time they were
9 captured on the surveillance footage?

10 A. The timestamp for the security footage had them
11 arriving at approximately 1:15 a.m. on June the 6th,
12 2015.

13 Q. And that is just two hours prior to the
14 shooting?

15 A. Right at, yes, ma'am.

16 Q. I'm going to show you what's been marked for
17 identification throughout this trial as State's
18 Exhibit 286. Do you recognize 1150 Parrish Road,
19 Leesville, South Carolina on this map?

20 A. Yes, ma'am.

21 Q. Do you recognize 2656 Ben Franklin Road,
22 Leesville as the Hill View Truck Stop on this map?

23 A. Yes, ma'am.

24 Q. And, up here, do you recognize [REDACTED] Willis
25 Street, Batesburg as Creek View Apartments on this

1 map?

2 A. Yes, ma'am.

3 MS. FULLER: At this time, Your Honor, the
4 State seeks to introduce State's Exhibit 286 into
5 evidence.

6 MR. WILLIAMS: We don't have any objection to
7 the map, Your Honor.

8 MR. MAULDIN: No objection, Your Honor.

9 THE COURT: State's Exhibit 286 is admitted
10 into evidence.

11 (State's Exhibit No. 286 admitted into
12 evidence.)

13 BY MS. FULLER:

14 Q. I'm going to show you now what has been marked
15 for ID as State's 296 and ask if you recognize this.

16 A. Yes, ma'am.

17 Q. And down here, for the Mercury Grand Marquis,
18 were you able to identify all four individuals you
19 saw on that video at approximately 1:16 a.m. that
20 morning?

21 A. Yes, ma'am.

22 Q. And do you see their names listed here?

23 A. Yes, ma'am.

24 Q. And what are their names?

25 A. Donovan Tirrell Brannon, Shantrez Alejandro

1 Robertson, Antonio Stroman, and Tyrese White.

2 Q. And up here, for the Dodge Stratus and the
3 Dodge Charger, do you recognize those names as being
4 occupants of those vehicles?

5 A. Yes, ma'am.

6 Q. And you developed that during the course of
7 your investigation?

8 A. Yes, ma'am.

9 MS. FULLER: Your Honor, the State seeks to
10 introduce 296 into evidence.

11 MR. WILLIAMS: Subject to prior objection, Your
12 Honor.

13 MR. MAULDIN: Yes, Your Honor.

14 THE COURT: Very well. State's Exhibit 296 is
15 admitted subject to objections.

16 (State's Exhibit No. 296 admitted into
17 evidence.)

18 BY MS. FULLER:

19 Q. Looking at State's 286, down here, there are
20 pop-outs of each location. The Spot, where I'm
21 pointing, is this located down here?

22 A. Your thumb is the incident location, 1150
23 Parrish Road.

24 Q. Thank you. And what interstate is this?

25 A. I-20.

1 Q. Is this the area of the truck stop?

2 A. Yes, ma'am.

3 Q. And this pop-out up here is the image showing
4 the truck stop?

5 A. Yes, ma'am.

6 Q. And this pop-out down here is the image showing
7 The Spot?

8 A. Yes, ma'am.

9 Q. And up top, [REDACTED] Willis Street, that pop-out is
10 showing the apartment complex?

11 A. Yes, ma'am.

12 Q. I don't know if I asked you this before, but
13 approximately off this highway, how far is The Spot?

14 A. Distance-wise, it would be just a guess. But
15 time-wise, if you're traveling by car, you can get
16 there in definitely less than five minutes, maybe
17 three minutes, if even that.

18 Q. And then to the truck stop when you exit I-20?

19 A. Practically seconds, if you don't have to stop
20 for traffic.

21 Q. So approximately from The Spot to that gas
22 station by car?

23 A. Three minutes, if that.

24 Q. And approximately from The Spot to Willis
25 Street?

1 A. I could not tell you that. Maybe ten, 15
2 minutes. I'm not sure.

3 Q. Okay. Starting with camera one, reviewing the
4 footage, is it good quality, I guess, is a good
5 word? Was it good quality?

6 A. No, ma'am. The footage is distorted and it's
7 kind of grainy and it jumps.

8 Q. Did you have to watch it multiple times?

9 A. Absolutely.

10 Q. Publishing now the video. The entire clip is
11 in evidence, but we are going to jump. Is this the
12 Hill View Truck Stop?

13 A. It is the interior.

14 Q. Jumping now about 3 minute and 40 seconds into
15 the clip, can you describe to the jury who you were
16 able to identify and what was happening?

17 A. As of right now, that's just standard customers
18 that are in the store.

19 Q. You can use the laser point at any point.

20 A. That gentleman right there is identified as
21 Mr. Brannon. That would be Mr. White. Mr. Stroman
22 is now approaching, and Mr. Robertson is behind him.

23 Q. And the image froze, is that accurate?

24 A. Yes, ma'am. Once it gets to that -- towards
25 the end of that segment, it stops.

1 Q. Okay. Jumping to the second clip for camera
2 one, is this The Spot -- I mean, not The Spot, the
3 Hill View Truck Stop still?

4 A. It's still the interior of the Hill View.

5 Q. And looking here, who did you identify that
6 individual as?

7 A. Mr. Robertson.

8 Q. And his pants that he's wearing, how would you
9 describe his pants?

10 A. White pants with stars.

11 Q. Publishing briefly on the document reader, the
12 video is still on the TV. Looking at State's
13 Exhibit 295, do you recognize this image?

14 A. Yes, ma'am. That outfit appears to be
15 consistent with what's in the security footage.

16 Q. Where was this outfit -- this photograph
17 posted?

18 A. That was on Facebook.

19 Q. And on whose Facebook account?

20 A. Mr. Robertson's.

21 Q. And looking at the projector and comparing it
22 to what is on that Hill View Truck Stop, do those
23 appear to be the same pants?

24 A. With the difference in time, I can't say they
25 were the exact same pants. But they are consistent

1 and appear to be.

2 Q. And those appear to be white joggers with black
3 stars on them?

4 A. Yes, ma'am.

5 Q. And this image here was the one that he posted
6 personally to his Facebook?

7 A. Yes, ma'am.

8 Q. And the hat that you described, you described
9 it as a pink hat?

10 A. Yes, ma'am, with the letter S and something
11 else on it.

12 Q. And on the Hill View Truck Stop, does that
13 appear to be similar or the same hat?

14 A. Yes, ma'am.

15 Q. Posting the rest of this clip, is that the back
16 of the shirt you described observing?

17 A. Yes, ma'am.

18 Q. Who else did you identify here?

19 A. That is Mr. White going towards the counter.

20 Q. And where is Mr. Robertson?

21 A. He is walking towards the back, I guess, the
22 back of the store.

23 Q. Who is walking by now?

24 A. That's Mr. Brannon.

25 Q. And the entire clip would be in evidence.

1 Going now to camera angle eight, do you see
2 those same individuals?

3 A. Yes, ma'am. If you look in this portion of the
4 video footage, you can see them standing at the
5 counter. And this camera -- I guess it's the back
6 of the store, that's what I'm calling it -- is where
7 that is positioned.

8 Q. And then that other angle, we saw Mr. Robertson
9 walking towards the back, correct?

10 A. Yes, ma'am, approaching to the camera.

11 Q. Okay. And is that him walking?

12 A. Yes, ma'am. And Mr. White and Mr. Brannon are
13 walking by him there. It appears Mr. Robertson
14 embraces Mr. Brannon for some reason and they
15 continue on.

16 Q. And the entire clip will be in evidence.

17 Now switching to camera 15, looking at the
18 first clip, jumping now to about 3 minutes and 20
19 seconds into the clip, can you describe to the jury
20 what you observed?

21 A. At this gas pump right here, a red -- at that
22 point, it's difficult to make out, but ultimately
23 determined to be a Grand Marquis pulling into the
24 gas station.

25 Q. Were you able to see individuals walking from

1 that vehicle?

2 A. Yes, ma'am. The gentleman that is about to
3 enter the store right here appeared to be
4 Mr. Brannon.

5 Q. I'm going to pause you here. Now, this image
6 is not clear, correct?

7 A. No, it is not.

8 Q. And based on -- you just identified Mr. Brannon
9 walking into the store. How were you able to
10 identify that that was him walking in first?

11 A. Cross-referencing with the interior camera.

12 Q. Okay. And then who did you observe next?

13 A. The person behind him appeared to be
14 Mr. Robertson; however, he doesn't enter yet.
15 Mr. White enters in.

16 Q. And where is Mr. Robertson at this time?

17 A. He is beside this Jeep. And Mr. Stroman is
18 right here, appears to be putting on his vest.

19 Q. And then, again, you were able to
20 cross-reference with the interior camera?

21 A. Yes, ma'am.

22 Q. And this entire clip will be in evidence.

23 Jumping now to the last clip, do you still see
24 that car?

25 A. Yes. It's still at the same gas pump.

1 Q. And do you see individuals walking out?

2 A. This individual right here appeared to be
3 Mr. Stroman approaching the driver's side of the
4 vehicle. He's out there a little bit longer than
5 anyone else. I would assume he was gassing up.

6 Q. We'll jump ahead to about three minutes. And
7 the car is still there, right?

8 A. Yes, ma'am. Mr. Brannon has exited and he is
9 walking towards the passenger's side. Mr. White is
10 also exiting and approaching the passenger's side.

11 Q. And. Again, you were able to cross-reference
12 the order based on the interior videos, correct?

13 A. Yes, ma'am.

14 Q. And then Mr. Robertson eventually walks out?

15 A. Yes, ma'am. There he is. And he will approach
16 what appears to be on the driver's side.

17 Q. And then jumping to around 3:30 -- 3:43, were
18 you able to get a good shot of that Mercury Grand
19 Marquis?

20 A. Yes, ma'am. That is a lot better image of the
21 vehicle.

22 Q. So in terms of identifying the Mercury Grand
23 Marquis, you almost have to work backwards to see
24 where it came from to confirm the color as well?

25 A. Correct.

1 Q. And here, you can see that it's burgundy; is
2 that correct?

3 A. Yes, ma'am.

4 Q. I'm going to show you now what's marked as
5 State's 260 through 278 and ask if you recognize
6 them.

7 A. Yes, ma'am. They are screen captures of the
8 surveillance footage we just watched.

9 Q. And they are grainy, correct?

10 A. Yes, ma'am.

11 MS. FULLER: At this time, Your Honor, the
12 State seeks to introduce 260 through 278 into
13 evidence.

14 THE COURT: 260 through 278?

15 MS. FULLER: Yes, Your Honor.

16 MR. WILLIAMS: Without objection, Your Honor.

17 MR. MAULDIN: No objection.

18 THE COURT: All right. State's 260 through 278
19 are admitted into evidence.

20 (State's Exhibit Nos. 260 through 278 admitted
21 into evidence.)

22 BY MS. FULLER:

23 Q. And just publishing quickly, 260, looking at
24 this still shot, this is who you identified as
25 Fresh; is that correct?

1 A. Yes, ma'am.

2 Q. And 261, looking at the corner, that's who you
3 identified as Tyrese White?

4 A. Yes, ma'am.

5 Q. Looking at 262, is that who you identified as
6 Shantrez Robertson?

7 A. Yes, ma'am.

8 Q. And 263, that's who you identified as Antonio
9 Stroman?

10 A. Yes, ma'am.

11 Q. And 264 was previously IDed by a witness, as
12 well as 265 and 266. And you were also able to
13 identify this person as Tyrese White, correct?

14 A. Yes, ma'am.

15 Q. And 267, 268, 269, 270, you identified this
16 individual as Shantrez Robertson, correct?

17 A. Yes, ma'am.

18 Q. And then the rest of these angles are the
19 parking lot, correct?

20 A. Yes, ma'am.

21 Q. That's 271, 272, 273, 274, 275, 276, 277, and
22 278, correct?

23 A. Yes, ma'am.

24 Q. This is Antonio Stroman and Shantrez Robertson,
25 correct?

1 A. Yes, ma'am.

2 Q. And then also 279, 280, and 281, do you
3 recognize them?

4 A. It's the screen captures from the interior of
5 the store.

6 Q. And who is observed in this?

7 A. In 279, it's difficult to see. But there's
8 Mr. Robertson with Mr. Brannon and Mr. White walking
9 away. In 280, Mr. White is closer to the counter;
10 Mr. Brannon and Mr. Robertson are closer to the
11 camera view. You can see them either talking or
12 hugging, something to that effect. And same in 281,
13 just a better image of it.

14 MS. FULLER: At this time, Your Honor, the
15 State seeks to introduce 279, 280, 281 into
16 evidence.

17 MR. WILLIAMS: No objection on behalf of
18 Defendant Brannon.

19 MR. MAULDIN: No objection.

20 THE COURT: State's 279, 280, and 281 admitted.

21 (State's Exhibit Nos. 279 through 281 admitted
22 into evidence.)

23 BY MS. FULLER:

24 Q. Publishing 279, is that what you described as
25 Robertson and Brannon?

1 A. Yes, ma'am.

2 Q. And 280, you identified White and Robertson and
3 Brannon?

4 A. Yes, ma'am.

5 Q. And 281?

6 A. Mr. Brannon and Mr. Robertson, a little better
7 image.

8 Q. Early in the investigation, you received a
9 couple of Facebook photos that were posted that
10 night, correct?

11 A. Yes, ma'am.

12 Q. I'm going to show you these. They're already
13 in evidence as 399, 400, and 401, ask if you
14 recognize them.

15 A. That is Mr. Brannon.

16 Q. Okay. I'm also going to show you what's
17 already in evidence as 241. Do you recognize this?

18 A. That is a firearm that was recovered from 221
19 Willis Street in Batesburg.

20 Q. And when you reviewed and received these
21 Facebook photographs of Mr. Brannon, what is in his
22 hand?

23 A. A firearm.

24 Q. And were you able to compare that firearm to
25 the firearm that was recovered at Creek View?

1 A. Yes, ma'am.

2 Q. What, if anything, were you able to determine?

3 A. They appeared to be consistent in size, shape,
4 design.

5 Q. Looking at State's 401, is this the firearm
6 that we were just talking about?

7 A. Yes, ma'am.

8 Q. And looking at State's 241, is that the firearm
9 that you just testified to that appeared to be
10 consistent with what's in his hand?

11 A. Yes, ma'am.

12 Q. And that's based on size, shape, and color?

13 A. And the way it's designed, yes, ma'am.

14 Q. And the way it's designed.

15 Now, when it comes to -- after having reviewed
16 this footage, as well as the phone records where you
17 previously testified that communication appeared to
18 end with a number of these individuals around
19 12:20 a.m. -- is that correct?

20 A. Yes, ma'am.

21 Q. Based on your experience and what you reviewed
22 in this case, what did the pause in communication at
23 12:20 a.m. mean to you?

24 MR. WILLIAMS: Objection; speculation.

25 MS. FULLER: Based on his investigation.

1 MR. WILLIAMS: He has not been qualified as any
2 type of expert that allows that determination.

3 THE COURT: What was the question again?

4 MS. FULLER: Based on his review of the Hill
5 View and his experience in this investigation, the
6 pause in communication.

7 Your Honor, I don't think I need an expert
8 opinion to answer that question.

9 MR. MAULDIN: It's calling for him to
10 speculate.

11 THE COURT: I'm going to sustain the objection.

12 BY MS. FULLER:

13 Q. What is your current position at the Lexington
14 County Sheriff's Department?

15 A. I'm assigned to the criminal intelligence unit.

16 Q. And on that unit, what do you do?

17 A. Analyze different reports that come in, assist
18 with mapping, JS mapping, property maps, cell phone
19 data analysis, cell phone mapping; essentially
20 identifying things that need to be discovered on the
21 analyst side of things. It's hard to say. We do so
22 much.

23 Q. Yeah. And on the intelligence, you also look
24 at communication and behavior patterns?

25 A. Yes, ma'am.

1 Q. And when you are reviewing phone records and
2 reviewing any type of data, you're able to make
3 determinations based on the communication and
4 behavior patterns that you observe?

5 A. Within reason, yes, ma'am.

6 Q. Okay.

7 MS. FULLER: I'm not going to ask the question.
8 I just wanted to ask that.

9 BY MS. FULLER:

10 Q. Now, as it relates to this case, you were the
11 one that obtained arrest warrants in this case,
12 correct?

13 A. Yes, ma'am.

14 Q. Who did you obtain arrest warrants for?

15 A. Mr. Robertson, Mr. Brannon, and Mr. Tyrese
16 White.

17 Q. When did you obtain an arrest warrant for
18 Mr. Tyrese White?

19 A. Within the last couple weeks.

20 Q. What led to your ability to obtain arrest
21 warrants in this case?

22 A. Getting a positive identification of him.

23 Q. And was there other information as well?

24 A. Yes, ma'am.

25 Q. And how long have you been in law enforcement?

1 A. Over 13 years.

2 Q. And what type of training do you -- have you
3 been through in terms of -- to become a law
4 enforcement officer?

5 A. As far as just to become a law enforcement
6 officer, when I went through the academy, it was
7 standard eight-week academy. Once you go through
8 that, you obtain your certification. And then,
9 depending on the agency, some agencies are
10 different, but ours requires an eight-week FTO
11 program.

12 Q. And as a law enforcement officer, do you also
13 carry a firearm?

14 A. Yes, ma'am.

15 Q. What kind of firearm do you carry?

16 A. I'm kind of in a unique position where I'm
17 allowed to carry three different ones, duty weapons.

18 Q. And are they semi-automatics?

19 A. Yes, ma'am.

20 Q. And in carrying semi-automatics, are you able
21 to keep one in your chamber?

22 A. Yes, ma'am.

23 Q. And if you were to fire a firearm, what would
24 happen to the rest of the projectiles in the
25 magazine?

1 A. If nothing is obstructing the ejection port or
2 the slide, the shell casing from the fired
3 projectile would eject, and then the next round will
4 be added into the chamber.

5 Q. That would be automatic, correct?

6 A. Yes, ma'am.

7 Q. And when a firearm does not have one in the
8 chamber and has a full, loaded magazine, what, if
9 anything, would that indicate?

10 A. If there was not one in the chamber but the
11 magazine was loaded, it would indicate the magazine
12 was inserted with ammunition and never chambered.

13 Q. Okay.

14 MS. FULLER: Beg the Court's indulgence.

15 No further questions at this time.

16 THE COURT: Cross-examination?

17 Everybody stand up before we start.

18 MR. WILLIAMS: Your Honor, there is absolutely
19 no way in this world I can do cross-examination
20 before we all have to go to bed.

21 THE COURT: Y'all approach.

22 (Sidebar conference.)

23 THE COURT: All right. Ladies and gentlemen,
24 it's 6:30. We're going to break and start at
25 9:00 a.m. I'd like you to be in your jury room at

1 Q. How are you today, Mr. Marthers?

2 A. Good, Mr. Williams. And you?

3 Q. Doing okay.

4 So to kind of pick up where we left off
5 yesterday, you were asked a lot of questions, I
6 guess, at the beginning, just explaining who you
7 were and what you do with the sheriff's department
8 and what your expertise is and what you've learned
9 throughout the whole experience, I guess, working
10 the sheriff's department.

11 How long have you been with the sheriff's
12 department?

13 A. Just over 13 years.

14 Q. And did you work at any other department before
15 that?

16 A. No, sir.

17 Q. And you do -- in terms of what your rank is,
18 what is that?

19 A. Detective corporal. And it's two stripes, not
20 three.

21 Q. You've learned expertise in terms of
22 preservation of scenes, gathering witnesses,
23 gathering evidence. And that's what you do, right?

24 A. Crime scene investigators gather it. We do our
25 best to try to help identify what's needed and what

1 could potentially be evidence.

2 Q. Right. You manage it. You managed this case.
3 You are the person who's been in this courtroom the
4 entire week in charge of this case. From the
5 beginning of when this case was opened up until the
6 time it ended, you're supposed to have knowledge
7 about anything that's going on in this case so that
8 if there's questions or something that needs to be
9 done, that you do that, right?

10 A. To the best of my ability, yes, sir.

11 Q. So I think you got a called about, what, 4:30
12 on June the 6th of 2016; is that right -- 2015?

13 A. 2015. It was about 4:30 in the morning on June
14 the 6th of that year.

15 Q. And the person who actually called you to get
16 you assigned to this would have been Scotty Friar?

17 A. No, sir. It was Sergeant Roy Mefford. He was
18 the acting major crimes supervisor.

19 Q. So from that point on, this case became your
20 case, right?

21 A. Of course, overseen by supervisors, yes, sir.

22 Q. So you, obviously, have knowledge about the
23 call in from the reports to 911 -- do you know how
24 many people called in about this?

25 A. When I originally spoke to the sergeant, he

1 didn't have any of that information for me. It was,
2 essentially, just a quick fact-finding phone call
3 that we had three people who were shot and a couple
4 different crime scenes. And he requested that I
5 respond to 1150 Parrish Road to assist.

6 Q. Did you subsequently learn that what was
7 actually called in was, basically, about 40 vehicles
8 that were at that scene and then vehicles were
9 leaving the scene? Did you listen to the 911 and
10 all the call-ins?

11 A. Later on, I listened to it. At that time, as
12 far as being called, I didn't have those records to
13 listen to.

14 Q. So when you call that information in or when
15 that information is sent to dispatch, shouldn't that
16 information get to someone to make sure you can
17 maintain all the witnesses that are there?

18 A. Prior to law enforcement's arrival, we can only
19 do so much.

20 Q. Okay. Do you know if anybody received that
21 information so that they could make sure that nobody
22 left the scene?

23 A. It would be up to the first responding officers
24 to be able to secure everyone possible. As far as
25 whether they were able to, I can only assume they

1 were unable to.

2 Q. So you would agree then that the Sheriff's
3 Department, in this particular case, weren't able to
4 maintain all of the witnesses that were at the scene
5 when this shooting occurred, right?

6 A. I'm certain people left prior to our arrival.

7 Q. And, of course, that's one of the main things
8 you need to do, right, because that gives you more
9 of a pool to choose your information from, right?

10 A. Yes, sir, potentially.

11 Q. So when you got to the scene -- did you get to
12 the scene -- you got the call about 4:30. When you
13 got there, was it still dark?

14 A. It would have been.

15 Q. So when you got there, how many vehicles were
16 actually on scene after you got there?

17 A. Mixed in with unmarked law enforcement
18 officers, I honestly couldn't tell you. I know
19 within the crime scene tape, I saw some patrol cars
20 and, of course, the two vehicles that we've seen
21 photos of throughout the week.

22 Q. Was the dirt road or the driveway, did you have
23 crime scene tape across the top to prevent vehicles
24 from leaving the parking lot area?

25 A. The crime scene tape was placed so the parking

1 lot exit was blocked.

2 Q. All right. Did you have anyone check with the
3 vehicles coming out to maintain that you had the
4 names, the phone numbers, the addresses, the license
5 plates, who they were so that you could talk to
6 people?

7 A. Once the crime scene tape was up, my
8 understanding, nobody left. Whether people went
9 through the woods and left, I don't have that
10 information, because that's outside of our control.

11 I know Sergeant Black, Caleb Black, did obtain
12 the driver's license of several people that were on
13 scene.

14 Q. Right. But in any event, there certainly
15 weren't 40 vehicles down there. There may have
16 been, what, maybe ten? You think there were ten
17 down there?

18 A. I can't say speak to that. I honestly don't
19 remember what's on the bottom side of that parking
20 lot.

21 Q. So what did you do when you got there?

22 A. Once I got there, I met with Sergeant Mefford
23 and obtained a brief summary of what he had his
24 information on. And then he directed me to talk to
25 Mr. Andy Barnes.

1 Q. This is your case. You were being assigned to
2 talk to one witness; you were getting witness
3 information from one witness. You didn't have a
4 general purpose, if you will, to talk to all the
5 witnesses; is that what you're telling me?

6 A. He was there with the victims, so my focus was
7 on him at that point in time.

8 Q. Okay. But you were still -- I mean, it's still
9 your case; it was still your responsibility to get
10 whatever witnesses that you had down there so you
11 could talk to them, right?

12 A. Other investigators were assisting in that.

13 Q. So you secured that information from the other
14 investigators who were on scene?

15 A. Yes, sir.

16 Q. Okay. So when you got down there, was the
17 owner of The Spot present?

18 A. I don't believe so.

19 Q. Well, at some point in time, you learned who
20 the owner of The Spot was, didn't you?

21 A. Yes, sir.

22 Q. It's it a woman or a guy?

23 A. I believe it's a male.

24 Q. Did you go down there and talk to the owner of
25 The Spot?

1 A. I believe SRO Shealy and CSI Investigator Ross
2 met with them.

3 Q. So you did not go down there and meet with him?

4 A. No, sir.

5 Q. Did you talk with, I guess, the other detective
6 about information that he could share and stuff like
7 that?

8 A. In what regard?

9 Q. Well, he's the owner of the place. One of the
10 things might be is whether or not he was there when
11 the shooting occurred, whether or not he observed
12 anything going on in The Spot, whether or not there
13 was video which was inside The Spot that might have
14 recorded any type of goings on in The Spot, whether
15 or not -- what the names of the personnel were that
16 were working that night, whether or not he had the
17 guy at the door who stopped the individuals going in
18 to see if they had guns or not?

19 A. When Investigator Ross and SRO Shealy went to
20 meet with him, some of that information was part of
21 the reason they were meeting him.

22 Q. All right. And what was the name of the
23 individual who was the barman -- not the barman. I
24 take that back. I guess he would be a doorman. He
25 would be the one with the key. The doorman, guy who

1 opens up, guy who makes sure everyone who comes in
2 does not have weapons.

3 A. Are you talking about the bouncer, essentially?

4 Q. Well, he wasn't there just to beat people up
5 and throw them out. He was there to check them,
6 wasn't he?

7 A. Well, security check point, bouncer --

8 Q. Okay.

9 A. -- sometimes synonymous. I don't have that
10 information.

11 Q. This is your case, right?

12 A. Yes, sir.

13 Q. So you don't have the information from the guy
14 who was the first point of contact, if you will, for
15 all those people that came inside The Spot that
16 night?

17 A. No, sir, I did not.

18 Q. Obviously, his information might give you a lot
19 of information, right?

20 A. It could.

21 Q. But we don't know who he is and we ain't talked
22 to him?

23 A. No, sir.

24 Q. So after you, I guess, secured -- what other
25 dealings did you have besides -- who did you talk

1 to, you say, that day?

2 A. Andy Barnes.

3 Q. Did you do anything else that morning when you
4 got down there?

5 A. After meeting with Mr. Barnes, of course
6 conferred again with Sergeant Mefford. He was
7 telling me the other information other investigators
8 were able to obtain. And, eventually, we went back
9 to headquarters to try to lay everything out we had
10 at that point to see which way we needed to go with
11 the investigation.

12 Q. Do you know if Sergeant Mefford is going to
13 testify this week?

14 A. I don't know if he's going to. I know he's
15 been subpoenaed.

16 Q. Okay. So after you got back to the sheriff's
17 department, what was the first thing you
18 subsequently learned, I assume, about what had
19 transpired at -- was it Creekside? Creek View? I
20 live in Batesburg. I can't tell the difference.

21 A. Creek View Apartments.

22 Q. It's Creek View, right?

23 A. Yes, sir.

24 Q. And there's actually two apartment complexes
25 down there with similar names, right?

1 A. I'm not familiar with the other one. I just
2 know that one specifically because of this case.

3 Q. Is this one off of 178 coming -- like, you go
4 by the Hardee's and on the right-hand side -- or is
5 this one over in Leesville back over there behind
6 the McDonald's?

7 A. It's Willis Street. From my recollection of
8 Batesburg, I'm not familiar with the area too well,
9 but it is on the, I guess, more western side of the
10 178 side.

11 Q. Okay. Did you go out there that morning?

12 A. That morning, no, sir.

13 Q. All right. Again, you were dealing with
14 somebody else who was securing information, I
15 assume?

16 A. Yes, sir.

17 Q. And that would be Spivey?

18 A. Sergeant Spivey and Investigator Phipps.

19 Q. All right. And did Spivey and Phipps -- did
20 they -- they had -- they had Mr. Brannon in tow?
21 Didn't they have Mr. Brannon at some point in time
22 and took a full statement from him?

23 A. Mr. Spivey did, yes, sir.

24 Q. Mr. Spivey did?

25 A. Yes, sir.

1 Q. Did you have access to that statement?

2 A. Once I met with Sergeant Spivey.

3 Q. It was a four-page statement, basically
4 detailing everything he did that night?

5 A. I believe so. I don't have it in front of me,
6 but I believe it was four pages.

7 Q. Let me ask you to look at this and tell me if
8 that appears to be the four-page statement.

9 A. Yes, sir, it appears to be.

10 Q. And that was a written statement?

11 A. This one, yes.

12 Q. Taken in the presence of Detective Spivey? Is
13 he a detective?

14 A. He had just gotten promoted at that point, so
15 he was just promoted to sergeant.

16 Q. Okay. So it goes detective to sergeant?

17 A. Yes, sir.

18 Q. Okay. I was in the army. We didn't have
19 detectives.

20 A. Two stripes and three stripes. All of our
21 three stripes are sergeants.

22 Q. Okay. So you had access to that statement.
23 When did you first have access to that statement?

24 A. Whenever Sergeant Spivey met with me.

25 Q. That day?

1 A. More than likely would have been.

2 Q. That Saturday?

3 A. Yes, sir.

4 Q. So at that point in time, you knew that there
5 were at least, perhaps, two sides to the story about
6 what transpired, didn't you?

7 A. There's usually two sides to a story.

8 Q. All right. And did you understand -- did you
9 understand there was a question about who shot
10 first?

11 MS. FULLER: Objection, Your Honor.

12 THE COURT: What's your objection?

13 MS. FULLER: Your Honor, he's asking him about
14 a statement he wasn't present for.

15 MR. WILLIAMS: Your Honor, he's got access to
16 the statement. He's in charge of the file.

17 MS. FULLER: Not the rules.

18 THE COURT: Let me ask, whose statement?

19 MR. WILLIAMS: Brannon's.

20 THE COURT: Let me clarify something to make
21 sure I understand.

22 (Sidebar conference.)

23 BY MR. WILLIAMS:

24 Q. So, Detective Marthers, when did you have a
25 copy of that written four-page statement from

1 Brannon?

2 A. When did I see it or when did I have it?

3 Q. When did you see it?

4 A. It would have been that day.

5 Q. Did you use that statement in terms of how you
6 went about handling this case?

7 A. We read the information to see what was
8 contained to see what was pertinent to the
9 investigation.

10 Q. All right. And did that lead you to any
11 particular actions in regards to what items you
12 would pick up or who you would talk to or anything
13 like that?

14 A. As far as what items to pick up, that had
15 already been covered, just based off the general
16 type of investigation it was. But it did lead us to
17 go back and look at the evidence to see what was
18 collected from where and what was pointing to what.

19 Q. So, based on what my client put in that written
20 statement, you did go back and check some things to
21 see how things fit in with what the other story was,
22 right?

23 A. Yes, sir.

24 Q. Okay. So the CSI officer who was on the scene
25 at that time was who?

1 A. Glen Ross.

2 Q. Was he on the scene when you actually got down
3 there?

4 A. I don't remember that.

5 Q. What time did you get down there?

6 A. I would have to look back at the call log to
7 see if it was timestamped. I didn't record it.

8 Q. Okay. Were you down there in the afternoon or
9 morning?

10 A. It was in the morning.

11 Q. Well, at some point in time, you saw him down
12 there, right?

13 A. Yes.

14 Q. All right. Did you go down towards the area
15 where The Spot was?

16 A. No, sir.

17 Q. So you never went to The Spot?

18 A. The actual building, no, sir.

19 Q. Did you understand that a lot of activity
20 occurred in The Spot, at least people went to --
21 inside that building, right?

22 A. We knew people were in the building, yes, sir.

23 Q. But you never went inside the building?

24 A. Not at that point.

25 Q. Well, when did you go inside the building?

1 A. Later on when Investigator Ross and SRO Shealy
2 met with the owner.

3 Q. You went inside the building then?

4 A. They did. I did not.

5 Q. So you've never been inside the building?

6 A. No, sir.

7 Q. And this is your case? This is what you're
8 charged with handling in terms of -- well, let me
9 ask you this: Did you check to even see if there
10 was a video recording inside the building,
11 videotaping equipment?

12 A. Security footage?

13 Q. Yes.

14 A. That was the purpose of their response to the
15 scene.

16 Q. Okay. So did you check on that?

17 A. They went and checked at my request or Sergeant
18 Mefford's request, and no video footage was found.

19 Q. All right. So I think you did secure a video
20 coverage from the truck stop, right?

21 A. Investigator Shelby Derrick did.

22 Q. Did you ever go to the truck stop?

23 A. No, sir.

24 Q. Okay. Did you check with -- as you go down
25 Parrish Road, there's at least one house beside the

1 dirt road that leads to The Spot, and then across
2 the street, there's another house. Did you check
3 with those neighbors to see if they had any type of
4 video coverage like -- what you call those little
5 phone ring things?

6 A. Ring doorbell cameras.

7 Q. And y'all use those a lot, don't you?

8 A. They're more prevalent now. Back then, I don't
9 know if they were available.

10 Q. Did you check on that to see if there was video
11 showing the various vehicles that left the scene?

12 A. Multiple other deputies were on scene to assist
13 with canvassing the area.

14 Q. So do you know which deputies would have gone
15 to, at least, those two particular neighbors?
16 Because they're right there where the road is;
17 there's no other way in or out. Did you check to
18 see if there was any video ring -- I call them video
19 rings. It's actually a doorbell which has like a
20 camera kind of thing?

21 A. Yes.

22 Q. Did you check with your people to see if there
23 was any kind of video recording from any of those
24 two neighbors that are right there?

25 A. They were sent to touch base with the neighbors

1 and report the findings, if they had anything to
2 submit, and nobody came back with any information as
3 far as that goes.

4 Q. So are you saying that they didn't have it or
5 are you saying that nobody told you about it?

6 A. Potentially, both. I don't know of it, so they
7 may not have had it.

8 Q. Well, that would be important, wouldn't it? I
9 mean, it would. You could at least see the cars
10 that were leaving out that dirt road, wouldn't you?

11 A. Maybe.

12 Q. Well, in your studying of what transpired, one
13 thing you've learned -- clearly you've learned is
14 that there's at least conversations about two cars
15 of importance. That's just based on the witness
16 statements and what was going on. There's actually
17 a maroon, what is it, a Grand Prix?

18 A. Grand Marquis.

19 Q. Grand Marquis. A maroon Grand Marquis. And
20 then there's a white Crown Victoria, right?

21 A. That's what was originally reported.

22 Q. So we have the video of a Marquis, a burgundy
23 or maroon Marquis. Did you check to see if you had
24 video of a white Crown Victoria?

25 A. Nothing was readily noted.

1 Q. Did you check to see if you had videos of a
2 white Crown Victoria?

3 A. As far as at the Hill View?

4 Q. Hill View or anywhere?

5 A. As far as I know, no white Crown Victoria was
6 identified on any security footage.

7 Q. Did you talk to the officers who were on scene
8 or to all the many witnesses that would have been
9 there if there had been somebody down there in a
10 white Crown Victoria?

11 A. Whenever we spoke to the individuals involved,
12 we asked them what their recollection of the events
13 were, and we can only get them to report what they
14 were able to provide.

15 Q. How many of the witnesses actually saw a white
16 Crown Victoria?

17 A. One for sure. I don't know if anybody else
18 reported or not.

19 Q. And that witness, did they indicate the age?
20 Was it like an old police car? Was it like -- well,
21 Crown Victoria has been around for a while.

22 Did you ask more distinguishing information
23 about it, like any tag numbers or anything like
24 that?

25 A. It was another investigator that obtained that

1 person's statement. I didn't ask that information.

2 Q. Who investigated that?

3 A. It would have been whoever spoke with

4 Mr. O'Brien. Detective Burke.

5 Q. Okay. So he would have obtained the tag number

6 and everything on that?

7 A. If it was able to be provided.

8 Q. All right. So after that Saturday, did you do

9 anything else in terms of investigating it after

10 that Saturday, after -- I guess you just had a

11 conversation with somebody -- did you have the

12 conversation with somebody down at the scene? Is

13 that where you talked to that witness?

14 A. The witness I spoke with?

15 Q. Yes.

16 A. It was on scene.

17 Q. Did you have any other people that you talked

18 to in Batesburg that day?

19 A. I did not.

20 Q. What did you do after you got through with that

21 witness? Did you go back to the sheriff's

22 department or go home?

23 A. Confirmed with Sergeant Mefford who was,

24 essentially, the point of contact for all the other

25 investigators, being as there were multiple active

1 scenes at the exact same time, let him know what I
2 had. He had apprised me of the information he had
3 obtained and then we went back to the sheriff's
4 department.

5 Q. So you were on call that whole weekend;
6 meaning, you worked Saturday and Sunday, right?

7 A. Yes, sir.

8 Q. What was your next involvement with this case?

9 A. After we met at headquarters that -- following
10 being at the scene?

11 Q. Yes.

12 A. We responded to different locations and
13 attempted to make contact with different witnesses.

14 Q. Okay. Who did you go see?

15 A. We attempted to make contact with, I believe it
16 was, Anija Sales. But, one moment, let me confirm.
17 We attempted to make contact with Ms. Sales, but we
18 were not able to locate her.

19 Q. All right. Anybody else?

20 A. At that point, I was back at headquarters
21 working on paperwork. Sergeant Spivey and
22 Investigator Mefford and, I believe, Investigator
23 Todd Garrick were sent to do additional follow-up.

24 Q. You just stayed at the sheriff's department
25 that day?

1 A. To finish paperwork that was necessary for
2 court the next morning.

3 Q. So you went into work Sunday. Were you still
4 working on this case Sunday when you came in?

5 A. Yes, sir.

6 Q. What did you do that day other than go to
7 court? Did you do any investigating that day?

8 A. Yes, sir. After the bond hearing, we were
9 still attempting to identify the second person that
10 we had information who was a light-skinned male
11 known as Red Nose. And a good part of the day was
12 spent trying to identify him.

13 Q. Did you go out and talk to more witnesses that
14 day?

15 A. We attempted to.

16 Q. So you called them up on the phone or did you
17 actually see somebody?

18 A. We went to addresses and attempted to make
19 contact. However, the addresses that we went to,
20 the person wasn't there.

21 Q. All right. So nothing else happened on the
22 weekend in terms of talking to people about what was
23 going on?

24 A. No, sir.

25 Q. Did you work the following week -- well, what

1 was the next thing you did on this file?

2 A. After that, we were working on the
3 identification of Mr. Robertson. And once we were
4 able to obtain his name and date of birth, we
5 obtained a photo lineup to show different
6 individuals to see whether or not the person in
7 question was, in fact, who was at the location.

8 Q. Let me kind of short circuit everything here.
9 So, essentially, once you had these two individuals
10 who you thought were involved in this, at that point
11 in time, did y'all decide to go ahead -- did you
12 decide to go ahead and take gunshot residue kits off
13 of those two individuals, do DNA swabs of those two
14 individuals, secure the guns -- oh, you didn't have
15 the guns then, did you?

16 A. No, sir, we did not.

17 Q. So how did you learn that there were other guns
18 at the scene?

19 A. Speaking to Mr. Barnes.

20 Q. Who?

21 A. Mr. Barnes, Teddy P.

22 Q. So -- thank you. So Teddy told you there were
23 at least two other guns that disappeared, right?

24 A. Yes, sir.

25 Q. And he didn't know who got them?

1 A. No, sir.

2 Q. Who did you go talk to about where those guns
3 were?

4 A. Eventually, we received information from Joanne
5 Christy that -- no. I'm sorry. We received
6 information from Benny Johnson that Joanne Christy
7 may have been in possession of the weapons at one
8 point.

9 Q. When did you get this information?

10 A. It was June the 12th, 2015.

11 Q. So this is actually six days after this
12 alleged -- well, it's not an alleged shooting.
13 There was a shooting.

14 But six days later, you received information
15 about these two guns that somebody had held onto --
16 that's hard to say three times -- and that was the
17 break in the case; you knew where these two guns
18 were?

19 A. I wouldn't say it was a break in the case. It
20 was an attempt to locate the weapons based on the
21 information that we were provided. However, when we
22 responded to the location, they were not there.

23 Q. So you went somewhere with a search warrant,
24 didn't you?

25 A. Yes, sir.

1 Q. And you got there and no guns, right?

2 A. Correct.

3 Q. You were searching underneath a fence or
4 something like that?

5 A. We searched the entire residence to include --

6 Q. So did you give up or what did you do after
7 that?

8 A. At that point, we didn't have any other
9 information as far as the guns, and we cleared that
10 scene and continued with the case.

11 Q. So you waited for somebody else to call you and
12 tell you where the guns were, right?

13 A. We weren't necessarily waiting for it. There
14 was a phone call or a text message that came in
15 unexpectedly.

16 Q. So as luck would have it, somebody called you
17 and said, look, I think I know where the guns are or
18 I can get them or what?

19 A. Essentially, you can get them.

20 Q. So you got a call from somebody saying that I
21 can help you out, I can get you those guns, right?

22 A. Teddy P brought them for us.

23 Q. Teddy P, was he on scene when this occurred?

24 A. Yes, sir, he was.

25 Q. Did you track down to how the guy that didn't

1 have the guns on the scene when it happened
2 obtained, six days later, these two guns that were
3 taken from him?

4 A. When Investigator Rawl met with Mr. Barnes, he
5 was asked as far as the method in which he came in
6 contact with the guns again, and he was not
7 forthcoming.

8 Q. What does that mean not forthcoming? Does that
9 mean --

10 A. He didn't want to tell us.

11 Q. Didn't want to tell you. And this is Teddy P?

12 A. Yes, sir.

13 Q. This is a guy on the scene, right?

14 A. Yes, sir.

15 Q. Who allegedly -- well, not even allegedly. He
16 had been one of the shooters, correct?

17 A. Yes, sir.

18 Q. It was his gun that disappeared. And when you
19 got that gun back, you sent it off, right?

20 A. Yes, sir. It was eventually sent to SLED.

21 Q. And, of course, there was -- it was of no use
22 in terms of fingerprints or DNA or --

23 A. No, sir. Throughout the course of the
24 investigation, from the time the shooting happened
25 to the time they were recovered, they were, in fact,

1 wiped down.

2 Q. Gotcha. So Teddy P's people wiped it down? Do
3 you know when, who wiped it down?

4 A. We have video footage with Ms. Christy wiping
5 them down.

6 Q. Okay. And so -- so you couldn't use that
7 information at all except to compare ballistics for
8 the shells, right?

9 A. Yes, sir.

10 Q. And that was it?

11 A. Yes, sir.

12 Q. So is that essentially the second big thing
13 that happened on this case?

14 A. In terms of second big thing, I'm not quite --

15 Q. Okay. What did you after you -- while you were
16 out searching for these two guns to occur, were you
17 doing anything else?

18 A. Searching social media, doing search warrants
19 for phone records, standard paperwork, trying to
20 identify the people that may have been involved.

21 Q. All right. Did anybody else call you and give
22 you some information that would help you on this
23 case?

24 A. Not to my immediate knowledge. Not to my
25 immediate knowledge.

1 Q. Well, at some point in time, somebody had to go
2 to Newberry to the pathologist, right?

3 A. Oh, yes, sir.

4 Q. And did you go or did you send somebody else up
5 there?

6 A. It was a crime scene investigator that
7 responded.

8 Q. All right. When did they go up there? What's
9 the date on that?

10 A. I believe it was the 8th of June. I don't have
11 the autopsy report in front of me. But I believe,
12 just off memory, it was 8th of June.

13 Q. So two days later?

14 A. Yes, sir.

15 Q. And they secured two bullets; is that right?

16 A. I believe so.

17 Q. And you took those bullets in hand -- well, not
18 in hand -- in a plastic bag. And then you took
19 those -- you sent those bullets off to SLED to be
20 analyzed, right?

21 A. They were sent to SLED for processing, yes,
22 sir.

23 Q. When did you send them to SLED?

24 A. On June the 23rd of 2015, I requested
25 ballistics stuff to -- ballistics property to go to

1 SLED for examination.

2 Q. And is that the date that they actually went
3 there?

4 A. No, sir, it's not.

5 Q. So what happened to -- was it a postal error
6 or --

7 A. No, sir. It was a communication that I sent to
8 our evidence custodian at the time. There was a
9 change in personnel, I believe. I'm not sure who it
10 was. I believe it was -- I sent it to Sergeant
11 Novak. As far as who he disseminated it to, if he
12 did, I'm not certain. But the request originally
13 went to him.

14 Q. When did you first realize that they had not
15 been sent to SLED to be analyzed?

16 A. June the 28th of 2016.

17 Q. All right. And at that point in time, had you
18 secured all of the bullets that were on scene from
19 The Spot?

20 A. At that point in time, to our knowledge, we
21 recovered everything that we could.

22 Q. And did you send all of those bullets? Did you
23 combine and send all of those to SLED for analysis?

24 A. That was my request.

25 Q. At the same time that you got these other two

1 back, right?

2 A. Essentially, what we had in our possession from
3 the original request, I requested all that to go.

4 And then when I realized, later on, the projectiles
5 and all that had not gone, I requested everything
6 again, at that point that was in custody, to go.

7 Q. And, of course, those two particular bullets
8 are very important; they are, because they were the
9 ones found in the deceased. And that would tell you
10 what type of gun that was used or weapon that was
11 used and fired and hit the deceased right? They're
12 very important.

13 A. Could potentially tell you.

14 Q. Okay. Well, there was one other victim that
15 was -- well, actually, there were two other victims,
16 Brandon Jeffery, the guy who had the shots in the
17 leg?

18 A. Uh-huh.

19 Q. How many bullets did he have -- did he have
20 bullets in his legs?

21 A. I believe he had one considered a
22 through-and-through and then another one that was
23 lodged just below the knee.

24 Q. All right. And were you able to secure the
25 bullet that was lodged in his leg -- that was still

1 lodged in his leg and send it off to SLED for
2 analysis?

3 A. No, sir, we were not.

4 Q. Did you learn what happened to that bullet?

5 A. I did not learn until just here recently that,
6 eventually, he had the bullet removed and instructed
7 medical staff to dispose of it.

8 Q. So at least two of the victims have information
9 that would help you in terms of who the -- you don't
10 know if it was the same bullet that went into
11 Jeffery's leg or a different type of weapon that was
12 used for the deceased, do you?

13 A. No, sir, we don't know.

14 Q. You know, when you leave a hospital sometimes,
15 the hospital will write you notes about what you do
16 after you leave the hospital; you know, take
17 aspirin, keep a check on your temperature; you know,
18 let us know if you're feeling bad, anything like
19 that.

20 Did you give any instructions to any of your
21 witnesses that might say, look, if you decide to
22 take the bullet out of your leg, please let us know
23 so we can have it analyzed? Did you have that
24 information with him?

25 A. I did at one point.

1 Q. And did you do it written form or oral form?

2 A. It was just in person, face-to-face.

3 Q. And you said, look, if you decide to take this
4 out, let me know because I want it?

5 A. Not in those exact words. But, essentially,
6 yes, sir.

7 Q. What words do you think you used?

8 A. It would have been more along the lines
9 possibly of if it comes to a point where the bullet
10 has to be removed, let me know so we can get in
11 touch with you.

12 Q. So it's actually that victim's fault that that
13 bullet got destroyed?

14 A. We can only ask for them to help us. We can't
15 make them.

16 Q. Did you have a conversation with his doctor?

17 A. No, sir.

18 Q. So as hospitals are known to do, they keep
19 records on everything, don't they?

20 A. Yes, sir.

21 Q. And they keep records on you have a past
22 previous history that comes in. Say, if somebody
23 was going to get his bullet removed from his leg,
24 there would be a past previous history that's
25 enumerated in the history of the patient that would

1 say this individual is in here today to have a
2 bullet removed that he received when he was shot on
3 such-and-such a day. That would be in his medical
4 history, wouldn't it?

5 A. One would expect it to be.

6 Q. Did you check to see if it was in his medical
7 history when you learned that it was removed?

8 A. I have not looked back at his medical history
9 since learning it was removed.

10 Q. So when you had the conversations about the
11 guns -- well, maybe -- yeah. You were involved in
12 getting the guns. When you had the conversations
13 about the guns, who all did you talk to about where
14 the guns were, those two guns that were maintained
15 by, we'll call them the people on the hill? It was
16 the .22 and --

17 A. The Walther and Jimenez.

18 Q. Who all did you talk to in reference to those
19 two particular guns? Teddy P?

20 A. Teddy P contacted me. At that point, I was not
21 able to respond to meet with him, so I made contact
22 with Sergeant Lance to see if he could coordinate
23 since his team was on call for major crimes.

24 Q. Did you talk to a Chris Collum?

25 A. The name sounds familiar. But I don't remember

1 that off the top of my head.

2 Q. Let me hand you this to kind of refresh. It's
3 highlighted. I just did it so I wouldn't forget it.

4 A. Okay. I remember the name now. But, no, sir,
5 I did not speak to him.

6 Q. What is the importance of Chris Collum?

7 A. Ms. Johnson indicated that he was a witness to
8 the incident.

9 Q. And how was he a witness to the incident? Did
10 she tell you that also?

11 A. That he was present.

12 Q. Did she tell you anything else?

13 MS. FULLER: Your Honor, I'm not sure where
14 we're going with this. I'm not sure if he's asking
15 for a hearsay statement.

16 BY MR. WILLIAMS:

17 Q. You didn't talk to him, right?

18 A. No, sir.

19 Q. You knew he was there?

20 A. According to her.

21 Q. And you knew he had information about the
22 shooting?

23 A. According to her.

24 Q. Well, everything's about somebody telling you
25 something. The only way you know if it's important

1 is for you to go out there and talk to that person,
2 right?

3 A. Yes, sir. But your question means that I knew
4 he had it. I didn't know he had it. I only knew
5 she told me.

6 Q. You don't really know anything -- you don't
7 really know anything until you check into it. But
8 you didn't check into that?

9 A. No, sir, I did not.

10 Q. So all this occurred in 2015, June of 2015.
11 Was there anything -- any other items that were
12 seized that -- I know we spent three days dealing
13 with cell phones, bullets, shell fragments, all
14 kinds of stuff that was sent off.

15 Were you involved in all of that and in
16 securing what information could be gleaned from
17 that?

18 A. Yes, sir.

19 Q. Mr. White. What's his name?

20 A. Tyrese White.

21 Q. I think you stated or someone stated that
22 there's a warrant out for him right now.

23 A. Yes, sir.

24 Q. When was that warrant issued?

25 A. Just a couple weeks ago.

1 Q. Do you know the date that it was issued?

2 A. I don't have a copy of it with me. It's within
3 the past few weeks.

4 Q. Well, you've gone from couple to few. Can you
5 narrow it down a little bit?

6 A. Within the past 14 days.

7 Q. Okay. And, obviously, you have phone records
8 and other information that gives you the name of
9 Mr. White, right? You have his name?

10 A. Yes, sir.

11 Q. You have his address, right?

12 A. Yes, sir.

13 Q. Do you know if anybody took the warrant and
14 tried to arrest him?

15 A. We have been trying to make contact and locate
16 him.

17 Q. Are you waiting on somebody to call you where
18 he's at or are you going to these locations that you
19 have or what are you doing with that?

20 A. At this point, I've turned the investigation,
21 as far as to his location, over to our Fugitive Task
22 Force for them to work on the execution of the
23 warrants.

24 Q. Okay. When did you learn of Mr. White's
25 possible involvement?

1 A. In September, maybe October of this year.

2 Q. Well, now, these pictures -- these pictures
3 that you had from the truck stop, you've had those
4 for how long?

5 A. His involvement, we've known since -- we've had
6 all that information. But his identity has been in
7 the past September/October timeframe.

8 Q. Well, if you have a theory that these four guys
9 were involved in something -- well, let's say you
10 don't have that.

11 Say you have two guys that you think are
12 involved in something, these two guys over here, and
13 you get that truck stop information and you see them
14 with two other guys. Do you then go try to figure
15 out who those two other guys are?

16 A. We attempted to locate and identify everybody
17 involved.

18 Q. So it took y'all five years to figure that out?

19 A. Yes, sir, based off the information we had.
20 Some of it was confusing, based off the names and
21 monikers. Having two Boosies in the case made
22 things confusing.

23 Q. What have you done to find out who shot the
24 Boosie who testified -- that's his nickname, right?
25 That's what you're saying; that Antonio's nickname

1 is Boosie, too?

2 A. Yes, sir.

3 Q. So did that confuse you?

4 A. Yes, it did.

5 Q. Well, he was one of the victims, right?

6 A. Mr. Stroman?

7 Q. Yes, sir.

8 A. Yes, sir.

9 Q. So how often did you go down to check on his
10 wellbeing?

11 A. We met with him, I believe, twice at the
12 hospital, and I met with him once at his residence.

13 Q. In six years?

14 A. Well, in the immediate time frame of the actual
15 incident, yes, sir.

16 Q. So you knew -- or you know that he's got a
17 bullet in his neck, right?

18 A. Yes, sir.

19 Q. Do you know if he still has it?

20 A. To my knowledge, he does, because there's a
21 potential of it causing more damage to be removed
22 than just leaving it where it is.

23 Q. Is there any way it can be scanned or have you
24 checked into seeing whether or not it can be
25 scanned? You ever watch those things on TV where

1 they show you what the underpart of the earth is
2 underneath the ocean, and you can see what the
3 underpart of the earth is based on this -- it's like
4 looking through the water and seeing what the
5 surface level looks like.

6 A. Sonar?

7 Q. Yeah. Well, it's like sonar. But you can
8 actually take pictures and draw maps and stuff.
9 You've looked into that, right?

10 A. I have. I've seen TV. But TV is not reality
11 sometimes.

12 Q. Well, there's a lot that's not reality. Did
13 you check to see if there's any way you could at
14 least get some X-ray, some type of scan that would
15 indicate what the bullet looks like? Because all
16 bullets look different, don't they, to a certain
17 extent?

18 A. Yes, sir.

19 Q. So have you looked in to see if maybe that
20 something could be done without pulling the bullet
21 out that you might still have some idea as to what
22 it looks like?

23 A. We checked into what medical tests he had
24 already had to see if there was any kind of measure
25 to offer that, but there was not.

1 Q. Some sort of measurement for what now?

2 A. Measurement to see if there was some kind of
3 size of the bullet to determine, potentially, what
4 kind of caliber it could have been.

5 Q. So you can look inside of a body and find a
6 tumor, but you can't tell the size of it?

7 A. If the right test was done, I believe medical
8 staff can do that. However, I'm not a physician, so
9 I'm not exactly certain.

10 Q. So after you secure this information you have
11 so far, you, basically, I guess, kind of waited
12 until you got the information from the cell phones,
13 from the DNA, from the shells, and that's it so far,
14 right?

15 A. Yes, sir.

16 Q. Did you check -- I don't know if y'all do this
17 or not. Have you checked pawnshops and gun shops
18 where you would pawn a gun to see whether or not
19 Mr. White may have pawned a gun?

20 A. At this point in time, no, we have not checked
21 that. However, it's difficult to do that if you
22 don't have a serial number. And also you have to
23 rely on the pawnshop reporting to law enforcement
24 that these items have been pawned within during what
25 time frame.

1 Q. Well, you've got five years to look for it. I
2 mean, you got 2016 up through -- 2015 up until 2021.
3 Maybe just take a hit; you know, get his name and
4 ask him did this guy pawn anything here?

5 A. We just learned his name recently. And that
6 search hasn't been able to be conducted yet.

7 Q. Y'all normally do that?

8 A. It has happened before. It's a common
9 practice. If we have information to think that a
10 weapon might have been pawned by somebody, then yes;
11 but if we're not certain, then it doesn't lead us
12 that way.

13 Q. The only way you can find out if it happens is
14 if you go to the -- what they call that? What's the
15 term for that, shoe leather or something like that,
16 you go out and beat the streets, find out
17 information?

18 A. There's a website, essentially, a clearinghouse
19 that pawn services and other businesses report to,
20 that if someone pawns stuff, like firearms,
21 electronics, they record the serial numbers, the
22 person's information, when and what the terms of the
23 pawn were.

24 Q. So you don't even have to go out to all the
25 pawnshops; you've got a book that you can look in

1 and see if Mr. White has actually pawned a gun,
2 right?

3 A. There's a clearinghouse that can do that for
4 you, yes, sir.

5 Q. Have you thought about doing that?

6 A. At this point in time, we haven't had the
7 ability to do that or the time to do so.

8 MR. WILLIAMS: I think that's all I have. I'm
9 going to let the other counselor. Thank you for my
10 statement back.

11 THE COURT: Mr. Mauldin?

12 MR. MAULDIN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. MAULDIN:

15 Q. Good morning.

16 A. Good morning, sir.

17 Q. It's been a long time since we last have seen
18 each other. But you mentioned a lot having to be in
19 the office doing paperwork. And a lot of being a
20 cop, I mean, we hear in movies, oh, I don't want to
21 do it.

22 But a lot of it is documenting what you do
23 because it is important to you because it might be
24 later on that you have to recall what's going on; is
25 that right?

1 A. Yes, sir.

2 Q. And, of course, people leave with and, God
3 forbid, die or something, and there needs to be some
4 kind of record there so that if somebody inherits
5 the case, they would know what was going on so they
6 can complete the investigation; is that right?

7 A. Yes.

8 Q. And, of course, y'all go to the academy that
9 teaches you how to document and what to do in order
10 to do that; is that right?

11 A. It's more so taught in your field training
12 program than the academy, but --

13 Q. Well, I bet they do a little bit of that and
14 you learn a little bit of that on the job, like
15 other people tell you, hey, this is a good idea to
16 do and you take it and you make it your own and you
17 do what you do, right?

18 A. Yes, sir.

19 Q. Where in any of your reports do you mention
20 checking with the hospital staff about a scan of
21 this bullet in Boosie's name?

22 A. As far as mentioning a scan?

23 Q. Yeah.

24 A. It's common stuff that we do. It doesn't
25 necessarily get documented; it's just standard

1 practice that's known.

2 Q. But what did get documented is that Sergeant
3 Black, on the day of the incident, June 6th, '15,
4 called in the names of about ten people or so that
5 he had on scene; is that right?

6 A. In the call card, those names were recorded.

7 Q. Yes. And investigators weren't actually sent
8 out to try to talk to those people until October
9 28th of this year; is that correct?

10 A. That's correct.

11 Q. And those would be Investigators Holt, Finley,
12 and Zelesto [sic]?

13 A. And myself.

14 Q. And yourself. I said Zelesto the other day.
15 That's wrong. I was correct, it's Zilster.

16 So Theo mentioned when you're gathering
17 information at the beginning, at least from the
18 witnesses at the scene that you talked to there, you
19 didn't have them saying anything about a burgundy
20 Grand Marquis. You had one guy that said it was a
21 car and another guy white Crown Vic; is that right?

22 A. I'm sorry. Them? I didn't follow you.

23 Q. You got Barnes. He just said car?

24 A. Uh-huh.

25 Q. Did you ask him what kind of car?

1 A. I'd have to look back at the statement that he
2 provided me. I don't remember off the top of my
3 head.

4 Q. Well, if somebody said a car came and somebody
5 got out of it and shot at me, wouldn't you want to
6 know what kind of car it was?

7 A. Reasonably, yes, sir.

8 Q. Wouldn't it be logical you would ask him what
9 kind of car?

10 A. It would be my expectation to have asked him
11 that, but I might have missed that.

12 Q. And when you first spoke to Mr. Barnes that
13 day, he tried to hide the fact that he was shooting
14 back at the other people, didn't he?

15 A. At first, yes, sir.

16 Q. It's only after you got talking to him for a
17 few minutes that he decided to change his story from
18 he hid to he shot back; is that right?

19 A. I wouldn't necessarily say change his story; I
20 would say he added information to.

21 Q. Okay. If that's the way you want to put it.

22 And then, a week later, he brought some guns
23 back for the sheriff's department; is that right?

24 A. He brought them to our attention. We went and
25 recovered them from him. Yes, sir.

1 Q. Okay. On June 13th --

2 A. Yes, sir.

3 Q. -- is that right, a week later? And you just
4 have his words that those were the guns; is that
5 right?

6 A. At that point, yes, sir.

7 Q. And I know there's some expert testimony about
8 some of them later, but as far as the .22 is
9 concerned, you only have Andy Barnes' word that that
10 gun was used in this incident at all or was anywhere
11 near the incident; isn't that correct?

12 A. It's his word that it was present.

13 Q. Okay. And it's his word that there weren't any
14 other guns involved in the incident on their side
15 besides those two; is that right?

16 A. Correct.

17 Q. Now, Brandon Jeffery, Pedro, he came to you in
18 September of '15 and showed you his phone with these
19 Facebook pictures on it of Trez; is that right?

20 A. Yes, sir.

21 Q. And that's about a year after Trez was
22 arrested; is that right?

23 A. No, sir. September --

24 Q. Three months -- three months. I'm sorry.
25 Three months after he was arrested?

1 A. Ballpark, yes, sir.

2 Q. Okay. And you testified on direct a lot about
3 phones and phone calls and cell and cell messages
4 because you had subpoenaed that information. And
5 they were provided to you in reports, and you read
6 reports and were able to testify about text messages
7 that were sent back and forth; is that right?

8 A. Yes, sir.

9 Q. So you reviewed those text messages, all of
10 them; is that right?

11 A. To the best of my ability. Whenever they're
12 sent from the company, they're not in order, so
13 trying to decipher them becomes quite a task.

14 Q. I know. Would you say they come in a stack, a
15 big-sized stack about that big [demonstrating]?

16 A. If you printed it, potentially. And, of
17 course, it depends on how much records you request.

18 Q. I suppose if you didn't print it, there would
19 be no paper, wouldn't there?

20 (Defendant's Exhibit Nos. 1 and 2 marked for
21 identification.)

22 BY MR. MAULDIN:

23 Q. I'm going to show you here what's been marked
24 Defendant's Exhibit 2 for ID. Do you recognize that
25 as part of the text messages that you received and

1 reviewed?

2 A. It appears to be from Mr. Robertson's phone.

3 Yes.

4 Q. Shantrez Robertson?

5 A. Yes, sir.

6 Q. Is that part of the text messages you received
7 and reviewed as part of this case?

8 A. It appears to be, yes, sir.

9 Q. And showing you Defendant's 1, is that a
10 message from the same page that's -- that leaves out
11 two irrelevant messages and also has some redactions
12 of irrelevant information?

13 A. Yes, sir.

14 MR. MAULDIN: Defendant moves to move Defense 1
15 into evidence as part of the statute and business
16 records.

17 MS. FULLER: I'm confused. What is this?

18 MR. MAULDIN: 1 is just to show the unredacted
19 part with a couple of irrelevant text messages, and
20 the one is the one we're putting in.

21 MS. FULLER: Can we approach briefly?

22 (Sidebar conference.)

23 THE COURT: I'm going to take a short break.
24 Get you back up here in a few minutes. Please don't
25 discuss the case.

1 (The jury exits the courtroom at 10:05 AM.)

2 MR. MAULDIN: Your Honor, do I have time to run
3 downstairs real quick and come back up? Do I have
4 enough time to do that?

5 THE COURT: Well, let's talk about this first.
6 Give me your grounds.

7 Defense counsel is looking to admit text
8 messages, which are authored by his client. Matter
9 of fact, I saw a copy of it, but I don't have it
10 now. If I'm correct, defense counsel asserts that
11 because they're business records, they should be
12 allowed under the rule of completeness because other
13 statements have been allowed in.

14 My understanding is the State's objection is
15 it's self-serving hearsay, and even it's a business
16 record, it's not admissible unless the defendant
17 wants to put it in, in his own case.

18 Is that correct?

19 MS. FULLER: That's correct, Your Honor. It's
20 self-serving hearsay. Your Honor, I mean, if that's
21 the case, we could put all the text message in; the
22 State could have, but I know I can't.

23 Some text messages don't come in because either
24 they're prejudicial or cast in a bad light. Just
25 because it's a business record, it's the same

1 argument. I still needed a hearsay exception, which
2 I had, and that's why I was able to introduce my
3 statements. They would need a hearsay exception,
4 and they do not.

5 THE COURT: Okay. I'll think about it --

6 What? Do I understand?

7 MR. MAULDIN: No. The argument is about things
8 not being relevant or prejudicial, those are in the
9 rules of evidence. There's no rule of evidence
10 about being effective or showing something the State
11 is trying to hide.

12 THE COURT: So what is the point of the text
13 message? We're in-camera. What is the point of it?

14 MR. MAULDIN: This text message was sent after
15 the Facebook messages and the text messages that
16 they put in saying he had a gun for sale. This text
17 message indicates that the gun was stolen.

18 MS. FULLER: Disagree.

19 MR. MAULDIN: You can't disagree with facts.

20 THE COURT: So that would be what the State
21 objects to as self-serving?

22 MS. FULLER: Yes. It's definitely self-serving
23 hearsay, but also the time on here is midnight. He
24 still sent messages after that about the gun. So I
25 don't want there to be a mischaracterization that

1 I'm trying to keep it out because it suggests the
2 gun was stolen. He was still trying to sell the
3 gun.

4 MR. MAULDIN: This one says June 5th, '15 at
5 8:07 p.m.

6 MS. FULLER: What time are you looking at?

7 MR. MAULDIN: This is UTC time.

8 MS. FULLER: This is not UTC time. These are
9 Verizon records. Verizon converts.

10 UNIDENTIFIED FEMALE: Your page is different
11 than his.

12 MS. FULLER: Then I need to see that. Verizon
13 converts. AT&T does not.

14 THE COURT: The time of the message is June 5th
15 at 7:14, whether it's 7:14 in the morning or minus
16 four.

17 MS. FULLER: It's 12:07.

18 MR. MAULDIN: It's UTC time.

19 MS. FULLER: No --

20 THE COURT: Time out. Time out.

21 All right. Let's be clear on what the time is.
22 So the time of this text message defense counsel is
23 trying to offer is from June 5th at midnight and 7
24 minutes; is that correct?

25 MS. FULLER: Yes, Your Honor.

1 THE COURT: So that would be the day before.

2 MS. FULLER: Yes, Your Honor.

3 THE COURT: It would be 27 hours prior to the
4 alleged incident.

5 MS. FULLER: Yes, Your Honor.

6 THE COURT: Not alleged. We know there was an
7 incident.

8 MS. FULLER: But I guess, either way, the
9 argument is still the argument. But --

10 THE COURT: Well, here's the argument: On one
11 hand, it's one thing for it to be three days after
12 the incident. It's another thing for it to be the
13 day before.

14 So let me -- have I heard everything I need to
15 hear from y'all? Let me go take a look at this. I
16 won't be long, so please don't be long either,
17 Mr. Mauldin.

18 THE WITNESS: Judge, don't talk to anybody?

19 THE COURT: Yeah, don't talk to anybody, but
20 you can go to the restroom. Please don't discuss
21 your testimony.

22 THE WITNESS: Yes, sir.

23 (Brief recess.)

24 THE COURT: I did review this briefly, and I'm
25 going to sustain the State's objection. I do think

1 it's -- I don't think the defendant can put up a
2 statement -- an out-of-court statement in
3 cross-examination in this context. Can certainly
4 put it in himself in his case in chief, if we get
5 there, which we don't have to get there.

6 MR. MAULDIN: As a business record, Your Honor?

7 THE COURT: Sir?

8 MR. MAULDIN: As a business record?

9 THE COURT: It is a business record. But it
10 is, nevertheless, a statement of the defendant. And
11 I don't believe it's appropriate in this context.
12 That doesn't mean it can't come in later. But I'm
13 just saying it doesn't come in --

14 MR. MAULDIN: You're saying in my case in
15 chief, I can just introduce it as a business
16 record --

17 THE COURT: No. I'm saying your client can
18 testify about anything he's ever told anybody --
19 well, maybe not that broad. But your client can
20 certainly testify, at the appropriate time, if he
21 wishes to do so. He's certainly not required to.

22 MR. MAULDIN: Your Honor, I take exception to
23 your ruling. Fair trial 6, Article 1.

24 THE COURT: Okay. So --

25 MR. MAULDIN: Hold on. Article 1, Section 14;

1 also the right to present a defense, 6th and 14th
2 amendment; the due process clause, Article 1,
3 Section 14 of South Carolina.

4 THE COURT: All right. Very well. So noted.

5 We ready to bring the jury back?

6 All right. Bring them up.

7 All right. And just for the record also,
8 several cases, but I'll start with State v. Atkinson
9 as part of the Court's basis for that ruling.

10 MR. MAULDIN: Your Honor, can I put these both
11 in as just Court's Exhibits then?

12 THE COURT: Certainly. They were marked for
13 identification, we'll make them a Court Exhibit.

14 (Court's Exhibit Nos. 4 and 5 marked for
15 identification.)

16 All right. Ladies and gentlemen, we'll pick up
17 where we left off.

18 Mr. Mauldin.

19 MR. MAULDIN: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. MAULDIN:

22 Q. During your direct, there was some playing of
23 the Hilltop video -- not Hilltop -- Hill View Truck
24 Stop video, the stills from that. And you reviewed
25 that entire video, right?

1 A. Yes, sir.

2 Q. Including camera 15; all the cameras, I
3 suppose, right?

4 A. Camera 15 was the exterior camera.

5 Q. Yes. And did you review that between the time
6 about 1:43 to 1:46 in the morning there?

7 A. No, sir. Once I saw the Grand Marquis leave, I
8 stopped.

9 Q. Well, it's in evidence. So you didn't see any
10 white Crown Vic when you reviewed it?

11 A. When I reviewed it, I did not.

12 Q. Okay. And you said --

13 MR. MAULDIN: No further questions.

14 THE COURT: Any redirect?

15 MS. FULLER: Thank you, Your Honor. Just
16 briefly.

17

18 REDIRECT EXAMINATION

19 BY MS. FULLER:

20 Q. Investigator Marthers, you indicated on cross
21 that you obtained video of, I guess -- who did you
22 obtain video from in this case about the guns, the
23 Walther and the Jimenez?

24 A. It was provided to me from Betty Johnson.

25 Q. And what is Betty Johnson's relationship to

1 Donovan Brannon?

2 A. There's some family relation. I can't remember
3 the exact dynamics, but they're related to an
4 extent.

5 Q. And approximately how old is Ms. Betty? Is she
6 an older lady or younger lady?

7 A. She's older. Yes, ma'am.

8 Q. Okay. And so you also mentioned Joanne
9 Christy.

10 A. Yes, ma'am.

11 Q. What is Joanne Christy's relationship to
12 Donovan Brannon?

13 A. Same. They're related.

14 Q. Cousins or aunts?

15 A. Something along that line --

16 MR. MAULDIN: Objection to leading.

17 THE COURT: Overruled.

18 BY MS. FULLER:

19 Q. And you indicated that you watched video. What
20 exactly did you observe on that video?

21 A. The video from them?

22 Q. Ms. Johnson, yes.

23 A. It was the two weapons that they were
24 identifying as a Walther P220 and Jimenez from this
25 incident location.

1 Q. Where was the video recorded? Can you tell the
2 setting?

3 A. It was in the living room of, I want to say,
4 Ms. Johnson's residence.

5 Q. Okay. So family members of the defendant were
6 in possession of Shine's gun and Teddy P's gun?

7 A. That's what it appeared to be.

8 Q. And you indicated that they were wiped down.
9 Is that what you observed in the video?

10 A. Yes, ma'am.

11 Q. And who was wiping them down?

12 A. Ms. Christy mentioned that she needed to get a
13 rag to have them wiped down.

14 Q. So that's, again, family members of the
15 defendant?

16 A. Yes, ma'am.

17 Q. Wiped down the victim's gun?

18 A. Yes, ma'am.

19 Q. And wiped down Teddy P's gun?

20 A. Yes, ma'am.

21 Q. Generally, when Lexington County Sheriff's
22 Department is investigating a case, tell me if I'm
23 wrong in asking this question, you guys work as a
24 team?

25 A. Yes, ma'am.

1 Q. And did dozens of officers work on this case?

2 A. Absolutely.

3 Q. Is it safe to say everyone was tasked with
4 different assignments?

5 A. Yes, ma'am.

6 Q. Everyone is tasked, based on their skill set,
7 of different assignments?

8 A. Yes, ma'am.

9 Q. So a crime scene investigator does crime scene
10 collection, correct?

11 A. Correct.

12 Q. Forensic analysis handles cell phones, correct?

13 A. If that's their specialty, yes, ma'am.

14 Q. If that's their specialty.

15 State law enforcement handles other forensic
16 evidence, correct?

17 A. Yes, ma'am.

18 Q. So as law enforcement, you guys work
19 collectively as a team, correct?

20 A. Yes, ma'am.

21 Q. In terms of that Walther P22, the Defense was
22 asking you if you only had Teddy P's word that that
23 was Shine's gun. Do you remember him asking you
24 that?

25 A. Yes, ma'am.

1 Q. In this trial -- and I know you were in here.
2 But also in the case, was it not a matching magazine
3 to that gun found in Teddy P's car as well?

4 A. Yes, ma'am.

5 Q. Because that was also another indication that
6 that P22 was associated with Shine and/or Teddy P,
7 correct?

8 A. Correct.

9 Q. In terms of your investigation, certain things
10 were kind of just brushed over. But, in this case,
11 you executed a number of search warrants, correct?

12 A. Yes, ma'am.

13 Q. And explain to the jury what it takes to
14 actually draft and come up with a search warrant and
15 actually execute a search warrant.

16 A. Before you can get a search warrant, you have
17 to have probable cause to establish whether or not
18 you have the justified reasoning to get whatever
19 information. Essentially, what you're doing is
20 suspending the 4th amendment for some aspect, but
21 within the confines of the judicial system.

22 Once you establish whether or not you have
23 what's considered probable cause, which is -- an
24 easy to determine is if you're a little more than
25 certain. So if you have 50/50, you have to be more

1 than 50/50 certain that there's probable cause that
2 whatever contains the information you're looking
3 for.

4 At that point, you have to identify
5 specifically where you're looking to obtain this
6 information and what specifically you're looking to
7 obtain.

8 Q. And that takes time to draft, correct?

9 A. Yes, ma'am.

10 Q. And then you have to actually go find a judge,
11 correct?

12 A. Yes, ma'am. In this case, several times.

13 Q. And that involves driving around sometimes,
14 correct?

15 A. It does.

16 Q. And going to different jurisdictions,
17 potentially?

18 A. As far as jurisdictions, it's still within --

19 Q. Like locations across the county?

20 A. Yes, ma'am.

21 Q. So if you need to execute a search warrant in
22 Batesburg, you have to go find a magistrate in
23 Batesburg or wherever else, correct?

24 A. Depending on the time of day. If it's the
25 weekend, you might even be going to Swansea to find

1 a judge for something in Chapin.

2 Q. Even maybe going to their house to get the
3 warrant signed?

4 A. Yes, ma'am.

5 Q. And that takes time?

6 A. It does.

7 Q. And in terms of forensic testing, that takes
8 time as well, correct?

9 A. Especially if it's the State Law Enforcement
10 Division.

11 Q. You obtained a number of records; you searched
12 a number of places; you attempted to speak to a
13 number of witnesses in this case, didn't you?

14 A. Yes, ma'am.

15 Q. Were witnesses willing to come forward and talk
16 to you?

17 A. Some, after speaking to them for a little bit;
18 others, not at all.

19 Q. But it took a lot of manpower to do that,
20 correct?

21 A. It did.

22 Q. How many man hours do you think you put into
23 this case over the last several years?

24 A. There is no way I could qualify that.

25 Q. So when Defense is crossing, trying to minimize

1 sitting behind a desk and all the work you did, that
2 was inaccurate, correct?

3 MR. WILLIAMS: Objection to the form of the
4 question, Your Honor.

5 MS. FULLER: I can rephrase.

6 THE COURT: Rephrase. Thank you.

7 BY MS. FULLER:

8 Q. You put a lot of man hours into this case over
9 the last several years, correct?

10 A. Yes, ma'am.

11 Q. Your investigation spanned over several years,
12 correct?

13 A. Yes, ma'am.

14 Q. And in terms of not just the identity of the
15 parties, you performed other things in order to
16 obtain that search warrant -- that murder warrant
17 for him, correct?

18 A. Yes, ma'am.

19 Q. And you had other additional information,
20 correct?

21 A. Correct.

22 MS. FULLER: No more questions.

23 MR. WILLIAMS: Just a few quick questions.

24 THE COURT: Yes, sir, recross.

25 RE CROSS-EXAMINATION

1 BY MR. WILLIAMS:

2 Q. So did I understand you to say that we weren't
3 bringing witnesses and talking to witnesses because
4 they're older ladies? How old is this person?
5 Didn't you make some comment about her being an
6 older lady? What is the importance of her being an
7 older lady?

8 A. I didn't say we weren't bringing her or talking
9 to her because she was older. I just simply
10 mentioned that she was older when asked.

11 Q. What is the importance of somebody being an
12 older person?

13 A. The only thing I could ascertain is if you
14 listen to the video, the way the person was
15 speaking, it sounded like it was the voice of an
16 older person.

17 Q. So did you check her age? Do you think she's
18 older than I am?

19 A. I don't know how old you are, sir.

20 Q. I'm 70.

21 A. She might in that same ballpark.

22 Q. So you were able to communicate with her,
23 right?

24 A. Yes, sir.

25 Q. And you got information from her, right?

1 A. Yes, sir.

2 Q. Is there something that says a witness is not
3 good to get information from if they're a certain
4 age?

5 A. No, sir.

6 Q. Now, you said that they were related to my
7 client, right?

8 A. Yes, sir, in some fashion.

9 Q. So what difference does that make? Don't you
10 go to witnesses regardless of what their
11 relationships are?

12 A. Yes, sir.

13 Q. So what is the importance of that?

14 A. May not have any bearing on it. Just could be
15 the fact that they're related.

16 Q. And that's why we don't pay any attention to
17 it?

18 A. We don't pay any attention to it, sometimes we
19 do it. It depends.

20 Q. Don't we expect everybody that we talk to as
21 well as everybody to take that stand, if we're in
22 law enforcement, to tell the truth?

23 A. That's what's requested and expected.

24 Q. Now, we asked you -- or he asked you about the
25 time 1:43 to 1:46 a.m., June 6th, 2021, camera 15,

1 to see if you saw a white Crown Victoria. And you
2 said you didn't, right?

3 A. I did not review the footage past that point --
4 or to that point.

5 Q. We've already talked about how the white Crown
6 Victoria might be important, right? Right?

7 A. Potentially.

8 Q. And this was before any alleged shooting had
9 occurred at the scene, right?

10 A. Yes, sir.

11 Q. And this is a description of a vehicle that was
12 involved in the shooting of three individuals,
13 right?

14 A. It was a description given.

15 Q. But we're just ignoring that, right?

16 A. Nobody is saying it was ignored. It was
17 missed.

18 Q. You were asked about a magazine by the
19 solicitor just now.

20 A. The Walther magazine?

21 Q. Yes. Now, the magazine doesn't have the
22 same -- doesn't matter if the magazine has the
23 serial number as the gun, does it, because if it's
24 the same model and caliber, it will fit, right?

25 A. Right.

1 Q. So what about the magazine that was in the
2 trunk of the Stratus? What magazine did that fit?

3 A. It would have been one that was consistent with
4 going into the Jimenez.

5 Q. To the nine-millimeter?

6 A. Yes, sir.

7 Q. So it would be the same as the other; is that
8 right?

9 A. It might have been a different model or
10 manufacturer, but it would have been for that
11 weapon.

12 Q. So both would be nine-millimeters?

13 A. For the Jimenez, yes, sir.

14 Q. For the Jimenez or Jimenez?

15 A. Yes, sir. However you say it.

16 Q. I'm sorry. I'm older. Sometimes I can't say
17 it right.

18 A. I'm with you.

19 MR. WILLIAMS: That's all I have, Your Honor.

20 THE COURT: Recross, Mr. Mauldin?

21 RE CROSS-EXAMINATION

22 BY MR. MAULDIN:

23 Q. So you missed reviewing the rest of the video
24 tape; is that what you say?

25 A. I did not review it past the point of the

1 Marquis leaving.

2 Q. Did you also miss the fact that the evidence
3 wasn't sent to SLED until about a year later?

4 A. I requested it and I assumed that it had been
5 done.

6 Q. And you had to have a meeting at the
7 solicitor's office on October 28th of 2016, and they
8 told you to get that stuff sent to SLED, didn't
9 they?

10 A. At that point, I realized it wasn't sent
11 whenever they were talking about it.

12 Q. But you did have that meeting?

13 A. Yes, we did have that meeting.

14 Q. And you missed the whole Tyrese White issue
15 until the Solicitor's Office told you, on October
16 30th of this year, to use that face recognition
17 software; is that right?

18 A. It was not known. It was confused. But we did
19 not learn of it until we started looking further in
20 the trial preparation.

21 Q. But the Solicitor's Office directed you to do
22 that on October 30th; is that correct?

23 A. Yes, sir.

24 MR. MAULDIN: No further questions.

25 THE COURT: All right. The witness may step

1 down.

2 MS. FULLER: Your Honor, the State calls Clay
3 Simmons.

4 ROBERT CLAYTON SIMMONS

5 being first duly sworn, testified as follows:

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: You can remove your mask after
8 you're seated. State your name and spell your last,
9 please, for the record.

10 THE WITNESS: I'm Robert Clayton Simmons,
11 supervising special agent for the FBI.

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. You introduced yourself to the jury. What do
15 you do at the FBI?

16 A. Currently, I'm a supervisor with the FBI. I
17 supervise a group of agents who specialize at
18 analyzing cell phone records and go around the
19 country testifying as expert witnesses. That group
20 is called Cellular Analysis Survey Team. We call it
21 CAST for short.

22 Q. What exactly does CAST do?

23 A. As I just said, we go around and obtain
24 historical cell phone records from the various
25 service providers, whether they're provided to us by

1 the law enforcement, agencies that ask us, or we get
2 them directly from the service providers, Verizon,
3 AT&T, T-Mobile.

4 And we analyze those records, take a look to
5 see if there's information that could visually
6 display the general location of a phone at any
7 particular point and time. We then take those
8 records and, basically, draw out a picture of what
9 those records say and display it on maps to be
10 presented in court.

11 Q. And what is your training and experience in
12 this area?

13 A. In this particular area, I was certified as a
14 CAST agent by the FBI in 2015. Our training entails
15 almost 400 hours' worth of training and different
16 phases.

17 Our first phase is, basically, what are cell
18 phone records? We teach how to grab those records,
19 what legal process is needed to obtain those
20 records, what information is available to them. And
21 then we teach how to visually display those records
22 on maps for people to look at and see.

23 We then have what we call an advanced
24 historical cell site class where, basically, there
25 are records that are provided again; but, this time,

1 there may be something missing or different about
2 the records, and you have to work through the
3 problem, such as there may be a tower missing or
4 what side of the tower the phone had used may be
5 missing, and you've got to go find those records at
6 another location.

7 We then bring you through classes to teach you
8 how to teach, because we require our agents to teach
9 these techniques to other law enforcement agencies.
10 We go through a cell phone tracking class down in
11 Florida where we obtain records. We analyze them
12 and then we use a cell site simulator and go out
13 into an area where we believe the phone is, use that
14 cell site simulator so the phone and the simulator
15 are talking to each other, and we can physically
16 locate that phone.

17 We have what we call a field training exercise,
18 or I think now we call it a critical response
19 assessment -- bunch of government words there --
20 where we sit up there and we take the people who are
21 trying to become qualified to be CAST agents and we
22 put them in like a command-post-type setting and
23 give them multiple scenarios to go through with cell
24 phone records and say, hey, you've got to find the
25 phone.

1 Scenarios could be missing children, police
2 officer shot, homicides, whatever the case may be.
3 We just give them records over and over for about
4 three days' worth of it and critique their analysis
5 of their performance during that time.

6 Towards the end, we get into our two-week
7 certification classes, where our first set of two
8 weeks is that we bring in a professor from a college
9 institution down in Florida and he tells us about
10 radio frequencies, how cell phones use radio
11 frequencies to talk with the tower, how that
12 information is passed through a cellular network
13 system, and then how the records are generated and
14 processed to the point where we receive them and
15 then go out and analyze them.

16 The second part of that week is we bring in the
17 actual service providers themselves, Verizon,
18 T-Mobile, AT&T, used to be Sprint until they merged
19 together with T-Mobile. We bring representatives
20 from the law enforcement relations group, the people
21 who would begin our legal process, too, and the
22 engineers who design the network and tell us what
23 information is there, how do we go about getting it,
24 how their network is set up, why is it set up the
25 way that it is.

1 At the end of that two-week session, we go out
2 and tour where a tower is and then a switch where
3 the process, all the calls and text messages and
4 data sessions that go through it, and how those
5 records are generated. And when they get generated
6 on the paperwork that we receive for analysis, we go
7 out and talk to the personnel that are there,
8 maintenance crews that maintain the cell phone
9 towers.

10 And then after that two-week session is done,
11 we end up having another two-week session where we
12 learn how to be expert witnesses. We learn what
13 information we can say and we can't say, how to talk
14 to juries, prosecutors, defense attorneys, whatever
15 the situation may be. We go through that process
16 for a week. And then we also provide another case
17 for them to analyze.

18 During that time they analyze these records, we
19 give them a piece of equipment to go out and drive
20 test the area, because you'll see, later on, these
21 maps we create, create these perfect little
22 120-degree wedges.

23 But as we learn throughout our trainings that
24 cell phone towers and sectors the phone uses are not
25 these perfect pie-shaped wedges, they've got an

1 irregular-shaped polygon, radio frequency kind of
2 goes everywhere on a particular side of a tower.
3 And we use that equipment to drive test that area to
4 kind of give us a better idea of what the tower
5 footprint looks like.

6 After we're done with that, we present -- in
7 the second week, we present that case in a moot
8 court setting where we fly attorneys from across the
9 country to wherever we're having our training and we
10 have the attorneys play a defense attorney,
11 prosecuting attorney, judge.

12 And then us, as their peers, we're analyzing
13 their skills during this moot court. And it's,
14 basically, a scenario like this where we just sit up
15 there and tell them to present their case, defend
16 what they have presented there, and explain how they
17 came up to the conclusions that they came with.

18 At the end of that, if you pass each one of
19 those stages of training, then you become certified
20 as a CAST agent with the FBI.

21 Q. That was a lot. Sorry.

22 Have you testified in court as an expert
23 before?

24 A. Many times.

25 Q. And what have you been qualified as an expert

1 in?

2 A. The analysis of historical cell phone records.
3 So, basically, records obtained from the cell phone
4 provider, and then visually displaying those records
5 on a map and provide an opinion where the phones
6 were -- generally, the location of phones at any
7 particular moment in time that I analyzed.

8 Q. And how many times have you testified in court
9 as an expert?

10 A. 15, 20, 25 times; couple times up here,
11 actually, in this particular courtroom; Charleston
12 County, Berkeley County, Aiken County, Horry County,
13 all in South Carolina; the Middle District of
14 Florida federal court and in Jacksonville, Duval
15 County in Jacksonville, Florida. I've testified in
16 superior court in Washington, D.C., and testified
17 generally about cell phone records in the Eastern
18 District of Tennessee.

19 MS. FULLER: Your Honor, at this time, the
20 State seeks to introduce Supervisory Special Agent
21 Clay Simmons as an expert in the analysis of
22 historical cell phone records.

23 MR. WILLIAMS: Defendant Brannon has no
24 objection, Your Honor.

25 MR. MAULDIN: No objection, Your Honor.

1 THE COURT: Ladies and gentlemen, this witness
2 will be qualified as an expert in the area of
3 analysis of historical cell phone records and may
4 give opinion testimony in that area. It doesn't
5 mean you have to accept his opinion, but it's
6 evidence for you to use in any way you see fit.

7 BY MS. FULLER:

8 Q. Agent Simmons, I'm going to hand you what's
9 been marked as State's Exhibit 207 and ask if you
10 recognize this.

11 A. Yes, ma'am. It's the presentation and maps
12 that I created for your office for this trial.

13 Q. And were you asked to look at cell phone
14 records as it relates to Donovan Brannon, which is
15 (803) 944-██████?

16 A. Yes, ma'am.

17 Q. And Shantrez Alejandro Robertson, which is
18 (803) 801-██████?

19 A. Yes, ma'am.

20 Q. As well as a Tyrese White, which is
21 (803) 379-██████?

22 A. Yes, ma'am.

23 Q. As well as a Jasmine Pringle, (803) 767-██████?

24 A. Yes, ma'am.

25 MS. FULLER: Your Honor, at this time, the

1 State seeks to introduce 207 into evidence.

2 MR. WILLIAMS: Without objection on behalf of
3 Brannon, Your Honor.

4 MR. MAULDIN: No objection, Your Honor.

5 THE COURT: State's Exhibit 207 is admitted.

6 MS. FULLER: Thank you.

7 (State's Exhibit No. 207 admitted into
8 evidence.)

9 BY MS. FULLER:

10 Q. And for purposes of court today, did you also
11 generate a PowerPoint containing that same
12 information?

13 A. Yes, ma'am.

14 MS. FULLER: Publishing now State's 208 for the
15 purposes of his testimony.

16 THE COURT: Very well, 208.

17 BY MS. FULLER:

18 Q. I'll hand you -- beginning with this, is this
19 just the cover sheet to the report?

20 A. Yes, ma'am. Just tells you who I am, what
21 records or what phone numbers I analyzed, where I
22 work, and what team I work with.

23 Q. Okay.

24 A. This page here is just an explanation of how we
25 go about analyzing the cell phone records, what

1 we're asked to analyze, the methodology used, the
2 cell site locations, how we obtain those. And then
3 the conclusions will be on the following pages.

4 So this next page is just -- basically, cell
5 phone towers are divided up, generally speaking,
6 into three sectors. To cover all three sides of the
7 tower, they're generally divided up into 120-degree
8 sectors. And within the cell tower lists that are
9 provided to us by the cell phone companies, it tells
10 us what degree or what side of the tower the phone
11 used at that particular moment.

12 So for this example here, if the cell phone
13 tower sector one was the 60 degrees, we kind of look
14 at that at 2:00, so every hour on a clock being
15 about 30 degrees. So the strongest portion of that
16 side of the tower is at 2:00. And to give us our
17 120-degree sector, we go 60 degrees to the right of
18 it, 60 degrees to the left of it, to kind of give us
19 that little pie wedge. So we do that for each side
20 of the tower that was being used at the time the
21 phone communicated with the tower.

22 This map here just says, hey, this is basically
23 what it will look like on the map. We draw the pie
24 wedges, and that shaded region right here is just
25 basically telling you that is the energy that the

1 cell phone tower signal is coming from and the cell
2 phone could be anywhere in between these two arms
3 here.

4 This does not mean that the cell tower only
5 goes out to the tip of that shaded region. It's
6 just showing you that's where the radio frequency
7 energy is coming off of that particular tower.

8 This is an overall view of the cell towers that
9 are available in the Lexington, Columbia
10 metropolitan area, locations of interest that were
11 provided to me. Each blue dot represents an AT&T
12 tower. Each red dot represents a Verizon tower.
13 And the addresses listed there on the right side are
14 the ones that were provided to me that were
15 supposedly relevant to this investigation.

16 With CS being the crime scene, 1150 Parrish
17 Road in Leesville, South Carolina, and then
18 residences, [REDACTED] Willis Street in
19 Batesburg-Leesville, [REDACTED] Ashley's Place in Columbia,
20 and [REDACTED] Gary Hallman Circle in Leesville, and then a
21 truck stop at 2656 Ben Franklin Road.

22 Q. And before you move on from this one, Agent
23 Simmons, can you point out, using your laser pointer
24 to make sure the jury sees it, where is the crime
25 scene on your map?

1 A. It's the red flag down there just below where
2 the truck stop is under the blue one.

3 Q. And [REDACTED] Ashley's Place in Columbia, can you
4 point that out as well?

5 A. Right there by the legend.

6 Q. And the Creek View Apartments on Willis Street?

7 A. Just underneath the banner for the Verizon
8 tower.

9 Q. And then we also have Antonio Stroman's home,
10 which is Gary Hallman. Can you point that out?

11 A. Right there.

12 Q. Thank you. Now looking at this first map, you
13 were asked to map a certain time frame; is that
14 correct?

15 A. Yes, ma'am. So for us to map the records or
16 map anything, we need to know the dates and times
17 that are relevant to an investigation, the
18 locations.

19 I like to have anything that may be significant
20 in this case, whether that's statements,
21 corroborating evidence, anything else that might be
22 used to help or assist in directing the
23 investigation in the proper direction.

24 Q. And going ahead and taking us through here,
25 just so it's clear for the record, this first map is

1 for June 5th, 2015, from 10:30 to 11:59 p.m. And
2 these two numbers you were asked to map is for
3 Shantrez Robertson and Tyrese White, correct?

4 A. Yes.

5 Q. Okay.

6 A. For me, it's always about phone numbers. So
7 the blue phone is the AT&T, and the red one is the
8 Verizon phone. And they display who they belong to
9 on the stand up there.

10 Q. Okay. And can you go ahead and walk the jury
11 through what exactly is displayed here and what does
12 it show?

13 A. Sure. So the time frame that I analyzed was
14 10:30 p.m. to 11:59, midnight, basically, on June
15 5th, right before June 6th. So the blue phone
16 ending in 6538 began up here, just outside of
17 Columbia, kind of northeast side of Columbia, at
18 10:37 p.m., utilizing tower marked 23217. And then
19 it began traveling kind of southwesterly down
20 towards the Leesville-Batesburg area, arriving in
21 that general area around 11:36 p.m.

22 Q. So, generally, from this map, does it appear
23 that the blue phone and the red phone here, 6538 and
24 0408, were generally in the same area between 10:57
25 and 11:02, the 11:00 p.m. time in that

1 Dentsville/Columbia area and then, also, ended up
2 similarly between 11:50 and 11:53 in the same
3 general area down here at the bottom of the map?

4 A. Yes, ma'am. So 0408 used this tower 542 at
5 approximately 11:02, 11:03, and 11:06, which is in
6 close time to 10:57 when the blue phone used that
7 second tower right there, 153. And then both phones
8 ended up traveling down towards the
9 Leesville-Batesburg area with 0408 arriving around
10 11:50 a.m., utilizing a tower close to the blue
11 phone using a tower at 11:53 p.m.

12 Q. Okay. Just to be clear, so they're generally
13 in the same area after 11:50 p.m.?

14 A. Correct.

15 Q. Okay. We can go on to the next one -- the next
16 time frame. Who were you asked to map on this one?

17 A. This is telephone (803) 944-██████.

18 Q. And, for the record, that's for Donovan
19 Brannon?

20 A. Brannon, yes, ma'am. So this phone, again, is
21 from the same general time period from 10:30 p.m. to
22 11:59 p.m. on June 5th. This tower used Verizon
23 tower 29, sector 1 and sector 3 during this time;
24 using sector 1 at 11:06 p.m., while all the other
25 times displayed, it was on the side of the tower.

1 Q. So the user of that device would have been in
2 the general Batesburg area between 10:30 and
3 11:59 p.m., correct?

4 A. Yes. Based on the phone records, there for
5 about 10:47 to 11:47 p.m.

6 Q. And then the next slide.

7 The next time frame, from midnight to just
8 before 1:00 a.m. that day, can you go ahead and take
9 the jury through what we see here?

10 A. Yes, ma'am. So the phone ending in 0408
11 appears to be traveling still in the southwesterly
12 direction off of I-20 -- off I-20, utilizing tower
13 537 at 12:09; comes down here to tower 523, and used
14 that tower just a few seconds before at 12:08, then
15 again at 12:09 and 12:11, giving me an indication
16 that the phone was probably overlapped in those two
17 areas, because cell phone towers are kind of set up
18 like sprinkler systems.

19 You have a sprinkler head going one way and a
20 sprinkler head going the other, and you want to have
21 a little bit of an overlap there so you don't have
22 dead grass in your yard. That's generally the way
23 cell phone towers are set up, because when you got
24 from tower to tower, you don't want to drop your
25 call. That makes you mad and makes you want to go

1 find another service provider. So these companies
2 realize that they want to keep your money and keep
3 providing service to you, so they set up the cell
4 towers generally the same way.

5 So both phones eventually end up in this
6 general area in the Batesburg-Leesville area near
7 221 Willis Street, beginning just before midnight
8 and staying there until about 12:50.

9 Q. So for the green and the red, which is Donovan
10 Brannon and Shantrez Robertson, at 12:26, can you
11 say that they're utilizing the same tower, the same
12 side of the tower, the same sector?

13 A. Yes, 12:36:38 and 12:36:39, both of those
14 phones ending in 5317 and 0408 are using this side
15 of the tower.

16 Q. And just so it's clear, you said 12:36, meaning
17 12:26?

18 A. Yes, 12:26.

19 Q. 12:26 a.m. on the 6th, they're up there in the
20 Batesburg area of Lexington County?

21 A. Yes ma'am, their phones are.

22 Q. Their phones are. Move on to the next slide.

23 For the next time frame, you were asked to look
24 at 1:00 a.m. to 1:59. On here, the blue phone is --
25 at 1:14 is Tyrese White utilizing the side of the

1 tower that would service the truck stop, the Hill
2 View Truck Stop?

3 A. Correct. So the sector, as you see there, 295,
4 which is approximately 10:00 on there, pointed 60
5 degrees to the left and 60 degrees to the right
6 gives us this sector, generally, right in here, and
7 it was using the tower that would provide service to
8 the truck stop.

9 Q. Going to the next tower -- and, also, for the
10 red phone, also utilizing the tower that would
11 service the crime scene?

12 A. Yes. So at 1:36 and 55 seconds, red phone used
13 the sector -- used this sector at 120 degrees on
14 this side. That would provide service over to the
15 crime scene.

16 Q. Okay. We'll go on to the next slide.

17 The next time frame, from 2:00 a.m. to 3:29,
18 can you go ahead and explain this slide to the jury?

19 A. Sure. So the phone ending in [REDACTED] at 2:19 and
20 2:28 used this tower -- and this side of the sector
21 just north of the crime scene -- while telephone
22 5317 at 3:15 and 316 a.m. used the same tower.

23 The orientation of the sector is a little bit
24 different, but it's still north of the crime scene.
25 And then it eventually moved up back here to the

1 Batesburg-Leesville area utilizing this tower
2 between 3:21 a.m. and 3:29 a.m.

3 Q. Looking at the 2:19 and 2:28 calls, were you
4 able to do some investigation in terms of those
5 calls, whether they were answered calls, incoming,
6 outgoing or voicemails?

7 A. I'm not positive on it without seeing the
8 records themselves. But if I had the records, I
9 could tell you.

10 Q. Okay. I'm handing you the records.

11 A. So the call at 6:19 and 56 seconds was call
12 forwarded, no answer, went to voicemail. And the
13 same applies it for 2:28 and 12 seconds.

14 Q. So can you say anything about whether or not
15 that device was moving at the time of those calls?

16 A. It appears to be stationary because it uses the
17 same tower and sector nine minutes apart and the
18 phone calls went to voicemail.

19 Q. Okay. And going on to -- so it's clear, too,
20 the green phone for Donovan Brannon, what time
21 earlier does he appear to have been at the Creek
22 View, based on the cell phone records?

23 A. At 3:21 and 27 seconds, he's using this side of
24 the tower.

25 Q. Keep going to the next slide. The next time

1 frame, there's a lot of movement here. What does it
2 appear -- starting with the blue phone, what appears
3 to be happening?

4 A. So the blue phone, based on the previous slide,
5 has left this general area and started traveling up
6 towards the location at [REDACTED] Willis Street and began
7 using this particular tower here at 3:33 and 17
8 seconds there in the morning and using that
9 particular side of the tower.

10 Q. And then where does the blue phone go from
11 there? It appears to be bouncing around. Does that
12 suggest movement?

13 A. Most definitely, because you have other cell
14 phone towers that are AT&T towers. So it suggests
15 he's moving from this point to these towers in
16 between and not having service between these
17 calls -- or between these towers because there
18 wasn't any activity at that particular time. So
19 he's moving between these towers between 3:33 and
20 3:58 a.m.

21 Q. But still in this general area in the -- looks
22 like, the Leesville, Gilbert, Lexington County area?

23 A. Correct, between these three towers right here.

24 Q. And then, for this time frame, there was no
25 activity for the red phone; is that correct?

1 A. That's correct.

2 Q. In looking at the records, does it appear
3 that -- can you tell what's going on with that
4 phone, if the device is connected to a network?

5 A. Which phone?

6 Q. The red phone.

7 A. Here?

8 Q. Yes.

9 A. So beginning at -- the last call was at
10 1:36 a.m. on 66 with the red phone. And then after
11 that, from 3:21 to 4:19 a.m., all the phone calls
12 were being forwarded.

13 Q. What does that suggest?

14 A. They're going to voicemail; they're not being
15 answered. Phone is either off or those calls are
16 just being ignored.

17 Q. Okay. And for the [REDACTED] number associated with
18 Jasmine Pringle, was there any activity on her phone
19 before 4:00 that day, 4:00 a.m.?

20 A. No, ma'am. The last -- the first call on June
21 6th was at 4:31 a.m., with the last call the
22 previous day being at 11:56 p.m. on June 5th.

23 Q. Okay. So her phone is inactive for that time
24 frame, it appears?

25 A. It appears. I didn't see anything with the

1 text messages on here. But if I recall, from the
2 looking at the records, there's no activity still
3 with the text messages.

4 Q. Let's go to the next slide. On this map, you
5 were asked to look at the -- from 4:00 to 4:59 for
6 Jasmine Pringle's device, which is the [REDACTED] number.
7 Where is her device during this time frame?

8 A. It's utilizing the tower and sector 8, sector 1
9 at about a 40-degree angle, which would provide
10 service over here to [REDACTED] Ashley's Place.

11 Q. In reviewing her records, were there any calls
12 or any tower utilizations suggesting that she was in
13 the Batesburg area of Lexington County?

14 A. Not between 4:00 and 5:00 a.m. --

15 Q. Okay.

16 A. -- on June 6th, because the phone used this
17 tower, and that's several miles away from the
18 Batesburg-Leesville area.

19 Q. Because this is Columbia, South Carolina that
20 you've mapped here?

21 A. Correct.

22 Q. And if she was at her residence, would she be
23 utilizing that tower, her residence being [REDACTED]
24 Ashley's Place?

25 A. That's the most logical tower it would utilize.

1 It appears to be the closest one.

2 Q. Go to the next time frame or next slide. From
3 4:00 to 4:59, looking at Tyrese White and Shantrez
4 Robertson's devices, where is the device associated
5 with Shantrez Robertson during this time frame?

6 A. So it is utilizing tower 29, sector 3, which is
7 already at 270 degrees, which is this side of that
8 particular tower, just to the kind of west of the
9 apartments.

10 Q. Up there with you, do you have Mr. Robertson's
11 text message data?

12 A. It appears only to be -- oh, I do.

13 Q. Okay. And for -- is there a corresponding text
14 message transmission around the 4:28 time frame?

15 A. Yes, ma'am. So there's -- a message was sent
16 at 4:11 and delivered at 4:28. So the message came
17 from (803) 687-6[REDACTED] and was delivered to the phone
18 ending in [REDACTED].

19 Q. And I'm going to borrow that exhibit so I can
20 display it briefly. What line are we looking at?

21 A. They're not numbered. But --

22 Q. Okay.

23 A. -- you got 4:11 here.

24 Q. So publishing on the document reader, which
25 will be on the projector, State's Exhibit 198,

1 looking at these records here, this line is where
2 you indicate you see the 4:28 time frame?

3 A. Yes, ma'am. So that's the -- when the message
4 was actually received -- you can see the headers up
5 top. That's when the message was sent and that's
6 when the message was received.

7 Q. So, going up top, it's the [REDACTED] text message
8 data for the 6th. So it appears where you're
9 talking about the message send date and the message
10 delivered date?

11 A. Yes, ma'am.

12 Q. So down here, you see a number of messages
13 delivered at 4:28 that was sent at different times.
14 What would that indicate?

15 A. That the phone was not connected to the network
16 at that particular moment when they were initially
17 sent and that the phone came back on to the network
18 at 4:28.

19 Q. Looking at the next page of State's Exhibit 121
20 and 98, there's another period here of delay of the
21 delivery of that text message. What would that
22 indicate as well?

23 A. Again, going through the top line, you see it
24 was delivered at 4:36 -- sent at 4:36 and received
25 at 4:36; again, another message is sent at 4:52 and

1 was not received until 5:54, which indicates to me
2 that the phone, again, was off the network at that
3 particular time and didn't receive it until it came
4 back on.

5 Q. And then here, there's another gap where a
6 number of messages are delivered at 11:26 a.m. on
7 the 6th. Would that be similar information here
8 that you just testified to that these numbers were
9 sent to the device, but similarly held up by the
10 network and not delivered until the device powered
11 back on at 11:26?

12 A. That's correct.

13 Q. I'll hand this back to you in the event that
14 you need it again.

15 Going back to -- we can move on to the next
16 slide.

17 Here, you were asked to look at all the devices
18 and map them here. There was no activity for the
19 [REDACTED] device; that's correct?

20 A. That's correct.

21 Q. And this is the 5:00 a.m. to potentially 7:30
22 time frame.

23 What is Tyrese White, the blue phone, doing at
24 this point?

25 A. So the phone begins -- phone number ending in

1 [REDACTED] begins on this tower, on these two sectors
2 starting at 5:01 a.m. and begins traveling back
3 towards the Columbia area, arriving to a tower that
4 provides service to [REDACTED] Ashley's Place by 6:00 a.m.

5 Q. Okay. And Mr. Robertson's phone, the [REDACTED]
6 number, what's it doing during this time frame?

7 A. So this particular phone is utilizing a tower
8 and sector right here at 5:56 a.m. and 5:56 and 45
9 seconds a.m., utilizing the sector that would
10 provide service to [REDACTED] Ashley's Place.

11 Q. Which is Jasmine Pringle's residence?

12 A. Yes, ma'am.

13 Q. Jasmine Pringle, during this time frame, where
14 is her device?

15 A. So her phone at 5:06 a.m. is over here
16 utilizing this tower 117, which is near I-20 and
17 U.S. 1. And then, eventually, it moves back over to
18 this tower and sector that would provide service to
19 her residence or [REDACTED] Ashley's Place.

20 Q. So on the previous slide where it's just
21 Jasmine Pringle's time frame from 4:00 to 5:00 a.m.,
22 she was in Columbia utilizing a tower that services
23 her residence.

24 By 5:06, being here, in review from 4:00 to
25 7:30 of her records, does she ever appear to travel

1 to Batesburg?

2 A. There's no indication of her phone leaving or
3 records to analyze during that time period, so the
4 only thing I could say is that the phone was still
5 at the residence.

6 Q. And do you have her records up there? Did I
7 hand them to you?

8 A. Yes.

9 Q. So publishing on the document reader State's
10 203 so the jury can see it for themselves as well,
11 here, the 9 [REDACTED] would indicate Jasmine Pringle's
12 records.

13 Can you point out to the jury where you were
14 able to determine there was no activity on her
15 device during the midnight to -- to just prior to
16 4:31?

17 A. Sure. Right here, like I mentioned earlier,
18 she had a call at 11:56 p.m. on the 5th. No,
19 activity again until 4:31 on June 6th.

20 Q. And based on these records, at 4:31, what is
21 the phone number that she's communicating with?

22 A. The phone number ending in [REDACTED].

23 Q. Associated with Shantrez Robertson?

24 A. Correct.

25 Q. And then at 4:34, what is the number, based on

1 these records, she's communicating with?

2 A. I'm going to have to step and look a little bit
3 closer. I can't quite --

4 Q. I can zoom in.

5 A. Or zoom in on it, please. Phone number ending
6 in 6538.

7 Q. And again at 4:38?

8 A. Correct.

9 Q. And again at 4:43?

10 A. Yes, ma'am.

11 Q. And at 5:06, is this an incoming or outgoing
12 call?

13 A. So that's an outgoing call.

14 Q. And that's from Jasmine Pringle to the [REDACTED]
15 number?

16 A. From the phone ending in [REDACTED] to [REDACTED], yes,
17 ma'am.

18 Q. And at 5:06, based on the map that's on the TVs
19 now -- and I'll put it back on the overhead.

20 That 5:06 call to Tyrese White, she's located
21 there in Lexington?

22 A. Correct, right there at 20 and U.S. 1.

23 Q. At what point does that blue phone appear to be
24 in that area?

25 A. Approximately 5:21.

1 Q. And the tower that Tyrese White is utilizing at
2 that time at 5:21. Does that appear to be the same
3 general area that Jasmine Pringle's phone last
4 utilized the tower at 5:06?

5 A. Yes, those two towers cover the same general
6 area.

7 Q. We can move on to the next slide.

8 A. That's it.

9 Q. Okay. In your review of the records for [REDACTED]
10 associated with Donovan Brannon, did it appear to
11 make any 911 calls?

12 A. I don't recall seeing any 911 calls in the
13 records.

14 MS. FULLER: I'm just double checking my notes
15 to make sure I've covered everything.

16 No further questions at this time.

17 THE COURT: Cross-examination?

18 MR. WILLIAMS: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. WILLIAMS: Beg the Court's indulgence two
21 minutes.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. So I'm Theo Williams. I think we've met before
25 sometime in our life time, because I remember seeing

1 you before. I always like that tie you have.

2 A. Thank you.

3 Q. So I'm going to refer you to these charts,
4 these colored things here. You got a green one, a
5 blue one, a red one, and a gray one. And it's that
6 way on purpose, I assume.

7 If you look at the gray one, there's a number
8 that says 582-████ and it says Boosie, just like the
9 other one says Boosie, and it says Antonio Stroman.
10 Did you do any, I guess, figuring in regards to
11 where that phone was during the time span -- during
12 any of these time spans?

13 A. I wasn't provided records for that phone.

14 Q. All right. So if this is -- by the name, if
15 this is Antonio Stroman's phone, then if you had
16 done that, that would show where his phone was
17 during any of these time spans that you looked at,
18 right?

19 A. Again, I didn't have records to analyze to tell
20 you where the phone was.

21 Q. Now, obviously, we're talking about phones,
22 like mine, which is the new one. So with these
23 right here, you can -- you normally know where
24 somebody is at based on just the phone itself or
25 does the phone have to be doing something like text

1 or email or --

2 A. Has to be a transaction for records to be
3 generated. So when the phone is getting a call or
4 text and you're online surfing the internet or
5 anything, the phone says hey, tower, I see you as my
6 clearest, strongest signal.

7 And when you press that green button or open
8 the web page or whatever it is, the cell tower
9 grants you services on that. And that's when the
10 records are generated with the date and time and the
11 side of the tower that that transaction took place,
12 and that's captured by the cell providers. And
13 through legal process, we're able to obtain that
14 information. So yes, the phone has to have some
15 sort of transaction with the network.

16 Q. I was around four cell phones, so I guess --

17 A. Me, too.

18 Q. You, too. So one of the questions I always had
19 was, you have cell towers, but I always thought you
20 had communication with a satellite?

21 A. These aren't satellite phones. These are cell
22 phones using cell signals, not satellite signals
23 that are -- or these are using radio frequency
24 cellular signals and they have to be in
25 communication with a tower for the records to

1 generate.

2 Q. So there are different types of waves that you
3 would use; there are different locations where
4 you're getting that from, I guess? Satellites
5 versus cell towers?

6 A. Yeah. I mean, it's a different frequency.
7 Cellular towers are lower band frequency compared to
8 satellite information.

9 Q. And I noted that when we looked at some of
10 these sheets here, some of the information said
11 alpha, beta, and gamma. Would those be the waves
12 that are being used to facilitate the communication?

13 A. No. That would be the names of the engineers
14 that the particular companies provide for the side
15 of the tower, alpha, beta, gamma or one, two, and
16 three. It's the way the engineers -- it depends on
17 who they work for, whether it's Verizon or AT&T or
18 T-Mobile.

19 Q. So you say that's a designation in regards to
20 which way the pie is going?

21 A. Yeah, which side of the tower was utilized.

22 Q. Okay. And that's how you can tell the location
23 of the phone that is in use because it might be on
24 the alpha side, the beta side, or the gamma side,
25 right?

1 A. If they provide the orientation of that sector,
2 then we draw it out. So if it's at 30 degrees at
3 1:00, we know it's on that side.

4 Q. So the cell towers you have, I think you've
5 shown up here, you had AT&T towers and you had
6 Verizon towers. Are there any other towers in this
7 locale that cell phones would be using or is it just
8 AT&T and Verizon towers?

9 A. Well, for these particular phones, because they
10 were only Verizon and AT&T, AT&T services, those are
11 the ones that were displayed. Because AT&T doesn't
12 talk to a Verizon tower and, vice versa, T-Mobile
13 won't talk to AT&T and Verizon towers. So we only
14 displayed the towers that were utilized.

15 Q. So an AT&T phone would not share a Verizon
16 tower?

17 A. Two different technologies.

18 Q. They can't speak to each other?

19 A. Correct.

20 Q. So if you were looking at an AT&T phone, what
21 you would be looking at is it's actual connection to
22 an AT&T tower?

23 A. Yeah, when the transaction takes place, it asks
24 to speak with an AT&T tower.

25 Q. Okay. You were talking about that -- you said

1 something about that there was no communication when
2 you were referring to it, and that meant that there
3 was no movement, nothing was going on, there was no
4 texting; if it was going to voicemail or if it was
5 going to --

6 A. Well, voicemail indicates that, you know, the
7 phone possibly could be on or -- you know, I mean,
8 it could be off, too. But there was no -- with the
9 text message, when the message was sent and it's not
10 answered by the phone for hours on end, that gives
11 me every indication that the phone is off and not
12 communicating with the network.

13 Q. Okay.

14 A. Because if the phone was on, usually your text
15 messages are almost instantaneous and, within a
16 second or two of it being sent, the other person is
17 receiving it.

18 Q. What if you're not being sent messages?

19 A. Well then, there wouldn't be anything showing
20 that a message was sent.

21 Q. Well, wouldn't another way to make a
22 determination as to whether or not there was
23 movement or not would be those other -- those other
24 things that are being sent through the cell phone?
25 I don't know, you might have your sports line or

1 your news line or stuff like that. That would show
2 activity on your cell phone, wouldn't it?

3 A. But not every company captures every
4 transaction that takes place over, like, your alerts
5 and things of that nature simply because some
6 companies find it too voluminous and are not
7 required to keep it. But because of text messages,
8 cell phone voice calls, they do keep that, and
9 that's the records that we analyze.

10 Q. Could you do that and you see whether or not a
11 vehicle is moving as a result of that?

12 A. Repeat your question again.

13 Q. Could you get that information from a cell
14 phone to show whether or not the cell phone is
15 moving or not?

16 A. I don't quite get what you're -- what
17 information do you want me to get to tell you if a
18 cell phone is moving?

19 Q. Well, if your phone is receiving things other
20 than e-mails or texts or communication, it's still
21 receiving some information. Like right now, on my
22 phone, I can say find my device or find my friend
23 and it's going to constantly be able to find
24 something, if that's what I'm looking for. So --

25 A. But those are not records that are kept in the

1 general course of business by the cell phone
2 providers. That stuff gets perishable.

3 Q. I got you. So you're limited to what you can
4 find based on what types of records are kept by the
5 cell phone providers?

6 A. And at the time, if you request it, because
7 some information is perishable, that can help us
8 narrow it down a little bit more. But if you don't
9 get it within the window they have designated for
10 it, then it's gone forever.

11 Q. So what happens if you have one side of the
12 cell phone getting a whole lot of communication and
13 then you've got another cell phone nearby? Would
14 your cell phone normally be directed to the cell
15 phone that doesn't have as much communication
16 because it's got more room or something like that?
17 Or does it always go to a particular cell phone
18 tower?

19 A. It utilizes the tower that provides a clear,
20 strong signal at the time that services are
21 requested. Engineers do not construct their network
22 for their towers to get overloaded.

23 If they continuously get their towers
24 overloaded with services and people aren't being
25 able to make calls or text messages, surf the

1 internet or whatever it is they're trying to do,
2 they will realize that and either add more antennas
3 on that particular location or they won't have a job
4 very long because, again, you get bad service and
5 that makes people upset.

6 Generally, when those situations take place,
7 it's for large events where you might not have --
8 you might have a tragic event, like the Boston
9 marathon bombing where a bomb goes off and everybody
10 is trying to go call their loved ones and you get
11 that my phone won't go through or you get aggravated
12 with it or you get that fast busy signal waiting on
13 the network to clear up. It usually does not pass
14 it off to another tower. It's going to wait for
15 that tower to provide that service because it sees
16 it as its clearest, strongest signal.

17 Q. So by that same theory, wouldn't a cell tower
18 that is out in the country receive a clearer signal
19 than one in the city? Because the city is getting a
20 whole lot more communication, isn't it?

21 A. Sure. But that's why you also see, if you look
22 at my first map showing you the networks, AT&T and
23 Verizon networks in the Columbia and Batesburg area,
24 you'll see the towers were a lot closer together
25 around Columbia because there's more demand, there's

1 more people wanting services. So they put up more
2 towers to meet that demand.

3 While you get out to more rural areas because
4 there's not as much demand, they can space out the
5 towers a little bit further.

6 Q. If I were looking for this Tyrese White/Boosie
7 guy at (803) 379-████, could you go into the
8 telephone records and tell me where this guy is
9 right now?

10 A. Well, if there's activity on that particular
11 phone, I can tell you where it was on that phone at
12 that particular moment.

13 Q. So if that guy is a fugitive, if you had that
14 information, you could get on the map, see where
15 he's at, send your people out there and scoop him
16 up, if he was on the phone, right?

17 MS. FULLER: No.

18 A. Yeah. I mean, yeah, that's what we normally do
19 in every day course of business. But AT&T provides
20 other information that, again, is perishable that if
21 I wanted to know right now, I'd be able to narrow it
22 down even further.

23 Q. Really?

24 A. Sure.

25 Q. Closer to what?

1 A. I don't know what that means.

2 Q. You said narrow it down further?

3 A. So instead of a tower and sector, they'll
4 provide us with a general location of the phone
5 communicates with the tower. The network goes, hey,
6 phone, where are you? The phone goes, I'm over
7 here. However long it takes that signal to get back
8 to the tower to kind of give us a general location
9 and aerial radius that we think the phone is right
10 here and it may be a 20-meter air radius. And then
11 again, I've seen 10, 15, 20,000-meter air radiuses.

12 Q. Is that what it means when law enforcement
13 pings a phone to find out where a person is?

14 A. Well, law enforcement doesn't ping the phone.
15 The networks may do that based on the request from
16 law enforcement. That's kind of a general common
17 term to explain it.

18 MR. WILLIAMS: That's all the questions I have,
19 Your Honor.

20 THE COURT: All right.

21 Mr. Mauldin?

22 MR. MAULDIN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. MAULDIN:

25 Q. Do you have 207?

1 A. Excuse me?

2 Q. Exhibit 207, the paper version of your
3 PowerPoint.

4 A. Yes, sir.

5 Q. Thank you. Well, why don't we go to the cover
6 sheet of your report, if you've got it over there.
7 All right. When did you get all of this raw data
8 here to compile your information and make a report?
9 When did you get that?

10 A. I believe it was June or July of this year.

11 Q. 2021, right?

12 A. Correct.

13 Q. And how did you come to pick out those colors
14 for those phone numbers?

15 A. Well, I use what the networks colors are. So
16 the first Verizon phone that I get is usually red,
17 and then any other one is what would look good to
18 the jury. What you can see where you're not
19 squinting to see what color it is. Blue is always
20 AT&T for the first phone and then, again, I'll
21 change it to another color for visibility purposes
22 for the courtroom.

23 Q. And when did you send this report to the
24 solicitor?

25 A. I sent draft analyses for their review probably

1 a few days after I received it, and then a final
2 analysis after it was peer-reviewed by another CAST
3 to agent ten days ago, something like that.

4 Q. So you sent them that report with those colors
5 on it?

6 A. Yes, sir.

7 Q. All right. Now let's go forward to page 4.
8 That's a cell site. We'll get to that in a minute.
9 Well, that's the pie, as Theo referred to it. But
10 that's the area of coverage from one triad -- or
11 what would you call it?

12 A. One side of the tower.

13 Q. Okay, one side. There's three sides?

14 A. Correct.

15 Q. And you talked about 120 degrees; is that
16 right?

17 A. Correct. If there's three sides, you have to
18 do it 120 degrees because a circle is 360.

19 Q. And, actually, it's a bit more than 120
20 degrees, isn't it; that most providers, you talked
21 about, not wanting to drop calls. Same thing when
22 they move between the sectors of the towers. So
23 it's actually a little bit more than 120?

24 A. Sure. There's a little bit of an overlap.
25 When you go from sector to sector, there is a little

1 bit of an overlap. Sometimes it's a little bit
2 less.

3 Q. And it depends on the company and the engineer
4 and all these varying factors, but it could be more
5 than 120 degrees?

6 A. Sure.

7 Q. And again, you talk about tower placement. In
8 rural areas, they are placed further apart because
9 there's less demand. And in urban areas, they're
10 closer together because there's more demand and more
11 users; is that correct?

12 A. Correct.

13 Q. And, say, in a big city where somebody's phone
14 connects to a tower may depend on the usage of each
15 individual tower; is that right?

16 A. Again, if towers are getting overloaded,
17 engineers are not going to have jobs for very long
18 because that's not the way they're designed for.
19 Again, you'll probably end up with aggravation,
20 waiting, why is it taking so long for this to be
21 processed, or that fast busy signal that you'll
22 sometimes get. But the phones go select the tower
23 with its clearest, strongest signal at the time that
24 transaction is made.

25 Q. So that's a yes?

1 A. Could you repeat your question?

2 Q. So somebody -- well, a tower could be filled up
3 with usage and somebody could be standing next to it
4 in an urban area and actually be connected to
5 another tower because that one is filled up, and
6 that's the strongest signal because that one's
7 filled up and the user is using that one?

8 A. No. It's going to wait on -- most of the
9 times, it's going to wait. I'm not saying it
10 happens that way every single time. Most of the
11 time, it's going to wait.

12 Such as if you're at a football game over the
13 weekend, your team makes a great catch or play at
14 the end of the game and everybody wants to text or
15 Tweet or send that video they captured out to their
16 friends and they're sitting up there going, oh, come
17 on, hurry up.

18 Well, it's because everybody is trying to do it
19 at one time and it's not reaching out to a tower
20 outside the stadium or down the street. It's
21 waiting on that tower to provide its services and
22 then that message will go out.

23 Q. What are the ranges of these towers? I mean,
24 how far out -- I mean, it depends on a bunch of
25 circumstances?

1 A. Sure.

2 Q. I mean, a place in an open field might have a
3 wider range than a place in the woods or a place in
4 the city with buildings; is that right?

5 A. And places like New York will have more people,
6 more demands and a lot more towers that are a lot
7 closer together than some place like Columbia, South
8 Carolina, which still has a lot more towers compared
9 to the more rural areas. But it all depends on the
10 environment it's in and how the engineers design
11 their network to provide the best possible coverage.

12 Q. What's the widest range?

13 A. That's a hypothetical. If you have a specific
14 tower --

15 Q. I mean, are we talking about infinity here?
16 There's got to be some guesstimate of a range.

17 A. Again, engineers design it like a sprinkler
18 system. You have a tower on this side, a tower on
19 the other side. You're going to have a little bit
20 of an overlap, but you don't want to have too much
21 because then it becomes inefficient and you'll
22 create more cost to your company by adding more
23 towers. So it depends how far apart towers are
24 spaced because you're using those neighboring towers
25 to define your network footprint.

1 Q. Well, don't a lot of rural areas, they have
2 towers that can extend for ten miles or such?

3 A. Sure.

4 Q. So if you're doing a pie, that would be a
5 pretty big piece of the pie, wouldn't it?

6 A. Well, I always show the neighboring tower to
7 show you how far the next tower is.

8 Q. All right. Let's go to page 8, please. All
9 right. So I'm going to point here to the CV, which
10 is the Creek View. There's a tower pretty near
11 there in downtown Batesburg-Leesville. And that's
12 tower 29; is that right?

13 A. Correct.

14 Q. And then over here near the intersection of
15 I-20 and I-78 at the Hill View Truck Stop, that is
16 another Verizon tower and that is 523; is that
17 correct?

18 A. That's correct.

19 Q. And this little red tower over here just to the
20 right of the one in Batesburg-Leesville, that's
21 tower 529; is that correct?

22 A. Where are you?

23 Q. Right here.

24 A. That doesn't do me any good --

25 THE COURT: Mr. Mauldin, he can't see.

1 BY MR. MAULDIN:

2 Q. Oh, I'm sorry. All right.

3 The one to just northeast of the CV, I think
4 it's covering the word Leesville?

5 A. That one?

6 Q. Yes, sir.

7 A. Okay.

8 Q. That's 529.

9 A. I'll have to see if it's displayed on another
10 map which one that is.

11 Q. And page 10?

12 A. Page?

13 Q. 10, please. Okay. So the green number, which
14 is the 537, which they connect to a Donovan Tirrell
15 Brannon, Fresh. Fresh is green. That's a
16 coincidence, isn't it? And Red Nose is red. That's
17 a coincidence, isn't it? And on your report, isn't
18 that a coincidence?

19 A. Like I said, the first phone I received is
20 0408, so it became red.

21 Q. And they say it belongs to Red Nose. That's a
22 coincidence, isn't it?

23 A. I didn't know that was his name.

24 Q. So it must be a coincidence, yes?

25 A. Again, I didn't know it was his name.

1 Q. Did they teach you to say the word yes in the
2 FBI?

3 A. Only thing I had were those phone records. I
4 had no subscriber information or who they were
5 linked to.

6 Q. All right. So we're looking at Fresh's phone,
7 the green phone. And the last signal at the tower,
8 523 at the Hill View Truck Stop, that's at 3:16 a.m.
9 and 26 seconds; is that right?

10 A. I believe so. It's a little far for me to see.
11 But...

12 Q. All right. I'll give you this back and I'll
13 use mine up here. Sorry about that.

14 Page 10. All right. Let's go back to the
15 green phone, Fresh, Donovan Brannon, at tower 523.
16 His last connection to that tower was about 3:16 and
17 a half or 3:16 and 30 seconds or 26 seconds; is that
18 right?

19 A. That's correct.

20 Q. And then his connection to the tower 29 up near
21 downtown Batesburg-Leesville, that is 3:21 a.m. and
22 27 seconds; is that correct?

23 A. Yes.

24 Q. Okay. So that is almost, give or take a
25 second, a five-minute gap in between those two; is

1 that right?

2 A. Yes, sir.

3 Q. All right. And which side of the tower -- you
4 have 150 there. Which side of that triangle is he
5 on?

6 A. He's over here.

7 Q. Okay, the one up top. What is the distance
8 between those two towers?

9 A. I don't know. I'd have to go and measure it.
10 I wasn't asked that.

11 Q. So you don't know the distance between those
12 two towers?

13 A. Not at this point.

14 Q. What's the distance between CS, The Spot, and
15 the CV, Creek View Apartments?

16 A. I don't have that information.

17 Q. All right. And going to page 14, the last
18 tower connection you have for Jasmine Pringle is at
19 5:06 a.m.?

20 A. No, sir.

21 Q. I mean -- well, bad phrasing. I'm sorry. At
22 5:06 a.m., her phone is tracked at the tower between
23 the intersection of 1 and I-20 or near the
24 intersection of 1 and I-20?

25 A. Yes, sir.

1 Q. And you have the pie facing outwards that way.

2 So she would be somewhere in that area?

3 A. This general area.

4 Q. And I don't remember on the call details. What

5 time was the call that you made to Jasmine that --

6 the 53 -- no, the [REDACTED] number made to the [REDACTED], what

7 time was that call?

8 A. So [REDACTED] called [REDACTED] at 4:31 a.m. on June 6th,

9 2015, 165-second call.

10 Q. And that was a couple minutes after the phone

11 started connecting the towers at 4:28; is that

12 right?

13 A. Repeat your question one more time.

14 Q. All right. Well, let's go another way. At

15 1:36 in the a.m., the [REDACTED] phone, Red Nose, Shantrez

16 Robertson, at 1:30 p.m. stops connecting to towers;

17 is that right -- or 1:36 p.m.?

18 A. Correct. Received a call at 1:36 a.m. on June

19 6th. And after that, every phone call was

20 forwarded.

21 Q. And then the phone must be reactivated or

22 connects again around 4:28 a.m.; is that correct?

23 A. Correct. The individual user ending in [REDACTED]

24 began making outgoing calls.

25 Q. So using cell phone towers, you were unable to

1 establish the location of 0408 number between
2 1:36 a.m. and 1:28 a.m.?

3 A. Correct, there was no tower information.

4 Q. Unable to tell, I mean, from tower information,
5 that number and the person with that number is; is
6 that correct?

7 A. Correct. There's no information to analyze and
8 display on the map.

9 Q. And you -- I believe you -- there were a number
10 of forwarded information -- were all of those
11 forwarded information texts?

12 A. Well, these are phone calls that were
13 forwarded.

14 Q. Nine forwarded phone calls; is that right?

15 A. Correct.

16 Q. And you talked about a gap between the texts
17 being sent and the texts arriving. What was that
18 gap again?

19 A. Well, the first one that tried to be sent was
20 at 1:46 a.m. and wasn't received until 4:28 a.m.

21 Q. That's about three hours, isn't it?

22 A. A little under.

23 Q. A little under.

24 MR. MAULDIN: No further questions.

25 THE COURT: Redirect?

1 MS. FULLER: None, Your Honor.

2 THE COURT: All right. The witness may step
3 down.

4 MR. MAULDIN: By the way, Gene Holliday sends
5 his regards.

6 MS. FULLER: Thank you, Your Honor. At this
7 time, the State rests its case.

8 THE COURT: Very well.

9 Counsel, approach.

10 (Sidebar conference.)

11 THE COURT: Ladies and gentlemen, the State has
12 rested. So I've got some matters to take up with
13 the attorneys at this time. Your lunch is here, so
14 we'll have a little bit of a -- it's still
15 technically morning, so we will have early lunch.
16 So you can count on an hour or so.

17 Obviously, if you need to get out of the
18 building and get some fresh air, the bailiffs will
19 accompany you. Please don't discuss the case or
20 don't talk to anyone you see in the courthouse or
21 anything like that. We'll see you after a while.
22 Thank you.

23 (The jury exits the courtroom at 11:51 AM.)

24 THE COURT: All right. The State has rested.
25 Any motions?

1 MS. WILLIAMS: Yes, Your Honor. The Defendant
2 Brannon would like to make a directed verdict
3 motion.

4 THE COURT: Very well.

5 MS. WILLIAMS: I apologize. I do better with a
6 podium.

7 Your Honor, Defendant Brannon would
8 respectfully move for a directed verdict on both the
9 charge of murder and the charge for attempted
10 murder. The State has failed to provide any direct
11 or substantial circumstantial evidence for these
12 charges and, therefore, he's entitled to a verdict
13 in his favor as a matter of law.

14 Now, based on my understanding, based on the
15 State's opening, they are pursuing both a direct and
16 an accomplice liability or hand of one is hand of
17 all theory for both charges, the murder and the
18 attempted murder. So I intend to address those in
19 turn.

20 As the Court knows that the trial court should
21 grant the directed verdict motion when the evidence
22 merely raises a suspicion that the accused is
23 guilty, as suspicion implies a belief or opinion as
24 to guilt based upon facts or evidence -- or
25 circumstances, pardon me, which do not amount to

1 proof under State v. Hepburn.

2 Looking first at the murder charge with regard
3 to a direct liability theory, the State's evidence
4 fails to provide any indication that my client
5 killed Mr. Gantt. The State has provided evidence
6 that Mr. Gantt was shot five times.

7 The pathologist's testimony was that the bullet
8 that killed Mr. Gantt came in his right shoulder,
9 went across the upper two lobes of his lungs, and
10 then, ultimately, landed in his left shoulder, and
11 that the cause of his death was, I can't pronounce
12 the word, but, essentially, drowning in blood.

13 The bullet that was found in the left shoulder
14 that caused the injury was taken to SLED for
15 analysis. That bullet was ultimately determined not
16 to come from any of the guns in evidence. One of
17 the guns in evidence was a nine-millimeter Ruger
18 that was found at Creek View Apartments. That
19 nine-millimeter Ruger is the only gun that the State
20 has provided any evidence that can be associated
21 with my client.

22 They have provided testimony that -- or not
23 testimony. They have provided evidence that, if
24 viewed in the light most favorable to the State,
25 that the nine-millimeter was found on the -- could

1 belong to my client as there are photos of him
2 carrying that gun. There is witness testimony
3 stating he carried a gun.

4 And the State's own investigator got on the
5 stand yesterday and said that, under his belief and
6 authority, he thought that the gun in the photo was
7 the same gun -- the gun in the photo that my client
8 had was the same gun that was found, which was the
9 nine-millimeter.

10 State's own evidence stated conclusively that
11 the nine-millimeter that they put into evidence, the
12 Ruger, did not kill Mr. Gantt -- or did not fire the
13 projectile that ultimately killed Mr. Gantt.

14 Furthermore, the additional projectile that was
15 found in Mr. Gantt also was not fired by that
16 nine-millimeter Ruger. Therefore, as a matter of
17 law, the State's case against my client for murder
18 of Mr. Gantt under direct liability theory fails.

19 Regarding the hand of one is hand of all theory
20 or accomplice liability theory, in order to have an
21 accomplice liability theory, you have to show some
22 joining or some intent to join in the crime that is
23 being committed.

24 In fact, as Your Honor will likely tell the
25 jury, if he finds against my motion, a finding of a

1 prior arranged plan or common scheme is necessary
2 for a finding of guilt.

3 Your Honor, there has been no evidence supplied
4 by the State supporting any connection -- well, not
5 any connection, supporting a plan, an attempt to
6 join, a scheme, even if viewed in the light most
7 favorable to the State.

8 There has been evidence, if viewed in that
9 light, that my client communicated earlier that day
10 by phone with Mr. Robertson and even the alleged
11 third shooter, Tyrese White. There has been
12 evidence that my client was present with them at the
13 truck stop; there has been evidence that my client
14 was present with them at The Spot; there has even
15 been evidence, depending on which witness we're
16 going with, that my client was in the presence of
17 them and/or others at the top of the hill when the
18 shooting occurred.

19 However, what there has not been evidence of is
20 any intent or plan or scheme or even an exclamation
21 from my client's mouth towards any of them that
22 could indicate a common plan or intent to do
23 anything. And, therefore, he can't be charged under
24 hand of one hand of all theory if he has no joining
25 with the perpetrator of the crime -- the

1 perpetrator, the person who committed the crime.

2 Your Honor, while it is my understanding that
3 that moment, the joining may be in a split, it could
4 be that you see someone committing the crime and you
5 decide to join in.

6 There has been no testimony about my client
7 seeing anything or my client just making any
8 decisions or anyone looking at my client's body
9 language and indicating that he somehow was, you
10 know, leaning in with Mr. Robertson to do something.
11 So there is no evidence supporting that theory.

12 And, as a matter of law, the State's case
13 against my client for murder under hand of one is
14 hand of all theory fails because there is no
15 joining.

16 With regard to the charge for the attempted
17 murder of Brandon Jeffery, attempted murder is a
18 specific intent crime. So there must be some
19 specific intent to kill Brandon Jeffery. And I
20 believe, even under -- so under a direct liability
21 theory, there must be specific intent to kill
22 Brandon Jeffery.

23 The only evidence provided by the State with
24 regard to whether or not my client had any
25 interactions, feelings, other things with

1 Mr. Jeffery, I believe Mr. Jeffrey got on the stand
2 and said that he -- I was supposed to look this word
3 up beforehand, dapped or dabbed with Mr. Brannon.
4 And then he further clarified that that was an
5 expression of friendship within the club.

6 After that, there was additional testimony that
7 Mr. Jeffery was concerned or afraid or worried
8 because he saw my client with a gun. None of that
9 points to my client's intent to do anything to
10 Mr. Jeffery at all. It -- so there was no specific
11 intent to kill Mr. Jeffery.

12 There has been some indication, perhaps, that
13 there was an intent to kill OB. I believe there was
14 some -- or, at least, that OB had interrupted the
15 circle, I think is what there was. That was what
16 the evidence was, was that OB went into a circle
17 where Mr. Brannon was dancing. But even that, Your
18 Honor -- I apologize. Even that doesn't rise to the
19 level of my client intending anything, that's just
20 evidence that OB did something, went into a circle
21 and danced.

22 Finally, under the hand of one is hand of all
23 theory, which I've already addressed about there
24 being no common scheme or intent, no evidence of any
25 intent to do anything together, which would

1 necessarily apply to the attempted murder charge.

2 I think for a hand of one hand of all theory to
3 go forward, you have to have an intent to commit the
4 specific crime. And the specific crime in this case
5 is the attempted murder. And attempted murder is a
6 specific intent.

7 So even if we get to this point, my client
8 would still -- the other people involved would have
9 to have the specific intent to kill Mr. Jeffery, but
10 so would my client. And as I discussed, I don't
11 believe that there's evidence that could, even in
12 the light viewed most favorable to the State support
13 that.

14 Therefore, as a matter of law, both charges
15 should be directed in favor of my client under both
16 theories of liability.

17 THE COURT: Thank you.

18 Mr. Mauldin?

19 MR. MAULDIN: Thank you, Your Honor. I would
20 join in her motions as it pertains to both of them,
21 specifically the accomplice liability argument on
22 the murder and practically the entire murder
23 argument on the specific intent. We cite
24 State v. Smith on that, 430 S.C. 226, a case from
25 Richland County.

1 Although, in that case, I will admit,
2 factually, I think both sides admitted that a --
3 well, actually, it may not. In that case, he was
4 aiming to shoot at a guy; he ended up hitting a
5 girl. The Court said that the specific intent
6 wasn't met, should have been more of an ABHAN
7 instead of a murder.

8 As to Mr. Robertson, there's only a mere
9 suspicion that he might have had a nine-millimeter
10 gun that night through these text messages and
11 Facebook. I don't believe there was any direct
12 evidence presented that he had a nine-millimeter,
13 which would be the fatal blow -- the gun that
14 discharged the fatal blow. So I'd go with that, as
15 well on the murder, the direct liability.

16 And, of course, I'd join in on the motion on
17 the accomplice liability. So taking the evidence in
18 the light most favorable to the State, they haven't
19 presented a case that would determine the defendant.

20 THE COURT: All right. Thank you.

21 Anything from the State?

22 MS. FULLER: Your Honor, I believe right now
23 there is direct and circumstantial evidence that has
24 been presented, substantial circumstantial evidence
25 that makes this now jury question as it relates to

1 Mr. Donovan Brannon and Mr. Shantrez Robertson at
2 this time.

3 Your Honor, you've sat through this whole
4 trial. I mean --

5 THE COURT: I never left.

6 MS. FULLER: I mean, I respect arguments of
7 counsel right now. But, Your Honor, there's been
8 enough evidence at this point to submit both charges
9 properly to the jury. The testimony of all three of
10 the eyewitnesses here was that Mr. Brannon came
11 looking for them; I mean, that he used the word
12 plural when he was coming. I don't see how we get
13 out of that. The hand of one hand of all applies,
14 Your Honor. So I respectfully request that Your
15 Honor deny both defendants' motions.

16 MS. WILLIAMS: Your Honor, if I may reply?

17 THE COURT: Of course.

18 MS. WILLIAMS: Thank you. And I won't go to
19 the podium, I don't think.

20 Your Honor, I do not dispute that there has
21 been lots of evidence in this trial. There has been
22 a lot of evidence in this trial. But having a lot
23 of evidence does not necessarily mean you have the
24 correct evidence to meet the statutes.

25 Madam Solicitor stated that there was direct

1 and circumstantial evidence to support, but did not
2 provide any additional support for her argument
3 other than there was testimony that Mr. Brannon was
4 looking for them. And, Your Honor, that is not my
5 understanding of what the testimony was. This is
6 the only specific example she gave.

7 But my understanding from what the testimony
8 was, was that Brannon was walking up a hill.
9 Mr. Brannon said, Where them at.

10 THE COURT: Yes.

11 MR. WILLIAMS: Mr. Gantt replied, Who you
12 looking for? Mr. Brannon replied, Not you.

13 THE COURT: I'm going to try to look through
14 some of my notes. But, obviously, you know, at this
15 stage, generally, the Court's concerned with the
16 existence of evidence and not its weight. Both
17 sides concur there's been a lot of circumstantial
18 evidence mixed in with some direct evidence.

19 I'm going to take a moment to look back through
20 this, so y'all sit tight. In fact, I'll leave the
21 bench, so y'all can relax. I'll be right back up.

22 (Brief recess.)

23 THE COURT: All right. Obviously, there's a
24 lot of circumstantial evidence in this case, but
25 there's also direct testimony that you can deduce

1 multiple inferences. And I think that alone is why
2 I'm going to deny both defendants' motion for
3 directed verdicts.

4 I think there's evidence to send to this jury
5 that is appropriate. Whether they find the burden
6 of proof has been met is an entirely different
7 matter. But I think that is ultimately the
8 factfinders' decision in this case. Those motions
9 will be respectfully denied.

10 The record will also reflect --

11 Are you renewing your previous objections and
12 motions?

13 MR. WILLIAMS: I am, Your Honor.

14 THE COURT: And -- oh, I'm sorry. I didn't
15 realize Mr. Mauldin wasn't even standing there,
16 y'all. I'm sorry.

17 THE DEPUTY: He's on his way up.

18 THE COURT: Mr. Mauldin, my apologies. I
19 didn't look to see if you were at counsel table. I
20 started talking. I respectfully denied the directed
21 verdict motions and found that there was adequate
22 evidence, both direct and circumstantial. More than
23 one inference can be deduced, I think, but I think
24 that's the thing the jury is here to do. Should
25 they find that those inferences do not meet the

1 THE COURT: Have you discussed with your lawyer
2 whether you should or should not testify?

3 DEFENDANT ROBERTSON: Yes, Your Honor.

4 THE COURT: Do you wish to talk to your lawyer
5 any more at this time?

6 DEFENDANT ROBERTSON: No, Your Honor.

7 THE COURT: Do you wish to testify?

8 DEFENDANT ROBERTSON: No, Your Honor.

9 THE COURT: All right. Very well. You may be
10 seated.

11 MR. WILLIAMS: Your Honor, out of an abundance
12 of caution in that we're not putting up any
13 evidence, normally, there would be other testimony
14 and then we'd renew motions, the continuing directed
15 verdict motions.

16 THE COURT: What I wanted to do was essentially
17 do that here and then do it again, but without a
18 break. So we'll bring the jury back. I'll say --

19 MR. MAULDIN: Well, Your Honor, we can
20 technically rest here and just renew our motions and
21 just rest on the record --

22 THE COURT: Well, I think they need -- I think
23 we agree.

24 So I'll just ask it this way: Does Mr. Brannon
25 wish to put up a case?

1 DEFENDANT BRANNON: No, sir.

2 THE COURT: Well, you said you're not going to
3 testify. But --

4 MR. WILLIAMS: No, sir, he does not.

5 THE COURT: Do you intend to put up a case,
6 Mr. Mauldin?

7 MR. MAULDIN: No, Your Honor.

8 THE COURT: So do both of you rest?

9 MR. MAULDIN: Yes, sir.

10 MR. WILLIAMS: Yes, we do, Your Honor.

11 THE COURT: All right. So the next step would
12 be --

13 MR. WILLIAMS: Motions, Your Honor.

14 THE COURT: That's right.

15 MR. WILLIAMS: And we would renew those motions
16 that my co-counsel made at the end of the directed
17 verdict motion.

18 MR. MAULDIN: Yes, Your Honor, renew all our
19 motions as well.

20 MR. WILLIAMS: And to include any and all
21 evidence of any evidentiary nature, which is
22 insufficient as a matter of law for the jury to
23 convict him of anything. The specific arguments she
24 had plus --

25 THE COURT: Okay. The record will reflect that

1 your specific arguments are renewed at this stage,
2 as well as the State's previous responses to those
3 motions. And both defendants' motions for directed
4 verdict now at the close of all evidence are
5 respectfully denied.

6 MR. MAULDIN: The prior motions --

7 THE COURT: All prior motions and objections
8 are preserved.

9 Okay. It's 12:20. So what we'll do is we'll
10 bring the jury back up at 1:30 p.m. I will tell
11 them that you've heard from the State, we will now
12 have an opportunity to hear from the defense; both
13 of you will stand up and rest, and then we'll go
14 right into closing arguments. Does that make sense?

15 MR. WILLIAMS: Yes, Your Honor.

16 MR. MAULDIN: Yes, Your Honor.

17 THE COURT: All right. Thank you, all.

18 Counsel, if y'all can approach real quick?

19 (Sidebar conference.)

20 THE COURT: All right. So right after we broke
21 for lunch, I did speak with the lawyers off the
22 record in the courtroom. But after we recessed and
23 we -- I sent the attorneys a proposed copy of the
24 jury instructions last night. For the most part,
25 those instructions were fine. Defendant is going to

1 note an objection to the hand of one, hand of all
2 charge, which I'll allow you to do shortly.

3 Mr. Williams also asked for a self-defense
4 charge, which I told him I would consider during the
5 lunch hour. And looking into the law --

6 Mr. Williams, if you want to go ahead and make
7 your --

8 MR. WILLIAMS: I think Ms. Williams is going to
9 argue that, Your Honor.

10 THE COURT: Okay. Go ahead, Ms. Williams.

11 MS. WILLIAMS: All right, Your Honor. We would
12 object to the inclusion of the hand of one is the
13 hand of all charge based on my -- my directed
14 verdict motion. In addition, we would object to not
15 including a self-defense charge. Under
16 State v. Light, 2008, if there's any evidence in the
17 record from which it could reasonably be inferred
18 that the defendant acted in self-defense, the
19 defendant is entitled to instructions on the
20 defense, the important part being any evidence
21 reasonably be inferred. So we would object to the
22 noninclusion of that charge as well.

23 THE COURT: Very well.

24 Anything from the State in response to that?

25 MR. MCNAIR: It doesn't rise to that level,

1 Your Honor. It's mere speculation.

2 THE COURT: My -- I also saw that language in
3 one case, but I also think there are certain
4 elements -- obviously, we heard actual testimony
5 here, eyewitness testimony of the conduct of walking
6 up the road, holding the guns, waving them, the
7 language that was being used. I just think,
8 ultimately --

9 There's several elements that I have a problem.
10 Certainly, the first element of self-defense, as far
11 as not provoking or bringing on some of the danger
12 himself -- or bringing on the danger himself. So I
13 think, ultimately, the elements are not met for
14 self-defense to a point to where they can be
15 presented to the jury in this context based upon the
16 evidence we heard in this trial. That's why it's
17 respectfully not being charged.

18 All right. Anything else before we bring up
19 the jury?

20 MR. MAULDIN: Your Honor, I also object to your
21 inclusion of the accomplice liability charge on the
22 same grounds. I would like to put on the record
23 that I discussed lesser included offenses with
24 Mr. Robertson and he does not wish for me to ask for
25 any.

1 THE COURT: Very well.

2 MS. WILLIAMS: Your Honor, if we could just put
3 on the record that I object to the verdict form, in
4 that it doesn't specify under what theory of
5 liability that the jury would find my client guilty
6 of murder and/or attempted murder.

7 THE COURT: Very well. The objection is noted
8 and overruled.

9 So we're going to bring the jury up. I'm going
10 to tell them the State has rested, we now have the
11 opportunity to hear from the defense. You can each
12 stand up and say you both rest. And from there, I
13 can tell them we'll now go into closing arguments.

14 Do y'all concur with that?

15 MR. WILLIAMS: On behalf of Brannon, we do,
16 Your Honor.

17 MR. MAULDIN: Yes, Your Honor.

18 THE COURT: Let's bring the jury up, please.

19 The defendants did not put up any evidence in
20 this case. The State will open and close and the
21 defendant will have the last word. I didn't bring
22 that up before but, obviously, y'all concur on
23 that's what's going to happen.

24 MR. MCNAIR: Yes, sir.

25 THE COURT: One last thing, ladies and

1 gentlemen: We're obviously about to go to closing
2 argument. Everyone in the courtroom, no noises, no
3 comments from the gallery from now and the rest of
4 the day. Thank you.

5 (The jury enters the courtroom at 1:46 PM.)

6 THE COURT: All right. Madam Forelady, ladies
7 and gentlemen, welcome back. I hope you had a nice
8 lunch and had a chance to refresh yourselves. When
9 we last broke, the State had just rested. We'll now
10 have an opportunity to hear from the defense.

11 MR. WILLIAMS: Defendant Brannon rests, Your
12 Honor.

13 MR. MAULDIN: Defendant Robertson rests, Your
14 Honor.

15 THE COURT: Very well.

16 Ladies and gentlemen, the parties have
17 presented their evidence in this case. It's now
18 time for the attorney's to make their closing
19 arguments. The arguments of the attorneys are not
20 evidence in this case. Their statements are
21 arguments and are meant to help you understand the
22 evidence and apply the law to the evidence.

23 You should disregard any remarks, statement, or
24 argument which is not supported by the evidence
25 presented during the trial or the law that I will

1 explain to you after the arguments.

2 State ready to proceed?

3 MS. FULLER: State is ready, Your Honor. May
4 it please the Court?

5 THE COURT: Yes, ma'am.

6 MS. FULLER: 34 gunshots. At least 34
7 gunshots -- that was on June 6th of 2015 --
8 unleashed between Donovan Brannon, Shantrez
9 Robertson, and that third individual we talked
10 about. But today is their day in court. 34
11 gunshots.

12 You ask yourself why? For what? For what?
13 Was it really, really, really just because they are
14 that senseless? That evil? What would possess any
15 human being -- because, you know, as human beings,
16 we are responsible for one another. They owed a
17 duty to William Gantt and Brandon Jeffery, OB, Dee
18 Dee, and Teddy P that night because they're humans,
19 they're men, grown men.

20 Donovan, he's from this community. He knew
21 them. He let outsiders in. Robertson and White,
22 they ain't from here. They had no business here.
23 None. 34 gunshots. What is that like? What is
24 that like?

25 Listen when the Judge charges you on this law

1 later after we're done. He's going to tell you
2 questions is not evidence, questions is not
3 evidence. But you heard the questions. You heard
4 them trying to pick -- nit-pick. What's the
5 procedure when there's 34 gunshots flying over your
6 head?

7 I'm sorry that Brandon Jeffery and Andy Barnes
8 and OB didn't know the procedure. They didn't know
9 to take out their notepads and write down notes.
10 They didn't know to take out their phones and take
11 pictures. They didn't have the rule book. Please,
12 somebody write the rule book. What is the procedure
13 when you got 34 gunshots flying at you? You
14 supposed to remember everything? Are you supposed
15 to take notes? No.

16 You all, each and every one of you, are the
17 judges of the credibility and the believability of
18 every witness that took that stand. You all, nobody
19 else. Nobody else. Not the State, not the defense,
20 not the Judge. No disrespect. Nobody, but you.
21 You all are the factfinders. You all get to say
22 what is and what is not. Nobody else, but you.

23 Brandon Jeffery took that stand. He survived
24 his war date, June 6th. They want to ask him
25 certain questions. He testified, he said he

1 remembers it like it was yesterday. Certain things
2 he focused in on, certain things he didn't even see.
3 He was just trying to survive. He was brave then
4 when he survived and he was brave this week when he
5 testified. They want to ask him nit-picking
6 questions. Sorry he didn't know the procedure.
7 Don't hold that against him. There ain't no rule
8 book.

9 34 gunshots. 34 gunshots. When he testified,
10 he told you he had a bad feeling in that club, bad
11 feeling. There was no preplan to go out. All of
12 them told you, they were playing Madden. Boy, do
13 they wish they were still just playing Madden.
14 There was no preplan. They all remembered something
15 different.

16 Now Teddy P, gosh, Teddy P. Teddy P had to
17 stay there with Shine. Nobody can imagine his final
18 moments, but Teddy P was there. Teddy P had his
19 eyes on Fresh when he walked up that hill with that
20 gun in his hand. And then he had his eye on that
21 car.

22 Teddy P tried to get his gun out and start
23 shooting. And we'll get to it shortly because I
24 don't want you guys to miss it, because I know y'all
25 were paying attention. Teddy P probably started

1 shooting back before he even got his gun out. We'll
2 look at that Kia Optima. They didn't want to get in
3 a lot of stuff about that; they pressed it, right?
4 Because when you look at that Kia Optima, you don't
5 need an expert to tell you this: Those shots came
6 from the back.

7 Who else was back there? Look at the map. Who
8 else was back there? That Kia Optima was shot from
9 the back because Teddy P was trying to just shoot.
10 He didn't know where he was shooting or what he was
11 shooting at. He probably thought his bullets went
12 somewhere else. Some of them may have. The
13 majority of them tore up that car. Them boys
14 ambushed them. Them boys straight-up ambushed them
15 for no reason. None. None.

16 Then, you know, talk about these guns; Teddy
17 P's gun; a week later, Shine's gun turned in. Pose
18 the question what good reason did Teddy P have to
19 give those guns? He said he wasn't thinking. His
20 friend was dying in front of him.

21 But then he hunted down and tried to get those
22 guns back. And who had those guns? Who? Members
23 of Brannon's family. Why? That was a tough one.
24 I'll let y'all tell me why. Y'all are the
25 factfinders. But that was a tough one. But I'll

1 submit to you, if we never got Teddy P's gun back,
2 guess what? Guess what? Y'all would never have
3 known that his cases were back here by that Kia
4 Optima.

5 Dang, who was trying to get rid of what? Who
6 was trying to hide what? You never would have
7 known. All SLED would have been able to tell you
8 was that these were nine-millimeter shell casings
9 back here. They would never have been able to tell
10 you whose gun left those casings.

11 So when he said the defendant's cousin came and
12 said hey, bro, give me the guns before the cops
13 come, I submit to you it's probably because -- y'all
14 tell me this, though: It's probably because maybe,
15 just maybe, his cousin saw what happened, maybe, and
16 knew that Teddy P had a right to shoot back. Maybe,
17 maybe his cousin saw what happened and knew that
18 Shine didn't even shoot.

19 So why not? We got to get rid of those guns
20 because if the police got those guns, they can prove
21 that Shine did nothing wrong. Dang. How about that
22 for a plot twist? Shine's gun, nothing in the
23 chamber, fully loaded. And who wiped down the guns?
24 Brannon's family. Plot twist.

25 Now, they asked him questions. He's like, man,

1 I don't know, I don't know. Man, if Pedro and Teddy
2 P and OB wanted to lie, dang, they should have went
3 all the way, right? They should have went all the
4 way.

5 They should have said, point blank, yeah, I
6 seen Fresh pull that gun up. They should have said,
7 point blank, yeah, I saw Robertson pull the trigger.
8 They could have gone all the way, if they really
9 wanted to make something up against these two. But,
10 no, they told what they saw. They know it was them.

11 Specifically asked, did you see them? Did you
12 look down the barrel of the gun when they pulled the
13 trigger? No. No. No. But they were there with
14 guns, and the shooting started right when they were
15 there. Why do they have to lie? What motive do
16 they have? And please, if they wanted to, they
17 should have went a little bit further, give us the
18 whole shabang.

19 Now, OB, naive. Boy, ol' boy didn't know what
20 he was doing that night. And he acknowledged that
21 he has some communication issues, but he still was
22 brave enough to take that stand. That was tough. I
23 know you noticed it. He was nervous. It's tough
24 when you got challenges, but it's tough when you got
25 to sit there and be grilled. He saw what he saw.

1 He knows what he heard. He saw what he saw and
2 knows what he heard.

3 I'm going to harp on this Crown Vic. Even
4 through all the questioning, not evidence, but if
5 you got a question, go watch that video. I want
6 y'all to watch that video and see some white car
7 there. If you want to, you don't have to. But then
8 watch who got out that car and y'all judge that for
9 yourselves.

10 But anyway, talk about this car. It doesn't
11 matter. You know why it doesn't matter? Because
12 Antonio Stroman said he was driving a burgundy Grand
13 Marquis. And how do you know that? You have
14 pictures of that Grand Marquis. You have pictures
15 of the bullet holes in the back of the Grand
16 Marquis. It was a Grand Marquis. Oh, well, some
17 people say Crown Vic, some people say Grand Marquis.
18 It doesn't matter. Smoke screens.

19 When I sit down, I can't get back up, so please
20 bear with me. Ignore the smoke. A lot of it,
21 distractions. Clear it out, focus on what you have,
22 focus on the facts. It doesn't matter. Sure, they
23 mistake a Crown Vic for a Grand Marquis. Oh, well,
24 it was a Grand Marquis.

25 Let's talk about Antonio Stroman. Called

1 Antonio Stroman to the stand. He did not remember
2 the day that he took a bullet because of Fresh and
3 Red Nose. If he knew something different than what
4 Teddy P, OB and Pedro testified to, you didn't hear
5 it from him because all he could tell you is what he
6 didn't remember.

7 So what did he tell the police back in 2015?
8 He gave three different versions of what happened.
9 Three. And this is important because there's
10 probably about four things he was consistent with.
11 Are you ready for them? And this is important.

12 The first one is going to sound like why is
13 that important. The first one was where he parked.
14 It's like, why does she keep asking that? Because
15 it's important. He was consistent in all those
16 three statements and when he came to court. He was
17 like, you know, I parked in the lower parking lot.
18 Yes, yes, yes, we all know you parked in the lower
19 parking lot.

20 So what good reason did Fresh have walking up
21 that hill? Get in the car, go home. But he wants
22 to run his mouth, walk up that hill with a gun in
23 his hand, talk ing about where them P-MFers at. You
24 looking for trouble. Shut your mouth, go home. Go
25 home. Shut your mouth and go home, that's all

1 people wanted to do.

2 They were just trying to have a good time. But
3 he had to lead the pack up the hill, cars behind
4 him, looking for trouble for no reason. What,
5 disrespect? So what? Somebody's life is gone.
6 Someone's life is gone. For what? Four people's
7 lives forever changed. For what? For what?

8 Let's look at some of the evidence in this
9 case. When it comes to Robertson, y'all saw this.
10 Y'all looked through it. I just don't want y'all to
11 miss it. But I'll tell you, when I get to this
12 part, it don't matter who delivered the fatal blow.
13 They all bought in following behind Fresh walking up
14 that dang hill. The act of one is the act of all,
15 so it doesn't even matter.

16 So what do we have? We got Robertson, just the
17 day before going out, because it was a Friday night
18 that bled over into Saturday morning, no pun
19 intended, talking about a Smith & Wesson
20 nine-millimeter.

21 You heard the SLED expert. You heard her.
22 This crime scene of these -- of the casings she can
23 say the system returned, three are a Smith & Wesson;
24 that fatal shot, her opinion, could have been a
25 Smith & Wesson. Didn't mean to confuse her

1 testimony or mislead it.

2 She can go casings up to guns; she can go
3 projectiles up to guns. I submit to you I can argue
4 they're the same ones. SLED, they got their
5 standards, and we want that, state-wide credibility.
6 They got their limitations on what they can and
7 can't change.

8 Then he's talking about the nine. Everyone
9 knows a nine is a gun. You've got a nine or a 40.
10 You got a .22 or .32; you got a .27 or a Glock.
11 He's talking about a gun. He had a gun. And I'll
12 get to the part where the Judge is going to tell you
13 there's direct evidence and there's circumstantial.
14 It's all good. You can consider it all.

15 Making those plans with Antonio Stroman to come
16 to town. When Antonio was on the stand, I wasn't
17 really trying to ask too many trick questions, but
18 here, we, us, Robertson didn't come alone. Why was
19 this other guy such a secret? Who is he? We, us,
20 he did not come alone. And you heard Pringle say he
21 doesn't have a car. That's the testimony. That's
22 what you have. Gets rides places. We, us. He
23 wasn't by himself; he was with his friend.

24 Then the night of/day of, 3:49, still talking
25 about that gun because he still had it. People knew

1 he had it. Never recovered. Now here, don't need
2 an expert to tell you this: You're communicating
3 with a group of people all day, and then you're
4 communication stops. You're together. And you have
5 video of them together.

6 We'll get to the maps shortly. I know y'all
7 just saw them, but I'm going to show them to you
8 again. 12:20, last communication between Donovan
9 Brannon and Shantrez Robertson, because they were
10 always together.

11 Same for him communicating with Antonio Stroman
12 all day -- well, not all day, but you get it;
13 throughout the day, from Facebook first, then to
14 phone calls. And then there's that gap. Why?
15 Because they're together.

16 Now, let's go back. Tyrese White,
17 communication, communication, communication, oh,
18 then it stops. Because, I submit to you from surely
19 around there, they're together.

20 This looks crazy I know, but this is important.
21 Together, together, that's all you need to take into
22 it. Shantrez Robertson and Tyrese White in the same
23 general area and then, the same amount of time
24 later, the same general area. I submit to you,
25 they're together. Cell phones says their phones are

1 together. I will argue, they're together.

2 There goes Donovan. And then, here, there goes
3 that 12:20 call that you saw on those slides before.
4 And then by 12:26, they're hitting off the same
5 sector, same tower, because they're together.

6 The video at the Hill View, we have a camera
7 time of 1:16; 1:14, hitting off of the tower.
8 Tyrese White, hitting off the tower that services
9 the Hill View. Together. They're together. That's
10 your four in the car.

11 You heard Demetrich Harris that says that night
12 after, she saw pull four people pull up in that
13 Grand Marquis, in a burgundy car. She said burgundy
14 Crown Vic. We know it's a Grand Marquis. She had
15 no motive, none. You saw her. Again, only y'all
16 can say who's credible and who's not.

17 I want to get to Jasmine Pringle. Y'all saw
18 that, just saw it today. So let's get through here.
19 No activity on her phone. And you've got the phone
20 records, look for yourself. No call, no
21 communication, until he calls her when he turns his
22 phone back on at 4:31. Then it's Tyrese White
23 calling her.

24 But did you hear her testimony? She said she
25 only talked to him. She never said that she talked

1 to his friend. So what does that mean? They are
2 together. He's using Tyrese's phone because they're
3 together.

4 This is when he turns his phone back on. And
5 it's one thing -- I'll tell you this: Don't know
6 what kind of phone he had. But because he probably
7 was communicating with someone with an Android, he
8 had an iPhone, or they both had Androids.
9 Thankfully, thankfully, the tower, the cell phone
10 company picked up the communication.

11 Because why? Common knowledge. If it's an
12 iMessage, the cell phone company wouldn't pick it
13 up. That was so important when it came to him,
14 because he was communicating either with an Android
15 and had an iPhone or he had an Android, all of his
16 messages route through the network. That was
17 important for law enforcement to see because he
18 turned his phone off. You can see that it got held
19 up in the network. It would be one thing if it was
20 solely an iPhone, an iPhone texting an iPhone;
21 couldn't make much argument. Thankfully, his
22 messages route through the network. Not promoting
23 getting an iPhone, just saying.

24 So based on cell phone voice calls, we know
25 4:28 -- but then we can check the texting data and

1 see that messages were sent to him that weren't
2 delivered until 4:28. So that means his phone was
3 off. Doesn't mean he was in Columbia, because we
4 know he wasn't. His phone told the story.

5 You guys decide how credible Pringle is. Yes,
6 these are aerial maps, great. Trees look like
7 trees, great. The Spot is still The Spot. She
8 looked at it and she said it didn't look like where
9 she went. Her phone doesn't even pass -- this might
10 be our exit here -- doesn't even pass Lexington.
11 Said she didn't have an address, he just told her
12 what exit number. She couldn't remember the exit
13 number.

14 She didn't drive to The Spot. She didn't.
15 Ain't no way, not if she got a call at 4:31. And if
16 she did, she would have seen the police. She said
17 you didn't see the police. Because you heard Glenn
18 Ross say he was there till what? After 10:00 a.m.
19 She didn't drive to The Spot. I'm not here to call
20 her a liar. I'm saying she's mistaken. You guys
21 call her what you want to call her. This is where
22 she stopped.

23 I didn't point this out, but you guys can look
24 for yourself. You can look and see who she's
25 talking to and look to see where the person at 5:06

1 is she's talking to.

2 And you heard Jasmine's cousin says that she
3 knows that Trez and his friend came in, it had to be
4 before 6:00. Remember that? Because she had to go
5 to work. And who -- these phone records support her
6 testimony because by 5:56 and 6:00, they're
7 utilizing this tower servicing Pringle's home.

8 That's important because, despite the fact that
9 it's been six years, Jasmine Pringle's cousin
10 remembers because she's routine. She's like it had
11 to be -- she even narrowed it down within 30
12 minutes, because she said, I had to leave by 6:00,
13 and I was already getting ready for work.

14 And when does Tyrese White's phone show up
15 here? When does Shantrez Robertson's phone show up
16 here? 5:56 and 6:00. That's important because his
17 statement to the police is that he would have been
18 there before this all happened. It's a lie.

19 Now, laying low. What you got to lay low for
20 if you did nothing wrong?

21 Baby, when your people leave, I need a place to
22 lay low for a while. We don't have a name for this
23 number. We don't know, but we know it's not Pringle
24 or the other girlfriend. So this is a different
25 one. Needed a place to lay low. And the time,

1 2:43. It hadn't even been 12 hours yet.

2 Now, this message, this girlfriend, 3:18:
3 Baby, please let me know you're all right. She said
4 she didn't know what happened. She didn't know. I
5 get it. So she text everyone she knew was there.
6 So, at the very least, she knew he was not with his
7 other girlfriend in Columbia, he was still at The
8 Spot. Again, what he told the police is not
9 credible.

10 Now, one of the questions -- again, questions
11 is not evidence. Nothing I ask is evidence, it's
12 just testimony. But there was something about
13 typos, so I'm going to throw out a typo for you on
14 this slide here. This text that Antonio sent
15 Mr. Robertson, I read in the typo. I'm going to
16 share it with you guys, and you guys read it on your
17 own. They got it. Because he's answering the
18 previous question about his car.

19 So he says: They got it. Then he asked the
20 question: Y'all ain't leave blank or shot in the
21 car, did y'all? My typo is: Y'all ain't leave
22 anything or shot in the car, did y'all? But you all
23 get to decide whether it's a typo.

24 Where there's not a typo is when Antonio asked
25 Mr. Robertson if he shot in the car. Why would he

1 be asking that? Crown Vic, Grand Marquis, doesn't
2 matter. They're talking about the Grand Marquis.
3 It was a Grand Marquis. Don't get distracted about
4 that. He's only asking if he shot in the car
5 because the police have the car.

6 And if, if, if, if -- which they didn't -- if
7 they shot in the car, there might be a casing in the
8 car. You heard that thrown out a little bit. And
9 the police would have found it if they searched that
10 car to know.

11 But here it goes again. On June 8th, you heard
12 Detective Garrick say that he was actually talking
13 to Antonio on June 8th. So I tell you this text
14 message is credible. He denied it, but this is the
15 day the police were talking to him. He said y'all
16 need to lay low. So on the day the police is
17 talking to Antonio, who almost lost his life, he's
18 sending a message, because he doesn't have his
19 phone. I don't know why he didn't just admit that
20 he didn't have his phone. For some reason, Fresh
21 had it.

22 But, that day, Antonio said: Y'all need to lay
23 low. On the very same day, he's talking about the
24 shooting; on the very same day, he got confused on
25 which version he was tell ing the police because,

1 first, Red Nose was with him going to Batesburg, and
2 then he wasn't.

3 First, they were riding together, leaving the
4 club together, then they weren't. Then he was
5 leaving alone, he heard shots, and then the two of
6 them jump in the car and then he got shot.

7 Tonio may know more than he shared, he might.
8 You guys decide that. He may not. He may not have
9 known this was going to happen. We don't know.
10 Y'all get to decide if he did.

11 Now, the law. That's the statute. It's very
12 simple. In South Carolina, there's only one degree
13 of murder, just one. It's the killing of any
14 person. In this case, Tyrone Gantt, William Tyrone
15 Gantt, was killed. It's just two things that the
16 statute requires, and malice aforethought.

17 Now, aforethought can be quick, quick, quick.
18 There's no premeditation needed, nothing. The
19 minute you decide to go boop, boop, that's it. And
20 malice. I submit to you, we've proven that. And
21 I'll talk about our burden shortly. But this is
22 what malice is: It's hatred; it's evil; it's
23 ill-will or hostility towards another; the
24 intentional doing of a wrongful act. The
25 intentional doing of a wrongful act.

1 Let's look at malice. Let's take you to see
2 malice. You have a group of three people shooting
3 three different types of guns. We know the three
4 within the three. The text message proves that they
5 had a Smith & Wesson nine.

6 And there's a photo of Donovan holding a Ruger.
7 It doesn't matter which one of them held which gun.
8 They could have switched guns for all we care; it
9 doesn't matter, not in this case. But malice, how
10 many gunshots does it take to prove malice? How
11 long does it take to shoot at people 34 times.

12 They asked each of those witnesses questions as
13 if this thing lasted ten hours. Maybe I can click
14 faster than someone can shoot. 34 gunshots doesn't
15 take that long. 34 gunshots. You ain't tired yet?
16 This was quick. Quick. Brandon Jeffery, O'Brien,
17 Andy Barnes captured in their memories what they
18 could in a quick moment and they were grilled for
19 hours.

20 Snapshot: What do you remember? Go, go, go,
21 go, go, go. What do you remember? This ain't a
22 movie script. They weren't handing out assignments.
23 This is your role. They were taking 34 gunshots.

24 I'm not even done yet. Man. That's malice.
25 That is evil. That is hatred. There's no other way

1 to explain it. You don't unload on people.

2 And then there goes Teddy P in the back. Gosh,
3 man, if John Wayne didn't return the guns, what
4 could we tell you today? That would be an unknown.
5 Gosh. Gosh. Hatred, I submit to you we've proven
6 that. Intentional doing of a wrongful act, that's
7 malice.

8 Now, attempted murder, the only thing missing
9 from this, in the law, is that it needs to be a
10 specific intent to kill. It's the intent to kill
11 another, same malice, but you have to have a
12 specific intent. And I submit to you that when he
13 went walking up that hill with a gun in his hand,
14 asking where them P-MFers at, after following them
15 up the hill, he had a specific intent to kill.
16 Ain't no way to cut, slice, or dice it. They all
17 bought into that mess. Senseless.

18 Brandon Jeffery did not deserve to go through
19 what he went through. He did not deserve to have to
20 live with that trauma for the rest of his life. For
21 the rest of his life. That was his war date.

22 I submit to you, you ask anybody who has been
23 to war, 20, 30, 40 years ago, and you question them
24 about details about what happened, and they're
25 telling you; you tell them, no, you didn't

1 experience that. I dare you to challenge someone
2 who has been to war. 34 gunshots in America?
3 That's crazy. 34 shots from that group.

4 Now, let's talk about -- it's a chart. I put
5 it together. You have it separated. What's the
6 beauty about all of you guys is that all of you guys
7 come from different walks of life. But one thing
8 that you all have is your senses. So if you have
9 four different type of casings on a scene, yes, SLED
10 has standards so they can't say casing matches
11 projectile. Y'all got that. I think we beat that
12 in. But what you can do is use your common sense.

13 And if at the crime scene -- forget the mess
14 about a revolver. Ain't nobody walking around with
15 no revolver. They ain't have no revolver in this
16 case. And it was a question asked but, you know
17 what, it ain't evidence, so forget it if there's
18 testimony of any revolver. And, like I said,
19 questions posed is not evidence in this case. So
20 forget that.

21 What you do have are casings, cartridge cases.
22 You have four different types from an expert who has
23 been an expert for way too long. And she said there
24 are four types of casings from this scene. She can
25 individually, from the projectiles, say they were

1 fired by this, fired by this, fired by this. They
2 were inconclusive with each other, but this is where
3 our common sense comes in.

4 If you have four groupings of casings and then
5 you have this grouping of projectiles that all could
6 be fired by a 40-caliber and you only have what, one
7 40-caliber shooter at the scene, then I submit to
8 you that whoever is responsible for this is
9 responsible for this. And that's all I'm making.
10 This is a chart, not a summary for testimony. This
11 is a chart. Okay? Different.

12 When it comes to Teddy P here, she said they
13 had similar rifling. She didn't want to call the
14 gun cheap. I'll call the gun cheap. It was a cheap
15 gun, period. So every time it shot, it hit
16 different. Oh, well. But what you do have, in what
17 car, the Kia, the Kia. She excluded every fragment
18 and projectile from the Kia, which, check back,
19 might be 12 or 13. Some were just too bad. It was
20 a cheap gun. The others she excluded. From who?
21 From what? She excluded from the other gun she had
22 in evidence. So who's left? Teddy P's gun.

23 And let's look at the picture of this Kia. You
24 don't need an expert. You don't need a ballistics
25 expert. Okay? Y'all are smart. If you're standing

1 just like how y'all are sitting right now, and if
2 you look on the passenger's side of that Kia and
3 there's no damage, where are the shots coming from?
4 You don't need an expert to tell you that.

5 It's coming from the driver's side of the car.
6 And who is the only person, who is the only shooter
7 that was on the driver's side of the Kia? Somewhere
8 by his car. Hint, hint. Don't get distracted by
9 the smoke.

10 And y'all had all of this. I know it's a lot.
11 And I implore you, please take your time. If
12 there's anything -- and she's going to look at me
13 crazy. If there's anything you want to hear back,
14 it's available. If there's anything you want to
15 see, it's available. This is way too important to
16 rush through this. Take your time. Some things may
17 have been confusing and distracting, but please take
18 your time.

19 Now, I have to prove, the State has to prove
20 all of this beyond a reasonable doubt. And we
21 already talked about beyond a reasonable doubt in
22 openings. It's not proof beyond all doubt, it's
23 proof that leaves you firmly convinced, firmly
24 convinced of someone's guilt. Firmly convinced.

25 And you also hear about what I touched on

1 earlier, direct and circumstantial evidence. So
2 direct evidence, everything you heard there that you
3 get to judge, anything you got to see.
4 Circumstantial evidence, here's circumstantial
5 evidence.

6 Circumstantial: You're in your house -- it's a
7 simple basic example. You're in your house. When
8 you went in, outside was dry. When you came back
9 out, it was wet. What happened? It either rained
10 or the sprinklers came on. That's circumstances.
11 You didn't see it yourself. You may have been
12 sleeping. You didn't know. But you know it
13 happened and no one can tell you that it didn't
14 because water got here somehow. That's the basic
15 way to look at circumstantial evidence. There's
16 links that you can put together.

17 The hand of one is the hand of all. The Judge
18 will charge you on this law. If a crime is
19 committed by two or more people, I submit to you we
20 have that in this case. We have, at least, three --
21 acting together to commit a crime, we have that; the
22 act of one is the act of all. Everyone involved is
23 equally responsible. Everyone involved is equally
24 responsible.

25 So what does that mean? The hand of one is the

1 hand of all. Even if nobody else shot, the hand of
2 one is the hand of all. The act of one is the act
3 of all.

4 Like I said, once I sit down, I can't get back
5 up. And that's the hardest part about being an
6 advocate. Now, as they sit there, they're presumed
7 innocent. They have the presumption of innocence.
8 It is like a robe of righteousness cloaked over them
9 that only you all have the power to remove. And I
10 know that's tough. That's a tough burden.

11 And I submit to you that after you've taken
12 your time and reviewed all of the evidence, all of
13 the evidence and analyzed it, what was reasonable,
14 what was not, even looking at this, look how far
15 Donovan Brannon had to drive. And you heard the
16 testimony. No one called 911, but Stroman was hit
17 and you did nothing wrong? Yeah, right. The first
18 person you're calling is getting help. But you
19 drive that far? What's reasonable? Where did Dee
20 Dee drive Jeffery? Just up the road and called for
21 help.

22 If you guys have any issue s with the fact that
23 this happened in 2015, blame our office, blame law
24 enforcement, blame everyone else, but don't hold
25 that against Tyrone Gantt and Brandon Jeffery.

1 There was a lot done in this case. You heard
2 testimony that people were constantly working on
3 things over the past several years. I know that
4 kept getting thrown out.

5 Again, questions, they're not evidence, I know
6 that. But you heard it. So I'm asking you, look at
7 what you do have and when you deliberate. Please, I
8 implore you, return a verdict that speaks justice
9 for Tyrone Gantt and for Brandon Jeffery.

10 THE COURT: Mr. Williams?

11 MR. WILLIAMS: May it please the Court?

12 THE COURT: Yes, sir.

13 MR. WILLIAMS: I'm standing way away from you
14 guys without my mask on. I love charts and stuff.
15 It makes it easy for people to know what they're
16 supposed to know, doesn't it?

17 The one thing I was thinking about, I told my
18 daughter that there was something about this case
19 which is probably the most important thing to go
20 through the whole case, but I wouldn't tell her what
21 it was. I guess I should tell you, daughter is Anna
22 Williams over there. And I wouldn't tell her what
23 it was because, I don't know, just felt like it
24 might get in the atmosphere or something like that.

25 But there is a key to every case. There is

1 something that floats through every case, at least,
2 I've always found it and I checked -- I've been
3 practicing law over 45 years now, since November of
4 1976. That's a lot of cases to always have a key in
5 every case.

6 The key to this case is a key. And everybody
7 is wondering what a key is. Well, we know what a
8 key is. A key is something you use in a door. You
9 stick that in the door and you unlock something and
10 you open it up. And when you open it up, you find
11 out what's inside. It's when you're asking a
12 question, when you're doing math, you want to know
13 the key to the question, the key to solving
14 something. Well, there's a key in this case. It
15 wasn't introduced into evidence because it's not a
16 physical key.

17 The key is a doorman. A doorman. Because, you
18 see, the person who knows the most about what
19 happened on June 6th of 2015 -- and I noticed we
20 were calling it a war day. Well, it was, it's
21 D-Day. Everybody probably doesn't understand what
22 that means. It's June 6th, 1944. That's when
23 Normandy was.

24 But the doorman or the bouncer is the guy who
25 lets everybody in the club. He's the guy who when

1 Shine tried to come into the club, said, no, you
2 can't come in the club because you got a gun on you.
3 Because they had problems at this place before. Law
4 enforcement is -- this is not a virgin area for
5 people to have problems. So he said you get your
6 gun out of here.

7 You know, of all the people that we've heard
8 that went to that spot, and no pun intended on that,
9 he was the only guy to get kicked out for not having
10 a gun -- or for having a gun, I should say.

11 Well, you know what else he could have done?
12 He could have talked about what went on inside the
13 club. But, see, I'm not supposed to ask questions
14 because questions are not evidence. That's what I
15 heard. Questions are not evidence. Well, I guess
16 we're just supposed to assume what happened.

17 Well, that's not what you jurors are supposed
18 to do. You're the filter. We all have a role here.
19 The solicitor has a role to present the facts and
20 evidence; I have a role to represent my client; the
21 Judge has a role. The Judge has a role to see what
22 evidence is proper to be brought before you. Not
23 that he can determine whether it's good or bad or
24 what have you, but if it's something that has
25 reliability built into it, then he lets you have

1 that.

2 He's not going to stick his nose in your
3 business. He's not going to say well, you have to
4 rule this way or that way. What he is going to do
5 is he's going to tell you what the law is because
6 he's the only one that knows what the law is.

7 But then you weigh it. You look to see whether
8 or not the evidence is sufficient that it convinces
9 you beyond a reasonable doubt; that leaves you
10 firmly convinced in the guilt of the person charged
11 as to one of the two charges that each one of those
12 two individuals are charged with.

13 Now, there are two indictments which will be
14 read to you -- or two charges which will be read to
15 you, and that's nothing more than just this is what
16 the person is charged with. And you understand from
17 the beginning that the two charges that you have,
18 one is murder and one is attempted murder. Those
19 are the two charges. And the murder, obviously, is
20 Shine. The attempted murder is Brandon, because
21 he's the one that was shot in the leg.

22 Well, there are even two theories of liability.
23 You say, well, that's crazy. There are two ways you
24 get to that. You say either you directly did
25 something -- and when I refer to that, you have to

1 look at the evidence to a certain extent, because
2 the evidence as to any murder direct liability
3 charge is that the bullet -- we know that there was
4 a bullet that killed Mr. Gantt. It went in the
5 right arm, the pathologist said that. It went to
6 the lungs and landed in the left arm.

7 There has been only one bit of hint that my
8 client had any type of gun. I don't know if you
9 picked up on it. Really, there's only been one
10 hint. It's a hint. And that is a nine-millimeter
11 Ruger was collected outside of Creek View. And the
12 way that is hinted as being my client's is that he
13 has a picture in all the evidence.

14 And, if you look at the picture, it appears to
15 be the same nine-millimeter that was found in Creek
16 View. Even the State believes it somehow is
17 associated with my client, because they go through
18 all this scenario with all the collection of
19 evidence and they come up with -- they say, well,
20 this is the gun that, obviously, Mr. Brannon had. I
21 call him Fresh. It's just easier. That's the gun
22 he obviously had.

23 Well, when you get to looking at the
24 evidence -- that's why this is actually a good
25 chart, between you and me. When you start looking

1 at the evidence, you have these experts that go
2 around to make determinations of what more than
3 likely is the shell that came from a particular gun.
4 And the particular gun which they are attributing to
5 my client is the one that fired these shots: One,
6 two, three, four, and 21.

7 Now, you will note that -- now, this is where
8 the cartridges landed, so all of these on this side
9 of the cars. Mr. Gantt is way over here. There are
10 at least these two cars in between. And when he
11 supposedly was shot, he was actually right here or
12 right here or right here. There's some
13 contradiction.

14 You remember some of the witnesses said my
15 client walked up and was directly in front of him.
16 Well, if my client was directly in front of him,
17 these gun shells should not be over here. This is
18 more in line of somebody who was running, somebody
19 who's trying to escape from somebody else shooting,
20 trying to get out of a place.

21 And the other thing was actually brought out by
22 an attorney on the other side -- and he was
23 talking -- when he was talking to one of the witness
24 who was like a gunshot residue person, he was
25 talking about the distances that gunshot residue

1 would be. He said something like four feet, ten
2 feet. We see there's no gunshot residue on my
3 client.

4 So I'm just telling you, you know, the simple
5 stuff. This is simple. He's way over here. And
6 the kicker to the whole thing is there's the bullet
7 which is in Mr. Gantt could not, could not have come
8 from that gun. It's that simple. The bullet in
9 Mr. Gantt does not match this gun which they say we
10 had. That's kind of simple, isn't it?

11 Well, if it's not -- if he didn't kill him
12 directly, then it must be under some other theory.
13 So maybe it's some sort of hand of one is the hand
14 of all. Well, you start off with that there was no
15 one -- no one could testify that there was a problem
16 between the two of those individuals. Nobody said
17 that they had a problem. He comes walking up the
18 hill, allegedly; he's looking for somebody. And
19 Shine says, Who are you talking about? And he says,
20 Not you. See, I think that's kind of a key when he
21 says, Not you. Well, not you means not you, not
22 you. So why?

23 So what kind of agreement did he have with
24 anyone to do that? Did you hear any evidence,
25 evidence of joining, a conversation, a bunch of

1 other people talking to him saying, well, you know,
2 let's go do this? No. There's no common scheme.

3 Was there a common scheme? Is there some text
4 message I missed that says, hey, why don't we guys
5 get together and go out and shoot Shine? I didn't
6 see that.

7 So let's look at attempted murder, because
8 that's the other indictment. Attempted murder means
9 that you attempt to kill someone. Kind of along the
10 same theory, you look at the evidence and see what
11 sort of agreement would be there if it's under the
12 theory of hand of one is the hand of all.

13 If it's just specific intent to kill
14 Mr. Jeffery, then Mr. Jeffery, wherever he is on
15 here, I don't care where he is on here, he was shot
16 by a gun which was, what, not that gun. I mean, it
17 really is kind of simple. Neither one of these
18 individuals were shot with the gun which they say
19 was my client's. So I guess it must be, I don't
20 know, hand of one is the hand of all. Nobody said
21 they had any problem with Brannon. They were
22 dapping, doing all kind of stuff.

23 The problem is I feel like I want to ask
24 questions. I don't want to go through life and not
25 ask questions. My client got arrested because

1 people didn't ask questions. When law enforcement
2 showed up there sometime later, we know, we know
3 they had at least 40 cars there. Everybody is
4 leaving. Everybody is leaving. Nobody has stopped
5 the vehicles from leaving. Do you know how many
6 witnesses probably were in 40 cars?

7 Now, I don't want to blame anybody. But I
8 don't want you to convict somebody because somebody
9 didn't do their job either. We all have
10 responsibility in our jobs, whether it be as a
11 lawyer, as a judge; as a person, we've heard about
12 responsibilities for being a person. Well, I'm
13 sorry, it comes with whatever you do. So do your
14 job, close off that driveway, talk to the people who
15 are leaving.

16 I don't suggest that law enforcement has an
17 easy job. They have a tough job. They get bad
18 press, they work long hours, and they have a bad
19 job. But when somebody else's life matters, not
20 just the deceased life, we call them victims. We're
21 not just dealing with the deceased. We're dealing
22 with these two individuals over there. Do your job.

23 So I ask. I ask questions. So did you talk to
24 the guy who had the key? No. Because the guy who
25 had the key would also know what that gun looked

1 like that Shine had. What's so hard about that?
2 You could have gone to his house. You could have
3 gone -- if you knew the guy's name, you could have
4 gone to the house and asked him what it looked like.
5 Well, we didn't do it.

6 So what else do you normally do when you are --
7 when you're doing a scene? Well, you check the
8 whole area. You got somebody out there and you find
9 all these shells, but you only check the area where
10 the shooting occurred. I don't know how far bullets
11 go.

12 I heard about war. Well, I was in the Army. I
13 know a little something about rifles and stuff.
14 Actually, I had a .45. They go a long ways, too.
15 But I'll bet they probably go further than 20 feet
16 or 30 feet.

17 I believe if I were checking, I would check, I
18 don't know, the whole area, not because I think a
19 bullet is going to go that far, because I do, but
20 because we have heard, as you heard the expert talk
21 about, that sometimes, like in Columbia, a breeze,
22 anything can push things along. I don't think it
23 did. I'll be honest with you, I don't think it did
24 over here on the dirt because it was wet. You look
25 at the scene, you can see it was dirt. So it

1 probably didn't. But why not? We're not supposed
2 to ask questions. It's better to just assume
3 things.

4 So what else could have been done that would
5 have helped us on this? Well, I guess we could have
6 checked with those houses. You know, in today's
7 society, it's amazing. It's just amazing. My
8 receptionist can look at her cell phone and tell you
9 what her dog is doing by the pool in the backyard.
10 She can tell you who's at the gate, like, right now.
11 Why not check those phones, check those cameras, to
12 see what's going on? I don't understand it.

13 So some of the things that we do, obviously, is
14 as soon as the shooting occurs, we find out that one
15 of the individuals who's involved in the shooting,
16 well, he decides that, oh, I don't have my gun
17 anymore; well, somebody came by and took it. And
18 there's an insinuation that the person who took it
19 was doing it for my client.

20 Well, if they're out there, they shouldn't have
21 done it for him. But you know what you do? What
22 you do is you get those people in this courtroom;
23 you charge those people with obstruction of justice;
24 you find out who was involved in it; and you
25 prosecute those people for violating the law. You

1 don't just say, well, you know, they probably were
2 doing it to help. It didn't help him at all, if
3 that's what they thought. I can't imagine why
4 anyone would think it would help anybody.

5 You know, the only people that helped is the
6 other -- we'll call them the other side. But it's
7 that group of them on top of the hill. Because once
8 you wipe those guns down, you can't tell who had
9 those guns; you can't tell shot those guns. Who
10 does that help? You think it helps him? No. It
11 helps all those other people, whoever those other
12 people who were shot all these times.

13 So, yeah, I probably -- you know, if I had been
14 a police officer or if I had been someone who wanted
15 to prosecute somebody for doing something like
16 obstruction of justice, I would have tracked that
17 dad-burned thing down there; I would have had them
18 down there; I would have made them fess up to what
19 they did, and then I would have prosecuted them.

20 But they were old. One of them was old. I
21 particularly was upset about that. What the heck
22 does that have to do with anything? You know, just
23 because you get a little age on you, you might
24 forget a few things, but it doesn't mean you're any
25 more stupid than a 26-year-old. Well, maybe some

1 26- or 30-year-olds. Why do we discriminate like
2 that? Everybody has the same brain.

3 Do you know why you 12-plus people are here on
4 the jury? Because you possess something that
5 everybody possesses. But it's kind of special.
6 Everybody has that common sense; everybody has that
7 filter that we apply to see what the facts are.
8 Doesn't matter if you're tall, short, what your
9 nationality is. You know right from wrong; you know
10 what appears to be true, because you've lived it.
11 You learned it from your parents; you learned it
12 every day of your life. So that's why we have a
13 jury system.

14 And you don't fall for traps. You don't fall
15 for tricks. Having been raised in the '60s, the one
16 thing that I learned, which I thought was
17 fascinating when I was growing up, flashing lights.
18 The big thing when I was growing up was eat more
19 popcorn, eat more popcorn. You go to a movie
20 theater and it's eat more popcorn. You know what
21 that was all about? That was all about getting
22 people to eat more popcorn in a movie theater by
23 flashing. Subliminal perception.

24 As a kid, I thought that was the smartest thing
25 in the world. 34, 34, 34, 34, 34, 34, 34, and then

1 you got it circled, 34. Put a filter on your
2 brains. Pay attention.

3 You don't make decisions based on colors
4 either. You don't color everything kind of gray,
5 red, blue, because you say all that matches. But
6 you got to break the evidence down. That's asking
7 questions. That's not facts, is it? Well, if you
8 don't ask questions, you're not doing something
9 right.

10 So what else happened that kind of disturbed --
11 you know, all this stuff I'm asking questions about
12 is stuff that should cause you to have reasonable
13 doubt. Because when you get to the end of this, you
14 have to be convinced beyond a reasonable doubt of
15 the guilt of the person charged. Remember I
16 mentioned that? Firmly convinced. If you don't ask
17 questions, how in the world are you going to make a
18 decision?

19 The Judge will tell you about direct and
20 circumstantial evidence. Direct is, I see it;
21 circumstantial is, it leads you to that conclusion.
22 And I heard the explanation about it's dry -- you
23 get up in the morning and it's wet and it's rainy,
24 it probably means that it rained last night. But
25 when you talk about circumstantial evidence, it all

1 has to circle around and leave you with one
2 conclusion. Each fact in that circle has to be
3 proven beyond a reasonable doubt.

4 I suspect that the Judge will tell you that a
5 verdict is not based on sympathy also. You know,
6 it's easy to feel sorry for people about the losses
7 they've had their life, and we should. But if we
8 don't make a decision based on the facts, then all
9 we're doing is compounding the problem.

10 An old Judge used to work here. I told my
11 daughter about him. Judge Baggett over here. He
12 used to say you have no friends to reward, no
13 enemies to punish. What a thought.

14 Well, let's talk about what was testified to.
15 I guess we'll talk about Brandon Jeffery. I'll try
16 to simplify it. Did anybody -- did anybody testify
17 that they saw my client shoot anyone? Well, they
18 all had some variation of him walking up the hill
19 saying where they at and then saying it's not you.
20 They all have some variation of some car following
21 in close proximity, and that car is like a maroon
22 vehicle or a white Crown Victoria.

23 They all have some variation with some guy
24 jumping out of the white Crown Victoria and
25 shooting; some variation of some guy coming out of

1 the car with a white shirt and shooting someone;
2 some variation of the number of people in the car;
3 some variation of right hand verses left hand.
4 We've even got my client now with a 32-caliber
5 pistol. I didn't see that on the chart anywhere.

6 Why is all that important? Because if you
7 don't say the same -- if you don't have people who
8 corroborate something, there's something to look at.
9 I don't apologize for this. I don't apologize
10 because people don't remember what they're supposed
11 to remember or because people don't pay attention to
12 what they should do and what they see.

13 Why should we apologize for that? We say it's
14 okay. My momma was a school teacher, and the one
15 thing she used to say is everybody's got some good
16 reason for not doing the right thing. And what she
17 meant by that is don't make up excuses.

18 Then to divert that attention, we say, well,
19 you know, if it took a long time, blame me, don't
20 blame the deceased or the person who was injured.
21 This is not about blaming anybody that is injured.
22 We're sorry people are injured. Nobody deserves to
23 die over stupid stuff, whatever it was. Don't blame
24 anybody. Make people do their jobs.

25 Well, what was the scene like? Let's think

1 about that. Is that a question? Maybe it is.

2 Middle of the night. It was dark. 40 cars.

3 Everybody and his brother was drunk. I guess if I'd
4 been younger, I would have wished I had been there,
5 too, and I didn't need to be there.

6 But, you know, when you drink, you don't
7 remember things very well. That's why we have laws
8 against that. That's why we have laws about people
9 who drink and drive. Because when people drink and
10 drive, they don't remember; they don't see; they get
11 in accidents. So those are the witnesses that we
12 have -- maybe we weren't supposed to talk about that
13 either.

14 But one of the things you have to consider when
15 you determine what facts and evidence you are going
16 to concentrate on, you have to consider, well, I
17 don't know, he was drinking. Can we trust that or
18 not? Because you weigh the evidence.

19 I know I'm skimming over this. But when I get
20 back and sit down, my daughter over there is just
21 going to chew me out because she's very
22 detail-oriented. If she were a cop, nobody would
23 escape this room without being convicted, because
24 she would find out what the problem was.

25 But I know you're tired. And I think I can

1112

1 simplify a lot of these things, because if I tell
2 you to focus on the witnesses that testified, the
3 fact that they're not all consistent, the fact that
4 none of them see my client, Fresh, shoot anyone, the
5 fact that Fresh had no reason to shoot anyone, then
6 you'll realize that their evidence fails.

7 Listen to the law, and it will tell you that
8 there isn't -- I can't tell you what the evidence
9 is. But I can tell you that your determination of
10 the evidence begins with asking questions.

11 You know, at the very beginning, I think I
12 talked about science. I think my daughter liked
13 science because she was going to be a chemistry
14 person. But science is important because, with
15 science, it's not affected by what you think; it's
16 not affected by what your mood is; it's not affected
17 by subliminal perceptions; it's affected by things
18 that can't be changed.

19 In this case, this case, there is no latent
20 prints that ties my client to doing anything
21 illegal. There is no gunshot residue that ties my
22 client to committing a crime. There is no gunshot
23 residue which ties my client to committing a crime.
24 I don't criticize people for not finding evidence.
25 I consider that if you didn't find it, it wasn't

1 there to begin with.

2 You know, the burden of proof is on the State.
3 I keep telling you that. And I believe what I would
4 have done is bring all the witnesses that I had; I'd
5 pull out all the statements that I had; I'd put it
6 all out there in front of you and let you go through
7 it and you do what you're supposed to do. I don't
8 want to hide. I don't want to cover up.

9 People talk about smoke and mirrors. This is
10 not about smoke and mirrors. This is about opening
11 it up. It's like wood. You know, you comment about
12 the trees. You know, you can use trees for two
13 things: You can use them to build a wall around
14 yourself or you can use it to make a bridge and
15 cross to another side.

16 I want to thank you for listening to me. I
17 know you're probably saying everybody talked too
18 long. Theo, you got up too many times and made too
19 many objections. You have really been good. I know
20 I was tired, and I'm getting paid to be tired.
21 Thank you so very much.

22 THE COURT: Mr. Mauldin?

23 MR. MAULDIN: Thank you, Your Honor.

24 THE COURT: Mr. Mauldin, before you start,
25 let's just stand up real quick.

1114

1 Mr. Mauldin, we're going to take a short break.

2 MR. MAULDIN: Okay.

3 THE COURT: We'll take this break now and
4 then -- okay. We'll take this break now. Let me
5 know as soon as they're ready to come back up.

6 (The jury exits the courtroom at 3:10 PM.)

7 THE COURT: The jury is ready to come back up.
8 We're going to bring them up.

9 (The jury enters the courtroom at 3:31 PM.)

10 THE COURT: Ladies and gentlemen, welcome back.
11 We'll continue where we left off.

12 Mr. Mauldin.

13 MR. MAULDIN: Thank you, Your Honor.

14 I told you at the beginning of this trial that
15 you wouldn't have any kind of clue what really
16 happened that night than you would if you first
17 walked into the courthouse besides maybe knowing
18 some people's names and a little bit of this and
19 that. And I think my prediction has come out to be
20 true. You really don't have a clue, from what's
21 been presented, what actually happened and what went
22 on.

23 How can you be firmly convinced of anything
24 from this trial? Firm. Not wishy-washy, not might
25 have happened, not could have happened, well, maybe

1 happened. Firmly convinced. Like a firm offer,
2 this is our last offer, unyielded, with no real
3 possibility that it could have happened any other
4 way.

5 Smoke and mirrors is on the State's side. I
6 didn't count the items in, but I did hear the number
7 404. Just because they have all this stuff doesn't
8 mean that they have all this evidence. Putting in
9 ten pictures when one picture would do, that's a
10 trick to make you think they have evidence when they
11 don't actually have it.

12 And these colors, the red, and Shantrez's phone
13 records are red, and the bullet from the death shot
14 that they tie to a pistol is red. Well, guess what,
15 I wore a red tie. I must be the shooter. I can
16 play that game, too. They're just trying to
17 subconsciously influence you. The phone records are
18 red. We're going to put this gun in red, so that
19 has to be Shantrez's gun. We're going to put this
20 gun in green, so that has to be Fresh's gun. We're
21 going to put that blue, so that's Boosie's gun.
22 It's a cheap trick. Don't fall for cheap tricks.

23 They're slapping a Band-aid on the Titanic
24 after it's already sunk, ladies and gentlemen. It's
25 a fancy Band-aid, to be sure, with a lot of little

1 charts and pictures and colors and experts that are
2 all hired this year. They can do all this stuff
3 now, but they couldn't do the simple stuff way back
4 then, like talk to witnesses.

5 That sergeant that called in 10 and they didn't
6 even try until this year, like a week or two ago, to
7 go out and talk to those people, where are they?
8 The State didn't call them. Using metal detectors
9 to try and find more bullets or search in a larger
10 area to try to find more shells or bullets, simple
11 stuff, didn't do that.

12 Doing more gunshot residue tests on people's
13 clothes, on the other people that were involved in
14 the shooting. It's just simple. It's just wiping.
15 Didn't do that. Now, sure, they're bringing in the
16 experts to come, and they seem to be more trying to
17 testify to explain away why they didn't do stuff
18 rather than actually testify about something real
19 and some real evidence.

20 This presentation is not only manufactured, but
21 they've manufactured a motive, a motive for this
22 crime. Everyone said at the time, well, there was
23 no fights at the club; there was no bad feelings, no
24 altercations of any kind. But, all of a sudden, six
25 years later, we get this, well, they're jumping on

1 the floor and moving their hands, and OB got in and
2 was jumping around and we just had bad feelings
3 and -- what is all that about? It doesn't make any
4 sense. Manufactured.

5 The police got there; they got their first
6 story. They took that story and they ran with it.
7 They had their blinders on. They didn't collect
8 evidence or even submit evidence to SLED because
9 they didn't think they needed to till the
10 Solicitor's Office told them to about a year later.

11 So much blinders on, that he had one guy even
12 tell a guy who's laid up in the hospital with a
13 bullet in his neck on pain medicine, you know, well,
14 I'm going to put you in jail if you don't tell me
15 what you want to; we would have paid the bills if
16 you told us what we want you to; but now you're not,
17 we're going to make you pay yourself. Is that doing
18 your job right? Is that doing it above board?

19 And what is this story that they ran with? Two
20 guys walk up -- two guys walk up this hill towards
21 this area. Is it one guy with several guys behind
22 him? Is it one, two, or three, four guys behind
23 him? How many people? Does a car pull up or
24 doesn't a car pull up? Is there a white Crown Vic
25 or is there a burgundy Grand Marquis? Or is it just

1 a car that somehow becomes a burgundy Grand Marquis
2 six years later after all the evidence is in?

3 Fresh, when he walked up, did he say that stuff
4 or not? Was there a response or not? Did he say
5 who he was looking for? You're never going to know.
6 You're never going to know whether it was one guy,
7 two guys, red guys, blue guys. You're just not
8 going to know.

9 And even if it were any one of the four or five
10 ways, whether it's just one person driving up in a
11 car or three people driving up in a car, somebody
12 getting out of the driver's side, somebody getting
13 out of the driver's side and the passenger's side,
14 50 people getting out like it's some kind of clown
15 car, did those other people know what Fresh was
16 doing when he was walking up?

17 What's the plan? Is the plan that Fresh walks
18 up swinging his gun like an Easter basket or my
19 client with his freaking clown pants on --

20 No offense, Shantrez.

21 But those pants are ridiculous. I don't think
22 if he pulled them up, they would get to his crotch,
23 much less his waist. You saw that video in the
24 store. They kept falling down. So the plan is
25 we're going to do an ambush and we're going to go

1 and Shantrez is going to trot up that hill wearing
2 those pants. And then he's going to go run back
3 down to the bottom lot and get the car and then
4 drive up and come out of the car?

5 That's a plan? That's a hand of one hand of
6 all? That doesn't make any sense. Did other people
7 even know what he was going to do? Or did bullets
8 just start flying and people reacted out of fear or
9 whatever? Nothing but the motive to survive.

10 Was Shantrez even there at the time of the
11 shooting? The only witness they had from their
12 victim side that said Trez was there is Brandon
13 Jeffery, Pedro, the only one to make any kind of ID,
14 such as it was. He'd been drinking. He said there
15 was a streetlight so he could see stuff. But you
16 heard, there was no streetlight there. They had to
17 use the cop cars to light up the field so they could
18 look around and take pictures.

19 He had seen Trez in that club earlier with
20 Fresh wearing them clown pants, which were very
21 noticeable, and just assumed that he was a guy
22 walking up with Fresh when Fresh was walking up.

23 He assumed that, well, it must have been that
24 guy I seen with Fresh earlier. Couldn't pick him
25 out of a lineup; couldn't say that was him. But his

1120

1 cousin or sister or somebody shows him pictures on
2 Facebook and he goes, this is the guy, this is the
3 guy. So he takes the phone in to the police. Is
4 that real? Is that really real?

5 He got up on the stand, and when I was asking
6 him questions, his answers were evidence. So let's
7 take his answers: Never seen him before. Didn't
8 even know his name. Didn't know him as Robertson,
9 didn't know him as Trez, didn't know him as Red
10 Nose.

11 But yet the officers have testified before,
12 those hearsay officers, well, he named a Robertson.
13 How can he name a Robertson if he'd never heard his
14 name before or didn't even see him before? Until
15 his sister showed him a Facebook thing three months
16 later. On direct, he acted like Red Nose, Red Nose,
17 Red Nose, but then he admitted, didn't know him,
18 didn't know him from Adam that day.

19 Now we get to Teddy P. We're going to go
20 through the fact witnesses first, then we'll get to
21 the experts. His description that a car pulls up,
22 here six and a half years later becomes a burgundy
23 Grand Marquis, again, after he's had some time, word
24 has gone through the community, word on the street
25 this, word on the street that.

1 And one thing that Mr. Williams did during his
2 cross, which I thought was very interesting, Shine
3 gets turned away from the club for having a gun.
4 Teddy P supposedly gives him his keys. Shine takes
5 the keys, walks to the top; I reckon, puts his gun
6 in the car, maybe locks it, maybe not, heads back to
7 the club.

8 And then you hear, when they're leaving the
9 club and they get back, Shine never got back in the
10 car. Never got back in the car. Never had a
11 chance. Was telling people around here, never had a
12 chance to get back in the car. Well, how did that
13 gun miracle itself out of the car and into his
14 pants? How did that happen? You can't believe
15 that.

16 And he testified that -- or he said in one of
17 his many statements that when that car pulled up --
18 the car, no description -- that he only saw the
19 driver of the car and that guy pulled out of the
20 driver's side and started shooting. The only driver
21 I heard in this case is Antonio Stroman, Boosie 1.

22 When the police comes, he tries to say, oh, I
23 just went and hid behind the car. And it took some
24 condoling for him to finally admit that he had fired
25 a gun, because he was trying to hide something. And

1 the guns were gone, because he was trying to hide
2 something. I have no idea if this is a cousin, not
3 a cousin, or a cousin friend or a cousin enemy or a
4 kissing cousin, I don't know.

5 But if it was on Fresh's side, why would they
6 give them back to him to give back to the police if
7 they were just going to take them away? Just wiping
8 them, that's going to help somebody out?

9 So he brings these guns back one week later.
10 How do you know that the .22 is even involved in
11 this case? How many other guns were taken away at
12 the scene? Well, I wasn't thinking; I just gave
13 away guns. I had just been in a life-or-death fire
14 fight. I don't know if people are coming back to
15 shoot me, but I'm just going to go ahead and give up
16 my guns. That's not realistic. Not realistic. And
17 he said nothing about Trez being there.

18 Gilliam O'Brien, OB, didn't seem to know if he
19 was coming or going. But, all along, since 2015,
20 white Crown Victoria. And during that time, he said
21 one person in the white Crown Victoria, but now, he
22 could be mistaken. You don't think these people
23 have gotten together since? It's weird that they
24 come up with this jumping story when they have no
25 problems in the club.

1 And now it's getting to be three people in a
2 car when two of them said one person in the car.
3 People walking with Fresh was before Fresh was
4 walking alone. People piling out of both sides of
5 the car, but he said nothing about Trez being there.

6 Let's talk about Fresh walking along swinging
7 that gun like an Easter basket. We saw these
8 Facebook photos that were taken immediately before
9 when they were at the, I guess, barbecue near that
10 intersection where that cell tower was. He was
11 wearing a white shirt in those photos.

12 And if you see, a lot of other guys in those
13 photos, though Shantrez is not in those photos,
14 they're all wearing white shirts. You watch that
15 video at Hill View. He had a white shirt. In the
16 picture at Batesburg-Leesville, he's got a red
17 shirt, looks like one of those Bad-aiders. And the
18 people at the club, or at least the people there,
19 describe him with a red shirt.

20 Then you hear a lady said that they came along
21 and there was some talk about changing clothes or
22 something like that. So did he change his clothes
23 between the Hill View Truck Stop and here? Or did
24 he change it between Hill View and
25 Batesburg-Leesville or between here and Hill View?

1 When did that costume change occur?

2 And we'll move on to Boosie. We can talk about
3 Stroman or Tyrese. He's not arrested. He's not
4 hand of one, hand of all even though he's the one
5 driving the car, according to him; laying in the
6 hospital under who knows what drugs being threatened
7 and promised.

8 And, to tell you the truth, I might be old, but
9 not as old as Theo. No one is as old as Theo. But
10 I don't understand a lot of that lingo, and I find
11 it a little difficult. And I had my client help me
12 translate a little bit, but it was even hard to
13 understand what he was saying even here today.

14 They're talking about this text between him and
15 my client, some inference that he might have ditched
16 the shells from the car while he was bleeding out of
17 his neck, or maybe Fresh ditched the shells out of
18 the car. But he left the gun? He ditched the
19 shells, but left the gun? That's like making a
20 sandwich without bread, doesn't make any sense.

21 Let's talk about the second Boosie, Tyrese
22 White, the boogiemane; never identified by anybody at
23 the time as being one of the group. The most they'd
24 say is Fresh is walking up, maybe somebody walked up
25 with him, or maybe it was one person in the car and

1 Fresh. Now we have the boogiemán.

2 The police were told two or three weeks ago,
3 maybe a month ago, you need to do a facial
4 recognition on this photo. And, all of a sudden,
5 they have a third suspect. The boogiemán, ladies
6 and gentlemen. The boogiemán is real, and he's
7 Tyrese White.

8 He looks awful light-skinned to me. He doesn't
9 look dark-skinned. They say he's short. But you've
10 seen my client, he's a huge fellow. Anyone is going
11 to look short next to him. Oooh. And people who
12 haven't seen him in six years were able to sit in
13 court and say, well, that's him. I only seen him a
14 couple times; I only know him through friends, but
15 that's him, that's him; ex-girlfriends,
16 ex-girlfriends, family.

17 They say garbage in, garbage out. So they took
18 all these garbage and put it in the forensics
19 blender, turned it on puree, and want you to drink
20 it. Gunshot residue, guys, that's it. They didn't
21 have much to add. Tested two things, found no
22 gunshot residue. Came up with a lot of reasons why
23 it wouldn't be there; came up with a lot of reasons
24 why they didn't need to test other people. But you
25 can tell it goes back and forth, depending on the

1 situation.

2 Wouldn't the best thing to do is to collect as
3 much evidence as you can and then work on the
4 elimination process rather than not having evidence
5 at all? More evidence would be great, not more
6 pictures. DNA, same thing, not much evidence.

7 Let's talk about the people that gathered the
8 evidence to put it in the blender. You had
9 Investigator Ross. I probably could have caught him
10 on more, but I caught him on two mistakes, what he
11 was doing on his map. He had number 27 way over
12 here. Well, I must have entered it wrong in the
13 computer. Oh, the computer is slighty thing -- I
14 don't know what kind of jargon -- somehow moved it
15 over there. Well, shouldn't you have looked over
16 your diagram before you submitted it in for other
17 people to review?

18 And then again in his report, I did it off
19 Theo's questioning, but I counted up the different
20 types of head stamps in there. He's coming in here
21 testifying for a murder trial as a crime scene
22 investigator. And he went through it with Theo and
23 they went through it and got seven. I got eight. I
24 was right because, you know what, I'm
25 detail-oriented.

1 He wasn't. He wasn't detail-oriented. He
2 wasn't detail-oriented with this, and he's not
3 detail-oriented with that. Don't you want somebody
4 detail-oriented to be in charge of a crime scene?
5 Don't you want somebody anal retentive that's going
6 to cross those T's and dot those I's?

7 And these charts are not to scale. I'm not an
8 IT guy or a physicist or mathematician or anything,
9 but I think the limited thing I have is you could do
10 measurements from some kind of base point and all
11 the measurements go to that base point to plug and
12 chug with some kind of computer program so you can
13 have an accurate reflection of whatever actually is.

14 They just eyeballed those pictures, these
15 pictures. These are almost like big checks, these
16 big pictures. They eyeballed these and created
17 that. Because you heard them testify it was
18 different than his drawing; that things were spaced
19 apart different and the numbers were different.
20 They just eyeballed these.

21 And you had some here, some there; some red
22 here, some blue here. And they give these guys
23 pictures of cars or something and they put it right
24 in the middle of all these numbers. They didn't
25 give them a blank map to do it. They gave them a

1 number map. They put them right here, right here.

2 I don't know where.

3 And these automatic weapons they shoot, I guess
4 the cartridge comes out. I don't know how far they
5 eject. I don't know if that depends on the
6 atmosphere or you're indoors or outdoors, anything
7 like that. You got these over here, then these up
8 here. Could this be somebody shooting from this
9 side this way and then running this way and
10 shooting? Possibly.

11 Or is this guy behind the car? This is Trez --
12 remember, it's red, I'm Trez's lawyer -- behind the
13 car, and then he decides he's going to press the
14 advantage and waddle out with his pants and come out
15 to the other side of the car? Didn't happen.
16 That's not accurate. That's what this means, not
17 accurate, just like the whole case.

18 You had Investigator Clary. She seemed nice.
19 She only seemed to do what she was told to do as far
20 as what she did. She couldn't remember that Dodge
21 Charger. They put up a picture. Are there defects
22 on the driver's side? I don't remember. Well, are
23 they? Well, I can't see it; can you bring down the
24 picture? They bring down the picture. She looks at
25 it. No defects. No defects. Can't remember that.

1 But she can remember that none of those bullets
2 were lodged in any kind of metal. She didn't have
3 to look at a picture for that. She could remember
4 that all the way from June 9th of '15 and June 13th
5 or 15th, a week later, when those guns were brought
6 back. And those things aren't sent to SLED until a
7 year later?

8 And that lady takes from September of '16 to
9 August of this year to do that? She wasn't told to
10 do it until recently. That's what you can infer.
11 We're going to blame SLED, the statewide authority,
12 but we're going to blame them. You need to believe
13 them, but we're going to blame them because they sat
14 on this stuff.

15 So let's go to this ballistics lady. She
16 seemed very nice as well. A lot more
17 straightforward than most of the expert witnesses.
18 But it's a mixed bag. They didn't account for
19 revolver fire. Everyone looked surprised when we
20 brought that up. Not everybody has automatic
21 weapons.

22 All these guns firing, all these guns firing,
23 other guns firing. Are they being fired by people
24 who were parked on the other side? People hear
25 gunshots. Do they pull out the guns and start

1 firing at this club? Because they have a lot of
2 problems.

3 Really, how many people were shooting and where
4 from? You can't tell. She couldn't say how many
5 guns were involved. Well, on the shells, I can say
6 four. But when you take it all into account, I
7 really can't tell you. That's not firmly convinced,
8 ladies and gentlemen.

9 Same thing goes with the coroner's testimony.
10 All the bullets went in the right side, but you
11 would have to know where he was and what position he
12 was in. And those come from fact witnesses, and you
13 can't believe any of the fact witnesses. I think
14 one of the pictures, his body is right here. Teddy
15 P said he was up here in the treeline. Was he moved
16 from here to here or was he moved from here to here
17 next to the car? Or was he moved from here to here
18 and back? You don't know.

19 These guns, you only have Teddy P's words that
20 those were the guns that were taken. That one gun,
21 sure. But that other gun, no. And she talked about
22 nine-millimeter. Nine-millimeter is a common gun,
23 isn't it? Nine-millimeter, even a revolver where
24 the shells are ejected. And Smith & Wesson, didn't
25 put it in her report in August. But here comes

1 November: Oh, yeah, Smith & Wesson.

2 Smith & Wesson is a common gun, too. I think
3 it's the first one you'd probably think of. It
4 leaves too many questions unanswered and doesn't
5 leave you firmly convinced of anything. Maybe or
6 maybe not, remember that, that's not firmly
7 convinced.

8 Then we go into the social media and the
9 phones. Oooh. Call times don't tell you anything
10 about what happened. Texts don't tell you anything
11 about what happened. Texts tell you he might have
12 had a nine-millimeter. It doesn't say he brought it
13 to the club or he used it in any kind of shooting.

14 Texts that say -- talking about your whip.
15 What's going on with your whip? They got it.
16 Y'all -- they got it. Y'all ain't leave or shot in
17 the car, did y'all? If he drove the car during the
18 drive-by, he would have known they shot from the
19 car. That doesn't make any sense if he's asking
20 about they shot in the car if he drove the car.

21 It makes more sense when they say what are they
22 doing with your whip? They got it. Y'all ain't
23 leave your shit in the car, did y'all? Meaning,
24 they weren't going to be able to get their stuff
25 back. That makes a lot more sense.

1 One thing you can tell from those text
2 messages, Antonio, Boosie 1, he's kind of a ladies'
3 man. He talked about all the ladies that were
4 around him. He didn't use the word ladies, but he
5 was happy there was a lot of ladies.

6 Trez was kind of a ladies' man, too. You can
7 call it that. I guess ladies like those clown
8 pants. That's why it took me till 42 to get
9 married. But they had two of his girlfriends, two
10 at the time; just those two came and testified on
11 the stand. And Jasmine complained about him hanging
12 out and messing with the females instead of staying
13 home with her. He's a ladies' man, too.

14 Then you get the cell tower expert, the one you
15 could never get a yes out of. He testified that he
16 could not place Trez between 1:30 a.m. and
17 4:30 a.m., could not place where he was. And he's a
18 ladies' man. We do know that he called Jasmine
19 sometime later, sometime by Creek View or in that
20 area, that big pie. Wherever that pie was, wherever
21 he was in that big a pie, talked about come pick him
22 up from The Spot, had her go somewhere to pick him
23 up.

24 And I agree with that on the solicitor. He
25 didn't tell her to go to The Spot; he told her to go

1 somewhere else. The Spot is three minutes off the
2 highway where she went. She said 10 to 15 minutes.

3 So add all that up: Ladies' man, ignoring his
4 phone, going to a different place. He was trying to
5 hide that he was messing around. Probably met a
6 hookup at the club, had her drive him to her place,
7 was going to meet back with them at that birthday
8 party barbecue; got there, saw all the cops around
9 and said, oh, I'm out of here; call up Jasmine, have
10 her pick him up somewhere.

11 He wasn't trying to cover up the shooting; he
12 was trying to cover up cheating. And he maintained
13 that, even with the police. And it's stupid, but
14 you've seen the TV shows where the people would
15 rather confess to a murder or something than to
16 admit to adultery or they won't confess of their
17 alibis, they won't admit to adultery. And those
18 things are in TV shows because they happen in real
19 life. Not all that stuff is coming out of
20 somebody's head. They crib, they cheat. They
21 cheat.

22 You heard the witness list, 102 witnesses.
23 Now, you're probably really glad they didn't call
24 102 witnesses, but there were 102 witnesses. They
25 didn't call any of the police that first responded

1 to the scene to let you know how chaotic it was with
2 the people leaving and the 40 cars and the people
3 fighting and all that stuff. They didn't go talk to
4 the bystanders. I bet they couldn't even find them
5 six and a half years later. They probably moved
6 around.

7 They picked what text messages they wanted to
8 put in. They picked what pictures they wanted to
9 put in. They picked, picked, picked, picked. They
10 say I'm a nitpick. If I'm picking nits, those nits
11 were hit by radioactivity and they were the size of
12 those monsters from the Giant 50 movie monsters.
13 These are big nits.

14 This case leaves open too many real
15 possibilities that something else could have
16 happened besides the State's theory. There's too
17 many possibilities that something really could have
18 happened other than what those guys said happened,
19 even though what they said happened was so
20 different. Some similarities, lot of differences.
21 If there's just one real possibility, not that many,
22 then you're not firmly convinced, and you should
23 find Shantrez not guilty.

24 THE COURT: Members of the jury, it is now my
25 duty as the trial judge to instruct you on the law

1 applicable to this case. In that regard, it is your
2 duty as jurors to accept and apply the law as I
3 state it to you.

4 Furthermore, it is your exclusive duty to
5 decide all the issues of fact in this case and to
6 determine the effect, value, weight, and truth of
7 the evidence. All the parties have the right to
8 expect that you will carefully consider and evaluate
9 the evidence and apply the law of the case to it so
10 that in the end, all parties receive a fair and
11 impartial trial.

12 During this trial, you and I have separate
13 duties to perform. As the trial judge, it is my
14 responsibility to preside over this trial and to
15 rule upon the admissibility of the evidence offered
16 during the trial. In that regard, you are to
17 consider only the evidence before you. Thus, you
18 are to consider only the testimony which has been
19 presented from the witness stand, together with any
20 exhibits admitted into evidence -- exhibits admitted
21 into the record of this case.

22 If you have any preconceived ideas as to what
23 the law is or what you think the law ought to be and
24 it does not agree with what I now tell you the law
25 is, you are obligated under your oath to abandon

1 these preconceptions because you are now sworn to
2 accept the law as I now state it to you.

3 In this trial, you are the sole and exclusive
4 judge of the facts. Do not infer that I have an
5 opinion about the facts in this case from anything I
6 have said or done during the course of this trial.
7 In this regard, the law simply does not permit me to
8 have an opinion about the facts. As jurors, it is
9 your duty alone to determine the effect, value,
10 weight and truth of the evidence presented during
11 the course of this trial.

12 The evidence from which you are to decide what
13 the facts are in this case consist of the sworn
14 testimony of witnesses, both on direct and
15 cross-examination, the exhibits which have been
16 admitted into evidence, and any facts to which all
17 attorneys have agreed and stipulated.

18 Now, what is not evidence? The following
19 things are not evidence, and you must not consider
20 them as evidence in deciding the facts of the case:
21 One, statements and arguments of the attorneys; two,
22 questions and objections of the attorneys; and
23 three, testimony that I instruct you to disregard.

24 While argument of counsel is a beneficial part
25 of every trial, you should remember that the

1 statements made by counsel are not evidence. In
2 presenting arguments, counsel often refer to
3 evidence; however, you should base your verdict on
4 the evidence as you remember it. Therefore, if
5 there are any conflicts between the recollection of
6 counsel about the evidence and your own
7 recollection, you should rely upon your own
8 understanding of the evidence.

9 Evidence may be direct or circumstantial.
10 Direct evidence is testimony by a witness about what
11 the witness personally saw, heard, or did.
12 Circumstantial evidence is indirect evidence. In
13 other words, it is proof of one or more facts from
14 which one can find another fact. You may consider
15 both direct and circumstantial evidence equally.
16 Crimes may be proven by circumstantial evidence.
17 The law makes no distinction between the greater
18 value to be given to either direct or circumstantial
19 evidence. However, to the extent the State relies
20 on circumstantial evidence, all of the circumstances
21 must be consistent with each other, and when taken
22 together, point conclusively to the guilt of the
23 accused beyond a reasonable doubt. If these
24 circumstances merely portray the defendant's
25 behavior as suspicious, the proof has failed.

1 The State has the burden of proving the
2 defendant guilty beyond a reasonable doubt. The
3 burden rests with the State, regardless of whether
4 the State relies on direct evidence, circumstantial
5 evidence, or some combination of the two.

6 Furthermore, it is your job as jurors to
7 determine the credibility or believability of the
8 witnesses who have testified in this case. You must
9 evaluate the evidence and determine which evidence
10 convinces you of its truth.

11 In determining the believability of witnesses
12 who have testified in this case, you may believe one
13 witness over many or many over one; you may believe
14 a part of the testimony of a witness and reject the
15 remaining part; you may believe the testimony of a
16 witness in its entirety or reject it in full; you
17 may consider whether the witness has an interest in
18 the result of the trial; whether the witness is
19 prejudiced toward either party; the opportunity for
20 the witness to have seen the matters and things
21 about which the witness may testify, and the way the
22 witness acts on the witness stand.

23 Now, the rules of evidence ordinarily do not
24 permit witnesses to testify to opinions and
25 conclusions. An exception for this rule exists for

1 witnesses we call expert witnesses. A witness who,
2 by education and experience, has become an expert in
3 some art, science, or profession may give an opinion
4 as to the subject the witness claims to be an expert
5 in and may also give the reasons for the opinion.

6 You should consider any expert opinion given by
7 a witness like any other evidence, give it the
8 weight you think it deserves. If you decide that an
9 expert's opinion is not based on sufficient
10 education and experience, or if you decide that the
11 reasons given in support of the opinion were not
12 sound or that the opinion is outweighed by other
13 evidence, you may disregard the opinion entirely.
14 An expert witness' testimony is to be given no
15 greater weight than that of other witnesses simply
16 because the witness is an expert. And you do not
17 have to accept a witness' -- an expert's opinion,
18 excuse me, even though it's uncontradicted.

19 Now, I charge you there are two defendants in
20 this case. Each of whom is charged with, one,
21 murder; and, two, attempted murder. The case of
22 each defendant and the evidence and the law
23 concerning that defendant should be considered
24 separately and individual ly. Your verdict does not
25 have to be the same for both defendants. The fact

1 that you may find one defendant guilty or not guilty
2 should not control your verdict as to the other
3 defendant.

4 Where more than one person is charged with a
5 crime, if the evidence warrants it, you may convict
6 one and acquit the other, or you may acquit both, or
7 you may convict both. It will depend upon your view
8 of the testimony and evidence. You must take each
9 defendant and consider the evidence as to that
10 defendant and my instructions to you on the law.
11 You will then write a separate verdict of guilty or
12 not guilty for each individual defendant.

13 The indictments in this case allege two
14 different offenses against the defendants.
15 Defendant Donovan Tirrell Brannon is charged with
16 the murder of William Gantt and the attempted murder
17 of Brandon Jeffery. Defendant Shantrez Alejandro
18 Robertson is charged with the murder of William
19 Gantt and the attempted murder of Brandon Jeffery.

20 Each indictment charges a separate and distinct
21 offense. You must decide each indictment separately
22 on the evidence and the law applicable to it
23 uninfluenced by your decision as to any other
24 indictment. A defendant may be convicted or
25 acquitted on any or all of the offenses charged.

1 You will be asked to write a separate verdict of
2 guilty or not guilty for each indictment.

3 And the fact that the defendant was arrested,
4 charged, and indicted in this case is not evidence
5 and cannot be considered by you as evidence of guilt
6 in this case, nor does it create any presumption or
7 inference of guilt. These documents are simply the
8 formal written instruments which contain the charges
9 made against the defendant.

10 The defendants have pled not guilty to these
11 charges, and that plea puts the burden on the State
12 to prove the defendant's guilty. A person charged
13 with committing a criminal offense in South Carolina
14 is never required to prove his or her innocence. I
15 charge you that it is an important rule of law that
16 defendants in a criminal trial, no matter what the
17 seriousness of the charge may be, will always be
18 presumed to be innocent of the crime for which the
19 indictment was issued unless guilt has been proven
20 by evidence satisfying you of that guilt beyond a
21 reasonable doubt.

22 The presumption of innocence does not end when
23 you begin your deliberations, but it accompanies
24 each defendant throughout the trial unless you reach
25 a verdict of guilt based on evidence satisfying you

1 of that guilt beyond a reasonable doubt.

2 The presumption of innocence is like a robe of
3 righteousness placed on the shoulders of the
4 defendant, which remains with each defendant unless
5 it has been stripped from the defendant by evidence
6 satisfying you of that defendant's guilt beyond a
7 reasonable doubt.

8 The presumption of innocence is not a mere
9 legal theory. It's not just a legal phrase. It is
10 a substantial right to which every defendant is
11 entitled unless you, the jury, are satisfied from
12 the evidence of the defendant's guilt beyond a
13 reasonable doubt.

14 The State has the burden of proving the
15 defendant guilty beyond a reasonable doubt. Some of
16 you may have served as jurors in civil cases where
17 you were told that it is only necessary to prove
18 that a fact is more likely true than not true, such
19 as by the greater weight or preponderance of the
20 evidence. In criminal cases, the State's proof must
21 be more powerful than that. It must be beyond a
22 reasonable doubt as to each element of each offense
23 charged.

24 What is a reasonable doubt in the law? A
25 reasonable doubt is the kind of doubt that would

1 cause a reasonable person to hesitate to act. Proof
2 beyond a reasonable doubt is proof that leaves you
3 firmly convinced of the defendant's guilt. There
4 are few things in this world that we know with
5 absolute certainty. And in criminal cases, the law
6 does not require proof that overcomes every possible
7 doubt.

8 If, based on your consideration of the evidence
9 you are firmly convinced that the defendant is
10 guilty of the crime charged, you must find the
11 defendant guilty. If, on the other hand, you think
12 there is a real possibility that the defendant is
13 not guilty, you must give the defendant the benefit
14 of the doubt and find him not guilty. Mere
15 suspicion, however strong, is not enough to sustain
16 a conviction. Suspicion implies a belief or opinion
17 as to guilt based upon facts or circumstances which
18 do not amount to proof.

19 Now, I instruct you and emphasize that the fact
20 that the defendants did not testify is not a factor
21 to be considered by you in any way in your
22 deliberation and in your consideration of the
23 question of the guilt or innocence of the defendant.
24 It must not be considered by you in any manner
25 whatsoever. A defendant has a constitutional right

1 to remain silent, and the assertion of this right
2 must not be considered by you in your deliberations.

3 I repeat, under your oath, you are to draw no
4 conclusion whatsoever from the fact that the
5 defendants in this case did not testify. The fact
6 that the defendants did not testify should not even
7 be discussed in the jury room.

8 The burden of proof, as I have stated, is on
9 the State. The defendants are not required to prove
10 their innocence. The burden of proof remains on the
11 State to prove guilt beyond a reasonable doubt.

12 A statement is alleged to have been made by the
13 defendant -- has been admitted in the -- has been
14 admitted in evidence in this case. While the Court
15 has determined that the statement is admissible, I
16 instruct you to make -- that you make the ultimate
17 decision of whether or not the defendant made the
18 statement.

19 If the defendant did make the statement, you
20 must determine whether the statement was made by the
21 defendant voluntarily and of his own free will.
22 This means that the statement was not caused by
23 pressure, force, fear, threats, coercion or
24 intimidation, or by hope or a promise of leniency or
25 reward of any kind.

1 In determining whether a statement was
2 voluntary, you should consider both the
3 characteristics of the defendant and the details of
4 the questioning. Some of the factors you must
5 consider are the age of the defendant, the
6 defendant's education or lack of education, the
7 defendant's mental ability or capacity, the
8 defendant's IQ or intelligence, the defendant's
9 background or environment, the place and length of
10 detention, the nature of the questioning, and the
11 advice or lack thereof of the defendant of his
12 constitutional rights, including but not limited to
13 the right to remain silent, that any statement could
14 be used against him in a court of law; the right to
15 have a lawyer present, and that if he could not
16 afford a lawyer, a lawyer would be appointed to
17 represent him without any costs, and that he could
18 stop making a statement at any time.

19 You must carefully consider all the surrounding
20 circumstances before you give any weight to an
21 alleged statement. The State has the burden of
22 proving beyond a reasonable doubt that the alleged
23 statement was voluntary. You determine -- if you
24 determine it was, you may give the statement any
25 further consideration that you deem proper. You

1 must decide what weight, if any, is to be given to
2 the alleged statement.

3 If you decide the statement was not free and
4 voluntary -- not a free and voluntary statement of
5 the defendant, you should not consider the statement
6 at all.

7 Both defendants have been charged with murder.
8 The State must prove beyond a reasonable doubt that
9 the defendants acting alone or in concert with one
10 another committed the unlawful killing of
11 William T. Gantt with malice aforethought.

12 Malice is hatred, ill-will, or hostility
13 towards a person. It is the intentional doing of a
14 wrongful act without just cause or excuse and with
15 an intent to inflict an injury under circumstances
16 that the law will infer evil intent.

17 Malice aforethought does not require that
18 malice exists for any particular time before the act
19 is committed, but malice must exist in the mind of
20 the defendant just before and at the time the act is
21 committed. Therefore, there must be a combination
22 of the previous evil intent and the act.

23 Malice aforethought may be expressed or
24 inferred. The terms expressed and inferred do not
25 mean different kinds of malice, but merely the

1 manner in which malice may be shown to exist. That
2 is by direct evidence or by inference from the facts
3 and circumstances which are proved.

4 Expressed malice is shown when a person speaks
5 words which express hatred or ill-will for another
6 or when the person prepared beforehand to do the act
7 which was later accomplished. Malice may be
8 inferred from conduct showing a total disregard for
9 human life.

10 If the facts are proved beyond a reasonable
11 doubt sufficient to raise an inference of malice to
12 your satisfaction, this inference would simply be an
13 evidentiary fact to be considered by you, the jury,
14 along with the other evidence in the case. You may
15 give it the weight you decide it should receive.

16 Attempted murder. The defendants are also
17 charged with attempted murder. In order to prove
18 this crime, the State must prove the defendants
19 attempted to kill Brandon Jeffery with malice
20 aforethought. Again, malice is hatred, ill-will, or
21 hostility toward another person. It is the
22 intentional doing of a wrongful act without just
23 cause or excuse and with an intent to injure another
24 and indicates a wicked or depraved spirit intent on
25 doing wrong.

1 Malice aforethought is not required that the
2 malice exist for any particular time before the act
3 was committed. Malice must exist in the mind of the
4 defendant at the same time as the act and cannot
5 develop after the act occurred. Therefore, there
6 must be a combination of the previous evil intent
7 and the act.

8 Attempted murder can only be committed when the
9 defendant's act or acts are accompanied by expressed
10 malice or inferred malice. Expressed malice is
11 shown when a person speaks words which express
12 injury or ill-will for another or when it is
13 performance of an act or acts which tend, but fail,
14 to kill a human being. Specific intent means that
15 the defendant consciously intended the completion of
16 the killing of another, but failed to do so.

17 If you, the jury, find that the State has
18 proven beyond a reasonable doubt that it was the
19 defendant's specific intent to kill Brandon Jeffery
20 with malice aforethought, then you must find him
21 guilty.

22 If a crime is committed by two or more people
23 who are acting together in committing a crime, the
24 act of one is the act of all. A person who joins
25 with another to commit an unlawful act is criminally

1 responsible for everything done by the other person
2 which happens as a probable and natural consequence
3 of the acts done in carrying out the common plan and
4 purpose.

5 For example, two people can be guilty of
6 killing another person when only one of the two had
7 a gun and there was only one bullet and only one of
8 the two fired the shot that caused the death. If
9 two or more people are together, acting together,
10 assisting each other with committing the offense,
11 the act of one is the act of all. It is sometimes
12 said the hand of one is the hand of all.

13 Prior knowledge that a crime is going to be
14 committed without more is not sufficient to make a
15 person guilty of that crime. Mere knowledge that a
16 person is going to commit a crime, even if the
17 defendant is present when the crime is committed, is
18 not sufficient to convict the defendant as a
19 principal. Guilt as a principal is shown by an
20 actual or constructive presence at the scene as a
21 result of a prior arrangement. Therefore, a finding
22 of a prior arranged plan or common scheme is
23 necessary for a finding of guilt as a principal.
24 The State must prove beyond a reasonable doubt, by
25 competent evidence, the theory of the hand of one is

1 the hand of all.

2 A principal in a crime is one who either
3 actually commits the crime or who is present,
4 aiding, abetting, or assisting in committing the
5 crime. When a person does an act in the presence of
6 and with the assistance of another, the act is done
7 by both. Where two or more acting with a common
8 plan or intent are present at the commission of a
9 crime, it does not matter who actually commits the
10 crime, all are guilty. The hand of one is the hand
11 of all.

12 Present at the commission of a crime means to
13 be sufficiently near to aid, abet, and assist in the
14 commission of a crime. However, mere presence at
15 the scene of a crime is not sufficient to convict
16 one as a principal on the theory of aiding and
17 abetting.

18 Intent is also a necessary element, for there
19 must have been a common design or intent to commit
20 the crime and the crime must have been committed
21 pursuant thereto with the person aiding and abetting
22 by some overt act. Intent means intending the
23 result which actually occurs, not accidentally or
24 involuntarily. Intent may be shown by acts and
25 conduct of the defendant and other circumstances

1 from which you may naturally reasonably infer
2 intent. The State must prove these elements beyond
3 a reasonable doubt.

4 Now, a verdict in this case cannot be based
5 upon sympathy, passion, prejudice or emotion, or
6 some other consideration not found in the evidence.
7 I charge you that as a juror, you must decide the
8 issues involved in this proceeding based solely upon
9 the evidence which you hear during the course of the
10 trial. Your verdict must be without bias and
11 without prejudice to any party. You cannot allow
12 yourselves to be governed by sympathy, by prejudice,
13 by passion, by public opinion, or some other
14 consideration not found in the evidence.

15 Now, let me say something about your
16 deliberations. Deliberation is defined as careful
17 consideration weighing up with a view to a decision.
18 The genius of our jury system is that it allows 12
19 good men and women from 12 different backgrounds,
20 life experiences, and perspectives to consider the
21 evidence, talk about it and, ultimately, reach a
22 verdict. We call them deliberations for a reason.

23 You are to consider the evidence in this case
24 carefully and deliberately and discuss it in a calm,
25 thorough, courteous manner. Listen to the views of

1 all your fellow jurors, consider other people's
2 points of view, and talk through and discuss the
3 evidence. And, remember, if you're doing something
4 deliberately, you are not in a big hurry. And you
5 should not be in a big hurry here. This case is
6 very important to all the parties. This trial is
7 their only day in court.

8 When you retire to the jury room, you should
9 discuss the case with your fellow jurors to reach an
10 agreement, if you can do so. Your verdict must be
11 unanimous. Each of you must decide the case for
12 yourself, but you should do so only after you've
13 impartially considered all the evidence, discussed
14 it fully with the other jurors, and listened to the
15 views of your fellow jurors.

16 Do not be afraid to change your opinion if the
17 discussion persuades you that you should, but do not
18 come to a decision simply because other jurors think
19 it is right. It is important that you attempt to
20 reach a unanimous verdict but, of course, only if
21 each of you can do so after having made your own
22 decision.

23 Do not change an honest belief about the weight
24 and effect of evidence simply to reach a verdict.
25 In other words, do not change your opinion solely

1 for the sake of reaching a unanimous verdict.

2 I will give you a copy of these instructions in
3 written form. During your deliberations, you may
4 refer to the instructions to guide your
5 decisionmaking. You must consider the instructions
6 as a whole and not follow some and ignore others.
7 Please return the instructions to the Court at the
8 time your verdict is rendered.

9 There are two possible verdicts which you may
10 find in this case: Guilty or not guilty. There is
11 no significance whatsoever in the order which I
12 state these possible verdicts. It is simply that
13 one must be stated first. Ladies and gentlemen,
14 your verdict must be unanimous.

15 Madam Forelady, when the jury agrees on the
16 verdict, you will write the verdict on the verdict
17 form, which will come back to the room with you --
18 there are two verdict forms, one for both
19 defendants -- then knock on the jury room door and
20 inform the bailiff that you have reached a verdict.
21 At that time, we will receive you back into the
22 courtroom.

23 Now, at this point, I ask that you return to
24 the jury room, but do not begin your deliberations
25 until you are told to do so by the clerk or by the

1 bailiff. There are some matters which must be
2 discussed by the attorneys before you begin your
3 deliberations.

4 So, at this time, return to the jury room. Do
5 not discuss the case. We will give you further
6 instructions shortly. Thank you.

7 (The jury exits the courtroom at 4:30 PM.)

8 THE COURT: Other than previous objections, any
9 issues with the charge?

10 MS. WILLIAMS: Other than previous objections,
11 no, Your Honor.

12 THE COURT: Previous objections are noted and
13 joined in by --

14 MR. MAULDIN: That is correct, Your Honor.

15 THE COURT: Anything else from the State?

16 MS. FULLER: No, Your Honor.

17 THE COURT: Okay. I'm going to ask y'all --
18 I'm going to ask that the alternates, who are --
19 let's get our alternates brought up, please.

20 Madam Solicitor, you're already doing it.
21 Let's make sure we have the evidence put together
22 before sending it back.

23 (Brief pause in the proceedings.)

24 THE COURT: Ladies and gentlemen, if we could
25 keep the chatter down for the time being.

1 (Jury alternates excused.)

2 THE COURT: I do want to take the opportunity
3 to compliment the attorneys for both the State and
4 the defendants for vigorously arguing their
5 respective case. Y'all did a good job. I
6 appreciate the hard work and long week.

7 (Evidence delivered to jury room at 4:52 PM.)

8 (Jury beings deliberations at 4:52 PM.)

9 THE COURT: We will stand at ease.

10 (Pause in the proceedings 4:52 PM - 6:04 PM.)

11 THE COURT: The note I received from the jury
12 states: Can we get the stenographer's note from the
13 gun expert, especially the LC9? Signed by the
14 Forelady. That will be Court's Exhibit No. 4 [sic].

15 So the first answer to the question is, no, you
16 cannot get the stenographer's note. And by note, I
17 mean a written record of the proceeding. However,
18 the court reporter can take some time here and find
19 the appropriate part in the record to ensure we play
20 the testimony, not to include any testimony that the
21 jury did not hear.

22 Obviously, the question is no. I think I can
23 respond and say you can listen to, I think, all the
24 witness' testimony. I don't really know --

25 MR. WILLIAMS: That's true.

1 THE COURT: I don't think you can find a
2 fragment.

3 I think I'm going to respond with a no and say
4 you can only listen to the testimony -- would you
5 like to listen to the testimony?

6 MR. WILLIAMS: That's fine with us, Your Honor.

7 MR. MCNAIR: That's fine with us.

8 (Court's Exhibit No. 6 marked for
9 identification.)

10 (Recess awaiting a verdict.)

11 THE COURT: Ladies and gentlemen, please be
12 seated.

13 All right. I'm informed we have a verdict. Is
14 there anything from the State or the defense we need
15 to discuss before we bring up the jury?

16 MS. FULLER: Nothing from the State, Your
17 Honor.

18 MR. WILLIAMS: Nothing from Defendant Brannon.

19 MR. MAULDIN: Nothing from Defendant Robertson.

20 THE COURT: All right. Let's bring them up.

21 Ladies and gentlemen, the jury has a verdict.
22 We are going to bring them up at this time. I want
23 to remind everyone in the courtroom that regardless
24 of what the verdict is, to keep your composure in
25 this courtroom. No outbursts from anyone for any

1 reason regardless of what the verdict is. And I
2 appreciate it.

3 (The jury enters the courtroom at 6:59 PM.)

4 THE COURT: Madam Forelady, it's my
5 understanding y'all have reached a verdict; is that
6 correct?

7 THE FORELADY: Yes.

8 THE COURT: Is your verdict unanimous?

9 THE FORELADY: Yes.

10 THE COURT: Please hand it to the bailiff.
11 Madam Clerk.

12 THE CLERK: Indictment 2000 -- I'm sorry.
13 State versus Donovan Tirrell Brannon, we, the jury,
14 in the captioned case of the charge of murder
15 unanimously find Donovan Brannon guilty. We, the
16 jury, in the above-captioned case on the charge of
17 attempted murder unanimously find Donovan Tirrell
18 Brannon guilty. It is so signed by the foreperson,
19 November 19th, 2021.

20 As to the charge of State versus Shantrez
21 Robertson, we, the jury, in the above-captioned
22 case, on the charge of murder, unanimously find
23 Shantrez Robertson guilty. We, the jury, in the
24 above-captioned case, as to the charge of attempted
25 murder, unanimously find Shantrez Robertson guilty.

1 It is signed by the foreperson; dated November 19th,
2 2021.

3 Ladies and gentlemen, if these were your
4 verdicts and they are still your verdicts, please
5 indicate by raising your right hand.

6 THE COURT: Anything for the jury before
7 they're discharged?

8 MR. WILLIAMS: On behalf of Defendant Brannon,
9 we would request individual polling.

10 THE COURT: Very well.

11 THE CLERK: When I call your juror number, I
12 will ask you if these were --

13 MR. MAULDIN: Your Honor, we request that as
14 well. So she might as well do it as to both
15 defendants.

16 THE COURT: Thank you.

17 THE CLERK: I will ask you if these were your
18 verdicts and are they still your verdicts. And if
19 you will, respond appropriately.

20 Juror No. 86, were these your verdicts and are
21 they still your verdicts?

22 JUROR NO. 86: Yes.

23 THE CLERK: Juror No. 199, were these your
24 verdicts and are they still your verdicts?

25 JUROR NO. 199: Yes.

1 THE CLERK: Juror No. 219, were these your
2 verdicts and are they still your verdicts?

3 JUROR NO. 219: Yes, ma'am.

4 THE CLERK: Juror 294, were these your verdicts
5 and are they still your verdicts?

6 JUROR NO. 294: Yes, ma'am.

7 THE CLERK: Juror No. 218, were these your
8 verdicts and are they still your verdicts?

9 JUROR NO. 218: Yes.

10 THE CLERK: Juror No. 94, were these your
11 verdicts and are they still your verdicts?

12 JUROR NO. 94: Yes.

13 THE CLERK: Juror No. 13, were these your
14 verdicts and are they still your verdicts?

15 JUROR NO. 13: Yes.

16 THE CLERK: Juror No. 79, were these your
17 verdicts and are they still your verdicts?

18 JUROR NO. 79: Yes.

19 THE COURT: Juror No. 142, were these your
20 verdicts and are they still your verdicts?

21 JUROR NO. 142: Yes.

22 THE CLERK: Juror No. 98, were these your
23 verdicts and are they still your verdicts?

24 JUROR NO. 98: Yes.

25 THE CLERK: Juror No. 104, were these your

1 was a good one, all things considered. And thank
2 you again. Have a good evening.

3 And, Madam Forelady, if you could just meet the
4 clerk of court.

5 How much time do we need to pivot into
6 sentencing?

7 MS. FULLER: Two minutes, three minutes.

8 THE COURT: Let's take five minutes. We'll
9 continue on in a few minutes. Thank you.

10 (Brief recess.)

11 THE COURT: All right. Before we -- unless
12 y'all want to reserve ten days, any motions you want
13 to make now?

14 MR. WILLIAMS: We do want to reserve ten days,
15 those motions that are made after the jury returns a
16 verdict.

17 MR. MAULDIN: I'm going to make mine right now,
18 Your Honor. I hereby move for a new trial based on
19 all prior motions and objections stated on the
20 record. Also, the fact that a reasonable jury could
21 not have found Mr. Robertson guilty beyond a
22 reasonable doubt of all charges.

23 THE COURT: Anything in response?

24 MS. FULLER: No, Your Honor.

25 THE COURT: As I said at directed verdict, I

1 found there was sufficient evidence to send to the
2 jury, and I don't see any basis to invade the
3 province of the jury based upon the verdict here
4 today. So your motion is respectfully denied. The
5 record will reflect that all your previous
6 objections and motions are renewed.

7 MR. WILLIAMS: And, Your Honor, the record will
8 reveal that we have ten days to --

9 THE COURT: Oh, correct, Mr. Williams. As to
10 Defendant Brannon, counsel has sought ten days for
11 post-trial motions, and you will have those ten
12 days.

13 MR. WILLIAMS: Thank you, Your Honor.

14 THE COURT: I'm sure you'll do this, but just
15 keep me apprised -- send me a copy of the motions,
16 of course.

17 MR. WILLIAMS: We will, Your Honor.

18 THE COURT: Madam Solicitor.

19 MS. FULLER: May I approach?

20 THE COURT: So we've obviously been through the
21 trial. The jury has found both defendants --
22 convicted both defendants, finding them guilty of
23 the charges beyond a reasonable doubt.

24 Victim impact.

25 MS. FULLER: Thank you, Your Honor. First, it

1 didn't take advantage of, really.

2 Mr. Robertson doesn't have much of a record, I
3 don't believe. He had that charge in 2018, but I
4 think it got dismissed. So you just ask yourself,
5 how did we get here? How did we get here?

6 But I do echo his aunt, because I was looking
7 at it the other day, like, no matter what happens,
8 where we go from here, whatever the sentence of the
9 Court is, whether they're in custody for the rest of
10 their lives or they do see the light of day one day,
11 that they do -- they are in a very unique position
12 to really reach some of our youth. And I really
13 hope they do take advantage of that opportunity. I
14 really do.

15 Your Honor, you heard the facts of this case.
16 The State just asks that you give the appropriate
17 sentence.

18 I think Mr. McNair would like to address the
19 Court and put on their prior records.

20 MR. MCNAIR: Your Honor, I agree with what
21 Ms. Fuller just said.

22 As far as prior record, I don't see where
23 Mr. Robertson has one. Regarding Mr. Brannon, he
24 has a possession of stolen pistol from 2006. That
25 was a YOA sentence. He has a common law ABHAN from

1 2006. That was another YOA sentence. He has a
2 distribution of crack from 2011. And then, in 2019,
3 in Saluda County, he got convicted of trafficking
4 crack between 10 and 28 grams, resisting arrest, and
5 unlawful carrying of a weapon.

6 THE COURT: What was the result of that 2019
7 conviction?

8 MR. MCNAIR: He got five years, Your Honor.

9 THE COURT: Active?

10 MR. MCNAIR: Yes, sir.

11 THE COURT: Anything else from the State?

12 MR. MCNAIR: Nothing further, Your Honor.

13 THE COURT: Mr. Williams or Mr. Mauldin?

14 MR. WILLIAMS: I guess I probably know Fresh
15 pretty well. I'll start off with the basics. He's
16 33 years of age. He's married. He's got a daughter
17 who's 12. He's got two brothers. He was working at
18 Lake Murray Environmental. He did 18 months before
19 he did something stupid and got convicted out of
20 Saluda, and he's been out -- I take that back. I'm
21 doing it the wrong way. He got out July of last
22 year --

23 Right?

24 DEFENDANT BRANNON: Yes, sir.

25 MR. WILLIAMS: And he was out on bond until he

1 THE COURT: I wish I could.

2 Mr. Brannon, anything you'd like to tell me,
3 sir?

4 DEFENDANT BRANNON: Yes, sir. I just want to
5 apologize to the family. I want to let y'all know I
6 never had no intentions that night for none of that
7 happening. I knew Shine. Y'all know that. And I
8 promise y'all, from the bottom of my heart, it's not
9 like the evidence they present, nothing like that.
10 I just apologize. I never had no intentions on none
11 of that happening. And I apologize and I send my
12 condolences and prayers to y'all. If I could change
13 that night, I would. But I can't.

14 Your Honor, I just ask that you take that into
15 consideration and be lenient on me.

16 THE COURT: Anything else, Mr. Williams?

17 MR. WILLIAMS: No, Your Honor.

18 THE COURT: Mr. Mauldin? We heard no prior
19 record and no additional impact.

20 MR. MAULDIN: Thank you, Your Honor. As you
21 heard during the trial, Mr. Robertson was arrested
22 June 9th of '15. He was able to post bond on August
23 23rd of '16. Having 441 days' credit, plus the five
24 that he was detained here this week for trial would
25 be 446.

1 wrong crowd.

2 But I'd like to apologize to the family and
3 tell them that we're sorry for their loss. And
4 that's it.

5 I love you.

6 DEFENDANT ROBERTSON: I love you, too, baby.

7 THE COURT: Thank you, Ms. Boyd.

8 MR. MAULDIN: That's all we have, Your Honor.

9 THE COURT: Mr. Robertson, is there anything
10 you want to say, sir?

11 MR. MAULDIN: I've advised him not to speak.

12 THE COURT: Oh, I didn't realize that.

13 MR. MAULDIN: I was just letting you know.

14 THE COURT: Thank you.

15 All right, folks. I'm going to take a short
16 break, and I'll be back with you momentarily. Thank
17 you.

18 (Short break.)

19 THE COURT: Obviously, it's been a long week.
20 As I say that, it's been a long six and a half years
21 for both families. It all came to a head this week.

22 I do want to thank the families for speaking
23 today, particularly you, Ms. Gantt. Obviously, just
24 a tragic situation. You know, we've seen words
25 thrown around to describe it throughout the week.

1 But I think everyone in here understands this should
2 not have happened, this should not have happened.

3 And regardless of the sentence that happens
4 today, I think regardless of what side of the
5 courtroom you're sitting on, I think everyone agrees
6 this should not have happened. And I hope that when
7 everyone leaves this courthouse today, you'll commit
8 to one another to make sure their family members and
9 friends are not involved in an incident like this
10 again.

11 Mr. Williams made a comment about a time
12 machine when he was up here. In my time, yeah, I've
13 yet to find a sentence that can unring the bell or
14 bring back a loved one. So justice is a really
15 tough word at times in what's appropriate. There
16 are a lot of circumstances that go into it,
17 obviously.

18 I heard the whole case. And the jury made
19 their decision based upon the case they heard. But
20 when everyone leaves today, please go forth to look
21 after one another. Okay? Let's try not to be back
22 here again. Let's make sure the family members are
23 not here again.

24 I've certainly given you credit for pretrial
25 confinement. Mr. Williams, you mentioned -- I'm

1 sorry. Mr. Mauldin, you mentioned 446 days.
2 Mr. Williams, you mentioned 22 months. I wrote 22
3 months. I'm sure the mathematicians will figure it
4 out specifically at a later time.

5 Mr. Robertson and Mr. Brannon, you know,
6 it's -- regardless of the sentence, it's a
7 substantial sentence. You understand that. I
8 believe you'll have the opportunity to come out,
9 though, some day. I hope you will --
10 particularly -- I didn't hear from Mr. Robertson.

11 But, Mr. Brannon, I hope you'll lean on your
12 faith moving forward. I hope when you get out
13 you'll have the opportunity to rejoin the family and
14 find a way to give back to society. I know that's a
15 general statement, but I hope you can find a way to
16 do that while serving out your sentence at the
17 Department of Corrections. I hope you can build
18 from this.

19 I know your family feels that way and, frankly,
20 I think the victim's family feels that way. Anyway,
21 it's been a long week. There's really not much more
22 I can say.

23 But, Mr. Robertson, no prior record, I tried to
24 take that into account. On the charge on the
25 conviction for murder, Indictment 2016-GS-32-0496,

1 you will be committed to the Department of
2 Corrections for a period of 32 years. Your
3 attempted murder conviction is a sentence of 30
4 years to run concurrent.

5 Mr. Brannon, yours is particularly tough
6 because -- and for you, too, Mr. Robertson, because
7 you had turned a corner, you know, from what I'm
8 hearing here in the courtroom today. It's tough
9 that we have to go through this now in 2021 for
10 something that happened in 2015. But we are here,
11 nonetheless.

12 On the charge of murder, Indictment
13 2016-GS-32-0492, which will run concurrent with your
14 attempted murder, on the charge of murder, you will
15 be sentenced to 34 years in the Department of
16 Corrections with a concurrent sentence of 30 years
17 for attempted murder.

18 That is all. Court's adjourned.

19 (Court is adjourned at 8:02 PM.)

20 -- END OF TRANSCRIPT OF RECORD --

21

22

23

24

25



STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	
	)	
State of South Carolina,	)	
	)	Warrant/Indictment Nos.:
	)	2015A3210200941/2016GS3200492
	)	2015A3210200942/2016GS3200493
	)	
v.	)	
	)	MOTION FOR A NEW TRIAL
Donovan Tirrell Brannon,	)	
	)	
<u>Defendant.</u>	)	

NOW COMES the Defendant, by and through the undersigned Counsel, who moves for a New Trial pursuant to S.C. Code Ann. §17-23-110 after a jury verdict was found in favor of the State on the above-listed indictments on Friday, November 19, 2021. Specifically, Defendant seeks a new trial on the grounds that his directed verdict motions were denied in error and that the State did not provide evidence to meet each element of the offenses charged.

Defense counsel properly moved for directed verdicts in favor of Defendant on both indictments at the close of State's case and properly renewed the motion at the close of Defendant's case. The Court denied Defendant's motions.

If there is no direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the case should not be submitted to the jury. *State v. Rowell*, 326 S.C. 313, 487 S.E.2d 185 (1997). Furthermore, when evidence submitted raises a mere suspicion that the accused is guilty, a directed verdict must be granted. *See State v. Bennett*, 415 S.C. 232, 781 S.E.2d 352 (2016). Defense counsel hereby renews the arguments it made at trial and maintains that it was error to allow any of the indictments to move forward to the jury, as there was no direct evidence or substantial circumstantial evidence reasonably tending to prove Defendant's guilt regarding any of the indictments.

Murder (Direct Liability)

The State presented no evidence that the Defendant killed the victim, William Tyrone Gantt aka "Shine". The State provided evidence that the bullet that killed Mr. Gantt was the bullet that travelled through his right arm, through the upper lobes of both lungs, and into his left lung. The State also provided evidence that said bullet was shot by an unknown gun and *not* by any gun that was collected as part of law enforcement's investigation. Importantly, the State did not provide any evidence, either tangible or testimonial, that tended to link Defendant to any gun except for a gun that *was* recovered by law enforcement. As there was no evidence presented linking Defendant to a gun and/or guns that could have discharged the bullet that killed Mr. Gantt, it was error to deny Defendant's directed verdict motion on the murder charge under this theory.

Attempted Murder (Direct Liability)

Attempted murder is a specific intent crime. *See State v. King*, 422 S.C. 47, 810 S.E.2d 18 (2017). "In the context of an 'attempt' crime, specific intent means that the defendant consciously intended the completion of acts comprising the choate offense." *State v. Sutton*, 340 S.C. 393, 397, 532 S.E.2d 283, 285 (2000). The State presented no evidence, either tangible or testimonial, that Defendant possessed the specific intent to kill Brandon Jeffrey. Neither Mr. Jeffrey, nor any other witness, testified that Defendant held a gun towards or pointed a gun at Mr. Jeffrey. Furthermore, no witness testified that he or she saw Defendant shoot at anyone.

Although there was some circumstantial evidence presented that could support the proposition that the Defendant had specific intent to kill Mr. Gantt - testimony that Defendant spoke with Mr. Gantt, stood in front of Mr. Gantt, and possessed a gun in front of Mr. Gantt - there was no similar testimony or evidence with regard to Mr. Jeffrey. Since the Defendant's intent regarding Mr. Gantt

is irrelevant for this charge,¹ and since the State provided no evidence that Defendant had the specific intent to kill Mr. Jeffrey, it was error to deny Defendant's directed verdict motion on the attempted murder charge under a direct theory.

Accomplice Liability

Under an accomplice theory of liability for both charges, the State needed to provide direct or substantial circumstantial evidence that, in the light most favorable to the State, could be interpreted to support that the Defendant "join[ed] with another to accomplish an illegal purpose. . . ." *State v. Langley*, 334 S.C. 643, 648, 515 S.E.2d 98, 101 (1999). "To admit evidence under this theory, the existence of the common design and the participation of the accused against whom the evidence is offered should first be shown." *Id.* at 648, 515 S.E.2d at 101 (citing *State v. Woomer*, 276 S.C. 258, 277 S.E.2d 696 (1981), overruled on other grounds). The State did not provide any direct or substantial circumstantial evidence of any joining, meeting of the minds, or other prior agreement between Defendant and any other person that could have been the shooter in this case. Therefore, it was error to deny Defendant's directed verdict motions on both charges under a "hand of one is the hand of all theory."²

¹ See *State v. Williams*, which was filed on July 14, 2021 on behalf of the Court of Appeals. The Westlaw citation, 2021 WL 2944778, is currently the only one available. While the case has a very narrow holding, finding the doctrine of transferred intent inapplicable to that particular charge of attempted murder, the facts in this case are similar in that the State provided no evidence to suggest that the Defendant possessed any intent to kill Mr. Jeffrey.

² Furthermore, the Defendant contends that because attempted murder is a specific intent crime, he must necessarily have the specific intent under an accomplice liability theory as well. In order to have the intent to join, he must necessarily also have had the specific intent to kill Mr. Jeffrey. Because the State presented no evidence that Defendant intended to kill Mr. Jeffrey (see previous paragraph), a directed verdict in Defendant's favor on the attempted murder charge, regardless of theory of liability, should have been granted.

CONCLUSION

Based on the foregoing reasons and on all objections raised at trial, the Defendant respectfully requests the Court set aside the jury's verdict and grant the Defendant a new trial.

Respectfully Submitted,



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ATTORNEYS FOR THE DEFENDANT

Lexington, SC
November 24, 2021

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

DONOVAN TIRRELL BRANNON,

Defendant.

Warrant / Indictment No(s).
2015A3210200941, 2016GS3200492
2015A3210200942, 2016GS3200493

CERTIFICATE OF SERVICE

I, GLENDA AMICK, a Paralegal with the Law Firm of Williams, Stitely & Brink, PC, do hereby certify that I have this date served a copy of the **Motion for a New Trial** upon the individual(s) named below by placing a copy of same in the United States Mail, postage prepaid and return address clearly indicated to the address(es) below:

Honorable Walton J. McLeod, IV
205 East Main Street
Lexington, SC 29072
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Glenda Amick
GLENDA AMICK

Lexington, South Carolina
November 24, 2021

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Jan 04 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

The State,

vs.

Donovan Tirrell Brannon,

Defendant.

FILED

2021 DEC 14 PM 4:41

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

Nos.: 2016GS3200492

2016GS3200493

**ORDER DENYING MOTION
FOR NEW TRIAL**

This matter comes before this Court on Defendant's Motion for New Trial filed on November 24, 2021. On Friday, November 19, 2021, a Lexington County jury found Defendant guilty of Murder and Attempted Murder. Murder and Attempted Murder are both violent and most serious offenses under South Carolina Law. Following the verdict, victim impact statements, and Defendant's mitigation presentation, Donovan Tirrell Brannon was sentenced to thirty-four (34) years for Murder and thirty (30) years for Attempted Murder. Both sentences will run concurrently.

On November 24, 2021, Defendant timely filed a substantive Motion for New Trial based on the denial of Defendant's motions for directed verdicts. Defendant argues the court erred in denying his directed verdict motions on the indictments of Murder and Attempted Murder. Specifically, Defendant contends that the State did not provide sufficient evidence to meet each element of the offenses charged. On December 10, 2021, the State filed a memorandum in opposition to the Defendant's Motion for a New Trial. The State argued that under the "hand of one" theory, they provided an overwhelming amount of evidence tending to prove the Defendant guilty of Murder and Attempted Murder. As to the indictment for Murder, the State argues they presented evidence at trial supporting the "hand of one" theory, specifically, they provided evidence at trial that the Defendant and two other individuals fired shots at the victim, William

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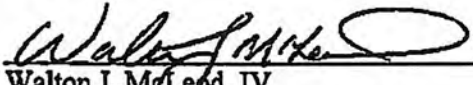
Lisa M. Comer
Lex. Co. C.C.C.P., G.S. & F.C.

Gantt, which resulted in his death. The State further contends that regardless of which shot caused Gantt's death, because they were acting in concert, the act of one was the act of all. As for the indictment for Attempted Murder, the State maintains they provided evidence that the Defendant had the specific intent to kill the victims and others in their group. They cited to testimony introduced at trial about threatening remarks made by the Defendant in the moments proceeding the shooting.

In light of all the facts and circumstances, and in reviewing the record, this Court finds there was both direct and circumstantial evidence introduced at trial justifying the verdict of the jury. Subsequently, this Court finds there is an insufficient basis for a new trial on the grounds made in Defendant's motion or any other grounds. In addition, this Court finds that Defendant's Motion for New Trial is appropriately adjudicated and without the need for oral argument pursuant to Rule 29(a), SCRCrimP.

THEREFORE, this court DENIES Defendant's Motion for New Trial.

AND IT IS SO ORDERED.


Walton J. McLeod, IV
Presiding Judge
Eleventh Judicial Circuit

Lexington, South Carolina

December 14 2021

SLED Firearms Report Cartridge Case Summary

Fired by one firearm - 9mm Luger	Fired by one firearm - 40 S&W	Fired by one firearm - 9mm Luger SLED Item 14: Ruger Model LC9 semiautomatic pistol,	<u>Andy Barnes:</u> SLED Item 9: Jimenez Arms Model J.A. Nine semiautomatic pistol, 9mm Luger
1. SLED Item 12 (CSI: H) 2. SLED Item 33 (CSI: 5) 3. SLED Item 34 (CSI: 6) 4. SLED Item 50 (CSI: 22) 5. SLED Item 51 (CSI: 23) 6. SLED Item 52 (CSI: 24) 7. SLED Item 53 (CSI: 25) 8. SLED Item 54 (CSI: 26) 9. SLED Item 55 (CSI: 27) 10. SLED Item 56 (CSI: 28) 11. SLED Item 57 (CSI: 29) 12. SLED Item 58 (CSI: 30) 13. SLED Item 66 (CSI: 38) 14. SLED Item 67 (CSI: 39) 15. SLED Item 68 (CSI: 40)	1. SLED Item 35 (CSI: 7) 2. SLED Item 36 (CSI: 8) 3. SLED Item 37 (CSI: 9) 4. SLED Item 38 (CSI: 10) 5. SLED Item 39 (CSI: 11) 6. SLED Item 40 (CSI: 12) 7. SLED Item 41 (CSI: 13) 8. SLED Item 42 (CSI: 14) 9. SLED Item 43 (CSI: 15) 10. SLED Item 44 (CSI: 16) 11. SLED Item 45 (CSI: 17) 12. SLED Item 46 (CSI: 18) 13. SLED Item 47 (CSI: 19) 14. SLED Item 48 (CSI: 20)	1. SLED Item 29 (CSI: 1) 2. SLED Item 30 (CSI: 2) 3. SLED Item 31 (CSI: 3) 4. SLED Item 32 (CSI: 4) 5. SLED Item 49 (CSI: 21)	1. SLED Item 59 (CSI: 31) 2. SLED Item 60 (CSI: 32) 3. SLED Item 61 (CSI: 33) 4. SLED Item 62 (CSI: 34) 5. SLED Item 63 (CSI: 35) 6. SLED Item 64 (CSI: 36) 7. SLED Item 65 (CSI: 37)



WITNESSES

Lexington County Sheriffs Department

B Marthers

Law Enforcement Case #: 15010421

REM

ARREST WARRANT NUMBER

2015A3210200941

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 2-8-16

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS3200492

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

THE STATE

vs.

Donovan Tirrell Brannon

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

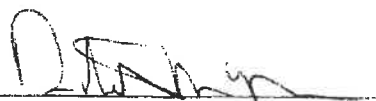
INDICTMENT FOR
MURDER

§ 16-03-0010

At a Court of General Sessions, convened on FEBRUARY 2016, the Grand Jurors of Lexington County present upon their oath:

That **Donovan Tirrell Brannon**, together with Shantrez Robertson, did in Lexington County, South Carolina on or about June 6, 2015, unlawfully, wilfully, feloniously, and with malice aforethought kill the victim, William T Gantt, by shooting him with a pistol, and the victim died on or about June 6, 2015, in Lexington County as a proximate result thereof, in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

B Marthers

Law Enforcement Case #: 15010421

REM

ARREST WARRANT NUMBER

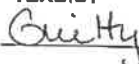
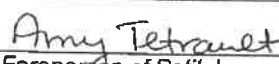
2015A3210200942

ACTION OF GRAND JURY

TRUE BILL
Foreperson of Grand Jury

Date: 2-8-16

VERDICT


Guilty
Foreperson of Petit Jury

Date: 11/19/2

DOCKET NO. 2016GS3200493

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

THE STATE**vs.**

Donovan Tirrell Brannon

CDR #: 3410

Indictment for**ATTEMPTED MURDER**

§ 16-03-0029

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
)

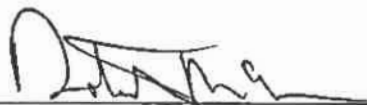
INDICTMENT FOR
ATTEMPTED MURDER

§ 16-03-0029

At a Court of General Sessions, convened on FEBRUARY 2016, the Grand Jurors of Lexington County present upon their oath:

That **Donovan Tirrell Brannon**, together with Shantrez Robertson, did in Lexington County, South Carolina, on or about June 6, 2015, with the intent to kill the victim, Brandon Jeffery, willfully, feloniously, and with malice aforethought shoot the victim with a pistol, in violation of §16-03-29 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



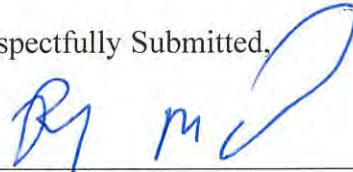
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Aug 25 2023****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 25th day of August, 2023.

RECEIVED

Aug 25 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

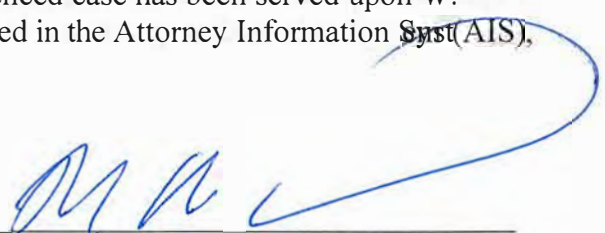
DONOVAN TIRRELL BRANNON,

APPELLANT.

APPELLATE CASE NO. 2022-000015

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon W. Joseph Maye, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 25th day of August, 2023.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: jmaye@scag.gov
Cc: [Dudek, Robert](#); DDALESSIO@SCAG.GOV
Subject: 2022-000015 The State v. Donovan Tirrell Brannon
Date: Friday, August 25, 2023 10:01:00 AM
Attachments: [2022-000015 The State v. Donovan Tirrell Brannon Record on Appeal V2.pdf](#)
[2022-000015 The State v. Donovan Tirrell Brannon Record on Appeal V3.pdf](#)
[2022-000015 The State v. Donovan Tirrell Brannon Record on Appeal V1.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the three-volume Record on Appeal which will be filed today, August 25, 2023, with the Court of Appeals via OneDrive.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330