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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Appellate Case No. 2022-001618

The Honorable Edward Miller, Circuit Court Judge

State of South Carolina.....Respondent,

v.

Quavon Deshay Edmunds Appellant.

**RECORD ON APPEAL
VOLUME I OF II**

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) 2018-GS-23-10280
COUNTY OF GREENVILLE) 2018-GS-23-10279
) 2018-GS-23-10278
)
)
)
)
STATE OF SOUTH CAROLINA,)
 PLAINTIFF,)
)
vs.) TRANSCRIPT OF RECORD
)
QUAVON DESHAY EDMUNDS,)
 DEFENDANT.)

)

November 7, 8 and 9, 2022
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE, and a jury.

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P R O C E E D I N G S

Monday, November 7, 2022

(WHEREUPON, proceedings commenced at 11:03 a.m.; State's Exhibits 1 through 57 are premarked for identification.)

THE COURT: Okay. What can we dispose of before we pick a jury?

MS. HENDRICKS: Thank you, Your Honor. May it please the Court. We did have an additional charge that did not make it onto the docket by mistake. It was a conspiracy charge. I did let Mr. Crane know that we did want to go forward on that charge. It just wasn't listed on the published trial docket.

THE COURT: Any objection?

MR. CRANE: No, sir, Judge.

THE COURT: Okay.

MS. HENDRICKS: The other issue we have is we've got some phone records we were wanting to get into. We weren't planning to getting into them, but we got notice of an alibi so we wanted to use the phone records to dispute alibi. We've got a certification, if we can get the business records in just as certified business records, or we have the custodian of records for T-Mobile on standby but he would have to testify remotely. So we did file a motion to allow for remote testimony if the certification isn't satisfactory.

1 MR. CRANE: I'm going to object to the records coming
2 in at all, Your Honor.

3 THE COURT: Okay. On what basis?

4 MR. CRANE: Pardon?

5 THE COURT: On what basis?

6 MR. CRANE: Well, Your Honor, first off, this is what
7 they're calling a certification. It's just a letter from
8 T-Mobile. And I don't know who that is or who certified
9 it.

10 But it's my understanding that what the government
11 did is got a phone number which they believe belonged to
12 my client, Quavon Edmunds, and then got in touch with
13 T-Mobile and had them go forward and pull out his records
14 and then did what they called a GeoTime. Apparently,
15 there's a little map that shows little dots where those
16 cell towers are and where his phone may or may not have
17 been. And I would submit that the records are private and
18 that they are subject to the Fourth Amendment of the
19 Constitution of the United States and the Constitution of
20 South Carolina.

21 There's a lot of discovery in this case. I looked it
22 over last night. I can't find a -- and I'm not saying
23 there's not one. I'm just saying when I looked through
24 everything last night, I could not find a subpoena or a
25 court order or a search warrant that allowed them to go to

1 T-Mobile and get records that belong to my client and then
2 do what they call this GeoTime. And so I would submit to
3 the Court that if there is no search warrant, no valid way
4 that they got those records, that those records could not
5 come in to begin with. And I may have another motion
6 depending on how that turns out.

7 MS. HENDRICKS: Your Honor, we have a search warrant,
8 it was included in discovery, that has been turned over to
9 him. This case is, you know, five years old. It does
10 have voluminous discovery. But it was turned over to him,
11 and I can hand it to him now if he wants.

12 THE COURT: Yeah. Give him another copy.

13 MR. CRANE: And, Judge, what I'm -- let me see.

14 Okay. Your Honor, I can't say that I've ever seen
15 this, but that's not saying they didn't give it to me.
16 But a lot of their discovery comes what's called the
17 Spartan System, which we can't sometimes get into. But
18 there appears to have been a search warrant. That search
19 warrant is signed by affiant D. T. Sanders. And it looks
20 like it was signed on February 13, 2018, by a judge. I'm
21 not sure who signed it.

22 But, Your Honor, if there is a search warrant, then I
23 would challenge the search warrant. And let me go into
24 that. Like I said, I might have more to talk about this.

25 The search warrant -- I would submit that the search

1 warrant is insufficient. A search warrant has to be
2 issued with probable cause. I would submit there's no
3 probable cause in this search warrant.

4 What happened, according to the government and what
5 they're going to try to prove today, is that a fellow got
6 shot at Rutherford and North Main Street by someone in a
7 car. There were two other cars -- at least two other cars
8 on the scene. They arrested the people in the other cars.
9 My fellow was not arrested. He turned himself in someday
10 later.

11 And so the search warrant says that on 2/7/18 Quavon
12 Deshay Edmunds was identified as a subject of interest in
13 an attempted murder within the city limits of Greenville.
14 Since that time warrants have been issued for Edmunds's
15 arrest to include two counts of attempted murder. That's
16 not sufficient evidence for a search warrant. That's not
17 beyond a reasonable doubt -- or probable cause. Excuse
18 me.

19 On 2/9/18 the affiant obtained information from a
20 temp agency, which is hearsay, that evidence as used in
21 the past allowing -- showing that he provided a phone
22 number as a valid cell phone number. "It is the affiant's
23 belief that current associate contact information and/or
24 location information that could lead to Edmunds's arrest
25 may be found through T-Mobile under the phone number" --

1 and it gives a phone number.

2 So that one sentence, Judge, it says it is the
3 affiant's belief. There is no probable cause there. Just
4 an affiant giving his belief. "That current information
5 could lead," again, no probable cause, "to Edmunds's
6 arrest may be found through the telephone number." So
7 there's -- in that sentence alone there's three maybes.
8 It's conjecture, speculation. There's no probable cause.

9 Based on this search warrant, they then went and got
10 the records from T-Mobile and did what they call GeoTime,
11 which is going to be another issue that we'll talk about.
12 Says, "Due to the serious nature of the offense and danger
13 of the victim involved in this incident, request that
14 T-Mobile comply with this search warrant as soon as
15 possible within ten days."

16 We challenge the sufficiency of the search warrant,
17 Judge. There's nothing. All that had was conjecture,
18 speculation, number one, that my client was even there.
19 Number two, there's no evidence that he had a cell phone
20 on him if he was there. And number three, even getting
21 the phone number is hearsay evidence in this particular
22 search warrant. So we submit that the search warrant is
23 invalid and the records should not come in.

24 Thank you, Your Honor.

25 THE COURT: You're saying hearsay can't be used in

1 the investigative process; is that right?

2 MR. CRANE: No, sir. Hearsay can be used, but not
3 for the issuance of a search warrant. Search warrant is
4 probable cause. Hearsay is not probable cause, I would
5 submit to the Court. There's three -- three hearsays in
6 there. And based on that, they went and got his private
7 cell phone information.

8 THE COURT: Okay. Can I look at the warrant, please.

9 MR. CRANE: May I bring it to you, Judge?

10 THE COURT: Yeah.

11 (Pause in proceedings.)

12 THE COURT: Okay. What does the State want to tell
13 me?

14 MS. HENDRICKS: It's the State's position that it's a
15 valid search warrant. It was supported by probable cause.
16 We can -- you know, Larry can call the affiant if he wants
17 to question him about the probable cause, but basically,
18 there were several codefendants that put this defendant on
19 the scene in the shooter's car as well as eyewitnesses who
20 saw him walking in the area after the shooting. And then,
21 you know, the return, obviously, is that his phone was in
22 the location of the shooting and where he was before and
23 after the shooting as well.

24 MR. CRANE: Judge, burden shifting causing my client
25 to take the stand is not something to talk about here. My

1 client doesn't have to take the stand.

2 THE COURT: This is a pretrial hearing.

3 MR. CRANE: I understand that. She says Larry can
4 call my client. They have to prove that the search
5 warrant is valid. I don't have to prove anything even if
6 it is a pretrial hearing. If they prove to you that the
7 search warrant is valid, then they've done their job. But
8 I suggest that it's not. She hasn't given you anything
9 that substantiates that my client was there or that his
10 phone was there, that's even his phone.

11 THE COURT: Well, the affiant swore to the judge who
12 issued this search warrant that your client had been
13 identified as a subject of interest. So -- and then in
14 order for them to pursue their investigation -- well, the
15 warrants had already been issued for his arrest. So there
16 was probable cause for the arrest warrants, okay, which
17 the affiant relied on in his assertions to get this search
18 warrant.

19 I'm going to find it's a valid search warrant.

20 MR. CRANE: Yes, sir.

21 THE COURT: I'm going to find there was probable
22 cause on the face of it.

23 MR. CRANE: All right. So we still challenge the
24 admissibility of the records at this point. It is not a
25 business record taken in the normal course of business as

1 pursuant to the rules of evidence. They want you to allow
2 these in, just we have a certified letter so let them in.
3 I don't think that's sufficient.

4 THE COURT: I haven't seen the certified letter that
5 you all have referred to.

6 MR. CRANE: There is no certified letter, Judge.

7 THE COURT: You've been living with this case for how
8 long? I don't know.

9 MR. CRANE: Four and a half years.

10 THE COURT: This is the first time I've heard of it.

11 MR. CRANE: Yes, sir.

12 THE COURT: Okay. So it will have to play out.

13 Right now do you have any voir dire you want?

14 MS. HENDRICKS: No voir dire from the State.

15 THE COURT: Okay. All right. I'll allow the -- I
16 mean, let me see this letter, this certification.

17 MR. CRANE: I object to that, Judge. That's hearsay,
18 what you're looking at now. There's no one who's
19 substantiated that as a letter of certification except she
20 says it is. There's no seal on it. There's nothing on
21 it.

22 THE COURT: So you don't want me to look at it
23 because you say it's hearsay but you want me to rule on
24 it?

25 MR. CRANE: Go ahead, Judge. I apologize.

1 THE COURT: No. This is not even a -- it's not
2 notarized. I can't -- I think he's correct about this.
3 So you'll have to put your -- you'll have to do it . . .

4 MS. HENDRICKS: So we were -- there is a motion in
5 the case to allow remote testimony. I believe I emailed
6 it to you. Do you want another copy?

7 THE COURT: Yeah. You're going to have to put it in
8 the record anyway.

9 MS. HENDRICKS: Okay.

10 THE COURT: Do you got it?

11 MS. HENDRICKS: Yeah. Do you want to hear it right
12 now?

13 THE COURT: Do you want to hear it right now?

14 MR. CRANE: That would be fine, Judge. We object to
15 him testifying remotely. Like you said, they've been
16 dealing with this for four and a half years. And for some
17 reason -- I know that last week they had three experts in
18 court. This week they want to do it by video.

19 THE COURT: This case was up last week?

20 MR. CRANE: Excuse me?

21 THE COURT: I was out of town last week, so I don't
22 know what was going on.

23 MR. CRANE: Well, last week they had a murder.

24 THE COURT: I was holding court in the lower part of
25 the state.

1 And they had -- they had three experts up here in
2 this case last week?

3 MR. CRANE: No, no. In a different case talking
4 about GeoTime, what we're talking about here.

5 THE COURT: What's that got to do with this?

6 MR. CRANE: In that particular case, Judge Sprouse
7 did not allow them to testify. That's where we're coming
8 from.

9 So I object to them doing this remotely by way of
10 video.

11 THE COURT: Okay. Yeah.

12 MS. HENDRICKS: Thank you, Your Honor. May it please
13 the Court. We got notice of an alibi last Wednesday. He
14 had mentioned it to us, I think -- I believe the Wednesday
15 before when we were meeting to go over discovery. But he
16 just gave us written notice on Wednesday of the name of
17 the alibi witness and the address who was going to say
18 that the defendant was with her at the time. I believe
19 it's his grandmother. So at that point we decided we
20 needed to get these cell phone records in.

21 We did file the motion for remote testimony since we
22 do have that capacity after COVID to allow the custodian
23 of records for T-Mobile to testify remotely. It's Mike
24 Bosillo. Just due to the late date of alibi notice, we
25 weren't able to get him here in person. He lives in

1 Texas, I believe.

2 THE COURT: When did you ask for notice of alibi?

3 MS. HENDRICKS: It was asked with the original
4 discovery request back in March 9, 2018.

5 MR. CRANE: I'll have to check that. I don't know if
6 it was. I've got that original discovery request in my
7 briefcase, but I'm not sure. I know that she gave me
8 another request that same meeting that she's talking about
9 about two weeks ago.

10 THE COURT: Am I reading this rule right that you
11 were supposed to supply your notice of your alibi within
12 ten days?

13 MR. CRANE: Of the request?

14 THE COURT: Of the request.

15 MR. CRANE: You probably are reading the rule right.
16 But like I said, I got the request at our meeting. If
17 there was one back yonder, then I did give it to them. I
18 don't know that I had an alibi four and a half years ago.

19 THE COURT: That's interesting. So the alibi's been
20 created in the last four and a half years?

21 MR. CRANE: No, sir. We just come to -- he and I
22 have talked. This thing's been on the back burner as you
23 know with COVID and everything, and there's been other
24 things that have been pressing. So ---

25 THE COURT: Well, let's find out. Let's find out

1 about whether or not that alibi was requested.

2 MR. CRANE: Okay. Let me see if I can find my
3 paperwork.

4 MS. HENDRICKS: I've got a copy of the letter.

5 THE COURT: Well, let him find it. We'll put the
6 burden on Mr. Crane on this.

7 MR. CRANE: Thank you, Judge.

8 MS. HENDRICKS: And we were going to object to the
9 alibi. But if you're inclined to admit the alibi, we were
10 going to ask to get the phone records in.

11 (Pause in proceedings.)

12 MR. CRANE: Your Honor, there appears to have been a
13 letter that came out March 9, 2018, listing a whole bunch
14 of discovery, and attached to the back is a paragraph
15 where they, in fact, ask for alibi.

16 THE COURT: Okay. All right. So in the interest of
17 fairness and justice, I'm going to allow you to proceed
18 with your alibi, but I'm going to allow them, as a result
19 of the late notice, to let this T-Mobile guy testify
20 remotely. Because I don't know how much notice the State
21 had last week to produce three expert witnesses that
22 you've referred to. I don't know anything about that.

23 All right. What else? Anything else?

24 MS. HENDRICKS: The only other thing we were going to
25 inform the court, the victim is in jail. He's here. He's

1 dressed out. We just wanted you to be aware of that. And
2 also, we did serve a third-party guilt motion on
3 Mr. Crane.

4 MR. CRANE: Yeah. They're papering me to death.
5 They did serve that.

6 THE COURT: They've been trying it for years,
7 Mr. Crane. It hasn't worked yet.

8 MR. CRANE: I know that. I know that.
9 They did serve that on me, and we'll see how things
10 go.

11 THE COURT: Okay. Well, I don't have any context for
12 it, so I don't know what the ---

13 MR. CRANE: Now, Your Honor, when do you want to take
14 this testimony from this T-Mobile guy? Because I'm not
15 sure what he's going to testify to. Because as a result
16 of him doing the research, they've come up with a map of
17 GeoTime where they say my client's cell phone ---

18 THE COURT: Geo fence?

19 MR. CRANE: Yeah.

20 THE COURT: Geo fence.

21 MR. CRANE: Yeah.

22 And so they're saying my client's cell phone was in
23 the area where this happened.

24 THE COURT: Okay.

25 MR. CRANE: I'm going to object to that when the

1 time's appropriate. And if that's what he's going to
2 testify to, then we'll probably need to hear that before
3 we go in front of a jury, I would submit.

4 THE COURT: Well, I don't know. They can make a
5 proffer. We'll proffer it at some point when they're
6 ready. We'll take a break when it's time for this guy to
7 testify. I'm not going to do it now and then do it again
8 later.

9 MR. CRANE: Okay.

10 THE COURT: Okay. Anything else?

11 MR. CRANE: No, sir. Not from me.

12 MS. HENDRICKS: Nothing from the State, Your Honor.

13 THE COURT: Okay. All right. We'll wait for a jury
14 to show up.

15 MS. HENDRICKS: And just for housekeeping, do you
16 want -- are we going to let the jury go to lunch and then
17 call our first witness or do you want to roll into it?

18 THE COURT: I have no idea. I don't know when we'll
19 get the jury.

20 MS. HENDRICKS: Okay.

21 THE COURT: So we'll just have to see how it plays
22 out.

23 Okay. What is this, five and five?

24 MS. GASSER: Yes, Your Honor.

25 MR. CRANE: I think so. Yes, sir, Judge.

1 THE COURT: We'll take a short break. And I'll have
2 to tell all you folks in the gallery that you're going to
3 have to -- we don't have enough room in here to pick a
4 jury with you all in here, so we're going to have to get
5 you all to exit the courtroom. Okay.

6 (WHEREUPON, a recess is taken at 11:23 a.m.; the jury
7 panel entered the courtroom at 11:44 a.m.)

8 THE COURT: All right. Ladies and gentlemen, welcome
9 to Courtroom 4. I am one of your local Circuit Court
10 judges. My name is Ned Miller, and I am conducting or
11 holding a term of court this week in General Sessions
12 which would be commonly referred to as criminal court.
13 And you all have been qualified to serve under our law
14 generally as jurors this week, and now we're going to
15 qualify you to serve as jurors for this particular case.
16 So as a result of that, I'm going to be asking you some
17 questions. And please remember that you're under oath and
18 give full, complete and truthful answers to all the
19 questions.

20 The first thing I would do, though, is to introduce
21 the case to you. And the first -- this is the State of
22 South Carolina vs. Quavon Deshay Edmunds. The first
23 indictment is a three-count indictment. Count 1 alleges
24 that Quavon Deshay Edmunds did in Greenville County, on or
25 about the 7th day of February 2018, unlawfully and with

1 malice aforethought and with the intent to kill attempt to
2 kill Frederick Miller-Knowles. Count 2 alleges that
3 Quavon Deshay Edmunds did in Greenville County, on or
4 about the 7th day of February 2018, unlawfully and with
5 malice aforethought and with the intent to kill attempt to
6 kill Jatón Cathnell Lomax. And Count 3 alleges that
7 Quavon Deshay Edmunds did in Greenville County, on or
8 about the 7th day of February 2018, possess or visibly
9 display a handgun during the commission or attempted
10 commission of a violent crime, that would be attempted
11 murder.

12 The next indictment alleges that Quavon Deshay
13 Edmunds did in Greenville County, on or about the 7th day
14 of February 2018, unlawfully discharge or cause to be
15 discharged a firearm at or into the vehicle of Frederick
16 Miller-Knowles while located at the intersection of
17 Rutherford Road and North Main Street in Greenville, South
18 Carolina.

19 And finally, the last indictment alleges that Quavon
20 Deshay Edmunds did in Greenville County, on or about the
21 7th day of February 2018, willfully and unlawfully
22 combined with Curtis Lee Collins, Xavier Miguel
23 Concepcion, Damous Chavon Beasley, Jaquin Devonta Dodd
24 and/or Justin Dashun Miller for the purpose of
25 accomplishing an unlawful object or a lawful object by

1 unlawful means, that would be attempted murder.

2 Now, to these indictments Mr. Edmunds has pled not
3 guilty, and as such, certain rights attach which belong to
4 every person in this country who is charged with a crime.
5 And that is he is presumed to be innocent unless and until
6 the charging body, in this case the State of South
7 Carolina, can prove to a jury beyond any reasonable doubt
8 each and every element of each offense that that person is
9 charged with. Please keep that in mind throughout the
10 course of these proceedings.

11 I would also tell you that the indictments which I
12 have published or read to you are nothing more than they
13 appear to be. They are just pieces of paper, the formal
14 documents which allow this case which contain the
15 allegations against the defendant and allow the case to
16 wind its way into court for resolution. And you should
17 make no presumption or take any inference from the fact
18 that these documents have issued. They do not contain any
19 evidence.

20 So before I begin questioning, I would at this time
21 ask the attorneys to stand and identify themselves and
22 their clients.

23 MS. HENDRICKS: I'm Jenna Hendricks. I'm an
24 assistant solicitor, so I'm prosecutor for Greenville
25 County.

1 MS. GASSER: My name is Meghan Gasser. I'm also an
2 assistant solicitor for Greenville County. And with us is
3 the victim in this case, Frederick Miller-Knowles.

4 THE COURT: All right. Thank you.

5 Mr. Crane?

6 MR. CRANE: My name is Larry Crane, and this is
7 Quavon Edmunds.

8 Thank you, Judge.

9 THE COURT: Okay.

10 MR. CRANE: May we approach real quick?

11 THE COURT: All right.

12 (WHEREUPON, a bench conference was held off the record.)

13 JURY QUALIFICATION

14 THE COURT: All right. Ladies and gentlemen, is
15 there any member of the jury panel who is related by blood
16 or marriage or has a business, personal or social
17 relationship with any of the attorneys involved in this
18 case or any member of the 13th Circuit Solicitor's Office?
19 If so, please stand.

20 (No response.)

21 THE COURT: Is there any member of the jury panel who
22 is related by blood or marriage or who has a business,
23 personal or social relationship with either Mr. Quavon
24 Deshay Edmunds or Mr. Frederick Miller-Knowles? If so,
25 please stand.

(No response.)

THE COURT: All right. I'm going to read a list of potential witnesses in this case. I'll need to know the same about these folks, so please listen carefully: Curtis Collins; Jaquin Dodd; Justin Miller; Damous Beasley; Xavier Concepcion; Frederick Miller-Knowles; Jaton Lomax; Phillip Brown with the Greenville Police Department; Forrester Ellison with Greenville County Forensics; Russ Irvin with the Greenville County Police Department; Jarred Mann, formerly with the Greenville Police Department; Jamie McGlothlen-Lepak with the police department; Andrew Carr with the police department; Will Godfrey with the police department; Fran Moore with the office of 9-1-1; Wendy Arnold; Dale Allred with Greenville County School, assistant director of transportation; Cory Finley with EMS; Debbie Bostic; Quinstasia Griffin; Mike Bosillo with T-Mobile; Tim Harrison with the Greenville Police Department; Margaret Beeks. Is there any member of the jury panel related by blood or marriage or who has a business, personal or social relationship with any of those potential witnesses whose names we've just read? If so, please stand.

(No response.)

THE COURT: All right. Is there any member of the jury panel who has any knowledge about the events that are

1 alleged in these indictments? If so, please stand.

2 (No response.)

3 THE COURT: Is there any member of the jury panel or
4 family member who has ever been charged with or a victim
5 of any of these types of offenses? If so, please stand.

6 (No response.)

7 THE COURT: Is there any member of the jury panel who
8 is aware of any bias or prejudice towards either the State
9 or the defense? If so, please stand.

10 (No response.)

11 THE COURT: Is there any member of the jury panel who
12 is a member of or a contributor to a group whose primary
13 concern is the promotion of victims' or law enforcement
14 rights? Examples might be MADD, SADD, or CAV. If so,
15 please stand.

16 (No response.)

17 THE COURT: Is there any member of the jury panel who
18 knows of any reason whatsoever why you shouldn't serve in
19 this case with particular emphasis on your ability to be
20 fair and impartial to both the State and the defense and
21 to judge this case based on the merits of the evidence
22 presented in this courtroom and the law as I would give it
23 to you? If you can't do that, please let us know right
24 now.

25 (No response.)

1 THE COURT: Anything further from the State?

2 MS. HENDRICKS: Nothing from the State, Your Honor.

3 THE COURT: From the defense?

4 MR. CRANE: No, sir, Judge. Thank you.

5 THE COURT: All right. Ladies and gentlemen, we're
6 going to strike the jury.

7 JURY SELECTION

8 THE CLERK: When I say your name, please stand and
9 wait for further instructions.

10 Juror 109, Jeffrey Johnson.

11 (WHEREUPON, Jeffrey Johnson, a white male, stood.)

12 THE CLERK: What says the State?

13 MS. HENDRICKS: Please seat the juror.

14 THE CLERK: What says the defendant?

15 MR. CRANE: Swear the juror.

16 THE CLERK: Sir, please have a seat in the jury box.

17 Juror Number 66, Tracy Finley.

18 (WHEREUPON, Tracy Finley, a white female, stood.)

19 THE CLERK: What says the State?

20 MS. HENDRICKS: Please seat the juror.

21 THE CLERK: What says the defendant?

22 MR. CRANE: Swear the juror.

23 MS. HENDRICKS: I'm sorry. I couldn't hear.

24 THE CLERK: Juror Number 20, Amy Brake.

25 (WHEREUPON, Amy Brake, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. HENDRICKS: Please seat the juror.

3 THE CLERK: What says the defendant?

4 MR. CRANE: Swear the juror.

5 THE CLERK: Ma'am, please have a seat in the jury
6 box.

7 Juror Number 33, Laura Caylor.

8 (WHEREUPON, Laura Caylor, a white female, stood.)

9 THE CLERK: What says the State?

10 MS. HENDRICKS: Please seat the juror.

11 THE CLERK: What says the defendant?

12 MR. CRANE: Swear the juror.

13 THE CLERK: Ma'am, please have a seat in the jury
14 box.

15 Juror Number 78, Jacob Golembesky.

16 (WHEREUPON, Jacob Golembesky, a white male, stood.)

17 THE CLERK: What says the State?

18 MS. HENDRICKS: Please seat the juror.

19 THE CLERK: What says the defendant?

20 MR. CRANE: Swear the juror.

21 THE CLERK: Sir, please have a seat in the jury box.

22 Juror Number 122, Pamela Knauss.

23 (WHEREUPON, Pamela Knauss, a white female, stood.)

24 THE CLERK: What says the State?

25 MS. HENDRICKS: One moment. Please seat the juror.

1 THE CLERK: What says the defendant?

2 MR. CRANE: Swear the juror.

3 THE CLERK: Ma'am, please have a seat in the jury
4 box.

5 Juror Number 127, Roopchand Lall.

6 (WHEREUPON, Roopchand Lall, an Asian male, stood.)

7 THE CLERK: What says the State?

8 MS. HENDRICKS: Please seat the juror.

9 THE CLERK: What says the defendant?

10 MR. CRANE: Swear the juror.

11 THE CLERK: Sir, please have a seat in the jury box.

12 Juror Number 228, Robert Tooley.

13 (WHEREUPON, Robert Tooley, a white male, stood.)

14 THE CLERK: What says the State?

15 MS. HENDRICKS: Please seat the juror.

16 THE CLERK: What says the defendant?

17 MR. CRANE: Swear the juror.

18 THE CLERK: Sir, please have a seat in the jury box.

19 Juror Number 155, Lori Morgan.

20 (WHEREUPON, Lori Morgan, a white female, stood.)

21 THE CLERK: What says the State?

22 MS. HENDRICKS: Please seat the juror.

23 THE CLERK: What says the defendant?

24 MR. CRANE: Excuse her from this trial, please.

25 THE COURT: Ma'am, please be seated. You've been

1 excused from this case.

2 Juror Number 84, Jose Guedea.

3 (WHEREUPON, Jose Guedea, a white male, stood.)

4 THE CLERK: What says the State?

5 MS. HENDRICKS: Please seat the juror.

6 THE CLERK: What says the defendant?

7 MR. CRANE: Swear the juror.

8 THE CLERK: Sir, please have a seat in the jury box.

9 Juror Number 53, Angelia Debruhl.

10 (WHEREUPON, Angelia Debruhl, a white female, stood.)

11 THE CLERK: What says the State?

12 MS. HENDRICKS: Please seat the juror.

13 THE CLERK: What says the defendant?

14 MR. CRANE: Swear the juror.

15 THE CLERK: Ma'am, please have a seat in the jury
16 box.

17 Juror Number 210, Michael Smith.

18 (WHEREUPON, Michael Smith, a white male, stood.)

19 THE CLERK: What says the State?

20 MS. HENDRICKS: Please seat the juror.

21 THE CLERK: What says the defendant?

22 MR. CRANE: One moment. Swear the juror.

23 THE CLERK: Sir, please have a seat in the jury box.

24 Juror Number 102, Cole Hume.

25 (WHEREUPON, Cole Hume stood.)

1 THE CLERK: What says the State?

2 MS. HENDRICKS: Please strike the juror.

3 THE CLERK: Sir, you may be seated. You've been
4 excused from this case.

5 Juror Number 63, Katlynn Evett.

6 (WHEREUPON, Katlynn Evett, a white female, stood.)

7 THE CLERK: What says the State?

8 MS. HENDRICKS: Please strike the juror.

9 THE CLERK: Ma'am, you may be seated. You've been
10 excused from this case.

11 Juror Number 232, Rojas Luis Villafrade.

12 (WHEREUPON, Rojas Luis Villafrade, an Hispanic male,
13 stood.)

14 THE CLERK: What says the State?

15 MS. HENDRICKS: Please strike the juror.

16 THE CLERK: Sir, you may be seated. You've been
17 excused from this case.

18 Juror Number 206, Monnica Skinner.

19 (WHEREUPON, Monnica Skinner, a black female, stood.)

20 THE CLERK: What says the State?

21 MS. HENDRICKS: Please seat the juror.

22 THE CLERK: What says the defendant?

23 MR. CRANE: Swear the juror.

24 THE CLERK: Ma'am, please have a seat in the jury
25 box.

1 THE COURT: One and one on the alternates.

2 THE CLERK: Juror Number 194, George Robertson.

3 (WHEREUPON, George Robertson, a white male, stood.)

4 THE CLERK: What says the State?

5 MS. HENDRICKS: Please strike the juror.

6 THE CLERK: Sir, you may be seated. You've been
7 excused from this case.

8 Juror Number 231, Charles Vick.

9 (WHEREUPON, Charles Vick, a white male, stood.)

10 THE CLERK: What says the State?

11 MS. HENDRICKS: Please seat the juror.

12 THE CLERK: What says the defendant?

13 MR. CRANE: Swear the juror.

14 THE CLERK: Sir, please have a seat in the jury box.

15 THE COURT: We're going to get two alternates.

16 THE CLERK: Juror Number 10, Laurie Banker.

17 (WHEREUPON, Laurie Banker, a white female, stood.)

18 MS. HENDRICKS: Please seat the juror.

19 THE CLERK: What says the defendant?

20 MR. CRANE: Swear the juror.

21 THE CLERK: Ma'am, please have a seat in the jury
22 box.

23 THE COURT: All right. Any exception or objection to
24 the jury as impaneled pursuant to Batson or J.E.B. from
25 the State?

1 MS. HENDRICKS: None from the State, Your Honor.

2 THE COURT: From the defense?

3 MR. CRANE: No, sir, Judge. Thank you.

4 THE COURT: Okay. All right. Ladies and gentlemen,
5 I hope to see you later in the week. You all are not --
6 will not have the opportunity to serve today in this case.
7 So with that I will excuse you back downstairs to the jury
8 assembly room.

9 (WHEREUPON, the remaining jury panel exits the courtroom
10 at 12:04 p.m.)

11 THE COURT: All right. Ladies and gentlemen, I
12 really believe that you all are the fortunate ones to have
13 been selected to serve. Before we actually get started
14 with the case, though, there are a couple of matters I
15 need to discuss with the attorneys. So at this time I
16 will excuse you all back to the jury room, and we'll get
17 back with you just as quickly as we can. Thank you. If
18 you'll go with Curt.

19 (WHEREUPON, the jury exits the courtroom at 12:05 p.m.)

20 THE COURT: All right. Mr. Crane, we had a bench
21 conference. You raised some issues. What are they?

22 MR. CRANE: Your Honor, what I ask for is that --
23 what I indicated to the Court is that one of the attempted
24 murder charges that you read to the jury caught me by
25 surprise. I thought we were going forward on just one

1 count of attempted murder. And the reason is, when we had
2 our preliminary hearing, that charge was dismissed at the
3 preliminary hearing. The last time I checked the index,
4 it showed it being dismissed. I can try and find the date
5 of when the dismissal was. He must have been indicted by
6 the grand jury after that, but he's not been served or
7 arraigned on that indictment, and therefore, I would move
8 that the indictment be quashed and that we not go forward.
9 We don't want to waive our ten-day right of arraignment.

10 THE COURT: It's Count ---

11 MR. CRANE: I think it was Count 2, but I'm not sure.

12 THE COURT: --- 2 of a three-count indictment.

13 MR. CRANE: I think it's with Ms. Lomax.

14 THE COURT: What does the State have to say?

15 MS. HENDRICKS: Your Honor, we were unaware of the
16 dismissal at prelim., and I cannot access my system or the
17 central index from this laptop. Apparently, it can only
18 play disks. So if I could beg the Court's indulgence, I
19 can try to run to my office and get some more information
20 about whether or not it was arraigned or not.

21 THE COURT: Was he arraigned on the other attempted
22 murder?

23 MR. CRANE: I don't think he was ever arraigned on
24 anything. They just got the indictments. He was
25 arrested, went to the grand jury. They got the

1 indictments. I don't think he was arraigned on any of
2 them. He was probably arraigned when he went to get the
3 warrants by the magistrate, I would assume. But as far as
4 being arraigned on the indictments, I don't believe -- I
5 don't recall that ever happening.

6 MS. HENDRICKS: We just got word from somebody in our
7 office that it was not dismissed at prelim, so I mean, I
8 could ---

9 THE COURT: Tell me just exactly what difference you
10 think that makes, Mr. Crane.

11 MR. CRANE: Because typically, Judge, when a charge
12 is dismissed at a preliminary hearing, as we all know, the
13 State has the right to turn around and re-indict.

14 THE COURT: Yes.

15 MR. CRANE: Once they're re-indicted, they take them
16 in front of a Circuit Court judge ---

17 THE COURT: Well, there's no indictment. It's not
18 re-indicting. There is no indictment at a preliminary
19 hearing.

20 MR. CRANE: Okay. So they take them in front of a
21 circuit judge to serve the indictment on them and arraign
22 them of those charges. My client has not been arraigned
23 before a Circuit Court judge on Count 2 of that
24 indictment.

25 THE COURT: And I'm asking you what difference does

1 it make for the fact that it was dismissed at preliminary
2 hearing? Do you have some law on that?

3 MR. CRANE: The only law that I would submit is that
4 for the last 40 years of my practice in law, when someone
5 gets a direct indictment, you get arraigned on those
6 charges. He has not been arraigned on that charge. If
7 that's been wrong for 40 years, then I apologize, Judge.

8 THE COURT: Well, we'll take a short break. Stay, go
9 collect your information.

10 Well, I will just -- for the record before you go, on
11 the Public Index nothing has been dismissed.

12 MS. HENDRICKS: That's the State's understanding.
13 But I'm happy to go see if there's something I can find
14 out that someone missed.

15 THE COURT: Well, Mr. Crane is the moving party on
16 this, so let's -- it's on him.

17 The Public Index shows the indictments are -- that
18 nothing has ever been dismissed.

19 (Pause in proceedings.)

20 MR. CRANE: Judge, thank you for giving me a moment.

21 The best I can determine, you are correct that
22 there's nothing on the court index that indicates it was
23 dismissed. I've got -- my only recollection is that I've
24 got my warrants here, and on the top of that warrant for
25 Count 2, I have written "dismissed." We both remember

1 going to the preliminary hearing. It was a city court
2 preliminary hearing, and the judge dismissing the one
3 charge against Ms. Lomax. I didn't, of course, relay that
4 to the clerk of court. Usually, the Court sends
5 something. The clerk of court -- apparently didn't
6 happen. So the records show that -- the records do not
7 show that it was dismissed at preliminary hearing.

8 THE COURT: Okay. So all right. Are we ready to
9 begin?

10 MR. CRANE: I guess so. Thank you, Judge.

11 MS. HENDRICKS: Yes, Your Honor.

12 THE COURT: All right. Now let me just -- it's
13 12:15. So we'll do -- what's your first witness?

14 MS. HENDRICKS: It's very brief. It's a video of the
15 shooting we're putting in through the custodian of records
16 for the school system.

17 MR. CRANE: I'm going to object to the video of the
18 shooting unless they can lay a proper basis and
19 foundation.

20 MS. HENDRICKS: That's what we do through our
21 witness, Your Honor.

22 THE COURT: With the first witness.

23 MS. HENDRICKS: Yes, Your Honor.

24 THE COURT: All right. I'll tell you what. Are you
25 going to show the video, the first ---

1 MS. HENDRICKS: Yes, Your Honor.

2 THE COURT: Okay. Where does the video come from?

3 MS. HENDRICKS: A school bus. It was captured on a
4 school bus video. It's only about a minute, maybe two
5 minutes. It's short.

6 THE COURT: Okay.

7 MR. CRANE: I would request that the Court take
8 evidence out of the presence of the jury first.

9 THE COURT: Why? I'm not going to do that on every
10 single ---

11 MR. CRANE: Because the lady that ---

12 THE COURT: Don't interrupt me.

13 I'm not going to do this on every single witness.
14 What reason is there that I shouldn't allow this?

15 MR. CRANE: The lady that was driving the bus is not
16 on their witness list, not here to testify to that video.
17 That's why.

18 THE COURT: I'll tell you what. We'll do opening
19 statements, we'll break for lunch.

20 Okay. Let's get the jury.

21 (WHEREUPON, the jury entered the courtroom at 12:17 p.m.)

22 THE COURT: All right. Ladies and gentlemen, at this
23 time I would ask you all to stand and take the oath in the
24 case.

25 THE CLERK: Please raise your right hand. The

1 correct response to the oath is "I will."

2 (WHEREUPON, the jury is duly sworn.)

3 THE CLERK: Thank you. Please be seated.

4 JURY INSTRUCTIONS

5 THE COURT: All right. Ladies and gentlemen, I was
6 very sincere when I said that I thought you all were the
7 fortunate ones to be selected to serve on this jury. Jury
8 service is a fundamental obligation of all the citizens of
9 this country. It is a great responsibility and a great
10 privilege to actually take part in our justice system,
11 because the justice system doesn't belong to me or anybody
12 else who works up here at the courthouse. It belongs to
13 each and every one of us. And so this is your justice
14 system at work.

15 Now, I want to tell you that we have a dispute about
16 the facts in this case which can't be resolved in any way
17 other than to ask a jury to come up and listen to the
18 evidence and the law presented in this courtroom, and at
19 the conclusion of the case, come to a resolution which
20 would resolve this dispute about the facts. That's the
21 job and what we ask and charge you to do.

22 I would again remind you that the indictments that I
23 read to you are not evidence, and you should not take any
24 -- make any presumption or take any inference from the
25 fact that those documents issued. They're just the formal

1 documents which allow the case to wind its way through our
2 system to arrive here in court for a resolution.

3 I also remind you that every person charged with a
4 crime in this country is presumed to be innocent unless
5 and until the charging body, the State of South Carolina,
6 can prove to each of you beyond any reasonable doubt each
7 and every element of each offense that that person is
8 charged with. Please keep that in mind throughout the
9 course of these proceedings.

10 I would tell you that I divide a trial into five
11 parts so that you all have a procedural roadmap to know
12 where you are in the case and what's coming next and where
13 you've been. The first part we're engaging in right now
14 or actually will in just a second, I call that the opening
15 statements to you by the attorneys. And opening
16 statements are brief and nonargumentative.

17 The second part of the trial is the meat and potatoes
18 of every case, and that is the presentation of the
19 evidence in this case. And the evidence will come to you
20 generally in one of three ways. The first in my mind most
21 commonly thought of way is through the use of oral
22 testimony from the witness stand. The second most common
23 way I believe is through the introduction of tangible
24 items or documents. And the third most common way is when
25 the parties agree that some fact is so beyond dispute that

1 you should accept it as true, and that's what we call a
2 stipulation of the parties. I do not know the combination
3 of how the evidence will be presented, but it should come
4 to you in one of those three ways.

5 Now, the third part of the trial will be at the
6 conclusion of all the evidence, when all of the evidence
7 is presented to you, then the juries [sic] will make their
8 closing arguments to you. So it's an opening statement,
9 brief and nonargumentative, and a closing argument when
10 the attorneys argue the evidence and advocate their
11 position and urge you the jury to resolve the dispute in
12 their favor.

13 The fourth part of the trial will be when I charge
14 you as to what the law is as it pertains to this case.

15 And the fifth part of the trial will be when you all
16 retire to your jury room to discuss this case and resolve
17 the dispute, the deliberation of the jury.

18 The parts are not of equal length, but if you can
19 remember that little roadmap, you'll know where you are in
20 the trial and what should be coming next.

21 I'm sure I'm going to ask you to do many things
22 throughout the course of the trial. There are three main
23 things I ask you to do. And the first is to keep an open
24 mind. We go through all the questioning, the voir dire we
25 call it, before you're selected to ensure that we impanel

1 a jury that is fair and impartial and doesn't start the
2 case with some preconceived notion about how it should be
3 decided. So keep an open mind throughout the course of
4 the trial.

5 The second most important thing, and this sounds very
6 simple and it can be but it can also be very difficult,
7 that is to pay attention throughout the course of the
8 proceeding. If you were to let your mind wander, you
9 might miss an answer to a question or the way a witness
10 answers a question, and in your discussion at the
11 conclusion of the trial, if you had missed that, you might
12 be at a disadvantage when you are deliberating on this
13 case. So pay attention.

14 The third most important thing, and this is very
15 vital and I ask you and instruct you that you cannot
16 discuss this case with anyone until you are at the
17 conclusion of the trial to deliberate. You can't talk
18 about the facts of the case. We're going to break for
19 lunch in just a few minutes and you all can go on your
20 separate ways and be back at a designated time and you may
21 eat lunch with a family member or a coworker or a friend.
22 And as you can imagine, it's human nature, they're going
23 to want to know what you're doing. And you may see them
24 and you say, "I'm on a jury," they're going to go, "Oh,
25 that's great. I'm glad it's not me, but tell me about

1 it." That's human nature. We all know that. You cannot
2 talk about the facts of the case with anyone. That
3 includes the bailiffs.

4 And I believe this case will go more than one day, so
5 you can't talk about it with family, friends, coworkers,
6 not even among yourselves. Even an innocent comment from
7 someone who you like and trust could impact your state of
8 mind with respect to the result of this case, and that
9 would not be fair to these parties, it wouldn't be fair to
10 your fellow jurors, and it wouldn't be fair to yourself to
11 allow someone who is not making the sacrifices that each
12 of you are making to have any input into the outcome of
13 this trial. We don't care what they think. They're not
14 listening to the evidence presented in this courtroom
15 which is subject to constitutional protections. And so
16 don't violate that. Because this is your justice system,
17 so protect it.

18 And that also includes not doing any research, not
19 going to visit a scene that you may hear about, not, for
20 goodness sakes, getting on social media, the scourge of
21 modern culture, in my old-fogy point of view. But don't
22 go on and talk about the case. Everything you're going to
23 need to know to decide this case you'll hear in this
24 courtroom subject to constitutional protections and
25 scrutiny.

1 I will tell you that you all are the sole judges of
2 the facts in this case. A trial judge by law is not
3 allowed to have an opinion about the facts of a case, so
4 don't think by anything I say or do throughout the course
5 of the trial I have such an opinion. It is up to you all
6 to decide what to believe and what not to believe.

7 That same law that makes you the sole judge of the
8 facts makes me the sole judge of the law. So if you think
9 you have some idea as to what the law is or what the law
10 ought to be and it differs from what I tell you the law is
11 in this case and throughout the case and at the conclusion
12 of the case, you've sworn an oath to set aside your own
13 opinion and apply the law precisely as I state it to you.
14 And that ensures that everybody tried in this courtroom is
15 tried under the same law.

16 I'm sure there will be a number of other things I ask
17 you to do. One thing I would tell you, you noticed the
18 lawyers come up and speak to me individually out of your
19 hearing. We may be -- and I excused you back to your jury
20 room to discuss some issues. I want to tell you that we
21 may well be trying to keep something from you, but in no
22 way are we trying to deceive you. So if it's a piece of
23 evidence that should not be admitted, I think you can
24 fully understand why you shouldn't be here to hear what's
25 said about it.

1 The other thing I'm going to ask you to do -- what
2 we're going to do is the lawyers are going to make their
3 brief, nonargumentative opening statements to you and then
4 we're going to break for lunch. And when you come back
5 from lunch, I'm going to ask you all to see if you can
6 decide who you would like to be your foreperson from among
7 the first 12. The foreperson is the moderator of the
8 discussions during your deliberations and the spokesperson
9 in the courtroom should that become necessary. So if you
10 all can do that when you come back from lunch, that would
11 be great. I love to give juries that opportunity. If you
12 can't do it, I can come up with the foreperson.

13 So with that, ladies and gentlemen, I'm going to turn
14 it over to the attorneys for their opening statements.
15 From the State.

16 OPENING STATEMENTS

17 MS. GASSER: May it please the Court.

18 THE COURT: Yes.

19 MS. GASSER: Street justice is not true justice.
20 Hunting down your enemies and shooting them on a public
21 street is not allowed. We have law and order for a
22 reason: to protect the public, to protect the children on
23 a school bus, to protect the neighbor walking her dog, to
24 protect the employee at his desk, to protect all
25 law-abiding citizens from stray bullets. That's what this

1 case is about. It is about the victim that was shot in
2 the head, but it's also about the public policy and laws
3 that say that this defendant, Quavon Edmunds, cannot shoot
4 and kill whoever he wants.

5 I'm sure you all have watched a crime or a CSI TV
6 show or movie, podcast, maybe Law & Order. Maybe you have
7 a picture in your head of what a trial should look like,
8 what a victim should look like, how they should act, or
9 how law enforcement always magically has DNA and
10 fingerprints and ballistics and they all come together
11 right at the end to solve the crime. But this is a real
12 case with real people and real evidence. Sometimes we
13 don't have DNA. We can't pull fingerprints off every
14 surface, or guns get hidden by perpetrators. We may not
15 have perfect victims. You may not like what they've said
16 or done. But what we do have in this case is evidence
17 through testimony and video that this defendant tried to
18 murder the victims by shooting into their car because he
19 was angry. He was angry that his house was broken into.
20 He was angry that his stuff was taken. But at no point
21 did he call law enforcement to report that. Rather, some
22 buddies were collected because they were going to do
23 something about it. Street justice is not true justice.

24 In this trial you will learn that on February 7,
25 2018, this defendant, Quavon Edmunds, his home was broken

1 into. There will be testimony that he knew who did it.
2 So instead of calling the police, he rallied up some
3 buddies, four co-defendants that have already pled guilty
4 for their part in all this, and they went looking for the
5 men that broke into his house.

6 You'll hear how they found one, the victim, Frederick
7 Miller-Knowles, at the intersection of Rutherford Road and
8 North Main Street while he was driving his girlfriend to
9 work. You will see a video from a school bus pulled
10 directly behind the shooting, and you will watch as a
11 blue-gray camaro pulls up next to the victim, waits nine
12 seconds and shoots four times into the car. You will hear
13 how Frederick Miller-Knowles was shot in the head. You
14 will watch the victim's car roll into a building ahead of
15 them and a blue-gray Camaro speed off. You'll see the
16 four other codefendants in two other cars attempt to flee.
17 But you will hear how they were apprehended close to the
18 scene.

19 You will hear how that blue-gray camaro turned right
20 on Summit Drive from Rutherford Road, actually hitting
21 another vehicle and continuing to flee. You will hear how
22 it was abandoned on Cary Street, and how a suspicious
23 person matching this defendant's description was seen
24 walking away from that area.

25 Finally, you will hear testimony that puts Quavon

1 Edmunds, the defendant, in that blue-gray Camaro, the one
2 that the shots were fired from.

3 My name is Meghan Gasser, and I, along with lead
4 counsel Jenna Hendricks McLeod, are assistant solicitors
5 with the Greenville County Solicitor's Office. It is our
6 job to present you with evidence to prove beyond a
7 reasonable doubt that the defendant, Quavon Edmunds,
8 committed the crimes: two counts of attempted murder,
9 possession of a weapon during a violent crime, discharging
10 a firearm into an occupied vehicle and conspiracy.

11 At the end of all the evidence, like the judge just
12 told you, he is going to instruct you on the law. But
13 during the course of this case, I want you to focus on the
14 elements. Pay attention to what we are going to prove
15 beyond a reasonable doubt that Quavon Edmunds is charged
16 with two counts of murder. He intended to kill and
17 actually attempted to kill Frederick Miller-Knowles and
18 Jaton Lomax, the two passengers in the red Infinity, with
19 malice aforethought, either expressed or implied, by
20 shooting at them after hunting Mr. Miller-Knowles down.

21 Quavon Edmunds is also charged with possession of a
22 weapon during a violent crime. He possessed a firearm
23 during a violent crime, that violent crime being attempted
24 murder.

25 Quavon Edmunds is charged with conspiracy. He

1 combined with two or more people for the purposes of an
2 unlawful object, to hunt Mr. Miller-Knowles down.

3 Quavon Edmunds is charged with discharging a firearm
4 into an occupied vehicle. He shot into the red Infinity
5 that was occupied by Mr. Miller-Knowles and Ms. Lomax.

6 Remember through the course of this trial to keep
7 your eyes and ears open. Throughout this trial stay
8 focused on the true facts. Don't be swayed by conjecture
9 or irrelevant things meant to confuse or distract you to
10 send you down rabbit holes. Don't fall in those holes.

11 We the State are going to present you with evidence,
12 pieces of evidence almost like a puzzle, and at the end of
13 this, you're going to take all those pieces and you'll see
14 the big picture. And your job, the most important job, is
15 to see and hear all of that evidence and to use a clear
16 head and heart along with common sense for a just result.

17 This case is about protecting the public. It's about
18 law and order. It's about what is real justice and what
19 is fake. Street justice is not true justice.

20 At the end of the trial and after hearing all the
21 evidence, the State asks that you find the defendant,
22 Quavon Edmunds, guilty of all charges. Show that in
23 Greenville County law and order will stand.

24 THE COURT: All right. Mr. Crane.

25 MR. CRANE: Ladies and gentlemen, good afternoon. My

1 name is Larry Crane. I introduced myself earlier. Quavon
2 is seated over here.

3 I want you to take to heart what the solicitor just
4 said to you. She had a very concise presentation to you.
5 She told you what to expect to hear from this trial. She
6 told you what they plan on proving to you during this
7 trial. And now I want you to make them do exactly that,
8 present their evidence and convince you all, all 12 of you
9 because it must be a unanimous verdict, not 11 to one, ten
10 to two, six to six. 12 of you must decide guilt or
11 innocence. If 12 of you can't decide, it's not a
12 resolution to the case. So if 12 of you decide he's
13 guilty, then vote that way. If 12 of you decide he's not
14 guilty, then vote that way. But if one of you decides
15 that I can't agree with the majority, it's your duty to
16 keep that thought and not be swayed unless the majority
17 has some type of reasonable explanation and cause you to
18 then go along with them. So it's got to be unanimous.

19 Now, she's told you about what you may or may not see
20 in this trial. She told you that there may be a videotape
21 of this shooting. If the videotape comes into evidence, I
22 want you to watch it. I want you to see in that videotape
23 if you can see anybody in a car do any shooting, if you
24 can identify anybody in that car.

25 She also talked to you about -- I think she used the

1 word "conjecture," and I want to add to that word
2 "suspicion." You are not to find someone guilty or not
3 guilty based on conjecture or suspicion. You may have
4 suspicion that a person did something, but if you don't
5 have proof beyond a reasonable doubt, that's not
6 sufficient for a court of law, which is where we are
7 today.

8 I want you to listen and see if there are witnesses
9 that could come in and say Quavon Edmunds was in that car
10 and Quavon Edmunds shot into the car in which
11 Mr. Knowles-Williams [sic] was seated and where Ms. Lomax
12 was seated. There's two counts of attempted murder. Did
13 the person in that car shoot into that other car intending
14 to kill someone? And if they did, was it Quavon Edmunds
15 that did it?

16 Now, quite naturally, if that person in fact shot
17 into the car and intended to kill someone, then they --
18 Count 3 of the indictment, use of a weapon during the
19 commission of a violent crime, has been proven. So those
20 three counts would be proven if you find that person -- if
21 you find him guilty.

22 If you find him not guilty of the shooting, then he
23 can't be guilty of the gun charge.

24 And then I believe there's a second indictment. It
25 might be on the same indictment. But there's a charge of

1 conspiracy. The conspiracy, as the solicitor said, is to
2 do something illegal, conspire with other people to do or
3 do something legal in an illegal manner. She said
4 something about his house being broken into and items
5 taken. Well, listen to the testimony that's about to come
6 to you and find out who it was that broke into his house,
7 and what actually happened at that house after the
8 break-in, and what happened to the goods that were taken
9 during that break-in at Mr. Edmunds's house, and whether
10 or not that person who admitted going into that house and
11 stealing stuff was ever charged with a crime. That person
12 is seated right there in the white shirt. That's the
13 person that got shot.

14 Now, the State says, well, Mr. Edmunds had his house
15 broken into and he was angry, got together a group of
16 people and was looking for someone and they intended to
17 shoot someone and kill them. Well, if you have witnesses
18 come before you and they testify, listen to whether or not
19 they say anybody ever had a gun, listen to whether they
20 say anybody ever said anything about shooting anybody and
21 whether or not there's a conspiracy here. And listen to
22 those people who might have been in those other two cars
23 that you will probably see in the video. What were they
24 charged with and what have they been promised by
25 testifying in court against Mr. Edmunds?

1 In this particular case, you may have witnesses come
2 in and testify to what I would call intrinsic evidence,
3 not someone that was on the scene. But we know about the
4 bus, the video from the bus. There may be some other
5 evidence that comes in about -- that attempts to put
6 Mr. Edmunds on the scene of the event.

7 I would submit to you that Mr. Edmunds -- like the
8 judge said, we've got an issue here where the State says
9 Mr. Edmunds did something and Mr. Edmunds says I didn't.
10 And so you have to decide whether the evidence is
11 sufficient to convince you beyond a reasonable doubt that
12 he, in fact, is guilty.

13 And by the way, the judge will tell you what the
14 charge on the law is at the end of the case. Reasonable
15 doubt is a doubt which causes a reasonable juror, which
16 you are, to hesitate to act. Picture at the end of the
17 trial you've heard all the evidence, you've heard the
18 arguments from counsel, you've heard the charge on the
19 law, and you go back to the jury room with the twelve
20 jurors, and you can't quite put your finger on what it is
21 that you want to do, you're not convinced beyond a
22 reasonable doubt, a doubt which is more likely than not
23 that it occurred, that the event occurred.

24 If you're convinced beyond a reasonable doubt that
25 Mr. Edmunds is guilty of these charges, then find him

1 guilty. If you're not convinced, it doesn't mean that
2 anybody won. It just means that the State didn't do their
3 job.

4 And so I don't have quite as many notes as the
5 solicitor did. Listen to the video and the evidence that
6 you're about to see. Think about the case. Think about
7 the other people that were there.

8 The solicitor said this case is about safety of
9 Greenville County. This case is about justice. If any of
10 you -- I'm sure all of you do, you either watch the news
11 on TV, you read it on your cell phones, you look at it on
12 the computer, and you know that right now this is a world
13 in turmoil all over the place, and there are other
14 countries whereby people don't have the right like
15 Mr. Edmunds has. There's a basketball player for the
16 United States in Russia right now. I know all of you've
17 heard about it. She's not getting a fair trial. But she
18 doesn't have that right in Russia. He has a right to a
19 fair trial, and that's why you're here.

20 The other thing I want to ask you to consider, the
21 solicitor mentioned CSI, FBI, NCIS, all those shows on TV
22 and how the shows on TV have fingerprints, DNA, gunshot
23 residue, eyewitnesses, whatever it is, and she tells you
24 but we're not on a TV show. But where did the TV show get
25 those particular things that happen? That's real life.

1 Do you think they can't take fingerprints? Do you think
2 they can't get DNA? Do you think they can't get gunshot
3 residue? If they've got a car, which they say they do
4 that they say the shooting came out of, shouldn't there be
5 gunshot residue? Should there be gunshot residue on my
6 client?

7 I want you to think about what evidence there isn't
8 in this case. I submit to you you will not hear any
9 evidence about fingerprints matching my client to that
10 scene, about DNA matching my client to that scene, about
11 gunshot residue matching my client to that scene. If the
12 evidence isn't there, then you shouldn't convict. That's
13 what you're here for.

14 Thank you.

15 THE COURT: Okay. Ladies and gentlemen, it's about a
16 quarter till one, so I'm going to excuse you all and ask
17 you to be back in your jury room at 2:00. See if you can
18 elect that foreperson. Great.

19 Curt?

20 (WHEREUPON, the jury exits the courtroom at 12:44 p.m.)

21 THE COURT: All right. Anything before we break?

22 MS. HENDRICKS: Nothing from the State, Your Honor.

23 THE COURT: Okay. See you at 2:00.

24 (WHEREUPON, a recess is taken at 12:45 p.m.)

25 THE COURT: Anything before we get the jury?

1 MS. HENDRICKS: Nothing from the State, Your Honor.

2 MR. CRANE: No, sir.

3 THE COURT: Okay.

4 (WHEREUPON, the jury entered the courtroom at 2:18 p.m.)

5 THE COURT: Mr. Tooley, thank you for agreeing to
6 serve as foreperson. And we're ready to proceed.

7 Call your first witness.

8 MS. HENDRICKS: The State calls Dale Allred.

9 THE CLERK: Please pause at the end of the bench.
10 Please raise your right hand.

11 WHEREUPON,

12 DALE ALLRED

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. Please be seated. State your
15 name for the record.

16 THE WITNESS: Dale Allred.

17 DIRECT EXAMINATION

18 BY MS. HENDRICKS:

19 Q Mr. Allred, where are you employed?

20 A Greenville County Schools.

21 Q And what's your position with Greenville County
22 Schools?

23 A I'm the assistant director of transportation.

24 Q How long have you been employed with Greenville
25 County Schools?

1 A Five and a half years.

2 Q And how long have you been an assistant director of
3 transportation?

4 A For a year and a half.

5 Q So what are your duties as an assistant director of
6 transportation?

7 A I oversee the daily operations of transportation to
8 include the daily bus routing, field trips, other special
9 event transportation, driver training and safety, and any
10 technology related to transportation: video cameras, GPS
11 systems.

12 Q And how many buses does Greenville County Schools
13 have?

14 A We operate 520 state- and district-owned buses.

15 Q And are there recording systems on Greenville County
16 school buses?

17 A Yes, there are.

18 Q Are you familiar with the recording equipment?

19 A I am.

20 Q And in February of 2018, how were the cameras
21 positioned?

22 A In 2018 we had one camera that was at the windshield
23 facing forward, we had one inside the bus that was
24 positioned over the driver that also showed the service
25 door and the steps, and then we had two additional

1 internal cameras to show the interior passenger
2 compartment.

3 Q And when do the cameras film?

4 A The cameras are activated when the ignition switch is
5 in the "run" position. And they run as long as the bus is
6 running. And then when the switch is turned off, the
7 ignition switch is off, it runs another 15 to 30 minutes.

8 Q And is there any sound on the video that is recorded?

9 A There is.

10 Q And how are these videos stored?

11 A So they're stored on the bus on a -- on a digital
12 hard drive. After a period of time, several days, they
13 start to overwrite unless we pull the digital hard drive
14 and capture that video and store it on one of our servers.

15 Q And did you do that in this case? Did y'all save
16 video footage?

17 A We did.

18 Q I'm going to show you what's been premarked as
19 State's Exhibit 1. Do you recognize this?

20 A Yes, I do.

21 Q And how do you recognize it?

22 A My initials are on it.

23 Q Can you tell us what it is?

24 A Okay. It's -- it's the camera view of one of our
25 buses. Excuse me. It's the windshield view.

1 Q Does it fairly and accurately depict the events of
2 February 7, 2018?

3 MR. CRANE: Judge, I object. This fellow I don't
4 think was on that bus, so anything he's telling us now
5 would be hearsay.

6 THE COURT: Whoa, whoa, whoa.

7 MR. CRANE: Okay. I object. Hearsay.

8 THE COURT: Well, he is the custodian of the records.

9 MR. CRANE: I understand.

10 THE COURT: So I'm going overrule your objection.

11 MR. CRANE: Okay. Thank you, Judge.

12 BY MS. HENDRICKS:

13 Q Does it fairly and accurately depict the events of
14 February 7, 2018?

15 A It does.

16 Q And has it been altered in any way?

17 A It has not.

18 MS. HENDRICKS: Your Honor, at this time the State
19 offers Exhibit 1 for admission into evidence and
20 publication to the jury.

21 MR. CRANE: Objection.

22 THE COURT: Subject to his objection.

23 MS. HENDRICKS: Thank you.

24 (WHEREUPON, State's Exhibit Number 1 was admitted into
25 evidence; pause in proceedings.)

1 MS. HENDRICKS: I apologize, Your Honor. We're
2 having -- it's coming up on our computer, but we can't
3 seem to get it up on the screen.

4 (Pause in proceedings.)

5 MS. HENDRICKS: Your Honor, we can publish it with
6 another witness. We have the bus driver as well. If
7 that's okay with you, we'll just move on.

8 THE COURT: That's fine. All right.

9 BY MS. HENDRICKS:

10 Q Can you tell us who the bus driver was in that
11 video?

12 A Bus driver is Debbie Bostic.

13 Q And who is she communicating with in the video?

14 A She's communicating over the two-way radio system
15 with the dispatcher at her bus center.

16 Q And is there a way to timestamp the video so you guys
17 can access the footage later?

18 A Yes, there is.

19 Q And how does she do that?

20 A So the manufacturer calls it a panic button. And
21 it's a red button over on the side panel of the bus. And
22 when they push that red button, it puts a timestamp on the
23 recording.

24 Q Does the panic button do anything else like call the
25 police or anything like that?

1 A It does not.

2 MS. HENDRICKS: I have no further questions. Please
3 answer any questions the defense may have.

4 CROSS EXAMINATION

5 BY MR. CRANE:

6 Q Mr. Allred, I missed something. How long have you
7 been with the bus people?

8 A Five and a half years.

9 Q And how long have you been the assistant director?

10 A A year and a half.

11 Q So who pulled this video?

12 A It was the previous person in my position.

13 Q So you didn't do that.

14 A No, sir, I did not.

15 Q You were not the custodian of the record when this
16 was pulled.

17 A No, sir. They were on our secure server at the
18 district.

19 Q Do you know who pulled it?

20 A Yes, sir.

21 Q Who is that?

22 A His name is David.

23 Q Where is David? What's David's last name?

24 A David Pogue is now the assistant director at Anderson
25 District 5.

1 Q Okay. But when this was pulled, you had nothing to
2 do with pulling it.

3 A No, sir. I did -- I did not pull that video.

4 Q When's the first time you watched this video?

5 A A couple of months ago.

6 Q So this happened, according to the questions,
7 February 7th of '18. So about four years ago you watched
8 it. I mean, excuse me. This happened four and a half
9 years ago and you watched it about four months ago?

10 A Around two months.

11 Q All right. So around two months ago.

12 A Yes, sir.

13 Q So you don't have any personal knowledge about what's
14 on this video, do you?

15 A I have seen the video.

16 Q I understand that. Were you there when it happened?

17 A No, sir, I was not.

18 Q And you've watched the video?

19 A Yes, sir, I have.

20 Q Can you see a car pull up next to the video -- I mean
21 next to the bus and to a car?

22 A Yes, sir.

23 Q Can you see what appears to be gunshots from one car
24 to another?

25 A I can hear them.

1 Q Can you see anybody in the car from which the
2 gunshots came in the video?

3 A I cannot.

4 Q Okay. And you said Debbie Bostic was the driver?

5 A Correct.

6 Q And, again, so when was this video actually pulled?

7 A So the hard drive was pulled the day of the event
8 after the driver called in to the dispatcher. The hard
9 drive, the supervisor retrieved the video that day.

10 Q And that supervisor was Dave?

11 A No. The supervisor, Brenda Yoder.

12 Q Yoder?

13 A Yes, sir.

14 Q And so that hard drive has been sitting around
15 somewhere until a couple months ago.

16 A No, sir.

17 Q Okay.

18 A No, sir. The -- so the hard drive was pulled off of
19 the bus. The video was clipped, archived and put on the
20 server. And so that video clip has been residing on our
21 server since 2018.

22 Q And you indicated that the video is timestamped by a
23 panic button?

24 A So there's a button you push, and it puts a stamp to
25 help find an event quickly.

1 Q Is this timestamped somehow?

2 A There is -- there is a timestamp on the video.

3 Q On the video itself?

4 A Yes, sir.

5 Q So the video, if we were able to watch it, it would
6 say this happened on 2/7/18?

7 A Yes, sir.

8 Q Okay. Would it say what time it happened?

9 A Yes, sir.

10 MR. CRANE: Okay. Thank you, sir.

11 THE WITNESS: Yes, sir.

12 MS. HENDRICKS: Your Honor, may we publish the video
13 to the jury?

14 MR. CRANE: Judge I re-object after my
15 cross-examination. This fellow wasn't even working in
16 that position four and a half years ago. He was not the
17 custodian of the records.

18 THE COURT: Okay.

19 MR. CRANE: I object to this coming in under his
20 testimony.

21 THE COURT: All right. Objection overruled.

22 Okay. Go ahead. Publish.

23 (WHEREUPON, State's Exhibit number 1, a video, was played
24 in open court.)

25 MS. HENDRICKS: We have no further questions. Thank

1 you, Your Honor.

2 MR. CRANE: Thank you, Judge.

3 THE COURT: Okay. Thanks. You can step down. Thank
4 you.

5 MS. HENDRICKS: Can he be released from his subpoena,
6 Your Honor?

7 THE COURT: Any objection?

8 MR. CRANE: No, sir.

9 THE COURT: Okay.

10 MS. HENDRICKS: The State calls Debbie Bostic.

11 THE CLERK: Please stop at the end of the bench. I
12 need you to place your left hand on the Bible and raise
13 your right hand.

14 WHEREUPON,

15 DEBORAH BOSTIC

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Please be seated. Please
18 state your name for the record.

19 THE WITNESS: Deborah Bostic.

20 DIRECT EXAMINATION

21 BY MS. HENDRICKS:

22 Q Ms. Bostic, where are you employed?

23 A Greenville County Schools.

24 Q And what's your position with Greenville County
25 Schools?

1 A I drive a school bus.

2 Q And how long have you been doing that?

3 A Nine years.

4 Q What were your bus routes in 2018?

5 A Summit Drive Elementary, League Academy and Wade
6 Hampton High.

7 Q And what was your afternoon route?

8 A The same.

9 Q Was there anyone you had to pick up before you went
10 to Summit Drive?

11 A Yes. I usually would pick up a little boy at
12 Overbrook CDC, but he was sick that day.

13 Q Do you remember February 7, 2018?

14 A I do.

15 Q And what were you doing that afternoon?

16 A I was on my way to Summit Drive Elementary to start
17 my afternoon route.

18 Q And what did you see on your way to Summit Drive?

19 A I saw someone shoot into -- from one car into the
20 other.

21 Q Could you tell what car the gunshots were coming
22 from?

23 A It was a Camaro. It was in front of a dump truck.

24 Q Okay. And where were you when you saw that
25 shooting?

1 A I was two cars back from -- on the -- in the other
2 lane.

3 Q What road were you on?

4 A I was on Rutherford Road.

5 Q And could you tell anything about the shooter from
6 where you were sitting?

7 A Just that there was a gloved hand that came out of
8 the passenger's window.

9 Q Could you tell anything about the drivers in that car
10 or any of the other cars?

11 A No.

12 Q What did you do after you witnessed the shooting?

13 A I went directly to the elementary school.

14 Q Did you radio dispatch?

15 A Yes, I did.

16 Q And why did you do that?

17 A It's a procedure to make sure that if anything
18 happens, that they can call law enforcement or the
19 emergency vehicles or whatever they need.

20 Q And did dispatch ask you to do anything?

21 A Yes. To press the panic button with the camera.

22 Q And what does the panic button do?

23 A It timestamps the video.

24 Q So what did you do after -- after you dispatched,
25 what did you do?

1 A After I called dispatch?

2 Q Yes.

3 A I continued on to Summit Drive Elementary.

4 Q And what happened once you got to Summit Drive
5 Elementary?

6 A I got off the bus, went inside the office and told
7 them what I saw.

8 Q And on the way to Summit Drive Elementary, did you
9 see anything else on your drive?

10 A I saw a -- as I was taking a right onto Summit Drive,
11 I saw a white vehicle with a woman inside. And her car
12 was like askew a little bit. It looked like it had just
13 been in an accident.

14 Q Did the schools take any precaution because of the
15 shooting?

16 A Yes. They locked down Summit Drive Elementary,
17 League Academy and Stone Academy.

18 Q So you were on this bus at the time of the shooting,
19 correct?

20 A Yes.

21 Q So other than you, the bus was empty?

22 A Yes.

23 Q But normally, you would have had a 4-year-old on the
24 bus?

25 A Yes.

1 Q He just happened to be out sick that day?

2 A Yes.

3 MS. HENDRICKS: Okay. I have no further questions.

4 Please answer any questions defense may have.

5 CROSS EXAMINATION

6 BY MR. CRANE:

7 Q Ms. Bostic, when you pressed the panic -- when does
8 the timestamp go on the video? Or do you know?

9 A As soon as you press the panic button, it will
10 timestamp the video. So I guess it does it right then.

11 Q Does it back time it, or does it do it from right
12 then, or do you know?

13 A I don't know.

14 MR. CRANE: I don't know either. Maybe we can watch
15 this again. Can we watch it again? Your Honor, I'd like
16 to watch it again if we could for the jury, please.

17 THE COURT: Yeah.

18 BY MR. CRANE:

19 Q Is it already timestamped?

20 A No.

21 (WHEREUPON, State's Exhibit Number 1, a video, is played
22 in open court.)

23 BY MR. CRANE:

24 Q What is this? It says two seven twenty thirteen
25 fifty-five?

1 A That is on all video. It gives the date and time.

2 Q Okay. Will you show me or tell me when a timestamp
3 comes up, please.

4 A Oh, I don't know if they -- I don't know if we can
5 see it. But when they're viewing the tape on the
6 computer, they'll know exactly what place to go to.

7 Q Okay. So it's not on the video?

8 A I don't think so.

9 (WHEREUPON, State's Exhibit Number 1, a video, continues
10 to play in open court.)

11 BY MR. CRANE:

12 Q All right. So is there any other stamps on there,
13 timestamps or anything?

14 A No.

15 Q When would you have pressed the panic button?

16 A When they told me to.

17 Q Excuse me?

18 A When dispatch told me to press it.

19 Q Oh, I've got you. So not when you saw these
20 gunshots.

21 A No. When they -- in the video it'll say "press your
22 panic button," and I did.

23 Q I've noticed there was a dump truck behind the car
24 from which someone shot and then two cars cut in front of
25 you. Do you know what happened to those two cars that cut

1 in front of you?

2 A No.

3 Q And I think you answered the solicitor's question,
4 though, but the car that pulled up beside the car and
5 fired, you couldn't see anybody in that car, could you?

6 A No.

7 Q You don't know how many people were in the car?

8 A No.

9 Q Or who fired a gun?

10 A No.

11 MR. CRANE: Okay. Thank you, ma'am. Appreciate it.

12 THE COURT: All right. Anything else?

13 MS. HENDRICKS: Nothing from the State, Your Honor.

14 THE COURT: All right. Thank you, ma'am. You may
15 step down.

16 MS. HENDRICKS: Can she be released from her
17 subpoena?

18 MR. CRANE: No problem.

19 THE COURT: Without objection.

20 MS. HENDRICKS: The State calls Fran Moore.

21 WHEREUPON,

22 FRANCIS MOORE

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you. Please be seated. Please
25 state your name for the record.

1 THE WITNESS: Francis Moore.

2 DIRECT EXAMINATION

3 BY MS. HENDRICKS:

4 Q Ms. Moore, where do you work?

5 A Work with the Greenville Police Department.

6 Q And how long have you worked there?

7 A 32 years.

8 Q What did you do before working at the police
9 department?

10 A I worked in the records department for Greenville
11 County.

12 Q What are your responsibilities in your current
13 position?

14 A Managing the 9-1-1 center, hiring, training, records
15 management. Different things like that.

16 Q How long have you held this position?

17 A 12 years.

18 Q What do dispatchers at the call center do?

19 A We answer emergency calls for service and dispatch to
20 the appropriate public safety authority to handle the
21 situation.

22 Q So that could be fire? EMS? police?

23 A Correct.

24 Q And are all calls received at the dispatch center
25 recorded?

1 A They are.

2 Q How are they recorded?

3 A They're recorded on a server, and they're also
4 recorded in the cloud, in a cloud-based system for
5 redundancy.

6 Q At what point does the 9-1-1 call begin to be
7 recorded?

8 A From the moment that the caller places the 9-1-1
9 call. Even before we answer the call, it starts
10 regarding.

11 Q Can a recording be stopped during the recording
12 process?

13 A It cannot.

14 Q Do you or the dispatcher receiving the call or anyone
15 else have any control over how the call is recorded or
16 what part of the call is recorded?

17 A No. The entire call is recorded in its entirety.

18 Q Do the call records accurately reflect the
19 conversations that take place between the 9-1-1 caller and
20 the dispatcher?

21 A They do.

22 Q And are these recordings kept?

23 A They are.

24 Q How long are they kept and how are they kept?

25 A We keep recordings at least five years. They're

1 recorded -- they're retained on a server, and they're also
2 retained in the cloud.

3 Q So they're kept in the ordinary course of your
4 operations at the call center?

5 A They are.

6 Q And do your duties include the responsibility for
7 maintaining records concerning these calls to 9-1-1?

8 A They do.

9 Q Do your duties also include coming to court and
10 bringing copies of these 9-1-1 calls?

11 A They do.

12 Q So do you go to court regularly to do this?

13 A I do.

14 Q Let me take your attention to February 7, 2018. Was
15 the recording system working properly on that date?

16 A It was.

17 Q Were there multiple 9-1-1 calls made from Rutherford
18 Road and North Main Street?

19 A There were.

20 Q And that is in Greenville County?

21 A I'm sorry?

22 Q Is that in Greenville County?

23 A It is in Greenville County.

24 Q And are you the dispatcher that handled those calls?

25 A I am not the direct dispatcher. I have a staff of at

1 least five on duty, and on this day, there were six
2 different operators. They were answering calls because we
3 were inundated with incoming information regarding this
4 situation.

5 Q Have you had an opportunity to review these calls
6 since they were recorded?

7 A I have.

8 Q And how did you review those?

9 A I listened to each recording and determined if it's
10 related to the incident that's in question and then send
11 the audio recording to the solicitor's office.

12 Q I'm going to show you what's been marked as State's
13 Exhibit 4. Do you recognize that?

14 A I do.

15 Q And how do you recognize it?

16 A It has my signature on it.

17 Q And what is this?

18 A It's audio -- it's audio recordings of incoming 9-1-1
19 calls regarding the incident.

20 Q Is this an exact copy?

21 A It is.

22 Q So these -- do the contents of the CD fairly and
23 accurately reflect the calls on February 7, 2018?

24 A They do.

25 MS. HENDRICKS: Your Honor, at this time the State

1 moves to admit State's Exhibit 4 into evidence and publish
2 two of the calls to the jury.

3 MR. CRANE: And I would object on hearsay, Judge. If
4 I can't cross-examine whoever it is calling in, I would
5 submit that's hearsay.

6 THE COURT: Okay. Overruled. Go ahead.

7 (WHEREUPON, State's Exhibit Number 4 was admitted into
8 evidence and played in open court.)

9 MS. HENDRICKS: I have no further questions. Please
10 answer any questions the defense may have.

11 THE COURT: Cross.

12 MR. CRANE: What did he say?

13 MS. HENDRICKS: I have no further questions.

14 MR. CRANE: Oh, I'm sorry. I thought we were waiting
15 for another call.

16 CROSS EXAMINATION

17 BY MR. CRANE:

18 Q Were there more calls?

19 A There are.

20 Q Just two calls?

21 A There's two more calls on that recording.

22 Q I'm sorry?

23 A There's two more calls on that recording.

24 Q Okay. Similar to what we just heard?

25 A One of the calls actually is a resident reporting

1 that she saw two men running ---

2 Q Right.

3 A --- from a vehicle.

4 Q Right.

5 A And then the other one is them calling back stating
6 that the Camaro was still parked there with the windows
7 down.

8 Q Right. Okay. Do you know who these two callers were
9 here that we heard?

10 A Who the callers were?

11 Q Uh-huh.

12 A Obviously, one of the callers was from 1825 North
13 Main Street. And the other call where the lady was with
14 the victim, she was actually in the car. I don't know her
15 name. That would be for our investigators.

16 Q I think she said Lomax, didn't she?

17 A She may have.

18 Q Okay. And particularly, Ms. Lomax, when the 9-1-1
19 dispatcher asked her who it was, she said "I didn't see
20 anything," right?

21 A She didn't see who shot.

22 Q And the other lady was in her bathroom and heard
23 shots.

24 A Correct.

25 MR. CRANE: Okay. Thank you, ma'am. Appreciate it.

1 THE COURT: Anything else?

2 MS. HENDRICKS: Nothing further, Your Honor.

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

4 THE WITNESS: Thank you.

5 MS. HENDRICKS: May she be released from her
6 subpoena?

7 MR. CRANE: No problem. Thank you, Judge.

8 THE COURT: All right.

9 MS. HENDRICKS: Your Honor, the next witness is the
10 remote witness, Mike Bosillo.

11 THE COURT: Okay. I'll tell you what, ladies and
12 gentlemen. We're going to take a short break. We'll get
13 back with you in just a few minutes. Please don't discuss
14 the case.

15 (WHEREUPON, the jury exits the courtroom at 2:53 p.m.)

16 THE COURT: All right. There's apparently nobody
17 on.

18 MS. HENDRICKS: He may be waiting for us to call him.
19 He said he'd be by his computer starting at 2:00, so he
20 should be ready.

21 (Pause in proceedings; Court's Exhibit Number 1 was marked
22 for identification.)

23 THE COURT: Okay. Let's get them.

24 MR. CRANE: Your Honor, are you bringing in the
25 jury?

1 THE COURT: Yeah.

2 MR. CRANE: I object to this testimony. It's -- I
3 think it's totally not under the rules, it's irrelevant,
4 it doesn't fall under 901 or 902 of the rules of evidence,
5 it doesn't fall under 803, it doesn't fall under the
6 statute. I object to going in front of the jury until
7 they proffer it and you decide if it's admissible.

8 THE COURT: All right. Go tell them to hold the jury
9 and we'll proffer it.

10 All right. Let's proffer the testimony.

11 MS. HENDRICKS: Mr. Bosillo?

12 MR. CRANE: Your Honor, I know you've ruled on my
13 motion about the search warrant, but, again, if he's not
14 going to appear, and maybe he is, but if he's not going to
15 appear, then the confrontation clause is being violated.

16 MS. HENDRICKS: Your Honor, I believe he'll -- I
17 think we have to maybe disconnect our computer and the
18 house PC has to be connected for us to see him. There he
19 is.

20 Can you hear us, Mr. Bosillo?

21 THE COURT: Mr. Bosillo, can you hear us?

22 MS. HENDRICKS: I believe he's muted, it looks like.

23 Can you hear us, Mr. Bosillo?

24 (Pause in proceedings as technical issues are addressed.)

25 THE COURT: All right. Proceed with the proffer and

1 let's see where it goes.

2 DIRECT EXAMINATION

3 BY MS. HENDRICKS:

4 Q Okay. Mr. Bosillo, we're going to keep you on the
5 phone for the proffer, okay?

6 A Okay.

7 Q Where are you employed?

8 A I'm employed by T-Mobile cell phone company ---

9 Q And what's your -- excuse me. I'm sorry go ahead.

10 A --- located in Frisco, Texas, right outside of
11 Dallas.

12 Q And what's your position there?

13 A I'm custodian of records to testify.

14 Q And how long have you held that position?

15 A 11 years.

16 Q What are your duties and responsibilities?

17 A I'm responsible for the care, custody and control of
18 all cell phone records generated in the normal course of
19 business. And once we ---

20 Q And would -- I'm sorry. Go ahead.

21 A Once we receive this legal demand, it's sent over to
22 the trial team. The trial team consists of testifiers of
23 different backgrounds, mine's a homicide detective, but
24 we're trained by all three telephone companies under the
25 umbrella of T-Mobile: T-Mobile, Sprint and Metro PCS.

1 Q And what kind of training and experience have you
2 received in becoming a testifier?

3 A I've received extensive training at Metro PCS at the
4 headquarters where I first started. Once I did that, then
5 I began doing what I'm doing to this day.

6 Next is T-Mobile. They purchased us five years after
7 that. And I was sent to their headquarters up in
8 Parsippany, New Jersey, for a couple of weeks, was trained
9 as a specialist and next a testifier. And we bought
10 Sprint a few years ago, and I was trained by them. In all
11 three we have sort of a continuing education process where
12 we obtain, will do in relevant information to our
13 position. There is travel all over the country, testify
14 at both the state and federal level.

15 Q So how many times have you testified in court before?

16 A Approximately 700.

17 Q Can you hear us now?

18 A We average about 75 cases a year.

19 Q And is all the testimony you've done for T-Mobile?

20 A Well, it's T-Mobile, Metro and Sprint.

21 Q And what did you do prior to working for T-Mobile?

22 A I'm a retired homicide detective out of Dallas County
23 with a total of 25 years. 20 of it was in homicide.

24 Q And in the regular course of business, does T-Mobile
25 keep records of their customers' accounts?

1 A Yes, ma'am, they did.

2 Q And in the regular course of business, does T-Mobile
3 store information concerning phone records and other
4 pertinent information of their customers?

5 A Yes, ma'am, we do.

6 Q And I believe if you take the phone off speaker it
7 will help us.

8 A Okay. Hold on. All right.

9 Q Thank you so much.

10 Does T-Mobile's storage process accurately keep
11 records of their clients' phone records?

12 A Yes, ma'am.

13 Q And in the regular course of business, what does
14 T-Mobile do with their clients' phone records?

15 A We maintained them in Excel form. And unless there's
16 a -- we retain the information two years, approximately
17 two years unless there's a special request to retain
18 records and sort of freeze them until such time as they're
19 needed.

20 Q And the records that you produce for us, are they
21 originals or copies?

22 A They're copies of the originals. They're certified
23 by an analyst who pulls up the records and reviews them,
24 make sure everything's in place and intact and then sent
25 to the requesting office and -- you know, as a result of

1 their legal demand.

2 Q And does that process accurately copy the original
3 document?

4 A Oh, yes, ma'am, we do.

5 Q And are these copies made in the regular course of
6 business?

7 A They are.

8 Q And are they a fair and accurate representation of
9 the original?

10 A Yes, ma'am.

11 Q And as part of your official duties, do you have
12 control and access to T-Mobile documents?

13 A Yes, ma'am, I do.

14 Q And were phone records turned over related to this
15 case?

16 A They were.

17 Q And I'm not sure that I can show you anything, but
18 were you previously sent a screenshot of what you provided
19 to us on the disk?

20 A Yes, ma'am.

21 Q So I've marked that as Exhibit 2. Can you confirm
22 everything that you've turned over to us on that
23 screenshot is what is on the disk that you provided to us?

24 A Yes, ma'am. I have reviewed it. In fact, I have it
25 in front of my screen now. But yes. It's all accurate,

1 and I do authenticate it as the process we conducted.

2 Q And so is State's Exhibit 3 the disk? Can you tell
3 us what that is?

4 A Excuse me. That disk contains we'll call mediation
5 information. The mediation information is subscriber
6 information on a particular number. This number is
7 (864) 920-8087. And then we provide what we call call
8 detail record sheet or mediations. And what that is,
9 that's the action -- activity, excuse me, on that
10 particular number as far as outgoing calls and incoming
11 calls. It provides a variety of different types of
12 information beginning with the date and the time, the
13 number that's being called or is calling, and the number
14 that's being reached. Then we get into whether it's
15 voicemail communication or actual voice communication.
16 and then it provides tower information. Tower information
17 is the information that's pinged off of the phone it's
18 attempting to make a connection between one phone and
19 another.

20 MS. HENDRICKS: Your Honor, at this time the State
21 would move to admit Exhibit Number 3. He's reviewed this
22 disk via a screenshot and confirmed that this is
23 everything that he turned over to us.

24 MR. CRANE: I object. And I'd like to question the
25 witness.

1 THE COURT: Well, you're marking it for
2 identification for the purposes of this hearing, correct?

3 MS. HENDRICKS: Yes. Yes, Your Honor.

4 THE COURT: Okay. I'm going to allow them to do
5 that. You'll get a chance to cross.

6 (WHEREUPON, State's Exhibit Number 3 was admitted into
7 evidence for purposes of this hearing.)

8 BY MS. HENDRICKS:

9 Q Okay. Just a few more questions. You mentioned the
10 phone number was (864) 920-8087?

11 A Yes, ma'am.

12 Q And who's the T-Mobile customer associated with that
13 number?

14 A I'm sorry. Let me see. I see it in front of me.
15 Wait a minute. I can't pull it up because it's a
16 screenshot. It's the SUB M docs, and it will provide that
17 information. I just -- I just can't open it.

18 Q So that information is provided on this disk?

19 A Yes. I've seen hundreds of those.

20 Q And would the date the account was activated be on
21 the disk as well?

22 A Yes.

23 Q And can you tell us how the information on the phone
24 records is created?

25 A Well, as far as subscriber information, say an

1 individual comes in and wants a phone. And if they want
2 an account, we open an account. But basically, they
3 provide some form of official identification on a --
4 that's opposed to a prepay they don't have to. Most of
5 our clients are the postpay.

6 Q And as far as call records, how are those made? Can
7 you just briefly explain how that is made?

8 A Yeah. You have three elements necessary. A phone
9 gives out a relatively weak signal. It reaches out to the
10 nearest, strongest tower which is typically within two
11 miles of one another, give or take maybe a couple hundred
12 yards. And they overlap, that's circular coverage, to
13 avoid any dropped calls. And that signal goes to that
14 strongest, nearest tower. That tower authenticates the
15 call and shoots it over to our what we call gatekeeper.
16 And that's the actual switch. The switch contains dozens
17 or even hundreds of cell phones. So that's its activity,
18 and it's in control of those.

19 But once they receive that one information from that
20 one phone, it reaches out to the nearest, strongest phone
21 adjacent to the number you're trying to reach. And then
22 you've got a complete circuit from phone to tower to
23 switch, from switch to tower to phone you're trying to
24 reach.

25 Q And how is that information captured in cell phone

1 records?

2 A It's captured in an Excel form at our database.

3 Q So it shows where each call -- what tower each call
4 connects to.

5 A It does.

6 Q And approximately how close together are cell towers?

7 A Two miles, typically, give or take. You know, you
8 may have a few hundred yards. But they have an overlap so
9 that when you get to a certain point, you don't drop the
10 call. The adjacent tower will pick it up, typically, if
11 that's -- the phone is on the move.

12 MS. HENDRICKS: I don't think I have any further
13 questions. I'm going to pass the phone to the defense to
14 see if he has any questions, okay?

15 THE WITNESS: Yes, ma'am.

16 CROSS EXAMINATION

17 BY MR. CRANE:

18 Q Mr. Bosillo, my name is Larry Crane. How are you
19 today?

20 A Fine, Larry. How are you, sir?

21 Q I'm doing fine. Thank you, sir.

22 Now, I'm looking at a T-Mobile report which
23 apparently is signed by Nicholas Thomas. Do you know who
24 that is?

25 A No, sir, I don't.

1 It's dated February, 20, 2018, T-Mobile. It says,
2 "I, Nicholas Thomas, am employed by T-Mobile USA and am a
3 custodian of the records." It says, "I further state that
4 all of the records described below and attached hereto are
5 duplicates of the original and are true and complete
6 copies of records maintained by T-Mobile, Inc." And it
7 has MSSDN with a phone number, the one you just said, a
8 start date, end date, and requested items. Did you have
9 anything to do with preparing that document?

10 A No, sir, I didn't.

11 Q Do you know who prepared that document?

12 A Based on what you said, I would think it would be
13 that Nicholas individual.

14 Q But you don't know who that is?

15 A No, no. We have many analysts that take these
16 requests daily, and I don't know who he is.

17 Q All right. Well, Mr. Bosillo, did you yourself
18 provide any documentation to the State of South Carolina?

19 A No. As far as -- can I get a clarification on that?

20 Q You can ask me a question. Yes, sir.

21 A Sure. I didn't prepare the information. I just had
22 it in front of me and have reviewed it per my testimony
23 the last few minutes.

24 Q When did you review it?

25 A Oh, as soon as I got it, and then I reviewed it.

1 Q When was that, sir?

2 A Within the last week.

3 Q Okay. So prior to the last week, you had nothing to
4 do with this particular case?

5 A No, no. I was in North Carolina in Greenville and
6 came across -- the prosecutor came across me and made this
7 request.

8 Q Did you talk with the prosecutor in Greenville, South
9 Carolina?

10 A Yes, I did.

11 Q All right. When was that?

12 A It was last week when I was in Greenville, North
13 Carolina. I was there maybe two days. I don't remember
14 when. Like I said, I travel every week.

15 Q Yes, sir.

16 Do you know when these records were reviewed?

17 A I reviewed -- oh, me?

18 Q No. When they were first reviewed.

19 A Okay. No, sir.

20 Q When they were reviewed and given to the State of
21 South Carolina.

22 A No, I don't know.

23 Q And you don't know who did it.

24 A No.

25 Q Okay. Let me ask you a little bit about the tower

1 information you were talking to us about.

2 A Yes, sir.

3 Q You said the towers were about two miles apart; is
4 that right?

5 A That's correct. That's the way the engineers have
6 plotted them.

7 Q Will this information that's been provided indicate
8 where a cell phone is located in relation to a tower at a
9 particular time of day?

10 A Yes, sir.

11 Q All right. However, there are certain factors that
12 influence where a cell phone picks up which tower, are
13 there not?

14 A There are. Routinely, they're designed to pick up
15 the strongest, nearest tower.

16 Q And when you say strongest, nearest tower, one that
17 might be down the block may not be the one that's picked
18 up because it might be overloaded at that time; is that
19 correct?

20 A That's correct.

21 Q Does weather affect which tower a phone picks up?

22 A About the only weather that affects it if it knocks
23 down a tower.

24 Q Okay. So rain or fog or anything wouldn't affect it?

25 A Not -- not to any consequence I'm aware of. And, of

1 course, it degrees [sic] upon, you know, the weather
2 circumstances you're talking about.

3 Q What about land obstructions?

4 A Like a building?

5 Q A building, a tree or whatever.

6 A Oh, sure, sure. Now, that affects the actual signal
7 because there's a blockage there because it's a
8 line-of-site technology. That's why all the towers have
9 to be elevated, typically, on a tower, top of a tree and
10 usually on top of elevated buildings.

11 Q Okay. So when you say a tower, the towers are two
12 miles apart. Would that say that there's radius then of
13 one mile from each tower that a phone would be before it
14 picks up a different tower?

15 A Yes, sir.

16 Q All right. But if a phone doesn't pick up the
17 nearest tower, then it could be as far as two miles away,
18 could it not?

19 A It could, yes.

20 Q Okay. All right. Now, the solicitor asked you a
21 series of questions about these records. I understand now
22 with these -- when are these records actually made?

23 A They're made at the time of the transaction or as
24 near as humanly possible.

25 Q And what is actually made? What kind of record is

1 made?

2 A Basically, the subscriber information record, the
3 call detail record mediations information, and that's --
4 then we have a couple of interpreting call detail and
5 subscriber, those sheets we refer to kind of like a cheat
6 sheet. If you see something on these documents you don't
7 understand, it's addressed in this particular document.

8 Q Okay. So these records are recorded at the time that
9 they occur and they're kind of stored; is that correct?

10 A Yes. You can say that.

11 Q All right. And are the records then produced at that
12 time in the regular course of business or are they
13 produced sometime in the future whenever law enforcement
14 or someone sends you a subpoena and asks you to do it?

15 A No. They're produced at the time of the transaction
16 and then maintained and stored in our database. Once we
17 receive a legal demand in the form of a subpoena duces
18 tecum, court order or search warrant, we review it and
19 comply with the legal demand.

20 Q All right. So you're saying that the report or
21 record or data compilation is done at that time that the
22 phone call was made and then it's stored.

23 A That's correct.

24 Q All right. And you don't produce any of that
25 information for anybody until it's requested of you.

1 A That's correct. It has to be a legal demand.

2 Q Okay. Do you know what kind of legal demand you got
3 for this document -- these documents?

4 A I believe it was a search warrant.

5 Q Okay. Have you been able to pull up yet to whom this
6 telephone was assigned?

7 A No. I'm not able to because it's a screenshot.

8 Q Okay. Do you know when that telephone was assigned
9 to an individual?

10 A It would be on the subscriber information sheet.

11 Q Do you know how long that subscriber had that
12 telephone number?

13 A No, sir.

14 Q Do you know if the same subscriber still has that
15 phone number?

16 A I do not.

17 Q And if it's a different subscriber, would you, in
18 fact, assign the same number to a different subscriber?

19 A It's possible, but usually there's a two-year wait.

20 MR. CRANE: Okay. Thank you, sir. Answer any
21 questions the solicitor might have.

22 THE COURT: Just tell him that that was a proffer and
23 that the jury is not present and that we're going to
24 require him to stay.

25 MS. HENDRICKS: Mr. Bosillo, that was a proffer. We

1 didn't have our jury in here, so we're going to need you
2 to do it again in front of the jury.

3 THE WITNESS: Sure.

4 THE COURT: All right. Anything?

5 MR. CRANE: I object, Judge. I submit that it
6 doesn't fall under the rules of evidence and it doesn't
7 fall under the statute.

8 THE COURT: Cite the rule you're talking about.

9 MR. CRANE: Excuse me?

10 THE COURT: What rule are you talking about?

11 MR. CRANE: Well, I'm talking about to begin with
12 Rule 803(6). I would submit it is not a record, regularly
13 conducted activity. It's a storage of something and it
14 just kind of sits there. And then ---

15 THE COURT: Okay. I disagree with that and I'm going
16 overrule that objection on that basis.

17 MR. CRANE: Okay.

18 THE COURT: Anything else?

19 MR. CRANE: It doesn't fall -- no. If you're going
20 to allow it in on that, then I don't have any other
21 objections.

22 THE COURT: Okay. All right. Let's get the jury.

23 (WHEREUPON, the jury entered the courtroom at 3:34 p.m.)

24 THE COURT: Okay. Ladies and gentlemen, thank you
25 for your patience. We are about to -- you know, I told

1 you about the three types of evidence. This is going to
2 be a little hybrid because it's being done remotely
3 because of unusual circumstances.

4 So with that, call your next witness.

5 MS. HENDRICKS: Thank you, Your Honor. The State
6 calls Mike Bosillo.

7 THE CLERK: Mr. Bosillo would you please raise your
8 right hand.

9 WHEREUPON,

10 MIKE BOSILLO

11 After having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MS. HENDRICKS:

15 Q Mr. Bosillo, where are you employed?

16 A T-Mobile cell phone company. We're working out of
17 the Frisco, Texas, office.

18 Q And what is your position there?

19 A I'm a custodian of records testifier.

20 Q And how long have you held that position?

21 A 11 years.

22 Q And what are your duties and responsibilities in that
23 position?

24 A Responsible for the care, custody and control of all
25 cell phone records that are generated in the normal course

1 of business. Once we receive a legal demand in the form
2 of a subpoena duces tecum, search warrant or court order,
3 we then review the document and send it out to one of the
4 members of the trial team. I'm one of those members. We
5 come from different backgrounds. I'm a retired homicide
6 detective.

7 But once employed by each of these three, I started
8 out Metro and went through their training center for a
9 couple of weeks and then began doing what I'm doing now,
10 and two years later T-Mobile purchased us and they --
11 excuse me -- Sprint purchased -- we purchased Sprint two
12 years ago, and I was sent to the Sprint area to be trained
13 in their records. And, of course, T-Mobile, who owned all
14 of this under the umbrella of all this, they continue
15 providing continuing education as far as cell phone
16 technology and their record-keeping techniques.

17 Travel all over the country, testify on both the
18 state and federal level.

19 Q So you've testified in court before?

20 A Oh, yes, ma'am.

21 Q How many times?

22 A Approximately 700.

23 Q And you mentioned prior about working for T-Mobile
24 you were a homicide investigator?

25 A That's correct.

1 Q And where were you a homicide investigator?

2 A Arlington, Texas, I was a homicide investigator, and
3 then after a period of time, I went over to the Dallas DA
4 death penalty, capital murder section and worked there.

5 Q In the regular course of business, does T-Mobile keep
6 records of their customers' accounts?

7 A We do.

8 Q And in the regular course of business, does T-Mobile
9 store information concerning phone records and other
10 pertinent information for their customers?

11 A Yes, ma'am.

12 Q And does the T-Mobile storage process accurately keep
13 records of their clients' phone records?

14 A We do.

15 Q And in the regular course of business, what does
16 T-Mobile do with their clients' phone records?

17 A They're stored electronically in an Excel format and
18 retained two years and -- or, you know, maybe a month or
19 two later unless there's a preservation request, at which
20 time they're just put on hold until the requesting agency
21 needs them.

22 Q And are these exhibits that are produced copies or
23 originals?

24 A No. They're copies made by one of the specialists
25 who review them and certify that they are genuine copies

1 of the originals stored and maintained in our database.

2 Q And does that process accurately copy the original
3 document?

4 A It does.

5 Q And are these copies made in the regular course of
6 business?

7 A Yes, ma'am.

8 Q And are these copies a fair and accurate
9 representation of the original?

10 A Yes, ma'am.

11 Q And as part of your official duties, do you have
12 control and access to T-Mobile documents?

13 A I do.

14 Q And I know you and I just met last week, but were
15 phone records turned over related to this case?

16 A Yes, ma'am.

17 Q And to your knowledge were those turned over earlier
18 in this case back in February 2018?

19 A I don't know personally.

20 Q Okay. And so you know what was provided to us in a
21 disk, and you confirmed that with a signature; is that
22 correct?

23 A That's correct. Yes, ma'am.

24 Q And can you confirm that this screenshot containing
25 your signature contains everything that T-Mobile turned

1 over in response to the search warrant?

2 A Yeah. All the information, yes.

3 Q And so I have State's Exhibit 3, which can you tell
4 us if you can confirm that that is all of Mr. Edmunds's
5 T-Mobile data?

6 A Yes, ma'am, it is.

7 MR. CRANE: Your Honor, I object. She never said it
8 was Mr. Edmunds's T-Mobile data. No one has said that
9 yet.

10 THE COURT: Okay. Well, lay the foundation.

11 MS. HENDRICKS: I apologize.

12 BY MS. HENDRICKS:

13 Q Can you confirm that this is -- that the disk -- the
14 records you provided with us are someone's T-Mobile data?

15 A Yes, I can.

16 Q And are they a fair and accurate representation of
17 the original?

18 A Yes, ma'am.

19 Q And can you tell us what they are?

20 A On there -- well, there's call detail record
21 mediation information on particular number (864) 920-8087.

22 Q And what information is captured on the phone
23 records?

24 A What's captured is the actual target number, and it
25 begins on a particular period based on the legal demand

1 and ends at the same period -- or a different period. And
2 what's on there beginning with the date and time, then the
3 beginning phone number that's making the call or outgoing,
4 and then which particular tower captures it. And then, of
5 course, it has the information on the call that's being
6 received. And inversely it also has information about an
7 outside number calling the target. And, again, it will
8 provide the date and the time and the switch and tower
9 information, the number signal it is pinging off of.

10 Q And how is this information on the phone records
11 created? Like how does the call -- can you explain kind
12 of how the call goes to a tower?

13 A Sure. You have three components. The first is the
14 cell phone which gives out a relatively weak signal, so
15 the engineers have plotted the towers approximately two
16 miles apart. There's a slight overlap to avoid dropped
17 calls.

18 Then once it actually is sent out by the phone, it
19 searches for the strongest, nearest tower. It will always
20 go to the stronger of the two, but ideally the stronger
21 tower is also the nearer one. Then the tower further
22 processes the call and shoots it over to the switch. The
23 switch is the gatekeeper. It's the computer that actually
24 creates the call. It accepts -- the signal processes it
25 and it shoots it out to the nearest, strongest tower

1 adjacent to the number you're trying to reach, keeping in
2 mind this stuff works at the speed of light, 186,000 miles
3 a second, so it's extremely rapid.

4 Once it does that, then it goes to, as I said, the
5 nearest, strongest tower and completes the circuitry from
6 one phone to another.

7 Q And can you explain to us what you mean about the
8 closest, strongest tower and nearest, strongest tower?

9 A Yes. And they plot a series of towers based on a lot
10 of the information and the necessity, the population and
11 then the topography. You know, if there was a mountainous
12 topography, it's going to be -- there's going to be more
13 towers because mountains block the point of view, line of
14 vision. But anyway -- as opposed to flat like in West
15 Texas.

16 So once it actually reaches out to the nearest,
17 strongest tower, and they have plotted them two miles
18 apart, then, as I said earlier, it shoots out -- it shoots
19 a signal to a switch. The switch is the gatekeeper or the
20 thing that makes the call work. And then it shoots -- it
21 shoots over to the other tower the destination number.

22 Q So how is this information captured?

23 A It's captured electronically and processed
24 accordingly and kept in our database in Excel form.

25 MS. HENDRICKS: Your Honor, at this time the State

1 would like to introduce Exhibit 3 into evidence.

2 THE COURT: Subject to the objection, correct,
3 Mr. Crane?

4 MR. CRANE: Yes, sir. Thank you, Judge.

5 (WHEREUPON, State's Exhibit Number 3 was admitted into
6 evidence.)

7 MS. HENDRICKS: Okay. Mr. Bosillo, I'm going to give
8 you to the defense, okay?

9 THE WITNESS: Yes, ma'am.

10 CROSS EXAMINATION

11 BY MR. CRANE:

12 Q Mr. Bosillo, Larry Crane. How are you?

13 A Fine, sir. How are you doing?

14 Q I'm doing okay.

15 Let me ask you a couple questions. You testified as
16 to the documentation that T-Mobile stores. Are you
17 personally familiar with the information that was provided
18 to the State of South Carolina regarding this case?

19 A No personal information.

20 Q Okay. Do you know who it is that gathers this
21 information for T-Mobile?

22 A It would have been the specialist that gathered and
23 provided the information.

24 Q Okay. I was provided a letter by the State that
25 indicates Nicholas -- excuse me -- Nichols Thomas provided

1 this information. Do you know who that is?

2 A No, sir.

3 Q Have you ever seen it? Have you ever had any
4 personal knowledge with this particular information?

5 A No personal knowledge, no, sir.

6 Q Okay. Do you know what information was provided to
7 the State of South Carolina in this case?

8 A Yes, I do.

9 Q Tell us, please.

10 A There's a certification number, Number 1747349. Then
11 there was a particular email. I just have the series of
12 numbers. And there was call detail mediation information
13 as I explained, and then a couple more emails. And then
14 there was interpreting call detail records sheet which
15 provides information as to explaining what certain
16 terminology is.

17 And then interpreting -- another document was
18 interpreting subscriber information, same process only
19 dealing with the subscriber and his or her phone number,
20 date and time when purchased and when the number went into
21 effect and if there's any termination. And there was just
22 a tracking ID from us.

23 And then the last was a UTC information sheet which
24 is uniform -- universal time coordinating sheet explaining
25 different time zones and then the process from basically

1 standard to Daylight Savings Time in each of the four time
2 zones in America.

3 Q And from your information, what phone number were you
4 given information on?

5 A The (864) 920-8087.

6 Q And to whom is that phone subscribed?

7 A I can't get into the subscriber entry here. This is
8 MDox. This is a screenshot, and I can't access it.

9 Q So you don't know whose phone number that is.

10 A No.

11 Q All right. Do you know who provided you -- who
12 provided T-Mobile with that phone number?

13 A No. It would have been the specialist who handled
14 the actual request.

15 Q All right. So you would have a request come from law
16 enforcement with a phone number; is that right?

17 A Yeah. I wouldn't. The headquarters would.

18 Q Do you have any information as to how long a
19 subscriber had that phone number?

20 A No, sir.

21 Q Do you know when that subscriber started with that
22 phone number?

23 A No, sir. That information would be on that MDox
24 sheet.

25 Q I don't know what the MDox sheet is.

1 And when did that subscriber give up that number, if
2 they did?

3 A I don't have that information.

4 Q And would T-Mobile reassign that same number to
5 another subscriber at any time?

6 A No. Not at any time. Typically, as it's assigned --
7 originally it's assigned to another number. But if the
8 same person wanted that number in a short period of time,
9 we usually wait two years.

10 Q Okay.

11 A And subsequently, it's usually assigned to someone
12 else.

13 Q Let me ask a little bit about the cell towers that
14 you told the solicitor about. You indicated they are
15 located about two miles apart; is that correct?

16 A That's correct.

17 Q And when a person uses their cell phone, the cell
18 phone tries to pick up on the nearest tower; is that ---

19 A Strongest first. Strongest and then nearest.

20 Q Okay. Well, the nearest is not always the strongest,
21 is it?

22 A That's correct.

23 Q As a matter fact, the second nearest is not always
24 the strongest, is it?

25 A That's also correct.

1 Q Okay. So how many towers do you think you could go
2 before you might pick up a tower if they were all either
3 too busy or had something wrong with them?

4 A I would say two would be the maximum.

5 Q All right. So are we talking then four miles?

6 A Correct.

7 Q All right. So do the records that you provided the
8 State also indicate cell tower locations of this
9 particular phone number on a particular date?

10 A No.

11 Q It does not?

12 A Are you talking about all the cell phone towers in a
13 particular area?

14 Q No. I didn't mean to mislead you.

15 This information that you provided the State on this
16 case right here, does it provide cell tower information
17 for this telephone number on the date of February 7, 2018?
18 Do you know, yes or no?

19 A Yes, I do.

20 Q Okay. And does it? It does or doesn't?

21 A It does.

22 Q All right. And can we be sure how accurate that cell
23 tower information is not knowing what tower it was
24 actually picking up on?

25 A Well, we have the information on the tower it picked

1 up on. It's documented historically on the call detail
2 record.

3 Q Okay. But we don't know if that was the closest one
4 to the cell phone, do we?

5 A No. Not the closest. But obviously, it hit the
6 strongest because that's reflected in the records.

7 Q Okay. But that cell phone could, in fact, be two
8 miles away from that particular cell tower, could it not?

9 A It could, up to two miles.

10 Q All right. And, of course, regardless of whether we
11 know where that cell phone might be, we don't have any
12 idea who's using it, do we?

13 A No.

14 Q Okay. Now, are there other things that can affect
15 the cell tower other than how busy they are, like weather
16 and obstructions? You said mountains a minute ago.

17 A Yes. There's -- there's a couple of variables.
18 Typically the topography, the mountainous areas versus
19 flatlands because it's a line-of-vision technology.

20 Q Okay. So this particular information about the cell
21 tower, it's certainly not a specific for-sure thing, is
22 it?

23 A I'm not going to say that, no, sir. As far as
24 reaching out to the tower that's reflected in the
25 documentation, it hit within that tower.

1 MR. CRANE: Yes, sir. Okay. Thank you.

2 THE WITNESS: Thank you.

3 MS. HENDRICKS: I have no further questions, Your
4 Honor.

5 THE COURT: All right. Thank you very much.

6 MS. HENDRICKS: Thank you, Mr. Bosillo.

7 THE WITNESS: Thank you all.

8 THE COURT: All right. Call your next witness.

9 MS. GASSER: The State calls Phillip Brown.

10 THE CLERK: Sorry. I need you to pause.

11 WHEREUPON,

12 PHILLIP BROWN

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. Please be seated. Please
15 state your name for the record.

16 THE WITNESS: Phillip Brown.

17 DIRECT EXAMINATION

18 BY MS. GASSER:

19 Q Good afternoon, Officer Brown. Can you please tell
20 the jury where you're employed?

21 A Employed with the Greenville City Police Department.

22 Q And what is your position there?

23 A I am a police officer III.

24 Q And how long have you been in law enforcement?

25 A Been in law enforcement here for seven years.

1 Previously, I was a deputy jailer in Augusta, Georgia, for
2 three.

3 Q And what positions have you had while at the
4 Greenville Police Department?

5 A Maintained a police officer move from police
6 officer I to police officer III.

7 Q And were you working for the Greenville Police
8 Department in February of 2018?

9 A I was, yes, ma'am.

10 Q What was your position at that time?

11 A I was a police officer. I'm not sure of my rank at
12 that time, but I was a certified police officer.

13 Q And do you remember your duties and responsibilities?

14 A At the time I was assigned as a patrol officer in the
15 Patrol Division. I was assigned Zone 2, which is kind of
16 the north end of the city. I was a field training officer
17 at the time.

18 Q And what does "field training officer" mean?

19 A A field training officer is somewhat of a senior
20 officer who is in charge of getting recruits and bringing
21 them with them more or less to teach them the ropes of how
22 to be a police officer.

23 Q And were you working on February 7, 2018?

24 A Yes, ma'am, I was.

25 Q Did you receive a call for service that day?

1 A I did.

2 Q Did you have a field training officer with you?

3 A I did. It was Recruit Holden [phonetic].

4 Q And what was the nature of that call?

5 A We received multiple that day. But in particular, we
6 were dispatched as, I think, the nearest patrol unit to
7 Rutherford Road and North Main in reference to a possible
8 shooting and/or resultant collision at that location.

9 Q So you just said Rutherford Road and North Main. Is
10 that in Greenville County?

11 A That's correct. Yes, ma'am.

12 Q And if I were to show you a blown-up map of that
13 area, would you recognize it?

14 A I should. Yes, ma'am.

15 Q I'm showing you what's been premarked as State's
16 Exhibit Number 5. Do you know what this is?

17 A Yes, ma'am. It looks like an aerial map of what I
18 would call the North Main/Rutherford Road area.

19 Q And does this map fairly and accurately represent
20 that area?

21 A Yes, ma'am, it does.

22 MS. GASSER: At this time, Your Honor, the State
23 moves to enter State's Exhibit Number 5 into evidence.

24 MR. CRANE: I don't have any objection, Judge.

25 THE COURT: Okay. Without objection.

1 (WHEREUPON, State's Exhibit Number 5 was admitted into
2 evidence.)

3 MS. GASSER: And permission to publish it to the
4 jury.

5 THE COURT: Yeah.

6 MS. GASSER: Thank you, Your Honor.

7 BY MS. GASSER:

8 Q Were you wearing a body camera during this incident?

9 A Yes, ma'am, I was.

10 Q Was it on and operating correctly?

11 A It was, yes, ma'am.

12 Q Do you wear body cameras in the course of your job?

13 A Yes, ma'am. Every day.

14 Q Did you review that body camera footage from
15 February 7, 2018, in preparation for your testimony today?

16 A I have, yes, ma'am.

17 Q Was that footage that you reviewed kept on a disk?

18 A Yes, ma'am.

19 Q Like this one?

20 A Yes, ma'am.

21 Q Would you recognize that disk if you were to see it
22 again?

23 A Yes, ma'am.

24 Q I'm showing you what's been premarked as State's
25 Exhibit Number 6. Do you recognize this?

1 A I do, yes, ma'am.

2 Q And how do you know what that is?

3 A I previewed it. I added my initial and today's date.

4 Q Does that fairly and accurately depict your body-worn
5 camera footage from February 7, 2018?

6 A Yes, ma'am, it does.

7 Q And other than being clipped to shorten it for
8 judicial economy, has anything been changed or altered in
9 any way?

10 A Nothing that I know of. No, ma'am.

11 MS. GASSER: At this time, Your Honor, the State
12 moves to enter State's Exhibit Number 6 into evidence.

13 MR. CRANE: I object, Judge.

14 THE COURT: Based on?

15 MR. CRANE: Well, they provided to me about 20 disks.
16 I haven't viewed this one recently, and I don't know if
17 they -- I'm kind of sure there's hearsay on there because
18 I know that he talked to one of the victims.

19 THE COURT: Okay. Hang on.

20 Ladies and gentlemen, we'll get back with you in a
21 minute. Please go to your jury room.

22 (WHEREUPON, the jury exits the courtroom at 3:58 p.m.)

23 THE COURT: So, Mr. Crane, you acknowledge the disk
24 was provided to you; is that right?

25 MR. CRANE: No. I'm not going to acknowledge that

1 even, Judge. And I'll tell you why.

2 THE COURT: Okay. Was this disk provided to
3 Mr. Crane?

4 MS. GASSER: Yes, Your Honor.

5 THE COURT: All right. I'm not going to -- we're not
6 going to go through an anticipatory hearsay -- you think
7 there might be hearsay on there, okay? We're just not
8 going to do this with every exhibit that's going to be
9 introduced. You either have to know about it, but we're
10 not going to stop and go through this whole trial and play
11 things for you because you don't know what's on the disk.
12 It's been provided to you, and if there's specific
13 objections that you have, please make them. Otherwise,
14 denied, and we're going forward, okay?

15 MR. CRANE: I'd like to know when they think I was
16 provided the disk because, Judge, some of these items are
17 given to us on what they call their Spartan system. And
18 I've had other defense attorneys that will tell you that
19 when we go to open them, we can't open them. Now, if
20 they've given me a disk, that's fine. I don't remember
21 seeing it.

22 But on the Spartan system, they send us an email,
23 they said you've got discovery. We have to click on it,
24 say we accepted it in order to get into the Spartan
25 system. But that doesn't mean we've ever seen it or

1 accepted it. We can't get into Spartan where they stored
2 this evidence unless we accept that stuff.

3 So I don't know if they actually sent me a disk. If
4 they did, then I've got it here on my desk. But if they
5 didn't, then it's in Spartan and I probably couldn't open
6 it. That's why I objected to that.

7 Thank you, Judge.

8 THE COURT: All right. If you have a specific
9 objection when the evidence is proffered, then you need to
10 make it.

11 MR. CRANE: Yes, sir. Thank you.

12 THE COURT: All right. Get the jury.

13 (WHEREUPON, the jury entered the courtroom at 4:02 p.m.)

14 THE COURT: All right. You may proceed.

15 MS. GASSER: May it please the Court, Your Honor. At
16 this time the State does ask to enter State's Exhibit
17 Number 6 into evidence.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibit Number 6 was admitted into
20 evidence.)

21 MS. GASSER: Permission to publish to the jury, Your
22 Honor, at this time.

23 THE COURT: Yes, ma'am.

24 (WHEREUPON, State's Exhibit Number 6, a video, was played
25 in open court.)

1 BY MS. GASSER:

2 Q Officer Brown, was that clip from when you first
3 arrived on scene?

4 A Yes, ma'am, it was.

5 Q Did your body camera continue to roll after that?

6 A It did, yes, ma'am.

7 Q Has it been shortened just in the interest of
8 judicial economy?

9 A I believe so, yes, ma'am.

10 Q And to comply with the rules of evidence?

11 A Yes, ma'am.

12 Q Officer Brown, when you arrived on scene, were your
13 lights and sirens activated?

14 A They were, yes, ma'am.

15 Q Why?

16 A We -- Officer Holden and I received a call. We were
17 in the area of Pizza City on North Pleasantburg Drive. We
18 had just finished working another unrelated collision. I
19 recognized that we were very close to where this call came
20 out as. This was Officer Holden's first time driving my
21 car and the first time driving with lights and sirens in
22 his career. But we recognized that it was an important
23 and I guess what I would call a hot call, something that
24 we needed to get to quickly.

25 Q And who was present when you arrived on scene?

1 A Members of Greenville City Fire Department were there
2 tending to the victim in this case.

3 Q And were there -- other than Greenville Fire
4 Department, were there any witnesses present?

5 A There were -- there were a few witnesses on the North
6 Main side, I believe, that I don't believe I ever spoke to
7 necessarily directly, and then there was another gentleman
8 that I recognized as being a community member, Mr. McDunn.
9 He was present on the Rutherford Road side. He owns a
10 business in the area.

11 Q And what did you do once you arrived on scene?

12 A My focus really was scene security. I recognized
13 that we were going to have a very fluid and large scene.
14 There were already a lot of people on scene, so I wanted
15 to make sure that we could essentially keep the scene
16 secure so that evidence wouldn't be destroyed, so that,
17 you know, witnesses wouldn't sneak away, so that, you
18 know, if there was any other danger present, that we were
19 going to lock it down, make sure that everybody was safe.

20 Q And did you see Frederick Miller-Knowles on scene?

21 A I did, yes, ma'am.

22 Q And what was his state when you saw him?

23 A He was being tended to by fire department personnel.
24 I noticed that he was at that point still awake and just
25 being tended to, so I didn't -- I didn't mess with him at

1 all.

2 Q And did you -- if you were to see a still image from
3 your body-worn camera clip, would you recognize it as
4 coming from your body-worn camera footage?

5 A Yes.

6 Q I'm showing you what's been premarked for
7 identification purposes only as State's Exhibit Number 7.
8 Do you know what this is?

9 A It looks to be a still shot from my body camera.

10 Q And what's depicted in that photograph?

11 A A female. It looks to be the female that was present
12 on scene next to the car, identified herself to me as
13 Ms. Jatón or Jatón Lomax, present in the vehicle at the
14 time of the incident.

15 Q And does that photograph fairly and accurately depict
16 when you saw and spoke with Ms. Lomax on February 7, 2018?

17 A Yes, ma'am.

18 Q Has that image been changed or altered in any way?

19 A Not that I can tell, no, ma'am.

20 MS. GASSER: At this time the State moves to enter
21 State's Exhibit Number 7 into evidence, Your Honor.

22 MR. CRANE: I don't have any objection, Judge.

23 THE COURT: Without objection.

24 (WHEREUPON, State's Exhibit Number 7 was admitted into
25 evidence.)

1 BY MS. GASSER:

2 Q So backing up, you said you spoke with Ms. Lomax on
3 scene?

4 A Yes, ma'am.

5 Q And what did you learn from her?

6 MR. CRANE: Object. Hearsay.

7 THE COURT: That's correct.

8 MS. GASSER: I'll rephrase, Your Honor.

9 BY MS. GASSER:

10 Q After speaking with Ms. Lomax, what did you
11 determine?

12 A I determined that apparently a shooting had taken
13 place on the roadway there. I determined that the initial
14 scene of the area just around the vehicle was likely not
15 the only scene that, again, I needed to protect for
16 evidence sake, and that, in fact, the shooting or the
17 incident had actually occurred further up or really
18 southbound from there on Rutherford Road, so across the
19 intersection, and that she was essentially pointing me to
20 that being the place where the incident occurred.

21 Q Okay. So you just described there were two --
22 technically two crime scenes.

23 A Yes, ma'am.

24 Q Now, using this map that's already been entered into
25 evidence, can you show the jury using this pink colored

1 marker where those two things were and explain to them
2 exactly what you were just saying?

3 A Yes, ma'am. So ---

4 MS. GASSER: Let the record reflect that the witness
5 is utilizing a pink highlighter in order to mark the two
6 crime scenes he has testified to.

7 THE WITNESS: This is the intersection of North Main
8 here and Rutherford Road. Essentially, when I arrived on
9 scene, I pulled into this parking lot here, which is, I
10 believe, 1830 North Main Street. When we pulled in, we
11 spoke with Ms. Lomax, and I learned that the incident had
12 actually occurred somewhere up in this area.

13 Because I didn't know this at the time, I directed my
14 recruit and my responding officers to close off this
15 parking lot here. And upon realizing that the actual
16 incident occurred, you know, further, this would be
17 technically southbound on Rutherford Road here, I directed
18 them to close off portions here as well, essentially
19 enlarging and making the crime scene bigger. From that
20 point we closed them off with crime scene tape, and an
21 officer present to prevent people from coming in at their
22 leisure there.

23 So, again, this general area right here is where we
24 were closed off (indicating throughout).

25 MS. GASSER: I have no further questions. Please

1 answer any that defense counsel may have.

2 CROSS EXAMINATION

3 BY MR. CRANE:

4 Q Officer Brown, when you were talking to Ms. Lomax,
5 did you observe any life-threatening injuries?

6 A To her?

7 Q Yes, sir.

8 A No, sir.

9 Q Did she have any injuries at all to her?

10 A She advised me that she did not.

11 Q Okay. And did she seek medical attention at all?

12 A I don't recall.

13 Q Okay. And from your investigation there at the
14 scene, were you able to determine a description from the
15 people at the scene of a vehicle that did any shooting?

16 A I was not.

17 Q And specifically Ms. Lomax, was she able to tell you
18 whether or not she notes how many were in the car or who
19 it was?

20 A No, sir, she wasn't.

21 Q In fact, she told you she didn't know, didn't she?

22 A Correct.

23 Q Ms. Lomax told you she didn't see the car and didn't
24 see who was in the car; isn't that right?

25 MS. GASSER: Objection, Your Honor. Calls for

1 hearsay.

2 MR. CRANE: I'll rephrase.

3 THE COURT: Well, really?

4 MR. CRANE: I'm sorry, Judge. I apologize.

5 THE COURT: No. Go ahead.

6 BY MR. CRANE:

7 Q Did she indicate to you who was in the car?

8 A No, she did not.

9 Q And she didn't indicate to you what kind of car it
10 was?

11 A No, she did not.

12 Q You took -- kind of talked to her out there, though,
13 didn't you? Took a field statement I think you call it?

14 A I did, yes, sir.

15 Q Okay. And I assume that Mr. Knowles-Miller wasn't
16 talking at all.

17 A I did not speak to him myself.

18 Q Okay. So you didn't get any information from him?

19 A No, sir.

20 MR. CRANE: Okay. Thank you, sir.

21 THE COURT: Any redirect?

22 MS. GASSER: No, Your Honor.

23 THE COURT: Okay.

24 MS. GASSER: May this witness please be released from
25 his subpoena.

1 THE COURT: Any objection?

2 MR. CRANE: No, sir, Judge.

3 THE COURT: All right. Thank you, Officer.

4 MS. GASSER: The State calls Cory Finley.

5 THE CLERK: Please stop at the end of the bench.

6 Please place your left hand on the Bible and raise your
7 right hand.

8 WHEREUPON,

9 CORY FINLEY

10 After having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please be seated. Please
12 state your name for the record.

13 THE WITNESS: Cory Finley.

14 DIRECT EXAMINATION

15 BY MS. GASSER:

16 Q Good afternoon, Mr. Finley. Where are you currently
17 employed?

18 A Prisma Health Ambulance Service.

19 Q What are your duties and responsibilities there?

20 A I'm a critical care paramedic and have been there for
21 two years.

22 Q And so you had two years. So 2020?

23 A Yes, ma'am.

24 Q And where did you work before Prisma?

25 A Greenville County EMS.

1 Q And what were your duties and responsibilities there?

2 A I was a paramedic.

3 Q How long did you work for Greenville County EMS?

4 A 12 years.

5 Q And how long have you been a paramedic?

6 A 17.

7 Q Do you have to become certified to be a paramedic?

8 A Yes, ma'am. You take pretty much a two-year course
9 overall. Throughout the two years, you learn advanced
10 cardiac life support, prehospital trauma life support and
11 obtain an associate's degree.

12 Q And do you have to do any kind of continuing
13 education?

14 A Yes, ma'am. Every month we attend a four-hour
15 continuing education.

16 Q And can you explain for the jury a little bit about
17 that continuing education requirements? You said it's
18 every month?

19 A Yes, ma'am. Every month we attend a four-hour
20 continuing education of various topics each month. They
21 choose the topic, and throughout the group we talk about
22 those particular topics and we go through scenarios.

23 Q And were you working for Greenville County EMS in
24 February of 2018?

25 A I was.

1 Q What was your position at that time?

2 A Paramedic, field training officer.

3 Q And were you working on February 7, 2018?

4 A Yes, ma'am.

5 Q Can you tell us about that day and how you became
6 involved in this case?

7 A I was dispatched by Greenville County EMS to an
8 emergent GSW stabbing, what they consider it, at
9 Rutherford Road and North Main Street.

10 Q So emergent, what does that entail?

11 A Lights and sirens with -- on the truck.

12 Q So was anyone else in the truck with you?

13 A Yes. I have -- I had another partner. She was an
14 EMT. And I also had a supervisor and a med control
15 physician that was backing me up.

16 Q So a med control physician was on the truck. Is that
17 normal?

18 A No, ma'am.

19 Q And where did y'all respond to?

20 A Our destination was North Main Street and Rutherford
21 Road.

22 Q And is that in Greenville County?

23 A Yes, ma'am.

24 Q And what did you see when you arrived on scene?

25 A Arrived on scene to find an African-American male

1 laying on the ground being ventilated by bag valve mask by
2 the fire department.

3 Q And what was the victim's -- what was the male laying
4 on the ground, what was his state? Can you tell us --
5 tell the jury a little bit more about his condition?

6 A At that time arriving on scene, found an
7 African-American male laying on the ground being
8 ventilated. He was currently not wearing a shirt and was
9 semi-responsive at this time.

10 Q And why wasn't he wearing a shirt?

11 A My understanding is is that the fire department had
12 taken this and cut the shirt off prior to arriving.

13 Q And what did you do at this point?

14 A Placed the patient on a long spine board, which is a
15 hard plastic board, to maintain spinal control due to
16 potential spinal injury from trauma.

17 Q And what was the victim's initial patient acuity?

18 A Critical.

19 Q And can you explain to the jury what -- I guess what
20 that means, the patient initial acuity?

21 A So in trauma, you have a critical, an emergent and a
22 lower acuity. Critical means that there are significant
23 life-threatening injuries; emergent means that there are
24 some life-threatening injuries but not detrimental to the
25 patient; and lower acuity means that they are stable.

1 Q And you said that his was critical?

2 A Yes, ma'am.

3 Q Did you alert the hospital?

4 A Yes, ma'am. Twice.

5 Q And what did you tell them?

6 A The first time I radioed over to our central dispatch
7 that we had a level I trauma alert, GSW to -- for an
8 African-American male and I would get in further on
9 transport.

10 Q And what does level I trauma mean?

11 A It's the most critical level of trauma you can get.

12 Q And what did you do at this point?

13 A Loaded the patient up on said long spine board to a
14 stretcher, secured this patient and began transport,
15 lights and sirens emergent to the hospital.

16 Q And did you write a report in this case?

17 A Yes, ma'am.

18 Q What does GCS mean?

19 A It's a Glasgow coma scale.

20 Q Okay. And can you explain that to the jury?

21 A Yes. It is three components of any kind of patients
22 you get certain scores for certain things. If I remember
23 correctly, this patient had a GCS of 12. It gives you
24 three for responsiveness to pain, four for confusion, and
25 five for withdrawals from pain.

1 Q So that was this man that you found on scene, his
2 score was 12?

3 A Yes, ma'am.

4 Q And what did that score tell you?

5 A That this is a more high acuity patient. The highest
6 you can get is a 15.

7 Q And did you get the victim to the hospital?

8 A Yes, ma'am.

9 Q And after transporting him to the hospital, what did
10 you do?

11 A Gave a report to a trauma team which consists of a
12 physician, residents and a neurotrauma surgeon and several
13 other nursing facility employees.

14 Q And other than coming to testify here today, did you
15 have anything else to do with this case?

16 A No, ma'am.

17 MS. GASSER: Thank you. I have no further questions.
18 Please answer any the defense counsel may have.

19 THE COURT: Cross.

20 MR. CRANE: I don't have any questions.

21 THE COURT: All right. Thanks, sir. You may step
22 down.

23 MS. GASSER: And, Your Honor, is it okay if this
24 witness is released from his subpoena?

25 THE COURT: Any objection?

1 MR. CRANE: No, sir.

2 THE COURT: Without objection.

3 MS. HENDRICKS: Your Honor, our next witness is the
4 victim. It may be a little more lengthy. I don't know if
5 you want to take a break before or you want us to go ahead
6 with it.

7 THE COURT: Break? No break?

8 THE JURY: No break.

9 THE COURT: Go.

10 MS. HENDRICKS: Okay. The State calls Frederick
11 Miller-Knowles.

12 THE CLERK: Please raise your right hand.

13 WHEREUPON,

14 FREDERICK MILLER-KNOWLES

15 After having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please be seated. Please
17 state your name for the record.

18 THE WITNESS: Frederick Miller-Knowles.

19 DIRECT EXAMINATION

20 BY MS. HENDRICKS:

21 Q Mr. Miller-Knowles, do you go by Fred?

22 A Yes, ma'am.

23 Q Is it okay if I call you Fred?

24 A Yes, ma'am.

25 Q How old are you?

1 A 26.

2 Q And are you from Greenville originally?

3 A Yes, ma'am.

4 Q Where did you go to high school?

5 A Berea.

6 Q Were you convicted of possessing less than 1 gram of
7 meth or cocaine base carrying up to three years in jail in
8 2015?

9 A Yes, ma'am.

10 Q And were you convicted of possessing less than a gram
11 of meth or cocaine base carrying up to five years in
12 prison in 2022?

13 A Yes, ma'am.

14 Q And then were you also convicted in 2022 of
15 distributing cocaine base?

16 A Yes, ma'am.

17 Q Were any of those cases related to you being shot on
18 February 7, 2018?

19 A No, ma'am.

20 Q And are you currently in the Greenville County
21 Detention Center?

22 A Yes, ma'am.

23 Q And what are you charged with?

24 A Unlawful carry and trafficking of cocaine and PWID.

25 Q Are those charges in any way related to this case?

1 A No, ma'am.

2 Q And do you remember February 7, 2018?

3 A Yes, ma'am.

4 Q Can you tell us how your day started that day?

5 A I woke up in my brother's yard, and he told me to
6 come in the house because it had been raining that night.
7 So I went in the house, and at the time, my friend Lee
8 Moss had came walking in the door and he's like, "Bro, you
9 know anybody got some weed?"

10 I'm like, "No. Do you?"

11 He's like, "Yeah."

12 I was like, "Where they at? Because if we got to go
13 far, I don't want to go. And if he ain't there, I'm going
14 to be mad."

15 So he's like, "He's there. I just talked to him."

16 So we proceed to go to Quavon's house. And at the
17 time I didn't know where it was. So when we get there, it
18 was pretty far.

19 So he gets out of the car and talked to somebody in
20 the yard. So at the time, I'm waiting for him to come
21 back to the car because we was going to buy some -- some
22 marijuana from whoever it was that was there at the time.

23 So he came back to the car and he was like, "He ain't
24 here." So he gets back in the car and we leave.

25 The guy was still standing in the yard, so I'm like

1 where he was at, because we had already traveled like
2 30 minutes to get there. So he told me that he wasn't
3 there.

4 So we coming back to Greenville, and he just say out
5 of the blue, "I really want to rob him."

6 So you know me, I already done came this far for
7 nothing. And I had needed some weed at that time so I
8 turned around. So ---

9 Q Who is -- tell us who Lee Moss is to you.

10 A He was a neighborhood kid. We were from the same
11 neighborhood.

12 Q Okay. And so y'all went from Greenville to Taylors;
13 is that correct?

14 A Yes, ma'am.

15 Q And is that where, according to your friend, Quavon
16 lived?

17 A Yes, ma'am.

18 Q Okay. What car were you driving at the time?

19 A A burgundy Infinity.

20 Q Did it belong to you?

21 A No.

22 Q Belonged to a friend of yours?

23 A Yes.

24 Q Okay. So once you got to Quavon's house, there was
25 somebody outside, but it was not Quavon.

1 A No.

2 Q Okay. Did you speak to that person?

3 A No.

4 Q So you left, and then at some point you decided to
5 turn around; is that correct?

6 A Yes, ma'am.

7 Q Okay. What did you do when you got back to Quavon's
8 house?

9 A I parked in the driveway beside his house. And Lee
10 got out of the car and went to the door because the guy
11 that was standing in the yard, he wasn't there no more.
12 So Lee went to the door, tried to kick it in, couldn't
13 kick it in, so I got out of the car and helped him.

14 I kicked the door in and there was a dog sitting in
15 the middle of the floor, so I took off running and I fell.
16 So when I get back up, I hear saying, "Well, that dog,
17 he's a pup. He ain't going to do nothing." So Lee went
18 on in, I went in behind him, and the dog run out the door.
19 And we took marijuana, a puppy, game system, a Draco, some
20 jewelry and some shoes.

21 Q Can you tell us what a Draco is?

22 A It's a mini AK-47.

23 Q So that's a gun?

24 A Yes, ma'am.

25 Q So it's like a short one?

1 A Uh-huh.

2 Q So you went into the house too.

3 A Yes, ma'am.

4 Q And had you ever been to that house before?

5 A No, ma'am.

6 Q So I guess you guys put everything in your car.

7 A Yes, ma'am.

8 Q And then what happened next?

9 A We drove back to my neighborhood. And I took Lee
10 home because I had to take Jatón to work at the time.

11 So I dropped him off and then I went and proceeded to
12 pick Jatón up from the house which was around the corner.

13 So when I picked her up, I rode back through the
14 neighborhood. And at the time my friend Anthony Butler
15 [phonetic], he had told me that Quavon and them had just
16 rolled through looking for us. So I proceeded to take her
17 to work and I proceeded down Rutherford Road. And when I
18 got to the red light, I tried to turn onto Main, and all I
19 remember is I was shot.

20 Q Let's back up just a little bit. So you and Lee Moss
21 came -- left Taylors and came back to his house. Do you
22 remember where he lived at the time?

23 A It was Old Paris Mountain. I can't remember the
24 exact address, but it was on Old Paris Mountain.

25 Q If I showed you a photograph of his house at the

1 time, would you recognize it?

2 A Yes, ma'am.

3 Q Okay. Do you recognize this photograph?

4 A Yes, ma'am. That's the house.

5 Q Does that accurately depict the house that it is
6 saying it is?

7 A Yes, ma'am.

8 Q And has it been altered in any way?

9 A No, ma'am.

10 Q So is this a photograph of where Lee Moss lived on
11 February 7, 2018?

12 A Yes, ma'am.

13 MS. HENDRICKS: Your Honor, at this time the State
14 offers State's Exhibit 8 for admission into evidence.

15 MR. CRANE: Object on relevance, Judge. Not my
16 client's house.

17 THE COURT: Overruled. Go ahead.

18 (WHEREUPON, State's Exhibit Number 8 was admitted into
19 evidence.)

20 MS. HENDRICKS: Can we publish it to the jury, Your
21 Honor?

22 THE COURT: Yes.

23 BY MS. HENDRICKS:

24 Q So this is where Lee Moss lived at the time, correct?

25 A Yes.

1 Q And that's on Old Paris Mountain Road?

2 A Yes, ma'am.

3 Q Okay. So what happened to all the stuff that was in
4 your car that you took?

5 A I only kept the marijuana because that's all I had
6 wanted and some shoes.

7 Q Did Lee Moss take the rest of the stuff?

8 A Yes, ma'am.

9 Q Okay. And then after you dropped Lee Moss off, you
10 testified that you went to Jatton's house?

11 A Yes, ma'am.

12 Q Who was Jatton to you?

13 A She was my girlfriend at the time.

14 Q What's her last name?

15 A Lomax.

16 Q And where did she live?

17 A I can't remember the exact address, but it was in
18 Paradise Mobile Home Park.

19 Q Was it near where Lee Moss lived?

20 A Yeah. It was probably about five minutes away.

21 Q Okay. And where were you taking Jatton?

22 A To work.

23 Q And do you remember where she was working at the
24 time?

25 A No. It was her first day. I want to say it was PLD.

1 Q Okay. So what route were you taking? So what road
2 were you on?

3 A I was on Rutherford Road. I was going up Rutherford
4 like leaving out of -- leaving off of Old Paris Mountain.

5 Q Okay. I'm going to show you what is premarked as
6 State's Exhibit 9. One second. Can you pull that out for
7 me? Is that what you were wearing that day?

8 A Yes, ma'am.

9 MS. HENDRICKS: Your Honor, at this time the State
10 moves to admit State's Exhibit 9.

11 MR. CRANE: They've already seen it. No objections.

12 THE COURT: No objection. Without objection.

13 (WHEREUPON, State's Exhibit Number 9 was admitted into
14 evidence.)

15 BY MS. HENDRICKS:

16 Q Did you see the person who shot you that day?

17 A No, ma'am.

18 Q Did you see the car the person who shot you was in?

19 A Yes, ma'am.

20 Q Did you know any of these defendants before you were
21 shot?

22 A No, ma'am.

23 Q Did you know Quavon Edmunds before you were shot?

24 A No, ma'am.

25 Q What about any of the other codefendants that were

1 charged in this case?

2 A No, ma'am.

3 Q You said you did see the car the person who was in
4 shot?

5 A No. I only heard from my friend Anthony Butler.

6 Q Okay. Have you previously given a different version
7 of events than what you're telling us today?

8 A No.

9 Q Have you previously told us that you didn't break
10 into the house?

11 A Oh, yeah. But that was only because I was scared at
12 the hospital.

13 Q Okay. Do you remember law enforcement coming to the
14 hospital to talk to you?

15 A Yes, ma'am.

16 Q Were you able to talk at that point?

17 A No.

18 Q Why not?

19 A My mouth was wired shut.

20 Q Your jaw was wired shut?

21 A Yes, ma'am.

22 Q Do you remember writing on a paper to communicate
23 with law enforcement?

24 A Yeah. On a dry erase board.

25 Q And when you wrote "His name is Quavon, he was in the

1 bond hearing," did you know Quavon to be the shooter?

2 A No, ma'am.

3 Q So why did you say that?

4 A Because of my homeboy Anthony Butler, he had ---

5 MR. CRANE: Objection, Judge.

6 THE WITNESS: --- he had ---

7 THE COURT: Whoa, whoa.

8 MR. CRANE: Hearsay.

9 THE COURT: Cannot testify to what someone else told
10 you.

11 BY MS. HENDRICKS:

12 Q So you didn't have personal knowledge of that is what
13 you told police.

14 A No, ma'am.

15 Q Okay. Did you also tell law enforcement, "His
16 brother grabbed some weed and gave it to me"?

17 A Yes, ma'am.

18 Q And did that happen?

19 A No, ma'am.

20 Q And why did you tell law enforcement that?

21 A Because I -- at that time I didn't want to go to jail
22 for breaking into someone's house.

23 Q Is what you're telling us today the whole truth?

24 A Yes, ma'am.

25 Q And where were you shot?

1 A In the head.

2 Q What kind of treatment did you have to have?

3 A My mouth was wired shut and they had to give me metal
4 rods in my face to hold my jaw together.

5 Q So were you not able to talk while your jaw was wired
6 shut?

7 A Yes, ma'am. For like nine months.

8 Q How long were you in the hospital?

9 A Two weeks.

10 Q Did you have to have surgery?

11 A Yes, ma'am.

12 Q What kind of surgery did you have?

13 A I had three different surgeries over the course of
14 the weekend because I had three different bullets in my
15 mouth.

16 Q And are you still having issues from being shot?

17 A Yes, ma'am.

18 Q What kind of issues are you having?

19 A Hard to sleep, my jaw hurts every once in a while
20 when it's raining, I'm constantly nervous. Just, you
21 know, typical PTSD.

22 Q Do you have a hard time eating certain foods?

23 A Yes, ma'am. I had to eat through a feeding tube for
24 like six months.

25 Q Okay. I'm going to show you what's been marked for

1 identification purposes as Exhibit 10. Do you recognize
2 this photograph?

3 A Yes, ma'am.

4 Q And does it accurately depict the subject matter
5 therein on February 7, 2018?

6 A Yes, ma'am.

7 Q And has it been altered in any way?

8 A No, ma'am.

9 MS. HENDRICKS: Your Honor, at this time the State
10 offers Exhibit 10 for admission into evidence.

11 MR. CRANE: Judge, I would object on the fact that
12 it's totally inflammatory to the jury.

13 THE COURT: Let me see it.

14 MR. CRANE: No prejudicial value. You can describe
15 what his condition was.

16 THE COURT: Well, over your objection I'm going to
17 allow it.

18 MS. HENDRICKS: Thank you, Your Honor.

19 (WHEREUPON, State's Exhibit Number 10 was admitted into
20 evidence.)

21 MS. HENDRICKS: Permission to publish, Your Honor.

22 THE COURT: Yes.

23 BY MS. HENDRICKS:

24 Q And Fred, is that a picture of you on
25 February 7, 2018?

1 A Yes, ma'am.

2 Q Was that taken at the hospital?

3 A Yes, ma'am.

4 MS. HENDRICKS: No further questions, Your Honor.

5 THE COURT: Okay. Cross.

6 CROSS EXAMINATION

7 BY MR. CRANE:

8 Q Mr. Knowles, from your testimony let me see if I got
9 this right, okay? You're a dope dealer, right? Sir?

10 A No, sir.

11 Q You're not a dope dealer.

12 MS. HENDRICKS: Objection, Your Honor.

13 MR. CRANE: Well, let's go back ---

14 THE COURT: Whoa, whoa.

15 MR. CRANE: Okay.

16 THE COURT: Basis?

17 MS. HENDRICKS: Relevance.

18 THE COURT: Overruled. Go ahead. He's answered it.
19 Go ahead.

20 BY MR. CRANE:

21 Q You're not a dope dealer?

22 A No, sir.

23 Q You've been convicted of possession of cocaine base
24 which is crack cocaine.

25 A It was less than a gram.

1 Q I understand that.

2 Possession of methamphetamine, right?

3 A Uh-huh.

4 Q And distribution. Now, distribution means giving it
5 to someone. So that makes you a dealer, doesn't it?

6 A Yes, sir.

7 Q Excuse me?

8 THE COURT: Hey, you've gone too far. This is
9 evidence of prior convictions are used or allowed in court
10 in a trial to impeach the credibility or believability of
11 a witness.

12 MR. CRANE: Yes, sir. She brought out his
13 convictions.

14 THE COURT: Correct.

15 BY MR. CRANE:

16 Q Okay. And have you been convicted of trafficking
17 cocaine or are you in jail for that?

18 A I'm in jail for it.

19 Q You're in jail for that.

20 A (Nods head affirmatively.)

21 Q And you got another possession with intent to
22 distribute and carrying a pistol?

23 A (Nods head affirmatively.)

24 Q I couldn't hear you.

25 A Yes, sir.

1 Q Okay. All right. So you're involved in the drug
2 business.

3 Number two, you're a liar, aren't you?

4 A No, sir.

5 Q You're not?

6 A (Shakes head negatively.)

7 Q Didn't you lie to law enforcement when they asked you
8 about this? You gave them a false story about going over
9 there to buy marijuana?

10 A Yes. Only because I was scared.

11 Q Excuse me? Excuse me?

12 A Yes. Only because I was scared.

13 Q Because you were scared of what?

14 A Of going to jail for breaking into someone's house.

15 Q So number three, you're a thief, right?

16 A (Nods head affirmatively.)

17 Q I couldn't hear you.

18 A Yes, sir.

19 Q Yes, sir.

20 And you helped kick in the door. And you went in and
21 stole marijuana, a puppy, jewelry, a gun called a Draco
22 and a game system. What else did y'all steal?

23 A That was it. And a pair of shoes.

24 Q And what? Pair of shoes?

25 A (Nods head affirmatively.)

1 Q Which were found in your car when wrecked, weren't
2 they?

3 A (Nods head affirmatively.)

4 Q Did you ever even know Quavon?

5 A No, sir.

6 Q Have you ever met Quavon?

7 A No, sir.

8 Q Do you know if that's Quavon over there?

9 A Only because he was at the bond hearing.

10 Q You don't know that, do you?

11 A No, sir.

12 Q Okay. You didn't go to school with Quavon, did
13 you?

14 A No, sir.

15 Q Do you know if Lee Moss did? You don't know.

16 A No, sir.

17 Q And after you guys burglarized the house, you went
18 and you picked up Ms. Lomax to take her to work.

19 A Yes, sir.

20 Q And at Rutherford and Main Street, you got shot.

21 A Yes, sir.

22 Q By somebody.

23 A Yes, sir.

24 Q Right?

25 You didn't see who shot you, did you?

1 A No sir.

2 Q You didn't see the car either, did you?

3 A No, sir.

4 MR. CRANE: One moment, please, Judge.

5 BY MR. CRANE:

6 Q Let me ask you this question. Did you finally admit
7 to law enforcement that you burglarized Mr. Edmunds's
8 house?

9 A Yes, sir.

10 Q You did?

11 A (Nods head affirmatively.)

12 Q Well, did they charge you with it?

13 A (Shakes head negatively.)

14 Q No?

15 A (Shakes head negatively.)

16 Q You're not charged with burglary and larceny?

17 A (Shakes head negatively.)

18 Q Have you been offered anything to testify today?

19 A No, sir.

20 Q Nothing at all?

21 A No, sir.

22 Q What do you expect to get out of it from your
23 testimony?

24 A Nothing.

25 Q Are you represented by an attorney?

1 A Yes, sir.

2 Q Excuse me?

3 A Yes, sir.

4 Q Who?

5 A Sarah ---

6 Q I can't hear you.

7 A I can't think of her last name. Her first name is
8 Sarah.

9 Q Okay, okay. And you don't expect to get any good
10 treatment on these current charges that are pending?

11 A No, sir.

12 Q But you don't expect to be charged with burglary; is
13 that correct?

14 A No, sir.

15 Q You don't?

16 A (Shakes head negatively.)

17 MR. CRANE: Okay. Thank you.

18 MS. HENDRICKS: Brief redirect, Your Honor?

19 THE COURT: Okay.

20 REDIRECT EXAMINATION

21 BY MS. HENDRICKS:

22 Q Fred, when you said you told law enforcement
23 eventually that you did break into the house, who did you
24 tell?

25 A You guys.

1 Q So were you thinking that I'm law enforcement?

2 A Yes.

3 MS. HENDRICKS: Okay. No further questions, Your
4 Honor.

5 THE COURT: Okay. You can step down. Thank you.
6 Okay.

7 MS. HENDRICKS: Your Honor, our next witnesses are
8 co-defendants, so we were planning on starting with them
9 in the morning because they're going to be pretty lengthy.

10 THE COURT: All right. Okay. Ladies and gentlemen,
11 we're going to break for the evening. I ask y'all to be
12 back up in your jury room about 9:30 in the morning.
13 Please remember not to discuss the case, don't do any
14 research, don't go visit the scene, and we'll see you in
15 the morning.

16 (WHEREUPON, the jury exits the courtroom at 4:43 p.m.)

17 THE COURT: All right. Anything?

18 MR. CRANE: No, sir.

19 MS. HENDRICKS: No, sir.

20 THE COURT: Well, the issue of bond comes up. We'll
21 take him into custody.

22 (WHEREUPON, proceedings recessed at 4:44 p.m.)
23
24
25

P R O C E E D I N G S

Tuesday, November 8, 2022

(WHEREUPON, proceedings reconvened at 9:46 a.m.)

THE COURT: Okay. Ready to go?

MS. HENDRICKS: Yes, Your Honor.

MR. CRANE: Judge, one matter. I would respectfully request the Court to sequester the witnesses in the case from this point on. The reason being that I think we're getting into some of the alleged codefendants.

THE COURT: Yeah?

MR. CRANE: They've all given statements. They're all different. I don't know what they might testify to. I don't think they ought to be able to stay in here and listen to each other.

THE COURT: Are they in here?

MR. CRANE: I don't know. I don't know who they are. I don't know who they are. I know what their names are, but I don't know what they look like.

THE COURT: Who have you got in here?

MS. HENDRICKS: Your Honor, I don't believe any of the codefendants are in here at this time. We do have our first witness that we're going to call in here, but if you would like to sequester, we're not opposed to that.

THE COURT: Okay. We'll do that.

So please instruct your witnesses that once they

1 testify, they're not allowed to discuss their testimony
2 with others who have not testified.

3 MR. CRANE: I can give you a specific list if you
4 want to do that.

5 THE COURT: They know who their witnesses are.

6 MR. CRANE: Okay. Thank you, Judge.

7 THE COURT: Okay. Let's get them.

8 (WHEREUPON, the jury entered the courtroom at 9:48 a.m.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back. We're ready to resume.

11 Call your next witness.

12 MS. GASSER: The State calls Jatón Lomax.

13 THE CLERK: Please stop at the end of the bench.
14 Place your left hand on the Bible and raise your right
15 hand.

16 WHEREUPON,

17 JATON LOMAX

18 After having been duly sworn, testified as follows:

19 THE CLERK: Thank you. Please be seated. Please
20 state your name for the record.

21 THE WITNESS: Jatón Lomax.

22 DIRECT EXAMINATION

23 BY MS. GASSER:

24 Q Good morning, Ms. Lomax.

25 A Good morning.

1 Q Do you know Mr. Frederick Miller-Knowles?

2 A Uh-huh.

3 Q Do you see him in the courtroom today?

4 A Yes.

5 Q Where is he?

6 A Right there (indicating).

7 MS. GASSER: Let the record reflect that she did
8 point out the victim, Mr. Frederick Miller-Knowles,
9 sitting beside me.

10 BY MS. GASSER:

11 Q And how do you know Mr. Miller-Knowles?

12 A That was my boyfriend at the time.

13 Q And how long did y'all date?

14 A Two or three years, something.

15 Q Were y'all dating in February 2018?

16 A Yes.

17 Q And can you tell us about your day on February 7,
18 2018?

19 A He was shot when I was on my way to work.

20 Q So was that your first day of work?

21 A Yes, ma'am.

22 Q And where were you living at the time?

23 A Over near Cherrydale.

24 Q And did Mr. Miller-Knowles live with you?

25 A Yeah. But not that day. Like I had kicked him out.

1 Q Did he spend the night with you the night before?

2 A Not -- not that night.

3 Q So -- but you just testified that he drove you to
4 work?

5 A Uh-huh. He came and picked me up.

6 Q So when did he come and pick you up?

7 A Sometime before I was supposed to go to work. I
8 don't remember the exact time.

9 Q Was it early morning? afternoon?

10 A No. It was afternoon.

11 Q Okay. And what car did he pick you up in?

12 A In Blake car. It was a red car. I don't remember
13 what kind of car.

14 Q Was anyone with him?

15 A I don't think ---

16 Q Do you know a Lee Moss?

17 A Yeah. I think they were together.

18 Q Who was he?

19 A His friend or something, cousin, something.

20 Q And did they have anything with them when they were
21 together?

22 A What do you mean?

23 Q Did they have any items with them?

24 A Yeah.

25 Q What?

1 A A dog.

2 Q A dog?

3 A And gun.

4 Q A gun?

5 A Uh-huh.

6 Q Anything else?

7 A Some weed, I think.

8 Q Okay. And where did y'all go after

9 Mr. Miller-Knowles picked you up?

10 A He was trying to take me to work, and then he got
11 shot on the way.

12 Q So what road were you on?

13 A Rutherford Road.

14 Q And do you know what intersection you were near?

15 A I think it's Main Street where the fire department
16 is.

17 Q So explain to me when you all got to Main Street and
18 Rutherford Road, what happened?

19 A He was cutting his wheels to the right, and then
20 that's when he got shot before he could complete the turn.

21 Q And so what direction were you coming down Rutherford
22 Road; do you remember?

23 A We were going towards the fire department.

24 Q Towards the fire department.

25 A Uh-huh.

1 Q So you had the Cherrydale area behind you.

2 A Yeah. We kind of cut through Brutontown area and
3 then turned on Rutherford Road.

4 Q And where is the Brutontown area?

5 A Kind of near Cherrydale. I don't know how to explain
6 it.

7 Q Are there any businesses that you know that are in
8 that area?

9 A There used to be a Church's Chicken right there, but
10 it's closed down. I don't know what else, though.

11 Q And what happened once he cut his wheels to the
12 right?

13 A Then that's when he got shot.

14 Q And what lane were y'all in?

15 A The right lane, turning lane.

16 Q Did you see the shooter?

17 A No.

18 Q Did you see the shooter's car?

19 A No.

20 Q And what happened after the shots?

21 A I had to grab the wheel, and then we kind of ran into
22 the building across the street.

23 Q So when you say "across the street," did y'all go
24 right? left? Did you go straight?

25 A It's like we went catty-corner into the parking lot

1 in the building.

2 Q And did you call 9-1-1?

3 A Yes.

4 Q And did you -- what happened after the car rolled
5 into the building?

6 A Then I called 9-1-1 and the firefighters came over.

7 Q And did you see Mr. Miller-Knowles?

8 A Yeah.

9 Q How did he appear?

10 A His earlobe was hanging. He had blood coming from
11 his ear.

12 Q Were you injured?

13 A No.

14 Q And did anyone come help you and Mr. Miller-Knowles?

15 A Yeah. I think the firefighters.

16 Q All right. Ms. Lomax, I'm going to show you what's
17 been entered into evidence as State's Exhibit Number 7.

18 Do you recognize this?

19 A Yeah. What's that?

20 Q Do you recognize the person in the photograph?

21 A That's me.

22 Q That's you?

23 So do you remember talking to law enforcement that
24 day?

25 A I mean, yeah. They wouldn't let me go to the

1 hospital until I talked to them.

2 Q Okay. And so after you talked to law enforcement,
3 you went to the hospital.

4 A Uh-huh.

5 Q And did you have any other involvement in this case?

6 A No.

7 MS. GASSER: Thank you, Ms. Lomax. I have no further
8 questions. Please answer any that defense counsel might
9 have.

10 CROSS EXAMINATION

11 BY MR. CRANE:

12 Q Ms. Lomax, good morning. How are you?

13 A I'm good. How are you?

14 Q Good.

15 I just have a couple questions to follow up. Because
16 you talk real soft, I couldn't hear you over there too
17 much.

18 A Uh-huh.

19 Q You said that you and Fred had been dating for about
20 13 years?

21 A No. Two or three years.

22 Q I'm sorry. Two or three years prior to the shooting.

23 A Around the time of the shooting.

24 Q Let me figure out, did you start dating close to the
25 time of the shooting or were you dating two or three years

1 prior to that?

2 A Oh, we probably started dating in 2017.

3 Q 2017. So the year before the shooting.

4 And I think you indicated he lived with you on and
5 off but that you had kicked him out the night before.

6 A A couple days before.

7 Q A couple days before.

8 A Uh-huh.

9 Q But he picked you up to go to work.

10 A Uh-huh.

11 Q And who was with him when he picked you up the first
12 time?

13 A Lee.

14 Q Lee Moss?

15 A Uh-huh.

16 Q And were you in the same car when Lee Moss was with
17 him as you were when he got shot?

18 A Huh?

19 Q Was it just one car that day that you guys were in?

20 A Yeah, yeah.

21 Q Okay. What happened to Lee Moss?

22 A I guess he stayed at my house.

23 Q Stayed at your house.

24 A Yeah.

25 Q All right.

1 A He was talking to my friend that stayed with me.

2 Q Okay. And what did you see in the car?

3 A What do you mean?

4 Q What kind of items were in the car that you told the
5 solicitor about?

6 A Some weed, the dog, a gun.

7 Q Weed?

8 A Uh-huh.

9 Q Dog?

10 A Uh-huh.

11 Q You said a gun?

12 A Uh-huh.

13 Q What else?

14 A Some shoes.

15 Q Shoes?

16 A Yeah. I don't think it was nothing else.

17 Q Any jewelry?

18 A No.

19 Q And where were all of those items?

20 A In the trunk.

21 Q Okay. When you ---

22 A I don't think the gun was in the trunk, though, or
23 the dog.

24 Q Okay. Good.

25 What happened to those items when y'all left?

1 A Like when he left to take me to work?

2 Q Yeah. And let me rephrase it. Was the puppy in the
3 car when he got shot?

4 A No.

5 Q Was the gun in the car when he got shot?

6 A No.

7 Q Do you know if the weed was in the car when he got
8 shot?

9 A I don't know. If it was, it was in the trunk.

10 Q And what about the shoes?

11 A I don't know. That could have been in the trunk or
12 left at my house. I really don't remember.

13 Q Okay. When was the puppy and the gun removed from
14 the car?

15 A Probably before I went to work or was trying to go to
16 work.

17 Q All right. And then when you left your place -- and
18 where did you live again?

19 A Kind of near Cherrydale.

20 Q Okay. When you left your place, it was just you and
21 Mr. Miller, your friend?

22 A Uh-huh. Yeah.

23 Q You don't know Mr. Edmunds, do you?

24 A No.

25 Q Okay. And you've indicated that as you guys were

1 getting ready to turn right onto Main Street, a car
2 pulled up beside you and started shooting; is that
3 correct?

4 A Yeah. Just started shooting.

5 Q And then the car you were in went across the
6 intersection, kind of crashed in the parking lot.

7 A Uh-huh.

8 Q All right. And just so we're clear, you did not see
9 the car.

10 A No.

11 Q Or the shooters.

12 A No.

13 MR. CRANE: Thank you, ma'am. Appreciate it.

14 THE COURT: Any redirect?

15 MS. GASSER: No, Your Honor.

16 THE COURT: All right. Now you can step down.

17 MS. GASSER: Your Honor, may we release this witness
18 from her subpoena?

19 THE COURT: Any objection?

20 MR. CRANE: I have no objection.

21 THE COURT: Okay.

22 MS. GASSER: The State calls Will Godfrey.

23 THE CLERK: Please stop at the end of the bench.

24 Place your left hand on the Bible and raise your right
25 hand.

1 WHEREUPON,

2 WILL GODFREY

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please be seated. Please
5 state your name for the record.

6 THE WITNESS: Will Godfrey.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MS. GASSER:

10 Q Good morning, Mr. Godfrey. Can you tell the jury
11 where you're currently employed?

12 A Greenville City Fire Department.

13 Q And what is your position within the fire department?

14 A Lieutenant.

15 Q And how long have you been with the fire department?

16 A 21 years.

17 Q And are there any other positions that you've held
18 while there?

19 A I started off as firefighter and made it up to
20 driver, and then I was promoted to fire specialist and
21 then now lieutenant.

22 Q And were you working for the fire department in
23 February of 2018?

24 A Yes, ma'am.

25 Q And what station were you assigned to in February

1 2018?

2 A North Main Station, also known as our Station 7.

3 Q And if you were to see a map of that area, would you
4 recognize where the fire department is located?

5 A Yes, ma'am.

6 Q I'm now showing you what's already been entered into
7 evidence as State's Exhibit Number 5. Could you point out
8 for the jury -- you can step down. Can you point out for
9 the jury where that fire department is and circle it using
10 this black pen?

11 A (Witness complies.)

12 MS. GASSER: Let the record reflect that Mr. Godfrey
13 has circled the fire department located at the
14 intersection of North Main and Rutherford Road.

15 BY MS. GASSER:

16 Q Can you tell us, were you working on February 7,
17 2018?

18 A Yes, ma'am.

19 Q And can you tell us about that day?

20 A Myself and another truck were out in front of the
21 front parking lot assisting one of our rescue trucks with
22 filling their Cascade system with air.

23 Q So do you fill air at all the fire stations or just
24 this one?

25 A No, ma'am. We have -- well, we currently now have

1 four stations that can fill the rescue trucks. At the
2 time we only had two.

3 Q And the North Main station was one of those?

4 A Yes, ma'am. It's the primary station we used.

5 Q And how did you become involved in this case?

6 A Well, like I said, we were filling -- helping them --
7 assisting them with filling the Cascade system. And we
8 were standing out in the front parking lot while it was
9 filling, and we heard gunshots. We all turned around to
10 look back towards the red light where we heard them coming
11 from, and that's when we saw a vehicle veer off the road.
12 And the driver of the vehicle's head slumped down, and the
13 window came crashing out of the car. And it hit a barrier
14 wall in the back parking lot where the car came to rest.

15 Q You said at a red light. What intersection is that?

16 A That would be Rutherford and North Main Street.

17 Q And you said you saw a car veer off. What -- can you
18 describe that car?

19 A That was the vehicle that we later learned it was a
20 victim of a shooting.

21 Q What -- do you remember the color of the car?

22 A Of that vehicle, not off the top of my head. The
23 other vehicles I saw were the vehicles that were speeding
24 off.

25 Q All right. So let's talk about those vehicles.

1 A All right.

2 Q What -- can you describe those cars that you saw
3 speeding off?

4 A I saw one Camaro with oversized chrome wheels on it.
5 There was a darker color Impala and another Camaro.

6 Q And do you know the color of the Camaro with the
7 oversized wheels?

8 A It's a dark gray or black.

9 Q And when you say "speeding off," what direction were
10 these cars going?

11 A Heading towards 291.

12 Q And what is 291?

13 A North Pleasantburg Drive.

14 Q So did you see any of the persons in those vehicles?

15 A The windows were tinted on them.

16 Q On all of the vehicles?

17 A Yes, ma'am.

18 Q And so you said that you went across the street,
19 correct?

20 A Yes, ma'am.

21 Q And what did you do when you got across the street?

22 A Once the vehicle sped off, we were fairly certain if
23 that's what that case was, they were probably the people
24 that done what they had done to the other vehicle. We
25 went over and started rendering aid to the vehicle that

1 was behind the business that had hit the barrier wall.

2 Q And did you see any persons on scene? Did you see
3 the person in the car that had veered off?

4 A I personally did not. Myself and one other fire
5 specialist at the time stood on the corners. We do what
6 we call is saving a scene. We let our medical guys go in,
7 and we kind of stay back where we can make sure nothing
8 else happens.

9 Q But -- so other firefighters tended to the victim's
10 injuries?

11 A Yes, ma'am. Yes, ma'am.

12 Q And did law enforcement arrive?

13 A Yes, ma'am.

14 Q Did you speak with law enforcement?

15 A I spoke with the first arriving officer on scene
16 after one of the vehicles returned to the scene.

17 Q And so you said a vehicle returned to the scene. Can
18 you tell me about that?

19 A It was the Impala.

20 Q And when the vehicle returned to the scene, did they
21 come in the parking lot? Did they roll down their
22 windows? What happened?

23 A They came. I was standing on the corner of the
24 parking lot. The other fire specialist was standing on
25 the other corner closer to North Main. The vehicle came a

1 few inches shy of coming in the parking lot and stopped,
2 just stared at me.

3 And then about that time you could hear law
4 enforcement coming. The car, put it in reverse and
5 quickly sped back off towards North Pleasantburg Drive.
6 That's when I made contact with the first officer that
7 arrived on scene and advised him to go get that one car.
8 That was one of the ones involved.

9 Q Okay. And did that law enforcement officer chase
10 down that Impala ---

11 A Yes, ma'am.

12 Q --- from what you know? Okay.

13 And did you give law enforcement a written statement
14 about what you saw, heard and did?

15 A Yes, ma'am.

16 Q And other than coming to testify here today, did you
17 have any other involvement in this case?

18 A No, ma'am.

19 MS. GASSER: That's all the questions I have. Please
20 answer any for defense counsel.

21 MR. CRANE: Judge, one moment, please.

22 CROSS EXAMINATION

23 BY MR. CRANE:

24 Q Mr. Godfrey, good morning. How are you?

25 A Fine.

1 Q Good. Thank you.

2 I've got just a few questions. What brought your
3 attention to the incident? Was it the gunshots?

4 A That's what drew our attention that direction.

5 Q Okay. And can you come down over here, please.

6 A Yes, sir.

7 Q Maybe the jury can see better. I'm not sure how we
8 can do this.

9 THE COURT: There's an easel over there, Mr. Crane,
10 if you want to use it.

11 MR. CRANE: Thank you, Judge.

12 BY MR. CRANE:

13 Q Okay. I think we've had this identified. Can you
14 tell me, this is North Main and Rutherford, traffic light
15 is here (indicating); is that correct?

16 A Correct.

17 Q Haven't been out there in a while, but what's on this
18 (indicating) corner where the red dot is?

19 A There's a house on this corner right here
20 (indicating).

21 Q Okay. And what's across the street?

22 A There's another house that's also right here
23 (indicating).

24 Q All right.

25 A Sorry. There's -- the house is here (indicating).

1 This is the business.

2 Q Okay.

3 A You can barely see it under the numbers.

4 Q Okay. That's fine.

5 And where was the -- can you have a seat? Where was
6 the car that you went to help people with? Like under the
7 8?

8 A Well, under the 8 -- well, between the 8 and the 2,
9 right in between them.

10 Q Okay. And do you know what that business is?

11 A At the time it was a custom home builder's office.

12 Q Okay. And it's been an ice cream parlor.

13 A It's been quite a few things.

14 Q A bunch of different things.

15 All right. And where's the fire department?

16 A Right here (indicating).

17 Q Right here (indicating).

18 And which way did you see the Camaro with the big
19 wheels go?

20 A All of them went this direction (indicating).

21 Q All right. Now, is all of this (indicating) area
22 your area for the fire department?

23 A When I was stationed at that station, yes, sir. We
24 ran all the way down -- or Poinsett Highway intersection
25 all the way up 291 and down to Wade Hampton.

1 Q Now, they're not marked here, but are you familiar
2 with Bennett Street?

3 A Yes, sir.

4 Q Can we see Bennett Street on here?

5 A No, sir. You've got to run Summit Drive all the way
6 up before it gets back to Bennett.

7 Q So Summit Drive has to go way down here (indicating)
8 to get to Bennett Street.

9 A Yes, sir.

10 Q I would assume that Cary Street is way down here too;
11 is that right? You know Cary Street?

12 A I know the -- I've heard of it. I have not been
13 stationed at that station for almost two years now.

14 Q What about Mohawk?

15 A Very familiar with Mohawk.

16 Q Is it down here too?

17 A Yes, sir.

18 Q Okay. Thank you. You can have a seat.

19 And I believe you said that when you heard the shots
20 and saw the Camaro leaving, you didn't see anybody, you
21 couldn't identify anybody in the car.

22 A Couldn't, no, sir.

23 Q And that at some point the Impala returned to the
24 scene.

25 A Yes, sir.

1 Q I might have misunderstood you, but I think you said
2 you stared at him?

3 A At the vehicle, yes.

4 Q Not at a person in the car.

5 A Could not see in it, no, sir.

6 Q Okay. So you couldn't identify anybody in the car.

7 A No, sir.

8 Q Okay. You've never seen this fellow before, have
9 you?

10 A No, sir.

11 MR. CRANE: Okay. Thank you. Appreciate it.

12 THE COURT: Any redirect?

13 MS. GASSER: No, Your Honor.

14 THE COURT: All right. Thank you, Officer. You may
15 stand down. You're released from subpoena.

16 MS. HENDRICKS: Your Honor, may we approach briefly?

17 THE COURT: Okay.

18 (WHEREUPON, a bench conference was held off the record.)

19 MS. GASSER: The State calls Jaquin Dodd.

20 THE CLERK: Please stop at the end of the bench.

21 Place your left hand on the Bible and raise your right
22 hand.

23 WHEREUPON,

24 JAQUIN DODD

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Please be seated. Please
2 state your name for the record.

3 THE WITNESS: Jaquin Dodd.

4 DIRECT EXAMINATION

5 BY MS. GASSER:

6 Q Good morning, Mr. Dodd. Are you a codefendant in
7 this case?

8 A Yes.

9 Q What were you charged with originally?

10 A Attempted murder.

11 Q Anything else?

12 A Conspiracy.

13 Q And have you plead guilty in this case?

14 A Yes.

15 Q What did you plead guilty to?

16 A Conspiracy and -- conspiracy after the fact.

17 Q Accessory after the fact?

18 A Accessory after the fact.

19 Q Is that it? Okay.

20 And how much time do these charges carry?

21 A Accessory after the fact holds up to 15 and
22 conspiracy holds five.

23 Q And what about the attempted murder charge, do you
24 know how much time that carries?

25 A 30, I think.

1 Q Up to 30 years?

2 A Yeah. Up to 30.

3 Q And what happened to that attempted murder charge?

4 A It got -- it got reduced.

5 Q To the accessory after the fact?

6 A Yes.

7 Q And have you been sentenced on the conspiracy and
8 accessory after the fact charges?

9 A No.

10 Q Have you been promised anything in regards to
11 sentencing on those charges?

12 A No.

13 Q Have you been promised anything for your testimony
14 here today?

15 A No.

16 Q Now, Mr. Dodd, would you recognize a photograph of
17 yourself from 2018 if you were to see one?

18 A Yes.

19 Q Do you look any different back then ---

20 A No.

21 Q --- as you do now? Do you remember?

22 A Yeah. I would look the same.

23 Q Mr. Dodd, I'm handing you what's been premarked as
24 State's Exhibit Number 11. Do you recognize that
25 photograph?

1 A Yes.

2 Q How do you recognize it?

3 A That's me.

4 Q Is that a fair and accurate representation of what
5 you looked like in February of 2018?

6 A Yes.

7 Q Has it been changed or altered in any way?

8 A No.

9 MS. GASSER: Your Honor, at this time the State moves
10 to enter State's Exhibit Number 11 into evidence.

11 MR. CRANE: No objection.

12 THE COURT: All right. Without objection.

13 (WHEREUPON, State's Exhibit Number 11 was admitted into
14 evidence.)

15 BY MS. GASSER:

16 Q All right. Mr. Dodd, how do you know Curtis Collins?

17 A Went to school together.

18 Q What school?

19 A Greer High.

20 Q And how long have you known Mr. Collins?

21 A A couple years.

22 Q A couple years. So you went to high school together.

23 How old are you now?

24 A 25.

25 Q So ten years; is that fair?

1 A Yes.

2 Q And how do you know Damous Beasley?

3 A We went to the same church for a while.

4 Q So you know him a while?

5 A Yes.

6 Q Longer than Mr. Collins?

7 A No.

8 Q No. How long would you say?

9 A Maybe like -- maybe five -- maybe five years, maybe.

10 Q Okay. So what were you doing the morning of
11 February 7, 2018?

12 A Can you ask the question again?

13 Q What were you doing the morning of February 7, 2018?

14 A Nothing, really. Just sleeping, really.

15 Q Okay. So where were you sleeping?

16 A I was at Curtis Collins's house.

17 Q And were you living with Curtis Collins at the time?

18 A No.

19 Q Y'all were just hanging out?

20 A Yes.

21 Q And how did you become involved in this case?

22 A I'm not really sure.

23 Q Did you see Damous Beasley that day?

24 A Yes, I did.

25 Q So how did you see Damous Beasley?

1 A I just got a phone call that -- not me, but I just --
2 I just heard that his house got broken into, and I just
3 went over there and I seen him.

4 Q So someone called but not you. So who called who?

5 A I'm not sure.

6 Q But y'all got a call saying to come over to Damous
7 Beasley's house?

8 A I'm not sure if that's his house, but yes.

9 Q But you said his house got broken into, so who's the
10 "his"?

11 A I'm not sure that whose house it is or whatever. I
12 just got called over there.

13 Q Did you know if Damous Beasley lived there?

14 A No. I did not know that.

15 Q All right. Was this house in Taylors?

16 A Yes, it was.

17 Q Do you remember the area?

18 A In Taylors.

19 Q In Taylors.

20 A Yeah.

21 Q Do you remember a road?

22 A Not -- I'm not sure what exact road it was.

23 Q St. Mark's, something like that?

24 A I'm not sure.

25 Q Okay. So when you got over there, did you see Damous

1 Beasley?

2 A Yes, I did.

3 Q And once you're over there, what did you learn?

4 A The house got broken into and . . .

5 Q And that's it?

6 A Yes, ma'am.

7 Q Was anything taken?

8 A It was some furniture and some clothes taken [sic].

9 Q Did they know who broke in?

10 A I didn't know.

11 Q You didn't know, but did people there know?

12 A Not -- I'm not sure. I'm not sure.

13 Q Was anyone else there or was it just you?

14 A It was just me -- me and Curtis and Damous.

15 Q Okay. Were there other people that you didn't know,
16 though?

17 A Yes.

18 Q Okay. Now, what did y'all do after getting to the
19 house that got broken into? Did y'all get in a car?

20 A Yes. We got in a car.

21 MR. CRANE: Judge, two things. Respectfully, could
22 we ask him to speak up a little bit or speak into the mic?

23 THE COURT: Yeah. Just get a little closer to the
24 microphone if you would and speak up a little bit.

25 MR. CRANE: And secondly, I object to any leading

1 question of this witness or any other witnesses.

2 THE COURT: Okay. Well, don't lead. Go ahead.

3 BY MS. GASSER:

4 Q Mr. Dodd you just said that you got into a car.
5 Where did y'all go?

6 A Went driving around.

7 Q Driving around. So where were you driving around?

8 A We was driving around in the Greenville area.

9 Q In Greenville. So you testified earlier that the
10 house you went to was in Taylors, but now you're in the
11 Greenville area; is that right?

12 A Yes.

13 Q Do you remember being on Rutherford Road?

14 MR. CRANE: Judge, I object. That's leading.

15 THE COURT: Well, try not to lead, but I will allow
16 some of it to get through this.

17 MR. CRANE: I understand. Yes, sir. Thank you.

18 BY MS. GASSER:

19 Q Mr. Dodd, do you remember being on any roads that
20 day, the names of the roads?

21 A I do remember being on Wade Hampton.

22 Q You remember being on Wade Hampton.

23 A Yes.

24 Q All right. What happened after you were on Wade
25 Hampton?

1 A Nothing, really. Just driving around still.

2 Q What were y'all talking about in the car? What were
3 you saying?

4 A I really wasn't saying nothing. I was listening to
5 music, you know. Not really talking.

6 Q Okay. So you're driving -- driving around listening
7 to music?

8 A Yeah.

9 Q And were you in a car that was pulled over by law
10 enforcement that day?

11 A Yes.

12 Q Were you taken into custody?

13 A Yes.

14 Q And did you speak with investigators?

15 A Yes.

16 Q And you told them all this?

17 A No.

18 Q What didn't you tell them?

19 A I just told my part in this whole -- this whole
20 thing.

21 Q Do you know the defendant, Quavon Edmunds?

22 A I know of him now, yes.

23 Q You know of him?

24 A Yes.

25 Q Was he at the house that day?

1 A Yes.

2 Q The house in Taylors?

3 A Yes.

4 Q Now, you said that you were in a car that was pulled
5 over by law enforcement. What car was that?

6 A It was a black car.

7 Q It was a black car. Do you know the make or model of
8 that car?

9 A It was an Impala.

10 Q An Impala. Was it your car?

11 A No.

12 Q Whose car was it?

13 A It was Damous's.

14 Q Where were you sitting?

15 A I was in the backseat.

16 Q Who was driving?

17 A Damous.

18 Q Was anyone else in the car?

19 A Yes.

20 Q Who?

21 A Curtis.

22 Q And was anyone else in the car other than Curtis?

23 A No.

24 Q So it was just you three?

25 A Yes.

1 Q Did you have a gun that day?

2 A No.

3 Q Did anyone shoot out of your vehicle that day?

4 A No.

5 MS. GASSER: All right. I have no further questions.
6 Please answer any that defense counsel may have.

7 CROSS EXAMINATION

8 BY MR. CRANE:

9 Q Good morning, Mr. Dodd. How are you?

10 A Good.

11 Q Good.

12 Now, the solicitor asked you about your criminal
13 charges. Were you ever charged with attempted murder?

14 A No.

15 Q All right. You were charged with conspiracy and
16 accessory after the fact?

17 A Yes.

18 Q Sir?

19 A Yes.

20 Q And was attempted murder charges ever discussed with
21 you?

22 A Yes.

23 Q How was that -- how did that happen?

24 MS. GASSER: Objection, Your Honor.

25 THE COURT: Based on what?

1 MS. GASSER: Your Honor, he's going into the plea
2 negotiations for his guilty pleas.

3 MR. CRANE: To what? Getting into what?

4 THE COURT: What's the basis of your objection?

5 MS. GASSER: 403, Your Honor.

6 THE COURT: I'm going to allow him -- go. Just see
7 where it goes.

8 BY MR. CRANE:

9 Q So who talked to you about attempted murder?

10 A My lawyer.

11 Q Okay. And were you told that if you testified, you
12 probably would not be charged with attempted murder, but
13 if you didn't testify, you might?

14 A I never had that conversation.

15 Q All right. What conversation did you have about
16 attempted murder?

17 A Ask the question again.

18 Q Yes, sir. What conversation did you have about
19 attempted murder?

20 A Just about like how much time it holds.

21 Q Okay. Why would he discuss that with you if you
22 weren't going to be charged with it?

23 A I believe he wasn't sure at the time.

24 Q Okay. And who is your attorney?

25 A Mr. Holcomb.

1 Q Who?

2 A Holcomb. I know his last name is Holcomb.

3 Q Okay. All right. The solicitor indicated that -- or
4 you told the solicitor you know Mr. Collins because you
5 all went to high school together.

6 A Yes.

7 Q And you know Mr. Beasley longer than you've known
8 Collins; is that correct?

9 A No.

10 Q Oh, you've known Collins longer?

11 A Yes.

12 Q All right. And that you received -- or someone --
13 you were hanging out with Collins, and someone got a phone
14 call. Did you get a phone call or someone else?

15 A Somebody else.

16 Q And as a result of that phone call, where did you go?

17 A We went to Taylors.

18 Q I'm sorry?

19 A We went to Taylors.

20 Q Do you know to whose house you went to?

21 A No. I'm not sure.

22 Q And when you got to Taylors -- how did you get to
23 Taylors?

24 A By car.

25 Q Your car?

1 A No.

2 Q Whose car?

3 A Damous's -- Damous's car.

4 Q Beasley or Collins?

5 A Beasley.

6 Q So was Beasley at Collins's house with you?

7 A No.

8 Q All right so did Beasley come pick you guys up?

9 A No.

10 Q Well, how do you get Beasley's car?

11 A When we went to Taylors.

12 Q All right. I'm not trying to trick you. My question

13 was, when you were with Collins -- where were you hanging

14 out with Collins? Greenville or Taylors?

15 A When I was hanging out with Collins?

16 Q Yeah.

17 A Greer.

18 Q Greer.

19 A Yeah.

20 Q All right. How did you get to Taylors?

21 A I got there by car.

22 Q Whose car?

23 A Beasley.

24 Q So Beasley came and picked you up in Greer?

25 A No.

1 Q Where did you meet Beasley?

2 A I met him at the house that got broken into.

3 Q How did you get there from Greer to Taylors? Did you
4 walk?

5 A No. I got there by car.

6 Q And whose car?

7 A Curtis.

8 Q Curtis's car?

9 A Collins.

10 Q Collins's car.

11 A Yeah.

12 Q Okay. So Collins drove you to the house in Taylors.

13 A Yes.

14 Q What kind of car did Collins have?

15 A I'm not sure. It's been so long.

16 Q Okay. Did Collins leave his car there or did Collins
17 take his car when y'all left?

18 A He left his car. I think he left his car.

19 Q And so when you left that place in Taylors, who were
20 you with?

21 A I was with Beasley and Collins.

22 Q All right. And what did y'all do when you left the
23 house?

24 A Went riding around.

25 Q Just riding around?

1 A No.

2 Q Any purpose for riding around?

3 A No reason.

4 Q No reason.

5 A No reason.

6 Q Just driving around?

7 A Yeah.

8 Q Mr. Knowles-Miller got shot on that particular day at
9 North Main and Rutherford Drive. Do you know him?

10 A No.

11 Q Do you -- were you there when the shooting took
12 place?

13 A No.

14 Q Did you see the shooting?

15 A No.

16 Q Did you hear the shooting?

17 A No.

18 Q I believe you told the solicitor that now you know
19 Mr. Edmunds. You didn't know him then, did you?

20 A No, I didn't.

21 Q You didn't talk to him that day, did you?

22 A No, I didn't.

23 Q Y'all didn't discuss anything that day, did you?

24 A No, we didn't.

25 MR. CRANE: When y'all left -- one moment please.

1 Thank you, Mr. Dodd. Thank you for being here.

2 THE COURT: Any redirect?

3 MS. GASSER: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. GASSER:

6 Q Mr. Dodd, do you remember being directly presented
7 and booked for attempted murder?

8 A Yes.

9 Q So you were charged with attempted murder.

10 A Oh, no, no.

11 Q Not -- not pled guilty, but you were charged.

12 A Oh, yes, yes, yes.

13 Q And you remember giving a guilty plea, though, for a
14 reduced charge.

15 A Yes.

16 Q You testified earlier it was for accessory after the
17 fact?

18 A Yes.

19 Q And conspiracy, right?

20 A Yes.

21 Q And do you remember acknowledging the facts on the
22 record during your plea?

23 A Yes.

24 Q So the solicitor would have been talking. Do you
25 remember a solicitor talking?

1 A I'm not -- I'm not sure.

2 Q So do you remember your guilty plea, sir?

3 A Yes.

4 Q Okay. And you remember -- did your attorney -- was
5 your attorney with you? Did you have an attorney with
6 you?

7 A Yes.

8 Q Was there someone from the State that read the facts?

9 A Yes, yes, yes.

10 Q Do you remember the judge asking you if you
11 acknowledge those facts?

12 A Yes.

13 Q And you did acknowledge those facts.

14 A Yes.

15 Q Those facts being ---

16 MR. CRANE: Judge, I object on the grounds that this
17 is not proper redirect. I didn't go into anything about
18 his guilty plea or ---

19 THE COURT: Well, yeah. I think you did. I'm going
20 to allow it.

21 BY MS. GASSER:

22 Q You agree that there was a coordinated effort among
23 several cars that surrounded the victims before shots were
24 fired. Did you agree to that?

25 A Say that one more time.

1 Q That there was a coordinated effort among several
2 cars that surrounded the victims before shots were fired.
3 Do you remember agreeing to that?

4 A Yes.

5 Q And that you also agreed to the defendants armed
6 themselves for the confrontation and fled the scene to
7 avoid being identified. Do you remember agreeing to that?

8 A Yes.

9 Q And this all happened at your guilty plea.

10 A Yes.

11 Q And you have not been sentenced.

12 A I have not.

13 Q And you have not been promised anything.

14 A I have not.

15 MS. GASSER: I have no further questions.

16 RECROSS EXAMINATION

17 BY MR. CRANE:

18 Q Mr. Dodd, you initially told us -- told this jury
19 that when you went to the house in Taylors, you just went
20 there and then y'all left and just riding around.

21 A Yes.

22 Q Now the solicitor's indicated to us that at your
23 guilty plea, you admitted to talking to others about going
24 out and doing something and arming yourselves. Did you,
25 in fact, talk to others about doing something that day or

1 not? Were you just riding around or did you talk to other
2 people?

3 A No, sir, I did not.

4 Q Did not what?

5 A I did not talk to nobody.

6 Q Didn't talk to anybody about going out and doing
7 anything.

8 A No, sir. I did not understand the question.

9 Q All right. You didn't understand the question when
10 you pled guilty?

11 A Not to -- I'm confused. Say the question one more
12 time.

13 Q Let me unconfuse you, okay? You pled guilty to
14 accessory after the fact and conspiracy so that you
15 wouldn't have to plead guilty or go to trial on attempted
16 murder, didn't you?

17 A Yes.

18 Q Yes.

19 A Yes.

20 Q So you, in fact, have already gotten your promise,
21 haven't you? Your attempted murder charge was dropped as
22 long as you pled guilty to accessory after the fact and
23 conspiracy, correct?

24 A Yes.

25 Q Okay. Now, whether or not the facts as given at the

1 plea are true or not, you were going to plead guilty
2 anyway, weren't you?

3 MS. GASSER: Objection Your Honor.

4 THE COURT: On what basis?

5 MS. GASSER: Your Honor, it's begging to ask the
6 witness to admit to perjury. He pled guilty under oath.

7 THE COURT: Well, go ahead. You can ask the
8 question.

9 MR. CRANE: I forgot what it was. Can you read back
10 the question?

11 (WHEREUPON, the reporter replied and the previous question
12 was read back.)

13 BY MR. CRANE:

14 Q So on that day, you were going to plead guilty to the
15 two charges you pled guilty to, right? And you did plead
16 guilty.

17 A Yes.

18 Q To avoid the attempted murder charge, correct?

19 A Yes.

20 Q Okay. And so I asked you if the facts as given then
21 to the judge on the day of your plea were true, yes or no?
22 And those are that y'all got together, talked about
23 something, armed yourselves, surrounded the car and all
24 that other stuff. None of that happened, did it?

25 A No. It didn't happen.

1 Q Okay. And as a matter of fact, Mr. Dodd, we've seen
2 a video, and on that video, the car you were in, the
3 Impala, never surrounded the car that he was in when he
4 got shot, did it?

5 A No.

6 Q Because you didn't even see the shooting, did you?

7 A No. I didn't see it.

8 Q You didn't hear the gunshots, did you?

9 A No.

10 Q You didn't see the Camaro that shot into his car, did
11 you?

12 A No.

13 Q You don't know who was in the Camaro, do you?

14 A No.

15 Q And I don't know if I asked you before, but as far as
16 you know, did anybody have any weapons that day?

17 A Yes.

18 Q Who? Collins?

19 A Yes.

20 Q In your car?

21 A Yes.

22 Q Okay. But nobody talked about shooting anybody or
23 anything, did they?

24 A No.

25 Q This fellow right here on trial for attempted murder

1 never really spoke to you that day, did he?

2 A He didn't.

3 Q He didn't talk to you about shooting anybody, did he?

4 A No.

5 Q And you didn't see him with a gun, did you?

6 A No.

7 Q You don't even know if he was on the scene when that
8 guy got shot, do you?

9 A No. I don't know that.

10 MR. CRANE: Thank you, sir.

11 THE COURT: All right. You can step down.

12 MS. GASSER: The State calls Curtis Collins.

13 THE CLERK: Please pause at the end of the bench.

14 Pause right here. Place your left hand on the Bible and
15 raise your right hand.

16 WHEREUPON,

17 CURTIS COLLINS

18 After having been duly sworn, testified as follows:

19 THE CLERK: Please be seated.

20 THE COURT: I'm going to ask you to speak up a little
21 bit so we can hear what you say.

22 THE CLERK: Please state your name for the record.

23 THE WITNESS: Curtis Collins.

24 ///

25 ///

DIRECT EXAMINATION

BY MS. GASSER:

Q Good morning, Mr. Collins. Are you a codefendant in this case?

A Yes, ma'am.

Q What were you charged with?

A Accessory before the fact.

THE COURT: Sir, I'm going to ask you to lean up in the microphone, speak up so we can understand and hear what you say.

THE WITNESS: Accessory before the fact and conspiracy.

BY MS. GASSER:

Q Were you charged with attempted murder as well?

A I'm not sure. I know I was at first.

Q So you were charged with attempted murder at first?

A Yes, ma'am.

Q And have you pled guilty?

A Yes, ma'am.

Q What did you plead guilty to?

A The common law conspiracy and accessory before the fact.

Q How much time do those carry?

A I know one like zero to five for the conspiracy, and I don't know the other one.

1 Q Does zero to 15 sound right?

2 A Yes, ma'am.

3 Q All right. So what about that attempted murder
4 charge? Do you know how much time that carries?

5 A No, ma'am.

6 Q Does zero to 30 sound correct?

7 A Yes, ma'am.

8 Q All right. What happened to that attempted murder
9 charge?

10 A I pled guilty to common law conspiracy and accessory
11 before the fact.

12 Q So did you plead to a reduced charge?

13 A Yes, ma'am.

14 Q Okay. And have you been sentenced on those charges
15 that you pled guilty to?

16 A No, ma'am.

17 Q Have you been promised anything in regard to that
18 sentencing?

19 A No, ma'am.

20 Q Have you been promised anything at all in order to
21 testify here today?

22 A No, ma'am.

23 Q All right. Mr. Collins, would you recognize a
24 photograph of yourself from 2018 if you were to see it?

25 A Yes, ma'am.

1 Q Did you look a little different ---

2 A Yes, ma'am.

3 Q --- from today? All right.

4 I'm showing you what's been premarked for
5 identification purposes as State's Exhibit Number 12. Do
6 you recognize that photo?

7 A Yes, ma'am.

8 Q How do you recognize it?

9 A It's me.

10 Q Is that a fair and accurate depiction of what you
11 looked like in February of 2018?

12 A Yes, ma'am.

13 Q Has it been changed or altered in any way?

14 A No, ma'am.

15 MS. GASSER: Your Honor, at this time the State moves
16 to enter State's Exhibit Number 12 into evidence.

17 MR. CRANE: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, State's Exhibit Number 12 was admitted into
20 evidence.)

21 BY MS. GASSER:

22 Q All right. Mr. Collins, let's talk about February
23 2018. Did you know a Jaquin Dodd?

24 A Yes, ma'am.

25 Q How did you know Mr. Dodd?

1 A He was one of my friends for a long time. He was
2 staying with me at the time. He was staying with me.

3 Q And did you know a Damous Beasley?

4 A Yes, ma'am.

5 Q How do you know him?

6 A That's my cousin.

7 Q And what were you doing the morning of February 7,
8 2018?

9 A I was just at my house before I got a call.

10 Q Where was your house?

11 A My house is in Lyman.

12 Q In Lyman.

13 All right. Who was with you?

14 A Jaquin Dodd.

15 Q What were y'all doing?

16 A He was asleep. I had woke him up.

17 Q You woke him up. Why did you wake him up?

18 A He was staying with me at the time.

19 Q All right. He was staying with you so you woke him
20 up. Why?

21 A I woke him up so we could leave there and go -- my
22 cousin had called me, so my cousin's home.

23 Q All right. So you said your cousin called you?

24 A Yes, ma'am.

25 Q So which cousin?

1 A Damous Beasley.

2 Q All right. And he called you to go to his house?

3 A That's where he was staying, yes, ma'am.

4 Q Where was he staying?

5 A I'm not sure of the exact address, but it's in
6 Taylors.

7 Q Do you remember anything around the house?

8 A Anything around the house?

9 Q Like where it was located? Do you remember any
10 businesses or streets?

11 A I don't know the exact street. It's in Taylors,
12 though.

13 Q So did you see your cousin?

14 A Yes, ma'am.

15 Q Where?

16 A When I pulled up.

17 Q Was he at that house?

18 A Yes, ma'am.

19 Q And why did you go to his house that day?

20 A Because he told me to pull up. He said someone had
21 broken into the home.

22 Q Was it his house?

23 A I know that's where he was living.

24 Q He was living there, but did he own it?

25 A I'm not sure if he was the homeowner.

1 Q Okay. Was anyone else living with him?

2 A Yeah. He stayed with his friend.

3 Q Do you know who that friend was?

4 A Yeah.

5 Q Who?

6 A Quavon.

7 Q And do you know Quavon?

8 A No. I don't know him.

9 Q Do you recognize Quavon?

10 A I seen him, yeah.

11 Q Do you see him today?

12 A Yeah.

13 Q Where is he?

14 A He's right there.

15 Q All right. When you say "right there," can you be a
16 little more specific?

17 A He's sitting right there (indicating).

18 MS. GASSER: All right. Let the record reflect that
19 the witness has pointed to defense table.

20 BY MS. GASSER:

21 Q Can you tell me the color of the shirt that Quavon is
22 wearing?

23 A Brown.

24 MS. GASSER: Brown. All right. Please let the
25 record reflect that the witness has defined the defendant,

1 Quavon Edmunds, in the courtroom.

2 BY MS. GASSER:

3 Q All right. So Mr. Beasley was living with

4 Mr. Edmunds; is that what you just said?

5 A Yes, ma'am.

6 Q Okay. And they're living at a house in Taylors?

7 A Yes, ma'am.

8 Q Now, you went over there because the house got broken
9 into; is that what you just testified to?

10 A Yes, ma'am.

11 Q Why did you go over there if the house got broken
12 into?

13 A Well, he called me and told me to pull up. I didn't
14 know what was going on. He's my cousin, so I pulled up.

15 Q And you care about your cousin?

16 A Very much.

17 Q You'd do anything for him?

18 A Would I ---

19 Q Would you do anything for him?

20 A (No answer.)

21 Q You'd help him?

22 A Maybe at the time, I guess.

23 Q Okay. So were there other people at the house?

24 A Yes, ma'am. I'm not sure exactly who because there
25 was a few people there.

1 Q There were a few people. Okay.

2 So what happened once you got to the house?

3 A We just -- when I got there, not too long after
4 arrival, we had left.

5 Q You had left. Okay. So let's talk about what
6 happened, though, when you were at the house. Did y'all
7 talk about trying to get the stuff back?

8 MR. CRANE: Judge, I object. She's leading.

9 THE COURT: Yeah. Don't lead.

10 THE WITNESS: You said what?

11 BY MS. GASSER:

12 Q What did y'all discuss when you got to the house?

13 A I mean, I know -- I'm not sure. They said that we
14 were going to get it back, but it wasn't like a crime was
15 going to be committed.

16 Q So you just said that y'all were going to go get it
17 back. Go get what back?

18 A Yeah. The things that they had took. I know they
19 had took my cousin's firearm, and we were going to get it
20 back.

21 Q So you just said that they took your cousin's
22 firearm. What firearm?

23 A It was a Draco pistol.

24 Q What's a Draco?

25 A It's a -- it's a firearm.

1 Q Do you know what type of firearm?

2 A It's a hand -- it's a pistol. It's like a -- it's
3 like an AK-47 pistol.

4 Q So a small AK-47?

5 A Uh-huh.

6 Q And so you just said that y'all talked about going to
7 get the stuff back, but you didn't think a crime was going
8 to happen? What do you mean by that?

9 A No. We're just thinking like when we go there, going
10 to give it back. I'm just -- was just going.

11 Q So y'all thought -- I just want to clarify what
12 you're saying, that y'all are going to go get the stuff
13 back. What did you expect to happen when you asked for
14 the stuff back?

15 A I'm just thinking they was going to give it back
16 because I thought they had already spoke about it -- about
17 getting the stuff back.

18 Q So y'all were just going to go get the stuff back,
19 they were just going to hand it over back willingly.

20 A Yeah. I thought a call had been made already, that
21 it was just going to happen.

22 Q All right. Did you have a gun that day?

23 A Yes, ma'am.

24 Q Where was it?

25 A Under the seat.

1 Q Under the seat.

2 Whose gun was it?

3 A It was mine.

4 Q And what -- so let's back up then. You're in
5 Taylors. Where did y'all go next?

6 A After we left Taylors, we had rolled down -- I don't
7 know, like toward wherever they used to live. I don't
8 know exactly where it's at. And after we had rolled
9 through there, like we didn't see them. So we had parked
10 somewhere, instead we were going to go home because we
11 ain't seen him. So after that moment when we parked, I
12 thought that I was on my way home. I mean, we didn't know
13 where they were at.

14 Q And when you say we went where they lived, who is
15 "they"?

16 A Well, I'm not sure if it's they, but it's the dude
17 that had broke in.

18 Q And you said you were riding around. Where were you
19 riding around?

20 A Around Brutontown.

21 Q Brutontown, is that in Taylors?

22 A No, ma'am. It's like Greenville.

23 Q So you went from Taylors to Brutontown; is that what
24 you just testified to?

25 A Yes, ma'am.

1 Q And were you driving?

2 A No, ma'am.

3 Q What car were you in?

4 A I was in my cousin's car.

5 Q Who's your cousin?

6 A Damous.

7 Q And what car was it?

8 A A black Infinity -- I mean a black Impala.

9 Q All right. So who's driving?

10 A My cousin was.

11 Q And where were you sitting?

12 A Passenger's seat.

13 Q And you just testified earlier that you had a gun.

14 A Yes, ma'am.

15 Q Where was that gun again?

16 A Under the passenger's seat.

17 Q And was there anyone else in the car with you?

18 A Jaquin.

19 Q Where was he?

20 A In the back.

21 Q Was anyone else in that vehicle other than the three
22 of you?

23 A No, ma'am.

24 Q Did you discharge that firearm that day?

25 A No, ma'am.

1 Q Now, Mr. Collins, did you see a bluish-gray Camaro
2 that day?

3 A I seen two Camaros, but I don't -- I'm not for sure
4 who's driving because they look alike. They like -- both
5 of the guys look alike, and they're not none of my
6 friends, so I don't know which one is which. I know we
7 were following.

8 Q Okay. But you saw two Camaros that day?

9 A (Nods head affirmatively.)

10 Q Is that what you just said?

11 A Yes, ma'am.

12 Q But you were not in those Camaros.

13 A No, ma'am.

14 Q And what car, again, were you in?

15 A Black Impala.

16 Q And who are the passengers in that car?

17 A Damous and Jaquin.

18 Q Anyone else?

19 A No, ma'am.

20 Q Were y'all pulled over by law enforcement?

21 A Yes, ma'am.

22 Q Were you taken into custody?

23 A Yes, ma'am.

24 Q And did you speak with investigators?

25 A They questioned me.

1 Q Did you speak with an officer?

2 A When I got there?

3 Q Yes.

4 A They questioned me.

5 MS. GASSER: I have no further questions. Please
6 answer any that defendant counsel may have.

7 THE COURT: Cross.

8 CROSS EXAMINATION

9 BY MR. CRANE:

10 Q Good morning, Mr. Collins. How are you?

11 A I'm fine.

12 Q Good. I'm Larry Crane.

13 Mr. Collins, let me ask you about the charges that
14 were pending against you. As the solicitor said, when you
15 got arrested, you were actually arrested for attempted
16 murder and conspiracy; is that correct?

17 A (Nods head affirmatively.)

18 Q You were booked in on those charges?

19 A Yes, sir.

20 Q Did you make bond on those charges?

21 A Yes, sir.

22 Q Did you get out right away?

23 A Like a week. Like a week.

24 Q A week. Okay.

25 And eventually, you went to court and pled guilty to

1 accessory after the fact but not attempted murder; is that
2 correct?

3 A Correct.

4 Q And also to conspiracy.

5 A Correct.

6 Q All right. And so when the solicitor says have you
7 been promised anything, and she told you or she asked you
8 that the attempted murder carries up to 30 years; is that
9 correct?

10 A Uh-huh. Yes, sir.

11 Q And the conspiracy carries up to how many? Five?

12 A (Nods head affirmatively.)

13 Q Is that right?

14 A Yes, sir.

15 Q Do you know what the accessory carries? Do you know
16 how much the accessory carries?

17 A No, sir.

18 Q All right. But they don't carry 30 years, do they?

19 A No, sir.

20 Q So you've already gotten your deal, haven't you?
21 Because you don't have to go to trial and plead guilty to
22 attempted murder; is that right?

23 A (No verbal answer.)

24 Q Who dropped the attempted murder charge?

25 A I'm sorry. I don't understand the question.

1 Q Who dismissed the attempted murder charge against
2 you?

3 A I guess the judge.

4 Q The judge? You think it might have been the
5 solicitor's office?

6 A I'm not sure. I'm not sure exactly who it was.

7 Q Okay. But it's been dismissed as far as you know?

8 A No. Not -- they told me to ---

9 Q The attempted murder had not been dismissed?

10 A Oh, the attempted murder?

11 Q Yeah.

12 A Yes.

13 Q It's been dismissed.

14 A It's been dropped down, if I'm not mistaken.

15 Q Okay. And that's as a result of your attorney and
16 the solicitor's office discussing it, isn't it?

17 A Yes, sir.

18 Q Who's your attorney?

19 A Who's my attorney? Ryan Beasley.

20 Q Okay. All right. You were at your house in Greer
21 with Dodd; is that correct?

22 A I got a Lyman address, but it's like Greer.

23 Q Lyman address, but it's kind of in Greer.

24 And as a result of a phone call, you and Dodd got in
25 your car and drove to Taylors; is that right?

1 A Yes, sir.

2 Q What kind of car did you drive to Taylors?

3 A My pop's truck. My dad's truck.

4 Q A truck? Okay.

5 And when you got to Taylors, was Beasley there?

6 A Yes, ma'am.

7 Q All right. And you said that that is where Beasley
8 lived at the time?

9 A Yes, ma'am, if I'm not -- I mean yes, sir, if I'm not
10 mistaken.

11 Q That's okay.

12 And you think that he was living with Quavon. And
13 you pointed out this is Quavon over here in the brown
14 shirt; is that correct?

15 A Uh-huh.

16 Q Did you see Quavon that day?

17 A When I first got there. But that's it.

18 Q When you first got there, Quavon was there; is that
19 what you said?

20 A (Nods head affirmatively.)

21 Q Did Quavon stick around or did he leave?

22 A I honestly didn't see him after I left the house.

23 Q I know after you left the house, but while you were
24 at the house, was Quavon there while you were at the
25 house?

1 A When I first got there, I saw -- but I ain't seen him
2 after that.

3 Q Okay. When you first got there you saw him, but you
4 didn't see him after that; is that what you're saying?

5 A (Nods head affirmatively.)

6 Q All right. Well -- and when you left that house, you
7 left with Beasley and Dodd in whose car?

8 A In Beasley's car.

9 Q Do you know what Quavon might have done? Where was
10 Quavon when y'all left?

11 A I have no idea.

12 Q You have no idea.

13 Did you talk to Quavon about what you guys were going
14 to do that day?

15 A No. That's not my friend. I don't speak with him.
16 I don't know. I don't associate with him. I was just
17 talking to my cousin.

18 Q Okay. You never talked to Quavon, right?

19 A No, sir.

20 Q And it was your understanding that Beasley's Draco
21 got stolen. And Draco's a gun.

22 A Yes, sir.

23 Q And it was your understanding in talking with Beasley
24 that you guys were going to go get the stuff back; is that
25 what you said?

1 A (Nods head affirmatively.)

2 Q You have to -- yes, sir.

3 A Oh, yes, sir.

4 Q Okay. And it was your understanding that it had
5 already been arranged by telephone for you guys to get
6 that stuff back; is that correct?

7 A Yes, sir.

8 Q Did anybody -- did anybody talk anything about
9 shooting anybody?

10 A No, sir.

11 Q Did anybody talk anything about killing anybody?

12 A No, sir.

13 Q Who else was at the house before you left to go try
14 to get the stuff back?

15 A It was a few people there. I'm not for sure who all
16 it was.

17 Q All right. But Quavon was there when you got there,
18 and then you don't know where he went.

19 A Yeah. I don't.

20 Q Okay. Do you know if he had his own car?

21 A No. I don't, actually.

22 Q You don't know. So you didn't see him leave.

23 A No, sir.

24 Q Okay. And the gun that was found under the seat you
25 said was yours?

1 A Yes, sir.

2 Q Did you tell law enforcement that?

3 A Yes, sir.

4 Q Do you have a concealed weapon permit?

5 A No, sir.

6 Q And where was it found?

7 A Under the seat.

8 Q Were you charged with carrying a pistol?

9 A Yeah, I was.

10 Q What happened to that charge?

11 A It got dropped, dismissed.

12 Q So that one got dropped too. Okay. You've got a
13 conviction for carrying a pistol, don't you?

14 A No conviction.

15 Q You don't have a conviction?

16 A No.

17 Q September 21, 2022, did you plead guilty to unlawful
18 carrying of a weapon?

19 A Did I plead guilty?

20 Q Yes, sir. Did you plead guilty two months ago to
21 carrying an unlawful weapon and received a sentence of
22 365 days?

23 A I'm not for sure if that's how it went.

24 Q You're not sure whether you pled guilty in court?

25 A I know . . .

1 Q Apparently, it was a charge out of Lyman, Lyman PD.

2 A Yeah, yeah.

3 Q Yeah, yeah, yeah.

4 A I know what the charge is you're talking about, but
5 I'm not for sure -- I know that -- I may have pled guilty
6 to it. I'm not for sure exactly.

7 Q Okay. You may have pled guilty. Okay. All right.
8 And was that for a gun or for something else?

9 A It was for a gun.

10 Q All right. So you get stopped.

11 A Well, you said -- wait, wait. I'm sorry. Can you
12 repeat that?

13 Q I'm just looking at your rap sheet, and unlawful
14 carrying of a weapon, convicted September 21, 2022, from a
15 Lyman charge. You remember that? Did you plead guilty in
16 Spartanburg or Greenville?

17 A I'm sorry. I'm not -- I'm not ---

18 Q Okay. That's fine.

19 A I'm not comprehending correctly.

20 Q All right. And I think you indicated that when you
21 left Quavon's house -- anybody else leave with y'all or
22 just you three in that one car?

23 A I'm not exactly like who all like lives -- I know
24 that we were following -- I know we were -- we were -- I'm
25 not -- I know we were following behind one Camaro, but it

1 was -- I think it was -- I'm not for sure it was Justin's
2 Camaro. I'm not -- I don't know like what color, if it
3 was the black or blue one, but ---

4 Q All right. Let's get down to the nitty-gritty. When
5 the shooting came down, did you see the shooting?

6 A No, sir.

7 Q Did you hear the shooting?

8 A No, sir.

9 Q Did you see anybody shoot into a car?

10 A No, sir.

11 Q Did you see a Camaro shoot into a car?

12 A No, sir.

13 Q And the people that were in the Camaro, you got any
14 idea who it was?

15 A No, sir.

16 Q So you don't know who was in the Camaro.

17 A No, sir.

18 Q You don't know who did any shooting.

19 A No, sir.

20 Q Do you know if Quavon was even there?

21 A No, sir.

22 MR. CRANE: Thank you, sir.

23 THE COURT: All right. Any redirect?

24 MS. GASSER: No, Your Honor.

25 THE COURT: All right. Thank you. You may step

1 down.

2 All right. Ladies and gentlemen, we're just going to
3 take a short morning break. Y'all retire to your jury
4 room. Don't talk about the case. We'll get back with you
5 shortly.

6 (WHEREUPON, the jury exits the courtroom at 10:54 a.m.)

7 THE COURT: Okay. We'll just take a short break.

8 (WHEREUPON, a recess is taken at 10:55 a.m.)

9 THE COURT: All right. Are y'all ready to go?

10 MS. HENDRICKS: Yes, Your Honor.

11 MR. CRANE: Yes, sir.

12 THE COURT: Okay. What does carrying a pistol carry?

13 MS. HENDRICKS: One year.

14 THE COURT: One year. Not in excess of one year.

15 Okay.

16 (WHEREUPON, the jury entered the courtroom at 11:11 a.m.)

17 THE COURT: Okay. Call your next witness.

18 MS. HENDRICKS: The State calls Justin Miller.

19 THE CLERK: Please stop at the end of the bench.

20 Please place your left hand on the Bible and raise your
21 right hand.

22 WHEREUPON,

23 JUSTIN MILLER

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please be seated. Please

1 state your name for the record.

2 THE WITNESS: Justin Miller.

3 DIRECT EXAMINATION

4 BY MS. HENDRICKS:

5 Q Mr. Miller, are you a codefendant in this case?

6 A Yes.

7 Q What were you charged with?

8 A Attempted murder, conspiracy.

9 Q And have you plead guilty?

10 A Yes.

11 Q And what did you plead guilty to?

12 A Conspiracy, accessory after the fact.

13 Q Do you know how much time those charges carry?

14 A Yes.

15 Q How much time does accessory after the fact carry?

16 A I'm not sure of the maximum.

17 Q Okay. What about conspiracy?

18 A Five years.

19 Q Okay. And what about the attempted murder charge, do
20 you know how much time it carries?

21 A Yes. I'm not sure about the exact number, but yes.

22 Q Is it less than the accessory charge, less time?

23 A No. I don't think so.

24 Q What happened to the attempted murder charge? Did
25 you plead guilty to attempted murder?

1 A No.

2 Q Was it pled down to accessory after the fact?

3 A Yes.

4 Q Have you been sentenced on conspiracy and accessory
5 after the fact?

6 A No.

7 Q Have you been promised anything in regards to
8 sentencing on those charges?

9 A No.

10 Q Have you been promised anything at all in exchange
11 for your testimony today?

12 A No.

13 Q I'm going to show you a photograph. Do you recognize
14 this photograph?

15 A Yes.

16 Q Does it fairly and accurately depict the subject
17 matter therein on February 7, 2018?

18 A Yes.

19 Q And has it been altered in any way?

20 A No.

21 MS. HENDRICKS: The State offers State's Exhibit 13
22 for admission into evidence.

23 MR. CRANE: No objection.

24 THE COURT: All right.

25 ///

1 (WHEREUPON, State's Exhibit Number 13 was admitted into
2 evidence.)

3 BY MS. HENDRICKS:

4 Q Is that a photograph of you on February 7, 2018?

5 A Yes.

6 Q How do you know Quavon Edmunds?

7 A From work.

8 Q What work?

9 A API.

10 Q Were y'all working together in February of 2018?

11 A Yes.

12 Q At API?

13 A Yes.

14 Q Okay. And what happened that day?

15 A Basically, we was at work. We got off. We got off
16 work. We went back to his house to play video game or
17 whatever we was going to do, and we noticed a break-in to
18 the house.

19 Q So did you find out at work that someone had broken
20 into the house?

21 A No.

22 Q Did anybody report that break-in to law enforcement?

23 A I'm not sure.

24 Q Did you report it?

25 A No.

1 Q So what did you do after you noticed this break-in?

2 A I just left and I went home to eat.

3 Q Was there any video of the break-in?

4 A Yes.

5 Q Did you see the video?

6 A Yes.

7 Q Did you recognize the person -- either of the people
8 who are on the video?

9 A No.

10 Q What did you see on video?

11 A Just two dudes breaking in, take things from the
12 house.

13 Q Did you see what car they were in?

14 A No. I'm not sure.

15 Q Do you know what was missing from the house?

16 A Everything from TVs to game system, puppies, shoes.

17 Q Do you know if a firearm was missing from the house?

18 A Yes.

19 Q What was Quavon Edmunds's demeanor after his house
20 was broken into?

21 A None. Heartbroke.

22 Q Was he mad?

23 MR. CRANE: Objection, Judge. She's leading.

24 THE COURT: It's all right. Go ahead. You can ask
25 that question.

1 THE WITNESS: Was he mad?

2 BY MS. HENDRICKS:

3 Q Yes.

4 A Yeah. Upset, yeah.

5 Q Who else was at Quavon Edmunds's house after it was
6 broken into?

7 A At the time just me and him.

8 Q So what happened next?

9 A I left. I went home to eat.

10 Q And then what did you do after you ate?

11 A I went -- I went to Brutontown, around that area.

12 Q Who were you meeting up with in Brutontown?

13 A I was meeting Quavon.

14 Q And where did you meet back up with him at?

15 A We met at a gas station.

16 Q Do you know what gas station it was?

17 A I want to say Spinx.

18 Q Do you know what road it was on?

19 A I'm not sure.

20 Q Did you originally tell law enforcement you met up
21 with them at another gas station?

22 A I'm not sure if I did or didn't.

23 Q Do you remember giving a statement to law
24 enforcement?

25 A Yes, I did.

1 Q Do you need to refresh your recollection of that
2 statement?

3 A No, I don't.

4 Q So do you remember telling law enforcement that you
5 met up at a Citgo?

6 A Yes. I probably did. I probably did.

7 Q And why did you tell them that?

8 A I knew it was a gas station. I'm not sure which one
9 it was.

10 Q Who did you meet back up with?

11 A I just was supposed to meet with Quavon.

12 Q Were there multiple cars?

13 A No.

14 Q You don't remember telling law enforcement in your
15 statement that there were multiple cars?

16 A That met up?

17 Q Uh-huh.

18 A No.

19 Q Is it true that you gave a statement to Detective
20 Lee-Wood on February 7, 2018?

21 A Could you repeat it?

22 Q Is it true that you gave a statement to Detective
23 Lee-Wood on February 7, 2018?

24 A Yes.

25 Q And that statement was recorded?

1 A Yes.

2 Q And you just testified that you only met up with
3 Quavon Edmunds and there were no other cars there.

4 A Yes.

5 Q But in your statement to Detective Lee-Wood, you said
6 there was a silver car, a blue car, a school bus ---

7 MR. CRANE: Objection, Judge.

8 THE COURT: Show him the statement and let him
9 refresh his recollection.

10 MR. CRANE: It's not ---

11 THE COURT: There. That's what we're doing. Thank
12 you.

13 MS. HENDRICKS: Yeah. I think we need to show -- we
14 have it on this computer.

15 THE COURT: There's no transcript of this?

16 MS. HENDRICKS: There's not, but we have the exact
17 time stamp.

18 THE COURT: Would it help to refresh your
19 recollection if you were to review your statement?

20 THE WITNESS: Probably not.

21 THE COURT: Probably not? Okay.

22 MS. HENDRICKS: We want to impeach him with his
23 statement at this point.

24 THE COURT: Yeah. Go ahead.

25 ///

1 (WHEREUPON, a portion of Court's Exhibit Number 2, a
2 video, was played in open court.)

3 BY MS. HENDRICKS:

4 Q So now do you remember saying there was a silver car,
5 a blue car, a school bus, me, then a black Impala and some
6 type of white car?

7 A Yes. I remember seeing the cars. I never met up
8 with it.

9 Q What car was Quavon Edmunds in?

10 A A black Impala.

11 Q Was Quavon Edmunds driving or a passenger?

12 A I'm not sure.

13 Q What car was Damous Beasley in?

14 A A black Impala.

15 Q What about Jaquin Dodd?

16 A I'm not sure.

17 Q What about Curtis Collins?

18 A I'm not sure.

19 Q What about Xavier Concepcion?

20 A I'm not sure.

21 Q So what was everyone -- was there a plan for everyone
22 to meet back up?

23 A No.

24 Q So once again, you gave a statement to Detective
25 Lee-Wood on February 7, 2018. Do you remember that?

1 A Uh-huh.

2 Q And the statement was recorded.

3 A Uh-huh.

4 Q And you just testified that you don't know what you
5 were going to do when you met back up with everyone?

6 A Uh-huh.

7 Q Can we refresh your recollection?

8 A You can.

9 MS. HENDRICKS: Your Honor, can we play a portion of
10 his statement?

11 THE COURT: Yes.

12 (WHEREUPON, a portion of Court's Exhibit Number 2, a
13 video, was played in open court.)

14 BY MS. HENDRICKS:

15 Q So now do you remember saying that Quavon and them
16 was mad so we're about to go to his house, we were riding
17 around looking for him?

18 A Yes.

19 Q Okay. So why were you riding around looking for him?

20 A Basically, to see what was going on.

21 Q Did they want to get their stuff back?

22 A Most likely.

23 Q What car were you in?

24 A A black Camaro.

25 Q Okay. I'm going to show you what's been marked for

1 identification purposes as State's Exhibit 14. Do you
2 recognize this photograph?

3 A Yes.

4 Q Does it fairly and accurately depict the subject
5 matter therein on February 7, 2018?

6 A Yes.

7 Q And has it been altered in any way?

8 A No.

9 MS. HENDRICKS: Your Honor, at this time the State
10 would offer Exhibit 14 for admission into evidence.

11 MR. CRANE: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit Number 14 was admitted into
14 evidence.)

15 BY MS. HENDRICKS:

16 Q Was anybody in the car with you?

17 A No.

18 Q Where did you go after you met back up with them?

19 A What do you mean?

20 Q What part of town did you go to?

21 A Rutherford Road.

22 Q So were you -- is that where you were going to look
23 for the people who broke into the house?

24 A Yes.

25 Q Did you find the person you thought broke into the

1 house?

2 A No.

3 Q So what did you do next?

4 A Nothing. I pulled over.

5 Q What did you do after you pulled over?

6 A Got out of the car.

7 Q Were you on Rutherford Road when a shooting took
8 place on February 7, 2018?

9 A Yes.

10 Q So where were you on Rutherford when the shooting
11 took place?

12 A Coming down Rutherford.

13 Q Did you talk to Quavon on the phone at any point?

14 A No.

15 Q You don't remember telling the police that you talked
16 to him on the phone?

17 A Yeah. I'm not sure if it was a phone call, though.

18 Q Do you remember giving your statement to Detective
19 Lee-Wood on February 17, 2018?

20 A Uh-huh.

21 Q And that statement was recorded.

22 A Yes.

23 Q And you just testified that you don't remember
24 whether or not you talked on the phone with Quavon?

25 A Yes.

1 MS. HENDRICKS: Your Honor, can we play a small
2 portion of his statement?

3 THE COURT: Yes.

4 (WHEREUPON, a portion of Court's Exhibit Number 2, a
5 video, was played in open court.)

6 BY MS. HENDRICKS:

7 Q So now do you remember telling law enforcement that
8 you spoke to Quavon on the phone?

9 A Yes.

10 Q And he was telling you that you were lagging behind.

11 A No.

12 Q So you just said in your statement to police that a
13 Camaro had already turned on Rutherford. So there was
14 another Camaro there that day?

15 A I'm not sure.

16 Q Was anything of yours stolen?

17 A No.

18 Q Then why were you there that day?

19 A Just helping a friend.

20 Q Do you remember -- what were you helping your friends
21 do?

22 A Get down to the bottom of what happened.

23 Q Do you remember telling law enforcement you were
24 there to make sure they didn't get hurt?

25 A Yes.

1 Q Why would you think they might get hurt?

2 A Because weapons, their weapons was taken from them.

3 Q Was anybody with your group armed, to your knowledge?

4 A No.

5 Q Is Quavon Edmunds in the courtroom today?

6 A Yes.

7 Q Would you please point him out for the jury.

8 A (Indicating).

9 Q Are you pointing to the defendant at this table?

10 A Yes.

11 MS. HENDRICKS: Thank you. I have no further
12 questions. Please answer any questions the defense may
13 have.

14 CROSS EXAMINATION

15 BY MR. CRANE:

16 Q Mr. Miller, good morning. How are you?

17 A I'm doing good. How are you doing?

18 Q Mr. Miller, I'm Larry Crane. I represent
19 Mr. Edmunds. Let me ask you just a couple questions.

20 You said you were in the black Camaro?

21 A Uh-huh.

22 Q And whose car is that?

23 A My car.

24 Q Your car. Did you drive it here today?

25 A Yes.

1 Q Come through Nicholtown and up Washington?

2 A No.

3 Q Okay. I saw one today. I thought it might have been
4 yours. Okay.

5 And so you were initially charged with attempted
6 murder and conspiracy.

7 A Yes.

8 Q Are you represented by an attorney?

9 A Yes. He's not here today. He has the flu.

10 Q Who's your attorney?

11 A Dan Farnsworth.

12 Q Okay. And you guys worked out a guilty plea for you
13 to plead guilty to conspiracy and accessory after the fact
14 in return for the attempted murder being dismissed; is
15 that correct?

16 A Yes.

17 Q So you've already gotten some benefit from pleading
18 guilty, have you not?

19 A No.

20 Q Excuse me?

21 A No.

22 Q No?

23 A (Shakes head negatively.)

24 Q You haven't gotten a benefit?

25 A Hu-uh.

1 Q Well, do you have to go to trial on attempted murder?

2 A No.

3 Q Do you have to plead guilty to attempted murder?

4 A No.

5 Q Wouldn't you call that a benefit?

6 A I say it leveled out.

7 Q Say what?

8 A I say it leveled out.

9 Q Okay. And so you were working with Quavon that day;
10 is that correct?

11 A Yes.

12 Q Did they send you home early that day?

13 A I'm not sure.

14 Q Do you remember something about someone testing
15 positive for -- were you a temp or full time?

16 A Oh yeah, yeah. I was a temp.

17 Q And they sent the temps home because they had taken a
18 drug test, right?

19 A Yeah.

20 Q So you went home early.

21 A Yeah.

22 Q And how did you get from work to Quavon's?

23 A I drove.

24 Q You drove.

25 A Uh-huh.

1 Q Does he have a car?

2 A Yes.

3 Q What kind of car did he have?

4 A A white Volkswagen.

5 Q Did you see it that day?

6 A No.

7 Q When you went to Quavon's house, how long did you
8 stay there the first time?

9 A Probably like five, ten minutes.

10 Q And that's when you and he discovered the house had
11 been broken into?

12 A Yes.

13 Q Was there anybody else there?

14 A No.

15 Q Did y'all discuss doing anything about the break-in
16 at that time?

17 A No.

18 Q And you went home and had lunch.

19 A Yes.

20 Q Shortly thereafter you said you went back to
21 Quavon's?

22 A No.

23 Q Okay. Where did you go?

24 A I went to the Brutontown area.

25 Q All right. And did you meet up with Quavon?

1 A I met up, yeah.

2 Q All right. Was that at the gas station?

3 A Yeah. It was at a gas station.

4 Q And you told the police a Citgo?

5 A Yes.

6 Q Did the police ever tell you that they checked the
7 videotapes and they don't see any cars coming to that gas
8 station?

9 A No.

10 Q And who did you meet at the Citgo or whatever it was?

11 A I'm not sure. Didn't nobody get out of the cars.

12 Q Nobody got out of the cars?

13 A Hu-uh.

14 Q So you stayed in the black Camaro.

15 A Uh-huh.

16 Q Quavon was in, you said, the black ---

17 A Impala.

18 Q --- Impala.

19 A Yeah.

20 Q Did you see some other cars there?

21 A No.

22 Q No other cars.

23 A Hu-uh.

24 Q And while in the cars, you said nobody really talked
25 about anything?

1 A No. Not really.

2 Q Did anyone ever discuss shooting anybody?

3 A No.

4 Q Did anyone ever discuss trying to kill anybody?

5 A No.

6 Q When was it that you said it was discussed about
7 trying to get the stuff back?

8 A I'm not sure.

9 Q Was that at Quavon's or at the gas station? Or do
10 you know?

11 A I'm not sure.

12 Q You don't remember?

13 A Hu-uh.

14 Q Well, who discussed trying to get it back?

15 A I don't know. I'm not sure about that.

16 Q Wasn't some of Mr. Beasley's items also taken?

17 A I think so.

18 Q And Quavon was with Mr. Beasley in the black Impala?

19 A Yes.

20 Q You were in the black Camaro.

21 A Yes.

22 Q You didn't see a gray or blue Camaro; is that
23 correct?

24 A No.

25 Q Did y'all ever go to Lee Moss's house?

1 A No.

2 Q No?

3 All right. And so what prompted you to go to that
4 gas station? Did you get a phone call or what?

5 A It was just -- it was just talked about before I
6 left, meeting at the gas station.

7 Q Say what, sir?

8 A I said it was just talked about before I left, to
9 meet at the gas station.

10 Q To meet at the gas station?

11 A Uh-huh.

12 Q Who was that, Quavon or Beasley?

13 A I think -- I think I heard it from Beasley first.

14 Q You heard it from Beasley?

15 A Yeah.

16 Q To meet at the gas station.

17 A Yeah.

18 Q Not from Quavon?

19 A No.

20 Q Okay. And when you got to the gas station, you say
21 Quavon was in the black Impala with Beasley.

22 A Yeah.

23 Q And you were alone in the black Camaro.

24 A Yeah.

25 Q And at the gas station, you didn't see any other cars

1 or any other people?

2 A No.

3 Q All right. When you left there, where did you go?

4 A We went to a house, waited for somebody to come out
5 or something.

6 Q Do you know if that was Lee Moss's house?

7 A I'm not sure. It probably was.

8 Q Did anybody come out of that house?

9 A No.

10 Q And so after that -- and was that both cars that went
11 to that house?

12 A Yes.

13 Q Just two or how many cars?

14 A Two.

15 Q And after that house, where did you all go?

16 A We just left and turned back onto Rutherford Road.

17 Q I'm sorry?

18 A I said we just left and turned back onto Rutherford.

19 Q Okay. Got back onto Rutherford.

20 A Uh-huh.

21 Q Did you ever see the red car get shot?

22 A No.

23 Q Did you hear the shots?

24 A I thought I heard something.

25 Q And where was the black Impala when that car got

1 shot, if you know?

2 A The black Impala was behind me.

3 Q Behind you?

4 A Yeah.

5 Q And that's the car you said that Quavon was in?

6 A Yes.

7 Q So we've seen a video with the red car pulled up at
8 the traffic light.

9 A Uh-huh.

10 Q Car pulls up beside it, shots are fired.

11 A Uh-huh.

12 Q The red car goes across the street and crashes, and
13 then a black -- black Camaro and a black Impala turn in
14 front of the bus. Do you remember that?

15 A Yes.

16 Q And you were in the black Camaro.

17 A Yes.

18 Q And you're testifying today that Quavon was in the
19 black Impala.

20 A Yes.

21 Q No one ever talked about shooting anybody.

22 A No.

23 Q No one conspired to do anything illegal, did they?

24 A No.

25 Q You were just trying to get your stuff back.

1 A Yes.

2 Q Do you recall talking on the telephone to Quavon
3 during that time on Rutherford Road?

4 A No.

5 Q You don't?

6 A No.

7 Q And you don't remember even seeing a second Camaro.

8 A No.

9 Q And you know that Quavon was not in that second
10 Camaro if there was one.

11 A Yes.

12 Q Is that correct?

13 A Correct.

14 Q And no one conspired to do anything illegal, did
15 they?

16 A No.

17 Q No one conspired to shoot anybody, did they?

18 A No.

19 Q You never saw Quavon with a gun that day, did you?

20 A No.

21 MR. CRANE: One moment please.

22 Thank you, sir.

23 THE COURT: Any redirect?

24 MS. HENDRICKS: Yes, Your Honor.

25 ///

REDIRECT EXAMINATION

BY MS. HENDRICKS:

Q So you -- your testimony is that you drove from work to Quavon's house. How did Quavon get to his house that day?

A He drove.

Q What? In his own car?

A Yes.

Q What kind of car did he have?

A I think it was a white car.

Q Do you remember telling police in your statement that Quavon didn't drive his own car because the people you were looking for knew what kind of car he had?

A No.

Q Can we refresh your recollection with your statement?

A Yes.

(WHEREUPON, a portion of Court's Exhibit Number 2, a video, was played in open court.)

BY MS. HENDRICKS:

Q So your testimony today is that when you went to the gas station, you stayed in your car and nobody got out of anybody's -- nobody got out of any cars.

A Yes.

Q If you stayed in your cars and nobody got out of the

1 cars, how do you know what car Mr. Edmunds was in?

2 A It just makes sense. If I didn't see his car, the
3 person he lived with car, he should probably be in that.

4 Q So you didn't see him in the black Impala?

5 A No.

6 Q You're just assuming he was in the black Impala.

7 A Yes.

8 Q So your testimony later was that -- did you testify
9 that you believe shots came from the black Impala?

10 A No.

11 Q So when you say you heard shots fired, did you hear
12 those from in front of you or behind you?

13 A I'm not sure. I just heard something.

14 Q When you were on Rutherford Road ---

15 A Uh-huh.

16 Q --- did you see the car that shots were fired into?

17 A No.

18 Q You didn't see anything on Rutherford Road?

19 A No. I didn't see any shots.

20 Q Did you see a wrecked car?

21 A Yeah.

22 Q What color car was that?

23 A I want to say like silver or -- I'm not sure.

24 Q Do you remember what car you were looking for that
25 day?

1 A No. We weren't looking for no car.

2 Q Do you remember telling police that you were looking
3 for a red car?

4 A No.

5 Q Can we refresh your recollection with your
6 statement?

7 A Yes.

8 (WHEREUPON, a portion of Court's Exhibit Number 2, a
9 video, was played in open court.)

10 BY MS. HENDRICKS:

11 Q So I believe in your direct testimony when you and I
12 were speaking earlier, you talked about getting a phone
13 call from Quavon; is that correct?

14 A I'm not sure.

15 Q And then you denied getting that phone call when you
16 were crossed by Mr. Crane?

17 A Yeah. I don't remember talking on the phone.

18 Q Okay. So we're going to refresh your recollection
19 with your statement ---

20 A Okay.

21 Q --- where you talked about talking on the phone with
22 Quavon.

23 (WHEREUPON, a portion of Court's Exhibit Number 2, a
24 video, was played in open court.)

25 BY MS. HENDRICKS:

1 Q So there you say you don't know what car Quavon was
2 in, correct?

3 A Uh-huh.

4 Q And you were on the phone with Quavon.

5 A Uh-huh.

6 Q So now do you remember being on the phone with
7 Quavon?

8 A Yes.

9 Q And in your cross-testimony with Mr. Crane, you said
10 you know Quavon was not in the second Camaro.

11 A Yes.

12 Q But you told police that you don't know what car
13 Quavon was in.

14 A Yes.

15 Q And this statement to police was the same day of the
16 incident; is that correct?

17 A Yes.

18 Q So you said you didn't know what car Quavon was in
19 that day; is that correct?

20 A Yes.

21 Q And then earlier today you said you thought he was in
22 the black Impala, but really you don't know. You're just
23 assuming he was in the black Impala.

24 A Yes.

25 Q And then you told Mr. Crane that you know he wasn't

1 in the second Camaro.

2 A Yes.

3 Q But you don't know what car he was in.

4 A Right.

5 MS. HENDRICKS: No further questions.

6 RECROSS EXAMINATION

7 BY MR. CRANE:

8 Q Mr. Miller, today she's talking to you about on
9 February 7th. That was kind of a confusing day, wasn't
10 it?

11 A Yes.

12 Q The first question that she asked you a minute ago I
13 might have misunderstood, but whose car were you and
14 Quavon in when you came from work to his house?

15 A Nobody. Separate cars.

16 Q You were in separate cars.

17 A Yes.

18 Q Both of you went to his house.

19 A Yes.

20 Q And then you talked for a while and then you left.

21 A Yes.

22 Q And then you met him up at a gas station.

23 A Yes.

24 Q And you saw your car and a black Camaro -- I mean a
25 black Impala at the gas station.

1 A Yeah. Impala.

2 Q No other cars with y'all?

3 A No.

4 MR. CRANE: Okay. All right. One moment please.

5 Judge, just one moment, please. Thank you.

6 BY MR. CRANE:

7 Q Oh, I know. When I started off, I said it was a
8 confusing day. On this particular day, you were
9 questioned by the officers for quite a while, were you
10 not?

11 A Yes.

12 Q And this day started with this incident happening.
13 And then after the incident, what did you do?

14 A Pulled over.

15 Q And did what?

16 A I waited.

17 Q Excuse me?

18 A Waited.

19 Q Are you sure you didn't run from police?

20 A Yeah, yeah. I did.

21 Q Yeah. And how long did they chase you?

22 A It wasn't long.

23 Q Where did they find you?

24 A Near Rutherford.

25 Q In the road?

1 A Yeah.

2 Q You jumped through some backyards and over some
3 fences and were in the road when they apprehended you,
4 correct?

5 A Yeah. I didn't jump no fences, but yeah.

6 Q Okay. So you ran from police and then they
7 questioned you. How long did they question you?

8 A Probably like 30 to an hour.

9 Q Okay. And you didn't have an attorney, did you?

10 A No.

11 Q You waived the right to an attorney?

12 A No.

13 Q You did not?

14 A Hu-uh.

15 Q Well, I think you probably did, but maybe not. I
16 don't know.

17 All right. Needless to say, it sounds like, number
18 one, you don't know anything about a blue or gray Camaro;
19 is that correct?

20 A Right.

21 Q You don't know anything about anybody shooting from
22 that car.

23 A Right.

24 Q Correct?

25 A Correct.

1 Q And the best of your recollection, Quavon was not in
2 that Camaro. He was in the black Impala.

3 A Right.

4 Q And y'all -- when you were at Quavon's house earlier
5 on in the afternoon, Beasley wasn't there, was he?

6 A No.

7 Q And you and Quavon didn't talk about going to get his
8 stuff back, did you?

9 A No.

10 Q So that happened at the gas station?

11 A Yeah.

12 MR. CRANE: Okay. Thank you, sir.

13 THE COURT: All right. You can step down.

14 Call your next witness.

15 MS. HENDRICKS: The State calls Damous Beasley.

16 THE CLERK: Please pause at the end of the bench.

17 THE WITNESS: Say what?

18 THE CLERK: Pause at the end of the bench. Place
19 your left hand on the Bible and raise your right hand.

20 WHEREUPON,

21 DAMOUS BEASLEY

22 After having been duly sworn, testified as follows:

23 THE CLERK: Please be seated. Please state your name
24 for the record.

25 THE WITNESS: Damous Beasley.

DIRECT EXAMINATION

BY MS. HENDRICKS:

Q Mr. Beasley, are you a codefendant in this case?

A Yes.

Q What were you charged with?

A I'm not sure.

Q Have you pled guilty?

A I believe so.

Q What did you plead guilty to?

A I don't know. I didn't read anything.

Q Have you been sentenced on the charges you pled guilty to?

A No.

Q Have you been promised anything in regards to sentencing on the charges you pled guilty to?

A No.

Q Have you been promised anything at all in exchange for your testimony today?

A No.

Q I'm going to show you what's been premarked as State's Exhibit 15. Do you recognize this photo?

A Yes.

Q Does it fairly and accurately depict the subject matter therein on February 7, 2018?

A Yes.

1 Q And has it been altered in any way?

2 A No.

3 MS. HENDRICKS: Your Honor, at this time the State
4 offers Exhibit 14 [sic] for admission into evidence.

5 MR. CRANE: No objection.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit Number 15 was admitted into
8 evidence.)

9 BY MS. HENDRICKS:

10 Q And is that a photograph of you on February 7, 2018,
11 or around that time?

12 A I mean, it was a long time ago. I believe so.

13 Q How do you know Quavon Edmunds?

14 A I mean, we grew up together.

15 Q Did y'all go to elementary school together?

16 A Yes.

17 Q Did you go to middle school together?

18 A Yes.

19 Q Go to high school, too?

20 A (Nods head affirmatively.)

21 Q All right. So you're pretty good friends?

22 A I mean, yeah.

23 Q Were you living with him in February of 2018?

24 A I was bouncing around.

25 Q Were you staying with him occasionally?

1 A I had stuff over there. I wouldn't say I stayed
2 there.

3 Q Okay. And what was his address at the time?

4 A I don't remember.

5 Q What happened on February 7, 2018?

6 A I -- what do you mean?

7 Q Do you remember February 7, 2018?

8 A I'm saying what do you mean what happened?

9 Q Was your house -- Quavon's house broken into on
10 February 7, 2018?

11 A I was at work, so I don't know.

12 Q Did you have anything stolen from Quavon's house on
13 February 7, 2018?

14 A I don't know if I did.

15 Q Did you find out your house -- or Quavon's house that
16 you had stuff at, did you find out that house was broken
17 into at some point?

18 A Yes. When I got off.

19 Q How did you find out?

20 A On break.

21 Q Did you come home from work when you found out the
22 house had been broken into?

23 A Yes. On break I came to eat.

24 Q Who was at your house when you got there?

25 A I don't remember.

1 Q Did you call anyone to come over to your house that
2 day?

3 A It was too long ago to remember.

4 MS. HENDRICKS: Your Honor, can we refresh -- we may
5 need to refresh him with the majority of his statement
6 outside the presence of the jury, or we can play snippets
7 if you prefer.

8 THE COURT: Yeah. Just come up here.

9 (WHEREUPON, a bench conference was held off the record.)

10 THE COURT: All right. Ladies and gentlemen, this is
11 one of those times when I need to discuss a legal issue
12 with the attorneys, so we're going to excuse you to your
13 jury room. We'll be back with you shortly.

14 (WHEREUPON, the jury exits the courtroom at 11:50 a.m.)

15 THE COURT: All right. We're going to review --
16 what?

17 MR. CRANE: Your Honor, I would object to reviewing
18 the statement, the reason being ---

19 THE COURT: First of all, the jury is gone.

20 MR. CRANE: I understand that.

21 I would object to reviewing the statement,
22 particularly when the jury comes back in. I've been told
23 up until right now when he took the stand that he wasn't
24 going to testify. He was going to invoke his Fifth
25 Amendment. And if we show the statement in front of the

1 jury and he doesn't answer my questions, I don't have the
2 right to cross-examination. And it's not a case where his
3 statement ought to come in, which would be against my
4 client if I can't cross-examine him.

5 THE COURT: Well, we'll just have to see how it plays
6 out. Play it.

7 MR. CRANE: I object. Thank you, Judge.

8 (WHEREUPON, Court's Exhibit Number 3, a video, was
9 played in open court.)

10 THE COURT: Does that refresh your recollection?

11 THE WITNESS: Not really.

12 THE COURT: No?

13 THE WITNESS: Not really. It was too long ago.

14 THE COURT: We're not going to play that whole tape
15 for the jury.

16 MS. HENDRICKS: We can play snippets again, but a
17 large portion of it is relevant, I think. But we'll try
18 to cut it down as much as possible.

19 THE COURT: Well, yeah. We're going to cut it way
20 down. We're not going to listen to that whole thing.

21 MR. CRANE: Judge, I object to you playing the tape
22 if I can't cross-examine him.

23 THE COURT: They're going to have to do it in
24 response to his failure to answer questions just as we
25 have -- just as we have on the other codefendants. That's

1 what we're doing.

2 MR. CRANE: He has the right to claim the Fifth
3 Amendment. And if I can't ---

4 THE COURT: I'm sorry. He has what?

5 MR. CRANE: The right to claim ---

6 THE COURT: He's pled guilty, has he not?

7 MR. CRANE: He can still ---

8 THE COURT: He does not have a Fifth Amendment right.

9 MR. CRANE: Fine, Judge. I'm going to object to the
10 tape. And furthermore, if you're going to play that tape,
11 there's another tape prior to this one involving this
12 fellow and the police that I think you need to see.

13 THE COURT: I'm not ---

14 MR. CRANE: I know that. I'm going to ask that the
15 first tape also be played. And if I've got to put it in,
16 I'll put it in.

17 THE COURT: Okay. We'll cross that bridge when you
18 come to it.

19 MR. CRANE: They've got it. They need to prepare it
20 to show to the jury. Because the one I've got ---

21 THE COURT: That -- I am not party to that at this
22 point. So we're going to go forward with your
23 examination, and we'll see how it goes.

24 Let's get the jury.

25 MS. HENDRICKS: Your Honor, can we have permission to

1 treat him as a hostile witness?

2 THE COURT: Well, let's just see how it goes. But it
3 sure looks like it.

4 MS. HENDRICKS: Thank you, Your Honor.

5 THE COURT: Maybe you'll have a change of heart.

6 (WHEREUPON, the jury entered the courtroom at 12:28 p.m.)

7 THE COURT: Okay.

8 BY MS. HENDRICKS:

9 Q Mr. Beasley, can you tell me what car you were
10 driving on February 7, 2018?

11 A An Impala.

12 Q What color was it?

13 A Black.

14 Q I'm going to show you what's been marked for
15 identification purposes as State's Exhibit 16. Do you
16 recognize that photograph?

17 A Yes.

18 Q And does it fairly and accurately depict the subject
19 matter therein on February 7, 2018?

20 A Yes.

21 Q And has it been altered in any way?

22 A No.

23 MS. HENDRICKS: Your Honor, at this time the State
24 offers Exhibit 16 for admission into evidence.

25 MR. CRANE: No objection.

1 THE COURT: No objection.

2 (WHEREUPON, State's Exhibit Number 16 was admitted into
3 evidence.)

4 BY MS. HENDRICKS:

5 Q Mr. Beasley, who was in that car with you?

6 A Me and my cousin and his friend.

7 Q What's your cousin's name?

8 A CJ.

9 Q Is his legal name Curtis?

10 A Yes.

11 Q Curtis Collins?

12 And what about -- what was his friend's name?

13 A Smoke.

14 Q Do you know what his legal name was?

15 A No.

16 Q Do you think it might have been Jaquin Dodd?

17 A I don't know.

18 Q You don't know.

19 So let's go back to where -- I think you said you
20 were staying sometimes and you were keeping things. What
21 was your address at that time where Mr. Quavon lived where
22 you were keeping things?

23 A It's just Chick Springs Road. I don't know the
24 address.

25 Q You don't remember the number?

1 A No.

2 Q Okay. Can we play a portion of your statement to
3 refresh you on that?

4 A I mean, it's Chick Springs Road. Just say that.

5 (WHEREUPON, a portion of Court's Exhibit Number 3, a
6 video, was played in open court.)

7 BY MS. HENDRICKS:

8 Q So was your address 129 Chick Springs at that time?

9 A I guess.

10 Q Yes or no?

11 A Yes.

12 Q And was that the house that was broken into on
13 February 7, 2018?

14 A Yes.

15 Q And did anybody report that break-in to law
16 enforcement?

17 A Not to my knowledge.

18 Q And you did not report it?

19 A No.

20 Q How did you find out the house was broken into?

21 A I got the phone call.

22 Q Who did you get a phone call from?

23 A From my roommate.

24 Q Who was your roommate?

25 A Quavon.

1 Q So you got a call from Quavon. Were you at work when
2 you got this phone call?

3 A I was taking a break. I was on the way home anyway.

4 Q Okay. And who was at your house when you got home?

5 A Quavon and Jet [phonetic].

6 Q And Justin?

7 A Yes.

8 Q Is that Justin Miller?

9 A Yes.

10 Q Did you call anyone else to come over?

11 A My cousin CJ.

12 Q And what was stolen?

13 A Like a dog and a gun.

14 Q Was anything of yours stolen?

15 A The gun.

16 Q What kind of gun was it?

17 A A Draco.

18 Q Can you tell us what a Draco is?

19 A I mean, it's a gun.

20 Q Is it a specific type of gun?

21 A I don't know. I don't study guns.

22 Q Is it an AK-47?

23 A They call it a Draco.

24 Q What did you do after you realized your house was
25 broken into?

1 A What do you mean?

2 Q What did you do after you went home and found out
3 your house had been broken into? What did you do next?

4 A I don't recall.

5 Q Did Quavon get a call from the person who broke into
6 your house?

7 A I'm not sure.

8 Q So do you remember giving a statement to law
9 enforcement on the day after the incident on February 8,
10 2018?

11 A Honestly, I don't remember a lot of this. It was too
12 long ago.

13 Q Is this your recorded statement?

14 A Yes.

15 Q Do you remember giving that statement to law
16 enforcement?

17 A I don't remember. After all that happened, I was
18 like bad on drugs, so I don't remember a lot of that.

19 Q So what did you do in response to your house being
20 broken into? Did you ride through Brutontown looking for
21 the person who broke into your house?

22 A I remember trying to get our stuff back.

23 Q How did you try to get your stuff back?

24 A By trying to ride and meet them.

25 Q Who were you trying to find?

1 A I don't know the ---

2 Q How did you know who broke into your house that you
3 were looking to get your stuff back?

4 A Got a call.

5 Q Who got a call?

6 A At the time I don't remember.

7 Q Did you get a call?

8 A I got a call from work.

9 Q You got a call from Quavon while you were at work.

10 A Yes.

11 Q But someone got a call saying who broke into your
12 house?

13 A I don't know.

14 Q Okay. We're going to refresh your recollection.

15 (WHEREUPON, a portion of Court's Exhibit Number 3, a
16 video, was played in open court.)

17 BY MS. HENDRICKS:

18 Q Okay. So now do you remember that Quavon was on the
19 phone with him and that's how he knew Lee Moss broke into
20 your house?

21 A I mean, I still don't remember. It was too long ago.

22 Q So after that, do you remember getting a call to pull
23 up and go into Brutontown to get your stuff back?

24 A I don't remember.

25 ///

1 (WHEREUPON, a portion of Court's Exhibit Number 3, a
2 video, was played in open court.)

3 BY MS. HENDRICKS:

4 Q So who went looking for the person who broke into
5 your house?

6 A We did.

7 Q Who is "we"?

8 A I mean, everybody. You know who did it.

9 Q So you mentioned earlier that Justin Miller was at
10 your house. Did he go with you?

11 A I mean, we was all following each other.

12 Q Okay. Did Quavon go with you?

13 A If he was in a car. I don't know.

14 Q Did Curtis Collins go with you?

15 A Yeah. He was with me.

16 Q Was Jaquin Dodd with you?

17 A He was in my car.

18 Q Okay. So who was in your car?

19 A Smoke, CJ.

20 Q Okay. And Smoke is Jaquin Dodd?

21 A If that's what you told me.

22 Q And CJ is Curtis Collins?

23 A Yes.

24 Q What car was Justin Miller?

25 A A black car.

1 Q What kind of black car?

2 A A black Camaro.

3 Q Was anybody in the car with him?

4 A No.

5 Q What car was Quavon in?

6 A I'm not sure.

7 Q Isn't it true you gave a statement to Detective Irvin
8 where you stated that Xavier and Quavon were in the blue
9 Camaro?

10 A Yeah. But I still wasn't sure if he -- Quavon got in
11 the car. He was at the car talking at the time at home,
12 but I don't know if he was ever in the car.

13 Q Okay. Well, we're going to refresh your recollection
14 with your statement.

15 (WHEREUPON, a portion of Court's Exhibit Number 3, a
16 video, was played in open court.)

17 BY MS. HENDRICKS:

18 Q So Quavon was in the blue Camaro. And who was in the
19 car with him?

20 A I'm not sure if Quavon was even in the car, but Zay
21 [phonetic] car.

22 Q Is Zay Xavier Concepcion?

23 A Yes.

24 Q So the day after it happened, you knew he was in the
25 blue Camaro, but today you want us to believe that he ---

1 A The day after it happened, what are you talking
2 about?

3 Q This was February 8, 2018, the day after the
4 shooting.

5 A I don't know.

6 Q So who was driving the blue Camaro?

7 A I just told you.

8 Q Who?

9 A Zay.

10 Q And you don't remember ---

11 A I remember seeing Quavon talking to him at the car.
12 I don't remember if he got -- he has his own car.

13 Q Do you remember telling Detective Irvin that when
14 they left, Xavier was driving and Quavon was in the
15 passenger's seat?

16 A I also remember telling him he has a white
17 Volkswagen. We all have our own cars.

18 Q You need to answer the question. That's not what I
19 asked you. Do you remember saying when they left, Xavier
20 was driving, Quavon was in the passenger's seat, yes or
21 no?

22 A No.

23 (WHEREUPON, a portion of Court's Exhibit Number 3, a
24 video, was played in open court.)

25 BY MS. HENDRICKS:

1 Q Did you make any stops when you were looking for Lee
2 Moss?

3 A No.

4 Q You don't remember making any stops?

5 A No.

6 Q Did anybody switch cars?

7 A I don't remember.

8 Q Do you remember telling Detective Irvin that Xavier
9 got out of the car and got into a silver Mercedes?

10 A I mean, not since you played the video.

11 Q Yes or no, do you remember saying that Xavier got out
12 of the car and got into a silver Mercedes?

13 A No. Not since you played the video.

14 (WHEREUPON, a portion of Court's Exhibit Number 3, a
15 video, was played in open court.)

16 BY MS. HENDRICKS:

17 Q So now do you remember saying Xavier got into a
18 silver Mercedes?

19 A You didn't ask me that. No.

20 Q So do you remember Xavier Concepcion getting out of
21 the blue Camaro?

22 A Since you played that, I mean, that's what it said.

23 Q Yes or no?

24 A Yes.

25 Q Do you remember him getting in the car with someone

1 else ---

2 A No.

3 Q --- getting in another car?

4 A No.

5 Q Do you remember him getting into a silver Mercedes?

6 A No.

7 Q We just played the clip where you say ---

8 A I still don't remember it, though.

9 Q So when -- your statement to Detective Irvin was that
10 Xavier was driving the blue Camaro and Quavon was in the
11 passenger's seat, then Xavier got out of the blue Camaro
12 and got into a silver Mercedes. Who -- did someone else
13 get into the driver's seat of that blue Camaro or did
14 Quavon start driving the blue Camaro?

15 A I don't remember. I don't even know if Quavon was in
16 the blue Camaro.

17 (WHEREUPON, a portion of Court's Exhibit Number 3, a
18 video, was played in open court.)

19 BY MS. HENDRICKS:

20 Q So did you know what -- who or what color car you
21 were looking for?

22 A No. I just know what I was told or heard.

23 (WHEREUPON, a portion of Court's Exhibit Number 3, a
24 video, was played in open court.)

25 BY MS. HENDRICKS:

1 Q So when you were driving on Rutherford Road, do you
2 remember what order the cars were in?

3 A I think the black car was in front of me.

4 Q The black Camaro?

5 A Yes.

6 Q What about the blue Camaro?

7 A Thought it's been gone.

8 Q And was there another -- what about the silver
9 Mercedes?

10 A I don't know anything about it.

11 Q The one you saw Xavier get into?

12 A I don't know anything about it.

13 Q What happened to you -- did you hear -- did you see a
14 shooting?

15 A No, ma'am.

16 Q Did you hear shots?

17 A No, ma'am.

18 Q Did you see a red car that was wrecked at the
19 intersection of North Main and Rutherford?

20 A I don't know what that was.

21 Q Did you see something?

22 A I thought I did.

23 Q What did you see?

24 A I don't know.

25 Q You saw something you don't know what it is.

1 Did you ---

2 A I didn't have my glasses on, so no.

3 Q Were you pulled over right after very close to the
4 intersection of North Main and Rutherford?

5 A If that's where we was, yes.

6 Q What were you pulled over for?

7 A I don't know. They never told me. They just told me
8 to get out with guns blazing. So they never told me why I
9 was pulled over.

10 Q Do you remember telling law enforcement that somebody
11 else got in the car with Quavon?

12 A No.

13 (WHEREUPON, a portion of Court's Exhibit Number 3, a
14 video, was played in open court.)

15 BY MS. HENDRICKS:

16 Q So Xavier got out of the car in Brutontown, and your
17 testimony is that somebody else got into the car with
18 Quavon, into the blue Camaro with Quavon.

19 A Are you asking me this?

20 Q Is that what we just played that you just told law
21 enforcement the day after the incident?

22 A I mean, I don't know.

23 Q Let's talk about what you do know. So you were
24 occasionally staying with Quavon at 129 Chick Springs,
25 correct?

1 A Short term.

2 Q So on February 7, 2018, you got a call from Quavon
3 that the house -- his house had been broken into.

4 A If that's the correct date.

5 Q Yes or no?

6 A If that's the -- I can't -- I don't know the date so
7 I can't tell you yes or no.

8 Q So after you got a call from Quavon that your house
9 had been broken into, you left work and you had a gun
10 stolen from you.

11 A Correct.

12 Q And you got together and were looking for Lee Moss in
13 a red car.

14 A I don't know.

15 Q You don't know. Yes or no, were you looking for Lee
16 Moss in a red car?

17 A We was looking for our stuff.

18 Q Were you looking for the person who had your stuff?

19 A I mean, if that's who had it. We was looking for our
20 stuff.

21 Q And you told law enforcement there were two people in
22 the blue Camaro: Xavier and Quavon; is that correct?

23 A At the time.

24 Q So yes.

25 So you told law enforcement that Xavier and Quavon

1 were in the blue Camaro, and Xavier was driving and Quavon
2 was in the passenger's seat; is that correct?

3 A Yes. But like I told you, I don't know if Quavon was
4 even in the car.

5 Q That's what you're telling us today, but I'm talking
6 about what you told law enforcement the day after the
7 incident. You told law enforcement the day after the
8 incident that Xavier was driving and Quavon was in the
9 passenger's seat; is that correct?

10 A But I wasn't sure about that.

11 Q You're not sure about it now, but we can play that
12 again for you. It's the 22:50 mark.

13 (WHEREUPON, a portion of Court's Exhibit Number 3, a
14 video, was played in open court.)

15 BY MS. HENDRICKS:

16 Q So after that you testified -- you told police on
17 this date that Xavier got out of the car, got into a
18 silver Mercedes and somebody else got into the blue
19 Camaro; is that correct?

20 A If that's what I said.

21 MS. HENDRICKS: Okay. No further questions.

22 THE COURT: Let me talk to counsel up here for just a
23 second.

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: Okay. Cross.

1 MR. CRANE: Thank you, Judge.

2 CROSS EXAMINATION

3 BY MR. CRANE:

4 Q Good afternoon. I'm Larry Crane. How are you today?

5 A Pretty good.

6 Q Thank you.

7 Let me ask you a couple questions about what you just
8 testified to. One thing that I picked up on your
9 testimony just a minute ago, I made a note of it, maybe I
10 heard you wrong, but I believe you said that some of the
11 reasons you don't remember, because you were bad on drugs
12 at the time.

13 A Correct.

14 Q So on this date, which I think is the 8th of
15 February, this event having happened on the 7th of
16 February, you were still on drugs or coming down?

17 A Correct.

18 Q So on the 7th would you have been on drugs that day?

19 A Correct. I had surgery, so I was always on Percocet.

20 Q You had what?

21 A I had surgery so I was on Percocets all the time.

22 Q Okay. And where were you working at that time?

23 A Gossett. GCPC. It's a concrete plant.

24 Q Was Quavon working with you or did he have a
25 different job?

1 A Different job.

2 Q Okay. And at the time that this happened, you were
3 staying with Quavon on some occasions; is that right?

4 A For the moment, yes, sir.

5 Q Now, we've all listened, we've watched this video
6 here, but let me ask you something. Did you tell the
7 police officer what happened or did he kind of say, well,
8 isn't it true that Quavon was in the car and Xavier was
9 driving and you just agreed with him?

10 A Yeah. He kind of said something.

11 Q He fashioned the statement how he wanted it, didn't
12 he?

13 A Correct.

14 Q So he didn't let you tell him what happened, did he?

15 A No, sir.

16 Q But you're telling us today that you don't really
17 remember, like because this happened more than four years
18 and nine months ago, didn't it?

19 A Correct.

20 Q All right. Let me ask you this. Who was in the blue
21 Camaro when shots were fired at the red car?

22 A I didn't see.

23 Q You didn't see?

24 A Didn't see any of that.

25 Q And you don't know who was in the blue Camaro when

1 shots were fired.

2 A No, sir.

3 Q Do you know where Quavon was when shots were fired
4 into that other car?

5 A No, sir.

6 Q You said you grew up with Quavon, went all the way
7 through school with him?

8 A Right.

9 Q Are you guys related at all?

10 A Not by blood.

11 Q So you're not cousins or anything.

12 A No, sir.

13 Q And you have pled guilty to accessory after the fact;
14 is that correct?

15 A I wasn't sure, but yes.

16 Q You say what?

17 A Yes.

18 Q You weren't guilty?

19 A No. I said I wasn't sure what I pled guilty to.

20 Q Were you originally charged with attempted murder?

21 A Yes.

22 Q And as a result of your guilty plea and your promise
23 to testify, the State dropped that charge, didn't they?

24 A Yes.

25 Q When you got the phone call at work from Quavon, you

1 then went to Quavon's house?

2 A Yes.

3 Q And Quavon was there and Mr. Miller was there?

4 A Correct.

5 Q And Quavon, I think you tried to tell the solicitor,

6 drove a white Volkswagen.

7 A Correct.

8 Q What kind of car did Miller drive?

9 A A black Camaro.

10 Q And you drove a black Impala?

11 A Impala.

12 Q Did anyone else come over to the house, to Quavon's

13 house at that time?

14 A My cousin came.

15 Q Collins ---

16 A Collins and Smoke.

17 Q --- and Dodd.

18 A Yes.

19 Q How did they get there?

20 A I called them.

21 Q Did they walk?

22 A Oh, no. He drove. My bad. He drove.

23 Q What kind of car did they drive?

24 A I think he pulled up in a truck.

25 Q A truck. Okay. So now we've got a truck, a white

1 VW, your black Camaro -- excuse me, no -- your black
2 Impala ---

3 A Impala.

4 Q --- and the black Camaro. Did anybody else come to
5 the house?

6 A No.

7 Q Okay. How long did Mr. Miller stay at the house, if
8 you recall?

9 A I don't recall.

10 Q Do you know if he left and went home and had lunch
11 and came back or not?

12 A I don't know.

13 Q All right. Do you recall how long those people that
14 were just talked about were at Quavon's house?

15 A I don't know how long.

16 Q And did they all leave together or separately? Or
17 what happened?

18 A Left together.

19 Q All right. And when they left, do you know, were you
20 driving your Impala?

21 A Yes, sir.

22 Q Who was in your car?

23 A CJ and Smoke -- Dodd. Curtis and ---

24 Q Dodd and Curtis Collins and you.

25 A (Nods head affirmatively.)

1 Q And Miller was in his black Camaro?

2 A Yes.

3 Q How did Quavon leave?

4 A I'm not sure.

5 Q You don't know.

6 A I don't know if he left.

7 Q You don't know if he left.

8 A No, sir.

9 Q All right. While there, did you talk about what was

10 stolen of the break-in, yes or no?

11 A Yes.

12 Q Did you talk about what was stolen?

13 A Yes.

14 Q And did you have some items stolen?

15 A Yes.

16 Q And it was a Draco stolen from you; is that correct?

17 A Correct.

18 Q Anything else?

19 A No.

20 Q All right. Was there other things like the video

21 game and TV and jewelry?

22 A Well, yes. It was ---

23 Q A puppy?

24 A Yeah. A dog, clothes and stuff.

25 Q What kind of dog?

1 A It was a bully.

2 Q And are those dogs that Quavon raises?

3 A Yes, sir.

4 Q Are they purebred dogs?

5 A Yes, sir.

6 Q He sells them for a lot of money?

7 A Yeah. That's what he do, yes, sir.

8 Q And one of those was stolen.

9 A Yes, sir.

10 Q All right. And he called you to tell you about the

11 break-in.

12 A Yes.

13 Q And so you came home.

14 A (Nods head affirmatively.)

15 Q When you were there, did y'all talk about going and

16 finding someone and shooting and killing them?

17 A No, sir. We never talked about that.

18 Q Never talked about that?

19 A No, sir.

20 Q Did you see any weapons at the house?

21 A No. They took them. They took ---

22 Q They took them.

23 A --- the weapon we had, yes, sir.

24 Q When the people left Quavon's house to go, and I'll

25 find out where he went in a minute, did you see anybody

1 with any guns?

2 A No one had a gun. To my knowledge, no one had a gun.

3 Q Okay. When you were finally apprehended, there was a
4 gun in your car, wasn't there?

5 A Correct.

6 Q Whose gun was that?

7 A I believe it was Curtis.

8 Q Curtis Collins. Okay. But you didn't see it at
9 Quavon's.

10 A No.

11 Q Did you ever see Quavon with a gun?

12 A No sir. The only gun we had was the Draco -- well, I
13 had was the Draco.

14 Q The only gun in the house was the Draco?

15 A Correct.

16 Q All right. So when y'all -- when -- we'll call you
17 the five of you. When the five of you were there -- was
18 it five? -- when you guys were there at Quavon's house,
19 what did you talk about?

20 A We talked about what was took.

21 Q And did you talk about trying to get it back?

22 A We said we needed to, yes.

23 Q Okay. And did you testify that Quavon received a
24 phone call from the guy that took it?

25 A Yes.

1 Q And do you recall how many cars left Quavon's when
2 you all went looking for the stuff?

3 A No.

4 Q Did you ever see the blue Camaro at the house with
5 Quavon?

6 A Yes.

7 Q You did?

8 A At the house?

9 Q Yeah. Or was it just you and Miller's car?

10 A It was -- it was a black Camaro ---

11 Q That's Miller's.

12 A --- the truck and my black car.

13 Q Okay. So the blue Camaro wasn't there.

14 A Not at the time.

15 Q All right. Did y'all ever go and meet up at a Citgo
16 gas station or another gas station?

17 A No.

18 Q You didn't do that.

19 A No.

20 Q Y'all went to Brutontown looking for Lee Moss.

21 A Yes, sir.

22 Q Did you find him?

23 A No.

24 Q Did you go to a house that you thought might be his?

25 A I can't recall.

1 Q All right. And so the best you can recall, when
2 y'all left Quavon's house, did three cars leave or did two
3 cars leave or do you know?

4 A I don't know.

5 Q But you know Quavon wasn't with you.

6 A No, sir.

7 Q And Quavon wasn't with Miller.

8 A No.

9 Q And you didn't see a blue Camaro.

10 A No.

11 Q So when did you meet up with Quavon again?

12 A Like I say, I don't know if Quavon was ever around,
13 ever left.

14 Q You don't know if he was around.

15 A No.

16 Q All right. The State has played some tapes here that
17 indicate that on the 8th you told -- or the detectives
18 told you that Quavon was in the blue Camaro and you agreed
19 with him; do you remember doing that?

20 A Correct.

21 Q Let me ask you something now. This is not the first
22 interview with the detectives, was it?

23 A No. That's the second.

24 Q Well, at the first interview which lasted for about
25 40 minutes, you denied everything, didn't you?

1 A Yes, sir.

2 Q Said I don't know what you're talking about.

3 A Correct.

4 Q I don't know what's going on, I don't know why I'm
5 here, denied everything.

6 A Correct.

7 Q And then they got you back the next day, and we saw
8 what the detective did; is that correct?

9 A Played head -- mind games. Played mind games.

10 Q Well, he filled in the blanks and you agreed; is that
11 correct?

12 A Correct.

13 Q Do you recall ever seeing Quavon in the blue Camaro?

14 A Honestly, no.

15 Q You might have told the detectives that, but you
16 don't recall seeing ---

17 A Not really. Like I put my hand on the Bible. No.
18 Honestly, I didn't never see him in the car.

19 Q And when you went looking, it was to get your stuff
20 back.

21 A Correct.

22 Q From someone that had burglarized and stolen your
23 stuff.

24 A Correct.

25 Q But no one talked about shooting anybody or killing

1 anybody.

2 A We didn't have a gun to talk about that, so no.

3 Q All right. Did you see the shooting?

4 A No, sir.

5 Q Did you hear the shots?

6 A No, sir.

7 Q Did you see the blue Camaro at the site of the
8 shooting?

9 A No, sir.

10 Q Did you ever meet up with Quavon later that day?

11 A No, sir. I was -- I didn't get out.

12 Q You got arrested.

13 A Correct.

14 Q So you don't even know if Quavon was there, do you?

15 A No, sir.

16 Q Like you said at the very end of that tape, you said
17 everybody agreed just to simply go get the stuff back and
18 nobody said anything about doing anything like what
19 happened.

20 A Correct.

21 MR. CRANE: One moment please, Judge. Thank you.

22 Thank you.

23 THE COURT: Any redirect?

24 MS. HENDRICKS: Just briefly, Your Honor.

25 ///

REDIRECT EXAMINATION

BY MS. HENDRICKS:

Q So you said you worked -- did you work in a concrete factory? Is that what you said?

A Concrete plant.

Q Concrete plant?

A Yes.

Q And you went to work on February 7, 2018?

A I don't remember. I mean, I guess so. Yes. I was -- I went to work every day.

Q Okay. And you went to work while you took Percocet?

A Correct. And you can ask my boss. I asked him that every day, at 12:00 could I take one because that's what time -- I take it like twice, three times a day.

Q And you could drive on Percocet?

A I mean, yeah. I'm not supposed to, but I did.

Q So you can work and drive on Percocet.

A I was doing both.

Q Right. Okay.

And then you're very good friends with Quavon Edmunds; is that correct?

A Correct.

Q Is he your best friend?

A We're friends.

Q Would you consider him like family?

1 A I mean, we're friends.

2 Q Did you want to testify today?

3 A I wasn't supposed to.

4 Q Did you want to testify today?

5 MR. CRANE: Judge, I object. That's not ---

6 THE COURT: Well, it goes ---

7 MS. HENDRICKS: Bias.

8 THE COURT: I'll let her ask the question.

9 BY MS. HENDRICKS:

10 Q Did you want to testify today?

11 A Did I want to?

12 Q Yes.

13 A Does anybody want to?

14 Q It's just a yes or no question.

15 A I mean ---

16 THE COURT: It's yes or no, and you can explain your
17 answer.

18 THE WITNESS: No. I didn't want to.

19 BY MS. HENDRICKS:

20 Q Why didn't you want to?

21 A Why would I? Testify to what? That's what I'm
22 confused about.

23 MS. HENDRICKS: Okay. No further questions. Thank
24 you, Your Honor.

25 THE COURT: Do you want to ask any more questions?

1 MR. CRANE: I don't think so, Judge.

2 THE COURT: All right. Thank you. You can step
3 down.

4 All right. Mr. Foreman and ladies and gentlemen of
5 the jury, we're going to break for lunch, ask you to be
6 back at 2:15, okay?

7 Don't talk about it. Don't visit the scene.

8 Everyone else remains seated while the jury is
9 exiting.

10 (WHEREUPON, the jury exits the courtroom at 1:03 p.m.)

11 THE COURT: Okay. See you all at 2:15.

12 (WHEREUPON, a recess was taken at 1:03 p.m.)

13 THE COURT: Ready to go?

14 MS. HENDRICKS: Just briefly, Your Honor. When I was
15 entering Exhibit 15, it's a photograph of Damous Beasley,
16 I accidentally referred to it as Exhibit 14, so I wanted
17 to clear that up on the record.

18 THE COURT: Any comment from the defense?

19 MR. CRANE: No, sir.

20 THE COURT: Okay. All right.

21 (WHEREUPON, the jury entered the courtroom at 2:25 p.m.)

22 THE COURT: Okay. Welcome back, ladies and
23 gentlemen. And we are ready to resume.

24 Call your next witness.

25 MS. GASSER: May it please the Court, Your Honor.

1 The State calls Quinstasia Griffin.

2 THE CLERK: Please stop at the end of the bench.
3 Please place your left hand on the Bible and raise your
4 right hand.

5 WHEREUPON,

6 QUINSTASIA GRIFFIN

7 After having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please be seated. Please
9 state your name for the record.

10 THE WITNESS: Quinstasia Griffin.

11 DIRECT EXAMINATION

12 BY MS. GASSER:

13 Q Good afternoon, Ms. Griffin. Can you tell us where
14 you're from?

15 A Greenville.

16 Q And have you lived here your whole life?

17 A Yes, ma'am.

18 Q And were you living here in 2018?

19 A Yes, ma'am.

20 Q February of that year?

21 A Yes, ma'am.

22 Q Can you tell me what your day looked like on
23 February 7, 2018?

24 A I think I was leaving from getting my youngest baby
25 from school or something like that, like coming from the

1 Summit Drive area.

2 Q You're in the Summit Drive area.

3 A Yes, ma'am.

4 Q If you were to see a map of that area, would you
5 recognize it?

6 A Yes, ma'am.

7 Q Since you said you were from Greenville, right?

8 A Yes, ma'am.

9 Q All right. Ms. Griffin, I'm showing you what's been
10 premarked for identification purposes only as State's
11 Exhibit Number 17. Do you recognize this?

12 A Yes, ma'am.

13 Q And how do you know what this is?

14 A I mean, it's a map like the area, because I kind of
15 know the area.

16 Q Is it a fair and accurate depiction of the area?

17 A Yes, ma'am. Right there where Summit Drive is.

18 Q And you've been in this area?

19 A Yes, ma'am.

20 MS. GASSER: Your Honor, at this time the State moves
21 to enter State's Exhibit Number 17 into evidence.

22 MR. CRANE: No objection.

23 THE COURT: All right without objection.

24 (WHEREUPON, State's Exhibit Number 17 was admitted into
25 evidence.)

1 BY MS. GASSER:

2 Q All right. Let's see if we can talk about this.

3 So you said you were picking up your son. Where were
4 you picking up your son from?

5 A It was my daughter.

6 Q Oh, your daughter. I apologize.

7 A Uh-huh.

8 Q Where were you picking up your daughter from?

9 A I think I was on my way to pick her up.

10 Q Okay. Where were you going to?

11 A I was going to the Head Start on Rutherford Road.

12 Q All right. And if you would step down, can you
13 please indicate to the jury where you were with this
14 purple colored marker?

15 A Okay. This (indicating) is Summit.

16 THE COURT: Keep your voice up, please.

17 THE WITNESS: Okay. This is Summit Drive
18 (indicating). All I know is like -- I really can't direct
19 it on here, but I know coming off the road from Summit
20 Drive is the elementary school. I was coming down and I
21 was at a light. And you've got to go straight across,
22 left -- I could go left or right, but I was making that
23 left.

24 And coming up -- I guess you want to say coming up
25 from Rutherford Road, as that car was turning on that --

1 what is this, ongoing traffic and I'm making a left, it
2 was like the car went like that. They come and knocked my
3 car out of the way. I guess the car, you know, turned too
4 wide or it was going too fast and the person couldn't
5 control the car. But I was at the light when I got hit.
6 But I know I was on that road, Summit Drive Road.

7 BY MS. GASSER:

8 Q Okay. So you just said you were on Summit Drive.
9 And did you say that you were at Rutherford Road?

10 A No. I'm saying like I'm on Summit Drive, but if I
11 make that left, I'm going to be turning on Rutherford
12 Road.

13 Q Okay. So you're at the intersection of Rutherford
14 Road and Summit Drive.

15 A Yeah.

16 Q Okay. Can you indicate that on the map using that --
17 you can actually mark on that map with that purple marker
18 that intersection that you just referenced.

19 A I don't know how to read no map, but I just know like
20 it was -- it was Summit Drive. Like all I know is I can
21 still remember it and I can say how it was, but I just
22 don't know on here.

23 Q So you know it was the Summit Drive and Rutherford
24 Road intersection.

25 A Yeah.

1 MS. GASSER: And let the record reflect that she
2 indicated it was the intersection of Summit Drive and
3 Rutherford Road.

4 BY MS. GASSER:

5 Q All right. And you can take a seat back.

6 All right. Ms. Griffin, did you call 9-1-1 that day?

7 A Yes, ma'am.

8 Q Why did you call 9-1-1?

9 A Because my car got hit, and it was a hit-and-run.

10 When my car got hit, they kept going.

11 Q Would you recognize your voice if you were to hear
12 your 9-1-1 call again?

13 A Yes, ma'am.

14 MS. GASSER: Your Honor, permission to publish the
15 9-1-1 call that's already been entered into evidence.

16 THE COURT: Yes.

17 (WHEREUPON, State's Exhibit Number 4, an audio recording,
18 was played in open court.)

19 BY MS. GASSER:

20 Q Ms. Griffin, was that your voice?

21 A Yes, ma'am.

22 Q And do you remember what time around you made this
23 call?

24 A It might have been, I think, a little bit after 2:00.
25 I'm not sure.

1 Q And can you describe the car that hit you?

2 A It was a newer model dark charcoal or gray Camaro.

3 Q And did you get a plate number for that car?

4 A No.

5 Q Why not?

6 A The car was going too fast. Like I said, it was a
7 hit-and-run.

8 Q And could you see the driver of the Camaro?

9 A No, I couldn't.

10 Q Ms. Griffin, I'm handing you what's been premarked
11 for identification purposes only as State's Exhibit
12 Number 22.

13 A Yes, ma'am.

14 Q Do you recognize that?

15 A Uh-huh.

16 Q What -- how do you recognize that?

17 A Because that was the same car that -- like I was
18 explaining. Like when I was at the light and it turned
19 and hit me on the driver's side, you know, on my side and
20 it kept going.

21 Q And what -- is that a fair and accurate depiction of
22 that car that hit you that day?

23 A Yes, ma'am.

24 Q Has it been changed or altered in any way?

25 A No. Not that I know of.

1 MS. GASSER: Your Honor, at this time the State moves
2 to enter State's Exhibit Number 22 into evidence.

3 MR. CRANE: No objection.

4 THE COURT: Without objection.

5 (WHEREUPON, State's Exhibit Number 22 was admitted into
6 evidence.)

7 BY MS. GASSER:

8 Q So, Ms. Griffin, you described the car that hit you
9 in your previous testimony as a charcoal gray Camaro?

10 A Yeah. It was -- it was the newer model Camaro like
11 that.

12 Q And this was the vehicle that hit you?

13 A Uh-huh. And then you can see on the -- on their
14 driver's side like where the car had hit my car.

15 Q And did it cause damage to your vehicle?

16 A Yes, it did.

17 Q Can you describe that damage for the jury?

18 A On the driver's side of my door, as I was explaining,
19 when the car was -- the Camaro was turning, I guess it was
20 going too fast or lost control, and it ran up on the
21 driver's side of my door and the back side of my
22 passenger's door as well. And we couldn't open either
23 door for me -- smashing into my car.

24 Q And do you remember what you were wearing that day?

25 A I know I had probably a little scarf on my head, some

1 not Cheetah but like it was like Cheetah tights and
2 probably a coat.

3 Q And do you remember what your car looked like in
4 February of 2018?

5 A Uh-huh.

6 Q Ms. Griffin, I'm handing you what's been premarked
7 for identification purposes as State's Exhibits Number 18,
8 19, 20 and 21. Can you look through those documents?

9 A (Reviews Document) Yes, ma'am. Yep.

10 Q Do you recognize those documents?

11 A Yes, I do.

12 Q How do you recognize them?

13 A Because this is my car, this is me in the picture and
14 that's the same side that I was explaining of where my car
15 got hit.

16 Q Is that a fair and accurate depiction of how you and
17 your vehicle looked on February 7, 2018?

18 A Yes, ma'am.

19 Q Have they been changed or altered in any way?

20 A No.

21 MS. GASSER: Your Honor, at this time the State moves
22 to enter State's Exhibits Number 18, 19, 20 and 21 into
23 evidence.

24 MR. CRANE: Judge, I'm going to object. I don't see
25 the relevance of the pictures. So object on relevance.

1 THE COURT: Let me see them.

2 Well, I'm going to let them in.

3 (WHEREUPON, State's Exhibit Numbers 18 through 21 were
4 admitted into evidence.)

5 BY MS. GASSER:

6 Q All right, Ms. Griffin. So State's Exhibit
7 Number 18, can you tell the jury what this depicts?

8 A That's my car.

9 Q State's Exhibit Number 19, can you tell the jury what
10 this depicts?

11 A That's me.

12 Q State's Exhibit Number 20, what does this depict?

13 A That's where my car got hit on that side, those
14 dents.

15 Q Okay. And State's Exhibit Number 21.

16 A Yeah. It was the other side right there.

17 Q You said that the car, it was a hit-and-run, right?

18 A Uh-huh.

19 Q Okay. Do you know which direction the car ran?

20 A It was coming like -- like if you keep going -- let
21 me see. Rutherford Road, if you're coming down, you'll be
22 coming from the Head Start way.

23 Q Okay.

24 A So they was in that right lane like turning like
25 where I was like coming down Rutherford Road.

1 Q Did they turn right or left off of Rutherford Road?

2 A I'm right here, so, I mean, this is Rutherford Road,
3 this is the street to go down, I'm going off. So they was
4 coming up, I guess, this -- I don't know if you want to
5 call that coming down, but they was turning right right
6 there.

7 Q So they turned right on Summit Drive.

8 A Yeah. So if my car here at the light, when they
9 turned, that's how I got hit, like I got knocked -- like
10 my car got moved like that. I guess they turned too hard
11 or they were going too fast.

12 Q Did they keep going down Summit?

13 A Yeah.

14 Q So they didn't turn around and come back?

15 A No.

16 MS. GASSER: I have no further questions. Please
17 answer any that defense counsel may have.

18 THE WITNESS: All right.

19 CROSS EXAMINATION

20 BY MR. CRANE:

21 Q Ms. Griffin, what color is that car?

22 A It looks like it's black.

23 Q Or blue?

24 A Blue, yeah.

25 Q Is that right?

1 A Yeah.

2 Q It's not charcoal gray, is it?

3 A Hu-uh. But like I said, the car was going fast so I
4 couldn't really see. So I know it was a dark color.

5 Q I understand. But twice you said it was charcoal
6 gray upon direct examination. You didn't say anything
7 about big rims like that when you were asked about it.
8 Did you see big rims on the car that hit you?

9 A Like I said, the car was going fast. I didn't -- I
10 just know it was a dark -- it was a dark color car and it
11 was a newer model Camaro.

12 Q Is there any damage on that car?

13 A From the previous picture that I seen, it was on the
14 driver's side down at the bottom bumper, it was.

15 Q The previous picture of this car?

16 A Yeah. The other -- you can't see the other side of
17 the car.

18 Q Okay. And whatever car might have run into you, you
19 weren't injured or anything, were you?

20 A No. My car was, though.

21 Q Well, we're glad of that. Thank you.

22 And whoever it was that might have run into you, you
23 didn't see the driver, did you?

24 A No. Because it was tints on the window. Couldn't
25 see. And then the windows was up as the car hit me and

1 kept going.

2 Q Okay. And you don't know if there was a passenger in
3 the car, do you?

4 A No, I don't.

5 Q Do you know where that car had been prior to turning
6 right onto Summit?

7 A No, I don't.

8 Q You don't know what that car had been doing prior to
9 being on Summit?

10 A No, I don't.

11 Q You just know that some car hit you.

12 A Yep.

13 MR. CRANE: Okay. Thank you, ma'am.

14 THE COURT: All right. Anything else?

15 MS. GASSER: No redirect Your Honor.

16 THE COURT: All right. Thank you, ma'am. You may
17 step down.

18 MS. GASSER: Your Honor, may we release this witness
19 from her subpoena?

20 THE COURT: Any objection?

21 MR. CRANE: No objection.

22 THE COURT: No objection. Go.

23 MS. GASSER: The State calls Wendy Arnold.

24 THE CLERK: Please stop at the end of the bench.

25 Place your left hand on the Bible and raise your right

1 hand.

2 WHEREUPON,

3 WENDY ARNOLD

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. Please be seated. Please
6 state your name for the record.

7 THE WITNESS: My name is Wendy Arnold.

8 DIRECT EXAMINATION

9 BY MS. GASSER:

10 Q Good afternoon, Ms. Arnold. Are you from Greenville
11 originally?

12 A No. I am from Fayetteville, North Carolina.

13 Q When did you move to Greenville?

14 A In twenty -- I'm sorry. Nineteen -- I'm old. 1998.

15 Q And are you currently employed?

16 A Yes, ma'am.

17 Q What do you do?

18 A I'm a nurse practitioner and work for hospice.

19 Q Where were you living in February of 2018?

20 A In my current house on Cary Street.

21 Q And what addresses is that?

22 A 402 Cary Street.

23 Q And do you remember February 7, 2018?

24 A Yes, ma'am.

25 Q What do you remember about that day?

1 A I was coming home from -- after doing some patient
2 visits. It was a little -- I think it was a little after
3 2:00 in the afternoon. And I was driving home and stopped
4 at the stop sign beside the B&C Cleaners which is at the
5 bottom of my street, and noticed two young men walking
6 down the hill. They were dressed kind of the same, and I
7 kind of was wondering if there was work going on on my
8 street. And as they were walking down towards me, one of
9 the guys turned and started running up the hill.

10 Q And can you describe those men?

11 A Yeah. There was two dark-brown-skinned guys. One of
12 them was thin and had a hat on his head. He had braids.
13 He was wearing -- both of them kind of had khaki colored
14 sweatshirts or jackets on, blue jeans.

15 The other guy was a little shorter than him,
16 heavysset, looked like a football player. And he had -- he
17 also had dreads or braids and gold tips on the ends of his
18 hair.

19 Q And what did you see after -- what did you do after
20 seeing these two males?

21 A Well, I was on the phone with my sister, and I just
22 -- when the guy turned and ran up the street, I didn't
23 really know what to do so I just drove really slowly
24 behind him as he was running and followed from a distance
25 because I was kind of confused. And he kept running.

1 He ended up cutting down -- running past my house and
2 cutting across the corner of the neighbor's yard and
3 running and turning down Russell. The other young man was
4 on his cell phone and kept walking towards the B&C Cleaner
5 area.

6 Q All right. So the guy that ran, was he the heavier
7 set guy or the thin guy?

8 A He was the heavyset guy with the gold tips.

9 Q And so the guy you just described as being on the
10 cell phone, was he the thinner ---

11 A Uh-huh.

12 Q And did you -- you said you were on the phone with
13 your sister. Did you make any calls?

14 A When I -- when he turned to go to the right which is
15 -- turns into Russell/Cary, I just kept on driving and
16 went towards the left, which Cary kind of S's, and ended
17 up driving towards Bennett Street. And then I saw a bunch
18 of police officers. And that's when I was like, well, I
19 hang up my phone and called the police.

20 Q And if you were to hear that 9-1-1 call, would you be
21 able to recognize your voice?

22 A Yes.

23 MS. GASSER: Your Honor, permission to publish the
24 9-1-1 call that's already been entered into evidence.

25 THE COURT: Yes.

1 (WHEREUPON, State's Exhibit Number 4, an audio recording,
2 was played in open court.)

3 BY MS. GASSER:

4 Q Ms. Arnold, was that your voice?

5 A Yes, ma'am.

6 Q What did you do next after making this 9-1-1 call?

7 A I turned around and went to my house. And then when
8 I was pulling up my driveway, I paid closer attention to
9 the dark car that was -- there was a dark car parked at
10 the bottom of my driveway. And the windows were down, and
11 it was a little -- it was a little cloudy and rainy that
12 day. So when I went inside, I called back to let them
13 know about the car.

14 Q You said there was a dark car at the end of your
15 driveway. Would you recognize that car again if you were
16 to see it?

17 A I'm pretty sure, yes.

18 Q I'm showing you what's already been entered into
19 evidence as State's Exhibit Number 22. Do you recognize
20 this as the dark car at the end of your driveway?

21 A Yes, ma'am.

22 Q So what did you do after seeing this vehicle?

23 A I called back to let them know about the car that was
24 in front of my house.

25 Q And when you say "called back" ---

1 A I called back to 9-1-1 and let -- informed them about
2 the car that was in front because it wasn't one that I
3 noticed it was not -- not usually parked there in front of
4 my neighbor's yard. And like I said, the windows were
5 down, so . . .

6 Q Would you recognize your voice if you were to hear
7 that 9-1-1 call again?

8 A Yes, ma'am.

9 MS. GASSER: Your Honor, permission to publish the
10 9-1-1 call that's already been entered into evidence.

11 THE COURT: Okay.

12 (WHEREUPON, State's Exhibit Number 4, an audio recording,
13 was played in open court.)

14 BY MS. GASSER:

15 Q And Ms. Arnold, after making this phone call, what
16 happened next?

17 A Well, I was looking -- watching out the window, and I
18 saw -- I saw another dark black car pull up. I think it
19 was a Cadillac. And he kind of came to a stop at the stop
20 sign and kind of turned around in a circle, and another
21 young black man got out of the car and went and sat in the
22 driver's side of the Charger and kind of sat there for a
23 little while.

24 Q And what did you do?

25 A I feel like I called. It's been a long time ago, but

1 I know I was thinking about calling, if I didn't call.
2 But I felt like I called if I'm remembering right because
3 I was worried that the car was going to leave. And I was
4 still watching out the window when the police showed up
5 from all sides and surrounded the car.

6 Q And when the police showed up, what happened?

7 A Well, it was really -- it was very sad. The young
8 man tried to run. He got out of the car. There was
9 police officers coming up from the -- the Mohawk side and
10 police officers coming up from Russell side. They were
11 all over. There were dogs, and the young man tried to
12 run. He jumped over the neighbor's front porch and ran
13 down around the hill, and I lost track of what happened
14 then.

15 Q I'm going to show you what's been premarked for
16 identification purposes as State's Exhibit Number 23. Do
17 you recognize that?

18 A Yes. It's the view from my front porch.

19 Q And is that a fair and accurate depiction of the view
20 that you've just described for the jury that you saw on
21 February 7, 2018?

22 A Yes, ma'am.

23 Q Has it been changed or altered in any way?

24 A No.

25 MS. GASSER: Your Honor, at this time the State moves

1 to enter State's Exhibit Number 23 into evidence.

2 MR. CRANE: Judge, I object. She didn't say anything
3 about a car in that picture. What's -- what's the
4 relevance of that picture? But I object on relevance.

5 MS. GASSER: Your Honor, it was her view. She just
6 testified through testimony about what she saw that day in
7 regards to the photograph which depicts what she just
8 testified to. Would you like to see the photo?

9 THE COURT: Yeah. I haven't seen it.

10 I think it's relevant. Let it in.

11 (WHEREUPON, State's Exhibit Number 23 was admitted into
12 evidence.)

13 MS. GASSER: Thank you, Your Honor.

14 BY MS. GASSER:

15 Q All right. Ms. Arnold, so for the jury, can you just
16 take us through what's depicted in this photograph?

17 A Well, I had forgotten that actually I had snapped a
18 picture and given it to the officer. I can't -- of the
19 car coming, the Cadillac that was coming and dropping the
20 young guy off.

21 Q So is this the Cadillac that you described?

22 A It looks a lot like it, yes.

23 Q And was this the -- I think you called it a Charger
24 on your 9-1-1 call, is that that vehicle?

25 A Yes.

1 Q Is that the same vehicle as this ---

2 A Yes.

3 Q --- that you've identified?

4 A Yes.

5 Q And was the person who arrived in the black Cadillac
6 different from the two other guys that you saw walking
7 earlier?

8 A Yes, ma'am.

9 Q And how can you be sure?

10 A He was a lot smaller in size. He was thin. He
11 looked shorter, and he was dressed differently.

12 MS. GASSER: I have no further questions. Please
13 answer any that defense counsel may have.

14 CROSS EXAMINATION

15 BY MR. CRANE:

16 Q Good afternoon, Ms. Arnold. I'm Larry Crane. Good
17 to see you. I want to ask you a couple of questions about
18 your testimony and the events of that day.

19 You gave a statement to law enforcement, did you not?

20 A Yes, sir.

21 Q Now, let's look at the picture here because I'm a
22 little confused. Maybe you can help me out. I'm not sure
23 how best to do this. Why don't you come on down here and
24 we'll talk to the jury down here. And if you would, would
25 you keep your voice up so the court reporter can hear you,

1 please.

2 A I'll do my best.

3 Q Thank you.

4 A Sorry. I have a quiet voice.

5 Q Okay. Is this (indicating) 102 Cary -- or 402 Cary
6 Street?

7 A From the best I can tell from your map.

8 Q It's her map.

9 THE COURT: All right. If you would keep your voice
10 up so we can -- we have to record everything. Thank you.

11 THE WITNESS: From the best I can tell from this map,
12 yes, it's appropriate.

13 BY MR. CRANE:

14 Q Okay. This (indicating) appears to be Stone Avenue.

15 A Yes.

16 Q What is this (indicating) street here?

17 A That's Wade Hampton.

18 Q Wade Hampton Boulevard.

19 A Uh-huh.

20 Q What is this (indicating) street here?

21 A That's Bennett.

22 Q Okay. This is Bennett. And so Cary goes off of
23 Bennett. Is this (indicating) Cary?

24 A It S's with the way the street is. But it comes up
25 here, and it S's and intersects. It's one street behind

1 Earl Street.

2 Q Okay. Let me try something. One moment, please.

3 Come on back to the stand.

4 This was produced by me.

5 THE COURT: Hang on. Take the map down so the jury
6 can see what's going on.

7 MR. CRANE: I will.

8 BY MR. CRANE:

9 Q Now, I made that, but can you identify what that is?

10 A Yes, sir.

11 Q You can?

12 A Uh-huh. That's better than that one.

13 Q Okay. This is better than this one?

14 A Uh-huh.

15 Q What is that? What does it appear to be to you?

16 A That's the intersection where Wade -- well, except
17 that you're missing the -- you're missing the cut-over
18 road beside the B&C from Wade Hampton.

19 Q Do you want to put it in?

20 A Uh-huh.

21 Q Okay. But that shows -- does that show Cary and ---

22 A Cary, and it comes and S's to the left, and Russell
23 goes down and ---

24 Q And Mohawk and Bennett?

25 A Yes, sir.

1 MR. CRANE: All right. Can I put this on the screen?

2 THE COURT: Well, no.

3 MS. GASSER: Your Honor, objection.

4 THE COURT: No.

5 MS. GASSER: It hasn't been entered into evidence.

6 MR. CRANE: I'll be glad to try to put it into
7 evidence. That's no problem.

8 THE COURT: Show it to them first.

9 MR. CRANE: Okay. It's my drawing. I'll be glad to
10 redraw it. I'll tell you what. We'll just do it on this
11 map down here. We'll get it down. Let's go back to this
12 map.

13 THE COURT: Well, wait. Do you object to it?

14 MS. GASSER: I do, Your Honor. It's on the back of
15 our witness list.

16 THE COURT: Okay.

17 MR. CRANE: We'll go down here.

18 THE COURT: Please remember to keep your voice up.

19 THE WITNESS: Yes, sir.

20 BY MR. CRANE:

21 Q Okay. Ms. Arnold, so let's kind of -- when you
22 talked about on the 9-1-1 call you said one of them was
23 running down which street towards Community Tap?

24 A They weren't. He wasn't running. They were both
25 walking towards Community Tap, and then the bigger guy

1 turned and ran up the hill, up Cary.

2 Q Okay. Where's Community Tap on this map?

3 A Right here (indicating).

4 Q Right there (indicating).

5 A Because this (indicating) is where I was.

6 Q You were right there.

7 A I was right here, and the Community Tap is right
8 here. There's a stop sign right there. And I came to a
9 stop right there (indicating throughout).

10 Q And that's Cary Street?

11 A This (indicating) is Cary Street going up.

12 Q Okay. And so going up. So up hill is this
13 (indicating) way?

14 A Up hill, yes, sir.

15 Q Okay. Community Tap is here (indicating), about
16 where the ---

17 A It's right here (indicating).

18 Q Okay.

19 A Right off of Wade Hampton.

20 Q And you saw both of them walking there.

21 A Walking down the hill, and then the one turned and
22 ran up the hill.

23 Q All right. And where did that one go to?

24 A I'm sorry. Which one?

25 Q The one that went up the hill.

1 A Straight up the hill.

2 Q To Bennett Street?

3 A He ran all the way to the stop sign and turned right
4 down Russell.

5 Q Down Russell.

6 A Uh-huh.

7 Q Okay. All right. And somewhere here, is this
8 (indicating) Mohawk?

9 A Yes, sir. That's Mohawk.

10 Q Okay, okay. You can have a seat. Thank you.

11 Okay. Now, today you testified and just testified
12 again two men were walking down the hill, and one of them
13 went towards Community Tap. And that was the thin guy.

14 A Yes.

15 Q And that the other one ran up the hill towards
16 Russell.

17 A Yes.

18 Q Okay. Did you give a statement to law enforcement?

19 A Yes, sir.

20 Q All right. And I've drawn a map on top of that. But
21 can you identify that? Is that your statement?

22 A Yes, sir.

23 Q Do you recall giving that statement?

24 A Yes, sir.

25 Q Do you recall saying to the officer that the skinny

1 guy was walking down Cary Street towards Mohawk?

2 A Yes.

3 Q Which is what you said today.

4 A Yes.

5 Q And then I saw the other black male walking on
6 Russell Avenue from Cary Street, but you never say
7 anything about them being together.

8 A That's not what I told him, but ---

9 Q Is that what's in your statement, though?

10 A It is.

11 Q In this statement ---

12 A Let me read that.

13 Q --- do you say any -- and that's signed by you, isn't
14 it?

15 A Yes, it is.

16 Q Okay. Do you say anything in there about the two of
17 them ever being together?

18 A I did tell him that, and I remember when I got this,
19 honestly, it wasn't all 100 percent accurate.

20 Q But you signed it.

21 A I did sign it.

22 Q Is your recollection better then or now four years
23 and nine months later?

24 A Hold on one second, if you don't mind, I'm just
25 rereading it.

1 Q Yes, ma'am.

2 A (Reviews document) My memory is my verbal
3 recollection is better than that. And I'll be honest with
4 you, when he came and had it signed, I didn't think it
5 would be important to correct him.

6 Q Okay. When you first saw these guys wherever it
7 might have been, you didn't see them around that blue car,
8 did you?

9 A No, sir.

10 Q And you didn't see them driving a blue car.

11 A No, sir.

12 Q And then someone else came back, someone other than
13 those two, to get into the blue car.

14 A Yes, sir.

15 Q If we might -- just one last thing with this map
16 maybe. I'll bring it over to you, okay? Maybe we can
17 just do this right here.

18 When you first saw the guys, was it down here
19 (indicating) you said? Somewhere down here (indicating)
20 by the stop sign?

21 A They were -- they were about halfway down the hill
22 coming down Cary Street.

23 Q Okay. And how far from 402 Cary were they?

24 A Well, three houses, four houses.

25 Q Okay. Other than walking down the street, what

1 brought your attention to them?

2 A The fact that the guy turned and ran.

3 Q Okay.

4 A I mean, that's not very usual. So he just -- and he
5 kept -- he kept turning around looking back, and he was
6 running.

7 Q Did you happen to see any guns or weapons?

8 A No, sir.

9 MR. CRANE: Okay. Thank you, ma'am.

10 MS. GASSER: Brief redirect, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. GASSER:

13 Q Ms. Arnold, were those 9-1-1 calls made on
14 February 7, 2018?

15 A Yes.

16 Q In the moment that you saw what you were depicting in
17 your 9-1-1 calls?

18 A Yes, ma'am.

19 Q So those were a true and accurate description of what
20 you saw that day.

21 A Yes, ma'am.

22 Q Were they more accurate than this written statement
23 that defense counsel referenced?

24 A Yes, ma'am.

25 MS. GASSER: No further questions. Thank you.

1 MR. CRANE: Nothing further, Judge. Thank you.

2 THE COURT: All right. Thank you, ma'am. You may
3 step down.

4 MS. GASSER: Your Honor, may this witness be released
5 from her subpoena?

6 THE COURT: Without objection.

7 MR. CRANE: Thank you, ma'am.

8 THE COURT: Call your next witness.

9 MS. HENDRICKS: The State calls Forrester Ellison.

10 THE CLERK: Please stop at the end of the bench.
11 Place you left hand on the Bible and raise your right
12 hand.

13 WHEREUPON,

14 FORRESTER ELLISON

15 After having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please be seated. Please
17 state your name for the record.

18 THE WITNESS: Forrester Ellison.

19 DIRECT EXAMINATION

20 BY MS. HENDRICKS:

21 Q Mr. Ellison, where do you work?

22 A I currently work for Spartanburg Methodist College
23 Police Department.

24 Q And what's your position with Spartanburg Methodist
25 College?

1 A I'm the lieutenant there.

2 Q So what do you do as the lieutenant for a college?

3 A Right now currently for my position, I oversee the
4 investigations that might occur there, sexual assaults,
5 other various crimes, auto break-ins, burglaries. I also
6 now head over the operations day to day, deal with
7 administrative work making sure officers that are assigned
8 at our college are able to maintain their Class 1
9 certification and such.

10 Q Where did you work prior to working for Spartanburg
11 Methodist?

12 A Prior to working for Spartanburg Methodist College, I
13 used to work for Greenville County. I was part of the
14 Department of Public Safety in the Forensics Division, and
15 I was there for eight years.

16 Q What was your job title there?

17 A My final job title there was the forensic sergeant.
18 However, before then I was also the field training
19 officer. Before that I was the forensics evidence
20 technician.

21 Q What were your duties at forensics?

22 A Dealing with forensics, our main goal was handling
23 crime scenes. So we would process crime scenes whether it
24 be in vehicles, out at businesses, residence. We would
25 also execute search warrants which might be handled at our

1 vehicle bay which was at the crime scene office or at
2 certain tow lots for any various levels of crimes. It can
3 go ranging from auto break-ins, burglaries, all the way up
4 to kidnappings, armed robberies and homicides.

5 Q Did you assist in an investigation on February 7,
6 2018?

7 A Yes, I did.

8 Q And where did you respond that day?

9 A On that day I responded out to 1820 North Main Street
10 which is in the city limits of Greenville, South Carolina,
11 which is in Greenville County.

12 Q And is that the intersection of North Main and
13 Rutherford Road?

14 A Yes, it was.

15 Q And did you know why you were responding?

16 A I initially had been responding out there being
17 provided that there was a gunshot victim and a scene out
18 there needed to be processed.

19 Q And who was on scene when you arrived?

20 A When I arrived on scene there was a Sergeant Lawson,
21 Sergeant Plonk, Officer Brown, all with the Greenville
22 Police Department, and then as well as a Greenville County
23 Deputy Coroner Dill.

24 Q And what did you do at the scene?

25 A At that scene I had observed that the entire

1 intersection at North Main Street and Rutherford Road had
2 been blocked off, crime scene tape, police vehicles
3 blocking traffic from all directions. They had -- I had
4 been advised that a victim had been -- sustained a gunshot
5 wound and they'd already been transported to the hospital
6 prior to my arrival.

7 So at that scene I obtained photographs -- it's one
8 of the primary functions that we do as a person in the
9 Crime Scene Unit -- obtained photographs of the
10 intersection of the scene as it was when I arrived there,
11 did also collect some evidence and then as well as sealed
12 the vehicle so that way it could be towed to another
13 secured location to be processed at a later time.

14 Q When you talk about sealing the vehicle, was that the
15 victim's vehicle?

16 A That was their -- an Infinity that I was advised the
17 victim, yes, was in.

18 Q Okay. I'm going to show you what's been marked as
19 State's Exhibits 24 through 30.

20 A (Reviews exhibits.)

21 Q Do you recognize these items?

22 A Yes, I do.

23 Q Do the photographs fairly and accurately depict the
24 subject matter therein?

25 A Yes, they do.

1 Q And have they been altered in any way?

2 A They do not appear to be.

3 MS. HENDRICKS: Your Honor, at this time the State
4 moves to admit State's Exhibit 24 through 30 into
5 evidence.

6 MR. CRANE: Judge, I noticed when I was handing them
7 back that at least one of them has something written on
8 the back. I'd like to see what that is.

9 THE COURT: Well, go. Show it to me. Or show it to
10 him first.

11 MR. CRANE: No objection.

12 THE COURT: All right. Without objection.

13 (WHEREUPON, State's Exhibit Numbers 24 through 30 were
14 admitted into evidence.)

15 BY MS. HENDRICKS:

16 Q Can you explain to us what's depicted in State's
17 Exhibit 24?

18 A Right there it is a picture showing North Rutherford
19 right at the intersection of North Main Street. As you
20 can see there's a sign hanging at the top indicating that
21 North Main Street is right there.

22 What you're looking at is a building on the southeast
23 corner of that intersection. If you were to have turned
24 more to the left from where you're standing, the fire
25 department would have been right there located right

1 across the street.

2 Q Is this a closer-up view?

3 A Yes. Closer-up view. And as you can see on the
4 right of the picture that there is a vehicle that's pulled
5 right next to the building, and that was the Infinity that
6 I had later sealed.

7 Q This is State's Exhibit 26. Can you tell us what
8 that is?

9 A That is a photograph showing the interior of that
10 Infinity standing on the passenger's side looking over
11 towards the driver's side.

12 Q And then this is State's Exhibit 27. Do you have
13 evidence placards in that case?

14 A Yes. Again, showing the intersection North Main
15 Street and standing currently on Rutherford Road.

16 In the middle of the roadway right between the second
17 and third lanes, there are two little evidence placards.
18 They're yellow. I know from this far out they're kind of
19 hard to see. And each one would have a number indicating.

20 We use placards to help show evidence that we're
21 collecting. This is just showing an overall photo showing
22 where it is in relation to the entire crime scene itself.

23 So from this photo I can tell you there's at least
24 two pieces of evidence that were going to be collected
25 from the scene.

1 Q Is this a closer-up of this?

2 A This is now closer up. And as you can see, each of
3 the placards has a number indicating with it. So there's
4 Evidence Item 1, and then a little farther back is
5 Placard 2, so that would have been Item Number 2 that I
6 collected from that scene.

7 Q And this is State's Exhibit 29. So is that the first
8 placard that you saw in the last photo?

9 A Yes. And this is a close-up showing that there is a
10 cartridge casing in the roadway.

11 Q And what about this?

12 A This is another close-up. It was -- for this
13 incident there was broken glass out in the middle of the
14 roadway. It was difficult to tell, so therefore from what
15 I picked up, I'm showing the contrast with the black glove
16 as you can see bunches of broken pieces of glass that have
17 been collected in the roadway.

18 Q I'm going to show you what's been marked for
19 identification as State's Exhibit 31 and 32.

20 A (Reviews exhibits.)

21 Q Do you recognize those items?

22 A Yes. On the item, the package itself, it's been
23 sealed. And on each one the seals had my initials and the
24 date from when I did seal them. There's also a label, a
25 barcode label on the front that has item FE-1 and the

1 other item has FE-2. FE is my initials. For every piece
2 of evidence that I collect, I use my initials to help
3 indicate that this is something I collected.

4 FE-1 states that it's a cartridge casing with a
5 headstamp WIN [phonetic] 9 millimeter Luger that was taken
6 from the roadway. And then FE-2 was broken pieces of
7 glass taken from the roadway.

8 MS. HENDRICKS: Your Honor, at this time the State
9 moves to admit Exhibits 31 and 32 into evidence.

10 MR. CRANE: No objection.

11 THE COURT: Without objection.

12 (WHEREUPON, State's Exhibit Numbers 31 and 32 were
13 admitted into evidence.)

14 BY MS. HENDRICKS:

15 Q And are these what is shown in the pictures, the
16 cartridge casing from Number 1 and the broken glass from
17 Number 2?

18 A The items, yes, should be in the packages.

19 Q Do you want to open the packages and make sure they
20 are what we're saying they are?

21 A (Witness complies) Yes. In those packages are the
22 items that were depicted in the photograph.

23 Q And what did you do next?

24 A Then with those items, they'll be taken back to our
25 crime scene office. We have individual storage lockers

1 where we can place them in there. We have a key to those
2 lockers. At the crime scene office, we control who can
3 enter into the office there so no random person can walk
4 on in. Only other crime scene personnel are allowed to.

5 They would sit in the locker I believe that it was
6 since the day was on the 7th, on the 8th, the next day, I
7 would go and package it. I'd seal it, put my initials and
8 date on it, and then I would transport it to the Property
9 and Evidence where it would be held there so that way the
10 investigator later on can make a determination on what
11 they want done with it, further analysis or -- but it's
12 kept at Property and Evidence for safekeeping.

13 Q And did you also respond to Greenville Memorial
14 Hospital?

15 A Yes. After leaving the scene -- primary scene there,
16 I did go to 701 Grove Road that day. At the hospital I
17 was requested to try to obtain photographs of the victim
18 there. When I arrived at the hospital, I made contact
19 with Officer McLaughlin.

20 Due to the condition of the victim, I wasn't able to
21 get any images of his gunshot wounds because of the
22 medical attention he was currently really receiving, but I
23 did observe that there was blood that was coming out of
24 his nostrils, mouth and left ear. I was able to secure
25 some images of him.

1 Q And what did you do after responding to the hospital?

2 A After the hospital I went back to the crime scene
3 with the evidence, uploaded the photographs and -- into
4 our secure Department of Public Safety photo database,
5 and, again, later on packaged and transported the evidence
6 to P&E.

7 Q Did you process a blue 2014 Chevy Camaro from the
8 scene?

9 A Not from that scene, no. The next day I responded
10 out to 100 Westfield Street which is in the Greenville --
11 city limits of Greenville in Greenville County. There
12 were two vehicles there that the investigator had obtained
13 search warrants for. One was a Chevy Camaro and another
14 one was the Infinity that had been towed from the original
15 crime scene.

16 Q And did you process both of those cars for evidence?

17 A Yes, I did.

18 Q And what did you collect from that blue Chevy Camaro?

19 A From the Chevy Camaro, I collected swabs for possible
20 DNA. That was -- I collected from the door handles, so
21 the driver's side door handle as well as the passenger's
22 side door handle. Also collected some swabs for possible
23 DNA from the gearshift and from the steering wheel. Also,
24 inside the vehicle I collected from the interior door
25 handle pocket of the driver door a mouth grill piece. And

1 then from the center console I also collected another
2 mouth grill piece. And then I collected a tan beanie cap
3 from the front -- rear passenger seat, and then as well I
4 collected some gunshot residue dabbers from the exterior
5 and interior of the passenger's side door window and from
6 the headliner on the passenger's side.

7 Q Was the DNA tested in this case?

8 A That I do not know. When we collect that, we will
9 package it and then submit it up to Property and Evidence,
10 and that is up for the investigator to decide if it needs
11 to be submitted up for further analysis.

12 Q What about the gunshot residue? Was it ever tested?

13 A That, again, same process. We package it, place it
14 into Property and Evidence, and then that evidence is kept
15 there until the investigator decides if they want to have
16 that analyzed further.

17 Q Would you expect to find gunshot residue in a car
18 where a gun was fired?

19 A Yes, you can.

20 Q Would gunshot residue tell you where from inside the
21 car the gun was fired?

22 A It can depending on location. If the -- if the
23 firearm is fired outside of the vehicle, you're not going
24 to have so much residue possibly on the inside if you're
25 inside of the vehicle such as if you're on the driver's

1 seat and reaching over on the passenger's side but the gun
2 is not sticking out through the window and you fire, you
3 can have residue, again, over on the passenger's side, up
4 in the headliner, interior of the door.

5 Gunshot residue can also be transferred from
6 somebody. Let's say they fire a gun and it's on their
7 hands and they touch certain little areas, it can be
8 transferred over onto those surfaces, depending, again, on
9 the distance of where the firearm was from the surface.
10 If it's up close, you'll have a smaller area maybe where
11 there's a higher concentration of gunshot residue. If you
12 have a large open area such as if I'm standing in this
13 room firing a gunshot, not expected to have possibly any
14 gunshot residue on that back door there. It just depends
15 on the proximity of what other surfaces are around.
16 You're in a vehicle, you're in a more enclosed area so
17 you'll be more likely to trap and capture gunshot residue.

18 Q So what else did you observe in the blue Chevy
19 Camaro? Anything else?

20 A For the Chevy Camaro, the -- there was damage to the
21 front bumper on the driver's side of it. Also, in the
22 center console armrest compartment, there was a wallet
23 inside that contained five \$1 bills, a master debit card
24 for an Xavier M. Concepcion, a preloaded master debit
25 card, a Blue Cross Blue Shield medical card for a

1 Sherry Y. Young, and there were several business cards, a
2 SunTrust card with checking and savings account numbers
3 written on them, a Spinx gas card and a YMCA membership
4 card. And those were all inside the wallet which were
5 inside the center console. And also along inside that
6 center console were three \$20 bills, five \$1 bills, a
7 Chick-fil-A receipt, a master debit card for an Xavier M.
8 Concepcion, deodorant and various coinage.

9 Q You said you took -- there was damage to the exterior
10 of the blue Chevy Camaro?

11 A Yes. There was damage to the front bumper on the
12 driver's side.

13 Q And did you process that damage?

14 A Yes. I did take some photographs of it. And then I
15 was advised later on by a Sergeant Lawson that the vehicle
16 had been involved in a hit-and-run during the incident, so
17 because of the damage on there, I obtained a tape lift for
18 possible paint scrapings. Because if two vehicles go and
19 collide there will be a transfer -- possible transfer of
20 paint, so therefore, obtaining paint scrapings can be
21 utilized to compare from a red car hit a white car, you'll
22 see likely some red transfer on the white car and vice
23 versa. So that can be used possibly for further analysis
24 if the investigator chooses to compare to say, hey, this
25 paint that was transferred likely matches over to this

1 other type of vehicle.

2 Q I'm going to show you what's been marked as State's
3 Exhibit 33 to 37.

4 A (Reviews exhibits.)

5 Q Do you recognize these items?

6 A Yes. They are photographs that I took while
7 executing the search warrant on the Chevy Camaro.

8 Q Do they fairly and accurately depict the subject
9 matter therein?

10 A They do.

11 Q And have they been altered in any way?

12 A They do not appear to be.

13 MS. HENDRICKS: Your Honor, at this time the State
14 moves to admit Exhibits 33 through 37 into evidence.

15 MR. CRANE: No objection.

16 THE COURT: No objection.

17 (WHEREUPON, State's Exhibit Numbers 33 through 37 were
18 admitted into evidence.)

19 BY MS. HENDRICKS:

20 Q Is this the blue Chevy Camaro that you've been
21 referring to?

22 A Yes.

23 Q Okay. And is this another view where you can see
24 some of the exterior damage?

25 A Yes. As you look at the right-hand side of the

1 photograph, you can see some damage along the front
2 bumper.

3 Q Is that another picture of the damage?

4 A Yes. That's another angle showing, again, damage to
5 the front bumper.

6 Q And is that one of the cards that you found in that
7 car?

8 A Yes. There was, again, a master debit card. And as
9 you can see, the name imprinted on there at the bottom
10 says Xavier M. Concepcion.

11 Q And then what about that? Is that something else you
12 found in the blue Camaro?

13 A Yes. There were two dental appointment cards for
14 Xavier that were in the driver's door pocket of the
15 Camaro. And as you can see, there are dental
16 appointments, and at the very top it says "appointment for
17 Xavier."

18 Q What did you process next? I think you mentioned the
19 burgundy Infinity.

20 A Yes, I did. So at the scene location at
21 100 Westfield Street there was the same Infinity that had
22 been towed from North Main Street and Rutherford Road. I
23 then processed that vehicle which entailed taking more
24 photographs of the vehicle because we now had a search
25 warrant and then -- as well as collecting evidence out of

1 that vehicle.

2 Q And did you collect a red hoodie from that vehicle?

3 A Yes. There was a cut-up red hoodie jacket with
4 suspected blood on it that was on the front driver's seat,
5 and I did end up collecting that. It was a Nike hoodie
6 that was a size extra-large that was collected from the
7 front driver's seat of the Infinity.

8 Q What do you do with clothing that has blood on it?

9 A Any item that we have that's wet or that has blood,
10 we don't want to immediately package it and throw it into
11 Property and Evidence. To avoid any potential mold,
12 mildew or anything growing on it so it could possibly
13 destroy any potential DNA evidence, we'll take that back
14 to our crime scene office. We have there as well a
15 secured drying room where we can hang things up and it can
16 dry things out. Certain items can take, you know, just a
17 matter of days. Some items we take weeks. It can be
18 anything: saturated bed sheets, clothing, all those sort
19 of items.

20 Once we determine that, okay, those items are dried
21 out, we'll then package it and take it over to Property
22 and Evidence.

23 Q I'm going to show you what's been marked as State's
24 Exhibits 38 through 50.

25 A (Reviews exhibits.)

1 Q Do you recognize these items?

2 A I did. They are photographs of the Infinity that I
3 had taken.

4 Q And do these photographs fairly and accurately depict
5 the subject matter therein?

6 A They do.

7 Q And have they been altered in any way?

8 A They do not appear.

9 MS. HENDRICKS: Your Honor, at this time the State
10 would move to admit Exhibits 38 through 50.

11 MR. CRANE: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit Numbers 38 through 50 were
14 admitted into evidence.)

15 BY MS. HENDRICKS:

16 Q Is this the red Infinity that you processed?

17 A Yes. That is showing the driver's side of the
18 vehicle. I was standing back behind the rear driver door.

19 And as you can see in the vehicle, the rear driver
20 door window is broken out and that there is some scale
21 tape that was placed down there from a projectile that had
22 impacted it. And looking at it, it appeared that the
23 projectile showed that it was going from the exterior of
24 the vehicle into the interior of the vehicle, so going
25 from outside into the vehicle.

1 Q And what is this a picture of?

2 A Now, this is a picture showing the front windshield
3 on the outside. So if you're standing by the front
4 quarter panel, front fender looking down at it, you can
5 see that there is a small projectile hole with an impact
6 area radiating around that hole. That's, again, from
7 another, I believe, suspected projectile going and
8 impacting the windshield.

9 Q And what is this a photo of?

10 A This is standing at the front passenger . . .

11 Q I have a closer picture of that.

12 A Yeah. So if you can go back to the other photo real
13 quick.

14 So this is showing -- I'm standing at the open door
15 to the front passenger door looking down at the front
16 passenger seat. And as you can see, there is broken glass
17 on the front seat, floorboard and then as well as
18 underneath the seat. And then the next photo, as you
19 said, is a close-up photo. And as you can see, resting on
20 top of the broken glass down there is the projectile
21 fragment, the copper -- exterior copper of the projectile
22 that's sitting on top of that glass there.

23 Q And then what about, let's see, this one?

24 A So this is, again, showing the A pillar column. So
25 if I'm sitting in the front passenger seat looking up to

1 the front windshield on the right, that's showing that
2 column sitting right there. So on the upper part is the
3 front windshield, and you can see the column, and you can
4 see a projectile impact as well as, again, the broken
5 glass. So we saw the initial photograph showing the
6 exterior side of that hole in the front windshield. This
7 is now showing the interior side.

8 Q And is that a projectile fragment that was in the
9 car?

10 A Yes. There was a projectile fragment that was on the
11 dashboard near the steering wheel.

12 Q And is this the victim's red hoodie?

13 A Yes. That was on the front driver's seat. So this
14 is standing at the doorway of the rear driver door with
15 the door open looking at the back of the front driver's
16 seat and that red hoodie sitting right there. And you can
17 see, again, some evidence tape down at the bottom, because
18 in the hoodie jacket was another projectile -- fragment of
19 a projectile.

20 Q And is this that fragment that was in the hoodie?

21 A Yes. There's a close-up photo. Again, now you can
22 see right in the center there there's a copper jacket -- a
23 piece of a copper jacket in the hoodie jacket.

24 Q And is this another projectile fragment?

25 A Yes. So that was the one that had shown earlier had

1 the white L scale shown there. That's the front dashboard
2 in front of the driver's steering wheel sitting on up
3 there. You can, again, see in the middle of the jacket a
4 little bit of broken pieces of glass, but then, again, you
5 can see the copper jacket.

6 Q Is this just a closer photo of that?

7 A Yes. That is a closer photo.

8 Q I'm going to show you what's been marked as State's
9 Exhibits 51 through 53.

10 A (Reviews exhibits.) Okay. So for ---

11 Q Do you recognize those items?

12 A Yes. Each of the bagged items has an item number
13 that has my initials. So this one states there's FBE-15A,
14 FBE-16 and FBE-19, again, using my initials corresponding
15 as well as to the placards that are seen in the
16 photographs.

17 Each of the packages has been sealed with evidence
18 tape which had been -- have my initials and date along the
19 seals.

20 FBE-15A, that was a projectile fragment that was
21 collected from the left scene -- left sleeve, excuse me,
22 of Item FE -- FE-15. And FE-15 was the cut-up Nike -- red
23 Nike hoodie jacket that had been collected from the front
24 driver seat.

25 Item 16 -- FBE-16 was a projectile fragment collected

1 from the driver's side of the dashboard. And y'all had
2 seen the photograph of it with the Placard Number 16 next
3 to it.

4 And then FBE-19 was a projectile fragment collected
5 from the front passenger floorboard. And, again, that was
6 shown -- that projectile fragment down nearly underneath
7 the front passenger seat resting on top of the glass in
8 the photo that y'all had seen.

9 MS. HENDRICKS: Your Honor, at this time the State
10 moves to admit Exhibits 51 through 53 into evidence.

11 MR. CRANE: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit Numbers 51 through 53 were
14 admitted into evidence.)

15 BY MS. HENDRICKS:

16 Q And, Mr. Ellison, did that conclude your involvement
17 in this case?

18 A Yes. After collecting all the evidence, made it back
19 to the crime scene, downloading all the photographs, then
20 later on packaging and transporting all the evidence to
21 Property and Evidence, yes, that did conclude.

22 MS. HENDRICKS: Okay. I have no further questions.
23 Please answer any questions the defense may have.

24 ///

25 ///

CROSS EXAMINATION

BY MR. CRANE:

Q Good afternoon, Mr. Ellison.

A Good afternoon.

Q My name is Larry Crane.

Let me ask you, when you found the shell cartridge at the scene and the glass at the scene, do you, of your own knowledge, have any idea how long they had been there?

A No, sir. I do not know.

Q Do you know -- I mean, could they been there for a day or a week or month, or do you have any idea?

A Well, I would say that they wouldn't be out there too long because being in the middle of the roadway, likely that they would have been ran over, and to my knowledge, that those -- the casing itself had not been crushed from another vehicle possibly passing over it. But, again, that's a possibility. But it could have been there for a period of time. I do not know.

Q Can you smell that casing and see if it had been recently fired or not?

A I do not go and smell casings.

Q That's what the movies say. But you don't know if you can do that or not?

A No, sir. We do not go and smell casings, sir.

Q But what you can do is try to take fingerprints off

1 the casing, can't you?

2 A It can be done, but we hold off. Again, that's why
3 we will take and collect the evidence and then submit it
4 on up to Property and Evidence so that way the
5 investigator can make a determination if they want some
6 further analysis done with it.

7 Q Right. As far as you know, is there any fingerprint
8 that was taken off of that shell casing?

9 A I am not aware if any fingerprint had been -- if the
10 casing had been processed and if any fingerprints came
11 back.

12 Q All right. And you testified that you went and
13 eventually processed the blue Chevy Camaro; is that
14 correct?

15 A Yes, sir. On February 8th of 2018.

16 Q And in that blue Chevy Camaro, you found some money,
17 a MasterCard debit card for Xavier Concepcion, which I
18 think we have a picture of, some other item, two dental
19 cards with the name Xavier on it, grill mouthpiece, some
20 Bearcat sunglasses, a tan beanie and some other stuff; is
21 that right?

22 A Yes, sir. There had been those items as you
23 described in that vehicle.

24 Q In that particular vehicle, did you find anything
25 with the name Quavon Edmunds on it?

1 A From my report, nothing had been identified with that
2 name in that vehicle. Again, that's why it's stated in
3 there that there had been certain items such as the
4 medical card for Sherry Y. Young, and, again, an Xavier M.
5 Concepcion. But based on my observations at that time,
6 no, that name was not or any items with that name on it
7 found in that vehicle.

8 Q All right. And you testified to several swabs for
9 possible DNA, exterior door handle on the driver's side,
10 interior door handle on the driver's side, top half of the
11 steering wheel, bottom half of the steering wheel,
12 gearshift, exterior door handle, passenger side, interior
13 door handle passenger side with that DNA. Are you aware
14 of any DNA analysis that matches Quavon Edmunds from that
15 car?

16 A No. I am not aware of that. Again, we just submit
17 -- from the Crime Scene Unit, we submit items up to
18 Property and Evidence. It's up to the investigator to
19 decide if any further analysis needs to be submitted
20 whether it be to a firearms lab or our DNA lab that we
21 have in Greenville County.

22 Q And I believe it's on page 3 of 3 of your second
23 report. When you went out to process the scene, you said
24 that you processed Listed Vehicle 1 for latent print
25 development utilizing black powder, utilizing black latent

1 powder. Positive results were obtained on the hood and on
2 the Bearcat sunglasses in the center console. Do you know
3 of any idea or any connection to my client with those
4 fingerprints?

5 A For the fingerprints that we collect from scene, we
6 seal them and we place them in a latent print box, and
7 then every business morning somebody from the latent print
8 division comes by to pick up those latent prints and takes
9 them up and analyzes them. They generate their own
10 report, and that's submitted over, again, to the
11 investigator. I am not aware of any of the results that
12 come back to that. That would be our latent print
13 examiners that could answer that question.

14 Q All right. And you indicated that you did, in fact,
15 try to do a gunshot residue swab test; is that correct?

16 A I did collect some gunshot residue dabbers from the
17 -- I believe it was the -- I just want to verify -- the
18 Camaro, yes, that was from the exterior driver door window
19 and the interior driver door window, the passenger side
20 door and then also on the passenger side headliner.

21 Q All right. And when we talk about gunshot residue,
22 if you fire a gun, gunshot residue comes out of the barrel
23 but also blows back out of where the cylinder is, does it
24 not?

25 A It depends on the type of firearm. Revolvers, on the

1 cylinders, there's open spaces in there so it can expand.
2 Semi-automatic firearms, as I believe you're describing,
3 yes, they come out of the barrel and then as well as the
4 chamber where it ejects the casing out from.

5 Q Let me ask you one other question before I forget
6 about that 9 millimeter shell casing you found in the
7 middle of the street.

8 A Yes, sir.

9 Q Are you aware of any gun that it matches?

10 A No. I am not aware of any firearm. Again, that's
11 submitted up to our Property and Evidence, and then that
12 can be further submitted up to our firearms lab that the
13 firearms expert can be able to testify if anything came
14 back on any sort of matches to that casing. I am not
15 aware to my knowledge of anything to that.

16 Q All right. And going back to the gunshot residue,
17 not only does it go out the front and out the side
18 depending on the gun, if some gun is fired from inside the
19 interior of a car, you would expect to find some gunshot
20 residue on the interior of the door or the headliner,
21 would you not?

22 A It's a possibility, yes, sir.

23 Q Do you know of any gunshot residue that was found
24 that can be matched to my client, Quavon Edmunds?

25 A Again, when it comes to collecting the dabber, that's

1 just collecting possible samples that they can use to
2 therefore analyze, again, at a -- most of that is handled
3 down at SLED. They'll examine that with a scan, electron
4 microscope to look at, again, some of the chemical
5 properties that were collected on those dabbers.

6 If anything had been done, again, that was submitted
7 up to Property and Evidence. It's up to the investigator
8 on whether something had been submitted on out.

9 It only, again, tests the chemicals to it. It
10 doesn't say, oh, this exact gun came to there, but it can
11 just test the varying chemicals that are left. I believe
12 it tests most for things such as lead, antimony and then I
13 believe the third was barium, but those sort of little
14 chemicals. And they can use that for their own analysis
15 to say, okay, maybe this type of firearm. But, again,
16 that's something that's submitted up to a lab that an
17 expert can then review and then make an analysis.

18 As for my part, my job is just to collect evidence so
19 that way it could possibly be submitted up for further
20 analysis.

21 Q Okay. And could the swab, in fact, be compared with
22 the gun casing, gun shell casing that you found?

23 A I am not aware of the process for any of that. That
24 will be something for a firearms expert.

25 Q Okay. Well, you would think that after four years

1 and nine months, if there were tests, they would be here,
2 wouldn't you?

3 A That is not on it for me to decide. My job is just
4 to collect the evidence. Again, it's up for the
5 investigator and also whatever the expert, if they can
6 make any conclusions for that.

7 Q And then one other thing. You found a brown --
8 excuse me -- a tan beanie cap on the rear passenger's
9 seat. Do you have any DNA or any evidence of that brown
10 beanie cap belonging to my client?

11 A Again, I do not know what analysis had been done, if
12 anything had been submitted on up that had just been
13 collected by me, placed into Property and Evidence. And,
14 again, if the investigator wanted any further analysis,
15 they could have submitted it up for the DNA lab to attempt
16 test-out.

17 Q Okay. Well, of your own knowledge and your own
18 expertise and your own examination investigation, there is
19 nothing that ties my client to that Camaro, is there, as
20 far as you know?

21 MS. HENDRICKS: Objection. Your Honor, he's asked
22 and answered that.

23 THE COURT: That's all right. Go head and answer the
24 question. Overrule.

25 BY MR. CRANE:

1 Q Go ahead.

2 A As any analysis going, I am not aware of anything for
3 there. The only thing I'm aware for this case is the
4 items that I had gone and collected. The further steps
5 that had been done for any analysis, that's outside of my
6 knowledge.

7 MR. CRANE: Thank you, sir.

8 THE COURT: Any redirect?

9 MS. HENDRICKS: No, Your Honor.

10 THE COURT: All right. Thanks, sir. You can stand
11 down.

12 Would you all like a short break? Okay. We'll take
13 just a short break. Everyone else just remain seated.

14 (WHEREUPON, the jury exits the courtroom at 3:50 p.m.)

15 THE COURT: Just one little announcement. We're
16 going to start to limit the amount of ingress and egress
17 in and out of the courtroom. It's distracting the jury.
18 Okay?

19 All right. Let's take about ten minutes.

20 (WHEREUPON, a recess is taken at 3:51 p.m.)

21 THE COURT: What's next?

22 MS. HENDRICKS: Your Honor, our next witness is the
23 GeoTime witness, Tim Harrison with the Greenville Police
24 Department. I know Larry mentioned he was going to object
25 to that testimony.

1 THE COURT: How much more do you have?

2 MS. HENDRICKS: Just Tim Harrison and Russ Irvin.

3 THE COURT: Okay.

4 MR. CRANE: I am going to object, Judge, and I think
5 you should take it without the jury in here.

6 THE COURT: Why? Give me something. I mean, just
7 because you object, I ---

8 MR. CRANE: It's inadmissible. It's inadmissible
9 evidence under the rules of evidence.

10 THE COURT: Well, get a little more specific.

11 MR. CRANE: You said you weren't here. You said you
12 weren't here, but it was ruled last week in another court
13 in this circuit that this same type evidence is
14 inadmissible because it's too vague, it will confuse the
15 jury, it's not scientific, there's nothing to it, dots on
16 a map. You heard a witness testify that it could be four
17 miles from a cell tower. He testified yesterday, their
18 expert. And so they want them -- they want to submit this
19 to the jury saying here's the dots where we think his
20 phone was. They can't even say he had the phone. So I
21 submit to you that it's inadmissible. And when we're
22 ready ---

23 THE COURT: Well, what ruling are you referring to?

24 MR. CRANE: Hold on a minute, Judge. Rule 403, the
25 South Carolina Rules of Criminal Procedure.

1 THE COURT: No, no. Ruling. You want me to follow
2 some ruling.

3 MR. CRANE: Judge Sprouse last week in a murder trial
4 that the solicitor's office lost. I don't know the name
5 of the case. They could tell us who it was. Andrew is
6 here. Maybe Andrew could tell us who it was. But it was
7 tried by Nihar -- Nihar and ---

8 UNIDENTIFIED: Monty Desai.

9 MR. CRANE: Yeah. Monty Desai.

10 THE COURT: So I should just automatically follow
11 what Judge Sprouse from Oconee County ---

12 MR. CRANE: I didn't say that. I simply ask that
13 they proffer this evidence and let you decide and let me
14 argue like they did.

15 THE COURT: Put him up. Let's get it -- proffer it.
16 Let's go.

17 MS. HENDRICKS: Okay. The State calls Tim Harrison.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right hand.

20 WHEREUPON,

21 TIM HARRISON

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you. Please be seated. State your
24 name for the record.

25 THE WITNESS: Tim Harrison.

DIRECT EXAMINATION

BY MS. HENDRICKS:

Q Mr. Harrison, where are you employed?

A The Greenville Police Department.

Q And how long have you been employed there?

A Started in June of 2000, so 13 1/2 years.

Q And what's your position?

A I'm our intel officer currently.

Q And what are your duties as an intel officer with the Greenville Police Department?

A A lot of it entails just making sure information is passed from unit to unit, a lot of research and support for investigations and men and women who work the road. Use a couple of different tools that support those efforts that they do. Just people come to me and make requests of information.

Q What kind of training and education have you received to become an intel officer?

A I've been through a number of different classes, basic intel classes, had six years of experience on the road as a patrol officer before taking this position back in the first of 2016, some online training, self-taught some areas, reading some books and things like that.

Q Do you have any ongoing training?

A I do attend in-service annually ongoing training just

1 to keep my certification as a police officer. I go to
2 classes and conferences periodically when they become
3 available if I think it's a way that I can grow my skill
4 set or learn something new.

5 Q And did you have an opportunity to become involved in
6 this case?

7 A I did.

8 Q And how did you become involved in it?

9 A The police department uses a piece of software called
10 GeoTime, and I'm one of a number of people who are trained
11 to use that software. And when -- Detective or Sergeant
12 Irvin reached out to me with a request for me to use cell
13 phone records to map it out through that software.

14 Q So was this the first time you analyzed phone records
15 for the Greenville Police Department?

16 A No.

17 Q How many phone records have you analyzed in your
18 career with Greenville Police Department?

19 A I've looked at and have files for close to over a
20 hundred cases. Some of those cases might include multiple
21 phones. I don't know an exact number of phones I've
22 analyzed.

23 Q And when you're asked to analyze phone records, do
24 you have a procedure you follow?

25 A I do.

1 Q And did you follow that procedure in this case?

2 A Yes, ma'am.

3 Q And what is that procedure?

4 A Generally, when an investigator or officer, if
5 they've basically gotten a set of data back from a phone
6 company after a search warrant is served, they'll bring me
7 that information. I'll download that to my city-issued
8 computer. I'll create a file for it in a folder with a
9 case number and then from there import it into GeoTime
10 where it does most of the work for you. It maps it out
11 and it makes it available in a more visual way to
12 understand it and to analyze it from there.

13 Q And how did you receive the phone records in this
14 case?

15 A They were sent to me by Sergeant Irvin.

16 Q And did you review those phone records?

17 A I did.

18 Q And who's the T-Mobile customer for those phone
19 records?

20 A The phone number in question for this -- I've got the
21 subscriber information here. The phone number in question
22 was -- according to T-Mobile the name on the account was
23 Quavon Edmunds.

24 Q And what was the phone number associated with those
25 records?

1 A The phone number is (864) 920-8087.

2 Q And when was this account activated?

3 A The account went active on March the 30th, 2017, and
4 was active through the date of the search warrant service.

5 Q And then obviously, you don't know if it was active
6 after the date of the search warrant. It just goes up to
7 the search warrant?

8 A Correct.

9 Q And what is contained in the phone records you
10 received?

11 A Times for calls that are sent and received, lat. and
12 longs. for cell phone towers that are used, a lot of other
13 data that the phone company provides like azimuth for the
14 tower, the sector of the tower or cell site that the phone
15 is using when it connects to send or receive a call.

16 MR. CRANE: Your Honor, may it please the Court.
17 I've tried not to interrupt him, but I might not have
18 understood what he said, but he said that this account
19 went active March 30, 2017. Okay. I'm sorry. This
20 happened February 7, 2018; is that correct? My -- my -- I
21 apologize. I was one year ahead. Thank you, Judge.

22 THE COURT: Go ahead. Continue.

23 BY MS. HENDRICKS:

24 Q And what do you do with the phone records when you
25 receive them?

1 A I'll usually review them, the raw data that the phone
2 company sends just to see if there's anything that we can
3 see just from looking at the data, but then we'll import
4 it to GeoTime.

5 Q And what is GeoTime?

6 A GeoTime is a software tool that helps map out cell
7 phone data and helps you to see it in a visual way where,
8 you know, generally, when we receive this information from
9 cell phone companies, it's hundreds if not thousands of
10 lines and columns of numbers on a spreadsheet. So GeoTime
11 allows us to import it into that software to map it out to
12 understand better geospatially where the phone is at a
13 given time when it's hitting these cell phone towers.

14 Q And how many times have you used GeoTime?

15 A Hundreds.

16 Q And do you find GeoTime to be reliable?

17 A I have.

18 Q And is it used by other law enforcement agencies?

19 A Internationally. It's a widely used piece of
20 software.

21 Q And what information does GeoTime provide you with?

22 A Well, it just cleans the data in a certain way, and
23 with the way you import it into the program, it just maps
24 it out for you so you can see it. It helps to visualize
25 what is available through those call detail records,

1 again, rather than just looking at it on a spreadsheet.

2 Q And can you tell me what cell site location
3 information is?

4 A It's just another way to refer to a cell tower. It's
5 the equipment used by the cell phone providers that
6 connects the phone to give it a signal or service.

7 Q So is it maybe the location of the cell tower?

8 A Correct, yeah.

9 Q And is that information provided in the phone records
10 you receive?

11 A It is.

12 Q And what does that cell site location tell you?

13 A It just -- it gives lat. and long. for those cell
14 sites or cell towers to know where the tower is located
15 and what direction. Usually, it also includes a sector or
16 azimuth which will tell you, give you an idea of where the
17 phone was located in relation to that tower.

18 Q And an earlier witness testified that towers are
19 generally spaced two miles apart. In your experience, is
20 that true in the city of Greenville?

21 A I think spacing of cell phone towers is kind of --
22 kind of arbitrary. People can put them up all over the
23 place. In the city of Greenville, there are some free
24 tools online where you can search for cell phone towers to
25 judge and see what cell phone strength may be in a certain

1 area. I'd say where we sit now there are probably
2 hundreds of cell phone towers or antennas within a couple
3 of miles of where we're sitting.

4 Q And how does the phone determine which tower to
5 connect to?

6 A Generally, the phone is programmed in a way and
7 manufactured to allow the phone to connect to whatever
8 tower it receives the strongest signal from. And, you
9 know, sometimes it may be the nearest tower that you're --
10 the tower you're closest to, sometimes it may not. It's
11 searching for a signal, and it wants to connect to
12 whatever tower is going to give it that strongest signal.

13 Q Okay. Is that generally the closest tower to the
14 phone?

15 A Most of the time I'd say it is.

16 Q And these records just tell you location of the
17 phone, correct?

18 A Correct.

19 Q All right. I'm going to show you what's been marked
20 as State's Exhibit 54. Do you recognize that?

21 A I do.

22 Q And how do you recognize it?

23 A It's a report that I created using GeoTime.

24 Q Is it fair and accurate?

25 A Yeah. It looks -- it is.

1 Q And has it been altered in any way?

2 A It doesn't appear to be, no.

3 MS. HENDRICKS: Your Honor, at this time we'd move to
4 admit this into evidence.

5 MR. CRANE: I object.

6 THE COURT: For the purposes of this hearing ---

7 MR. CRANE: Purposes of ---

8 THE COURT: For the purposes of this hearing, it's
9 admitted.

10 (WHEREUPON, State's Exhibit Number 54 was admitted into
11 evidence for purposes of this in-camera hearing.)

12 THE COURT: What's your objection?

13 MR. CRANE: That's fine. Thank you, Judge.

14 BY MS. HENDRICKS:

15 Q Do you have a copy of your report or would you
16 like ---

17 A I have a copy.

18 Q Okay. What did the GeoTime results show us in this
19 case?

20 A Is there a specific timeframe or slide that you want
21 to ---

22 Q Yeah. We'll just start on page 3.

23 A Okay.

24 Q Around 11 a.m., where was Mr. Edmunds's phone?

25 A At that time it appears that Mr. Edmunds's phone was

1 in an area near his home which is located at 129 Chick
2 Springs at that point.

3 Q All right. And then did he leave that area and go to
4 another area?

5 A Yes. According to their records and the mapping, it
6 looks like ---

7 THE COURT: Well, let me just interrupt. The
8 objection as to whether or not this should be -- we're not
9 going to go through his whole testimony about where the
10 phone was at what time at this time. He's objecting to
11 the admissibility of this evidence, correct?

12 MR. CRANE: Yes, sir.

13 THE COURT: All right. Your turn. Cross-examine him
14 and show why this should not be admitted.

15 MR. CRANE: Thank you, Judge.

16 CROSS EXAMINATION

17 BY MR. CRANE:

18 Q Mr. Harrison, would you classify this as scientific
19 evidence?

20 A I don't know if I'm capable of making that
21 determination or not.

22 Q All right. So it's just a computer program that you
23 put into your computer and it -- do you know how it works?
24 Do you know how the program works?

25 A No, sir. It's a piece of software that I use.

1 Q Are you an engineer?

2 A No, sir.

3 Q You don't know how the program works at all?

4 A No. I'm a police officer that was trained to use
5 this program and to import data into it.

6 Q And because of the information provided to you by
7 T-Mobile you were able to -- according to their
8 information, the phone was assigned to Quavon Edmunds; is
9 that correct?

10 A Yes, sir. The subscriber, yes, sir.

11 Q Beginning in March of 2017.

12 A Yes, sir.

13 Q Okay. And if we're looking at -- and you say that
14 the GeoTime tells us where the phone was?

15 A It gives you a general area for the phone, yes, sir.

16 Q Is that based on the location of the cell towers?

17 A Yes, sir.

18 Q And you've indicated that the phone is going to reach
19 out to the least busy or strongest cell tower; is that
20 correct?

21 A My understanding is is that the cell phone is going
22 to try to connect to a tower where it would receive the
23 strongest signal.

24 Q That might not be the closest one; is that true?

25 A That could be true, yes, sir.

1 Q It might skip more than one, might it not?

2 A That's possible, I suppose.

3 Q And what is that going to show as far as where the
4 cell phone is if it skips one or two cell towers?

5 A It's still going to show an area the phone could have
6 been.

7 Q Could have been.

8 A Where the phone was. It's going to show where the
9 phone was at that particular time.

10 Q How big is that area?

11 A I'm not sure.

12 Q Well, I mean, can we pinpoint it between me and him
13 or is it going to be blocks wide or -- a previous expert
14 testified that these things are about two miles apart and
15 that a phone can hit a cell tower as far away as four
16 miles. So are we talking about a four-mile area or are we
17 talking about a two-block area or a three-foot area? What
18 are we talking about?

19 A I think here in the city where we have more cell
20 phone towers available, you're going to be talking about a
21 smaller area. Rurally where there are less cell towers, I
22 could see it being maybe a mile or more. I don't know.
23 But when we have dozens if not hundreds of cell towers
24 nearby, I don't think it's likely that the phone is
25 hitting a tower miles from where it is.

1 Q Okay. And I heard the word "think." Do you have any
2 idea? Do you know?

3 A I don't know, no, sir.

4 Q How many cell phone towers are there close to
5 Rutherford Drive and North Main Street, if you know?

6 A An exact number, I don't know.

7 Q Okay.

8 THE COURT: Let me just interrupt and ask, is there a
9 cell tower directly at that intersection behind -- right
10 up where Larkin's Saw Mill is? Do you know that?

11 THE WITNESS: I can show you where it is mapped here.
12 There are a number of cell towers there, and you can see
13 that the phone hits off of those cell towers.

14 THE COURT: Let's just get to whether or not this is
15 admissible evidence. You can argue the weight of it to
16 the jury if it gets in.

17 Let me just interrupt. Have you testified before as
18 to this type of evidence?

19 THE WITNESS: Yes, sir.

20 THE COURT: Has it been admitted in court?

21 THE WITNESS: Yes, sir.

22 THE COURT: Do you know how many times you've done
23 that?

24 THE WITNESS: Just once.

25 THE COURT: Okay. And when was that?

1 THE WITNESS: 2016. I can't remember. It was for
2 another case for Detective Irvin. I think it was 2016 or
3 '17.

4 THE COURT: Okay. And have you used this technology
5 -- how many times have you used the technology?

6 THE WITNESS: I use it on a regular basis hundreds of
7 times.

8 THE COURT: Do you know how many times you've used it
9 that it's resulted in a conviction.

10 THE WITNESS: I guess just the one time.
11 Oftentimes ---

12 THE COURT: Well, I'm not talking about at a jury
13 trial, because how many -- what percentage of criminal
14 cases are resolved through guilty pleas?

15 THE WITNESS: Correct. I don't know. I don't know
16 the answer to that question.

17 THE COURT: Okay. All right.

18 BY MR. CRANE:

19 Q And so the cell phone is going to try and pick up the
20 strongest tower. If the tower is busy -- or weather can
21 affect it, can it not?

22 A Possibly.

23 Q Trees can affect it, can't it?

24 A Trees?

25 Q Yes.

1 A I think obstructions. That's why usually line of
2 site is best if there's buildings or whatever the case
3 might be. Yeah.

4 Q So can we go back to my question a minute ago? Can
5 you tell me how far a distance you might be able to place
6 the phone? Are we talking about two blocks? two miles?
7 Or how close?

8 A I don't know. I can't tell you that.

9 MR. CRANE: Judge, I think that's sufficient enough
10 right there. He can't tell us how far -- I mean, he's
11 talking about something that's magical. We don't even
12 know -- he can't even tell us how close it's going to be
13 to what his graph shows where the phone was. It's just
14 not -- under Dalbert [phonetic], some of those other
15 standards, it's not admissible.

16 I've got a whole bunch more questions here if you
17 want me to ask him.

18 THE COURT: Do whatever you think you need to do.

19 BY MR. CRANE:

20 Q Isn't it true that data regarding the actual coverage
21 area of any tower at the time of the incident is not
22 provided by the cellular carrier?

23 A Can you repeat that?

24 Q Yes, sir. Isn't it true that data regarding the
25 actual coverage area of any tower at the time of the

1 incident is not provided by the cellular carrier?

2 A I don't know.

3 Q You don't know.

4 Isn't it true that it's not possible to reliably
5 determine the coverage area of a cell tower antenna as it
6 relates to a particular cell phone at the time of a call
7 simply by comparing the distance between cell towers?

8 A I'm not sure.

9 Q Isn't it true that the actual determination of which
10 cell tower is used is complex and hinges on a multitude of
11 factors that are not memorialized in the call detail
12 records such as the health of the tower in the area? Or
13 do you know?

14 A I don't know. But all I can say is the data that
15 T-Mobile sent us, it provides us the cell tower that the
16 phone hit off of with the lat. and long. It shows us what
17 sector that phone was hitting off of so it gives you a
18 direction, like a degree of angle. And that's -- that's
19 what I can tell you.

20 So the cell phone says -- the cell phone company has
21 said this phone hit off of this tower at this date and
22 time when it received or when this call was placed. The
23 distance from that tower and where exactly in that sector
24 the phone is at that given time, that doesn't -- it's not
25 provided with what the cell phone company provides us.

1 Q And it's not provided on your report either, is it?

2 A This is a visualization tool that helps you to
3 understand more or less, give you an approximation of
4 where the phone is.

5 Q An approximation of a sector where that phone might
6 be.

7 A Yes, sir, correct.

8 Q You can't even tell us from your information and
9 diagrams that whether or not that phone was on North Main
10 Street, can you, or on Rutherford Road?

11 A No. It just shows an area of a sector of the cell
12 phone tower where the phone was at that particular time.

13 Q Has this evidence ever gone before a peer-review
14 board and they determined that it is good evidence other
15 than police officers?

16 A I don't know.

17 MR. CRANE: I don't have any further questions,
18 Judge. I move they be excluded.

19 THE COURT: What can you tell us about the software?
20 What do you know about it?

21 THE WITNESS: It's a piece of geospatial software.
22 It's been in production for, I think, close to a decade.
23 It's used by law enforcement, local, state, federal
24 agencies all over the world. I've used it a lot over the
25 last six years.

1 I think it's really helpful, especially with
2 investigative tools, it's helped to rule people out as
3 suspects. When we get this information back, it's helped
4 to confirm things that we know, corroborate stories. It's
5 been a real useful tool for us.

6 THE COURT: So sort of an analogy might be that this
7 test that you're proposing or seeking to have admitted --
8 or the State is seeking to have admitted is not comparable
9 to DNA, right? You can't say within 99.99 percent,
10 correct?

11 THE WITNESS: Correct, correct.

12 THE COURT: Nor are you attempting to do that, are
13 you?

14 THE WITNESS: No. I'm only going to testify to the
15 data that we received from T-Mobile and what it looks like
16 when it's mapped out. I don't know, you know. It's just
17 where the phone was, a general area the phone was at a
18 particular time and date.

19 THE COURT: So this is just an extrapolation of data
20 received from T-Mobile, from the phone company, correct?

21 THE WITNESS: Correct. Yes, sir.

22 THE COURT: It's more like a breathalyzer, right, as
23 opposed to DNA or blood test? It's not exact, but it
24 gives you -- because with a breathalyzer, isn't it true
25 that one person reads -- with the exact same amount of

1 alcohol will read differently than another, correct?

2 THE WITNESS: Yes, sir.

3 THE COURT: So it just gives you a general idea.

4 THE WITNESS: Yes, sir.

5 THE COURT: Is that right?

6 THE WITNESS: Right. With this particular data.

7 There are other types of data that will give you an actual
8 GPS coordinate, but that's not what this data shows.

9 THE COURT: Okay. Well, that's certainly something
10 you can bring up on examination, because I'm going allow
11 him to testify.

12 However, it is Tuesday, November 8, 2022, and it is
13 4:30. And I want to have this jury, make sure they have
14 an opportunity to vote, which I hope everyone in here
15 who's qualified to vote will do. So I'm going to have to
16 ask you to come back tomorrow.

17 Okay. Let's bring the jury in, and I'm going to
18 dismiss them.

19 (WHEREUPON, the jury entered the courtroom at 4:30 p.m.)

20 THE COURT: All right. Ladies and gentlemen, welcome
21 back. And thank you for your patience.

22 Sometimes legal issues get entangled and takes a
23 little bit more time to figure out than you anticipate.
24 So today being Tuesday, November 8th of an election year,
25 I want to make sure every one of you has an opportunity to

1 vote, which I hope you will do. We're going to break for
2 the day and ask you to be back at -- is 9:30 okay with
3 everyone? Ask you to be back at 9:30.

4 Now, we've gotten pretty deep into this case. You
5 all have heard quite a bit of evidence about locations,
6 events, all sorts of things. And it's human nature to
7 want to talk about it. And I remind you of your oath that
8 you won't do that and that you will allow -- that you will
9 only consider how to resolve this dispute based on what
10 you hear in the courtroom. Please do that. And we will
11 see you in the morning at 9:30.

12 Thank you.

13 (WHEREUPON, the jury exits the courtroom at 4:32 p.m.)

14 THE COURT: All right. Anything before we break?

15 MS. HENDRICKS: Your Honor, we'd like to make the two
16 statements that we used to impeach the witnesses court's
17 exhibits for the record.

18 THE COURT: What are you talking about?

19 MS. HENDRICKS: Miller and Beasley's statements that
20 we played earlier for the jury, we were going to make
21 those court's exhibits.

22 THE COURT: Yeah. That's fine.

23 You object to that?

24 MR. CRANE: Not if they're court exhibits and don't
25 go to the jury.

1 THE COURT: No. They're not going to the jury.

2 MR. CRANE: Thank you, Judge.

3 MS. HENDRICKS: Nothing further.

4 THE COURT: All right. Anything?

5 MR. CRANE: No, sir. Thank you.

6 THE COURT: All right. See you all in the morning.

7 (WHEREUPON, proceedings recessed at 4:33 p.m.; Court's
8 Exhibit Numbers 2 and 3 were marked for identification.)

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

2 Wednesday, November 9, 2022

3 (WHEREUPON, proceedings reconvened at 9:44 a.m.)

4 THE COURT: Are y'all ready to go?

5 MS. HENDRICKS: Yes, Your Honor.

6 MR. CRANE: One item, Judge. On the expected
7 testimony of the GeoTime lay witness, I would submit to
8 the Court that under Rule 702 and under the Franks
9 decision with the State vs. Franks at 432 S.C. 58 and
10 849 S.E.2d 580 heard in 2020, the witness needs to be
11 qualified as an expert in GeoTime. And further, Judge, we
12 would submit to the Court that he needs to be qualified as
13 an expert in the data which he is interpreting. Because
14 what he's trying to do is give an opinion as to where the
15 cell phone was located based on data generated by
16 T-Mobile. And that -- the fellow that testified to that
17 was never qualified as an expert. So we don't have any
18 expert testimony from anybody saying that the information
19 from T-Mobile is accurate.

20 I would submit to the Court that I don't think that
21 Mr. Harrison ---

22 THE COURT: Well, you didn't raise that issue.

23 MR. CRANE: I'm raising it now, Judge.

24 THE COURT: Well, it's too late. He's already
25 testified and it's in the record.

1 MR. CRANE: That's fine. But Mr. Harrison can't
2 testify to what's in there and interpret it and give an
3 opinion unless he himself is an expert -- expert in
4 GeoTime and that particular evidence.

5 THE COURT: Well, I don't know that they're offering
6 him as an expert. That's not up to me to determine.

7 MR. CRANE: Well, if he's not an expert, then I would
8 testify he can't give a lay opinion on scientific evidence
9 like this.

10 THE COURT: He can get up -- well, do you raise this
11 issue with every breathalyzer operator that you
12 cross-examine?

13 MR. CRANE: Not usually.

14 THE COURT: No.

15 MR. CRANE: Whether I do or don't is irrelevant as to
16 what happened in this case. This is a very serious case.
17 They want to produce him to give -- basically, he's going
18 to come across to the jury as an expert, and he's going to
19 testify here's what happened, here's what happened, and I
20 interpret this evidence. He doesn't know anything about
21 that evidence that he's interpreting. He told us
22 yesterday he's not even sure how the GeoTime works. It
23 just does. He plugs in the computer, pushes a button and
24 it gives him a graph. He's going to testify to that. I
25 think he's got to be an expert to testify to that as per

1 the Franks decision.

2 THE COURT: Have you got a copy of it?

3 MR. CRANE: Yes, sir.

4 THE COURT: You come in the morning after I've
5 already ruled and you want to reargue something? Bring me
6 a copy and let me look at it.

7 MR. CRANE: Yes, sir. Be glad to.

8 (Pause in proceedings.)

9 THE COURT: Am I reading this wrong?

10 MR. CRANE: I wouldn't be able to answer how you
11 read ---

12 THE COURT: (As read) We conclude the trial court did
13 not abuse its discretion in finding Sergeant Kelly was
14 qualified to testify as an expert in the use of GeoTime
15 and other call records translation tools.

16 MR. CRANE: That's correct. You're reading that
17 correct. And this witness has not been qualified as an
18 expert.

19 THE COURT: Well, they haven't offered him yet.

20 MR. CRANE: That's fine, Judge. I'm just bringing it
21 up that he needs to be qualified as an expert. I don't
22 know if she's going to qualify him or not.

23 THE COURT: What does the State want to tell me?

24 MS. HENDRICKS: The State's position is that he
25 doesn't need to be qualified as an expert. He's

1 testifying essentially to a demonstrative. He took the
2 phone records from T-Mobile, which somebody has already
3 authenticated as accurate and reliable, and he entered
4 them into a program that he is proficient in using that
5 gives a visual representation of those phone records. I
6 don't think -- I mean, he's a police officer that uses a
7 program, and he's showing us the program. I don't think
8 he needs to be qualified as an expert.

9 I think, you know, lay witness testimony is
10 rationally based on his perception. It's helpful to your
11 understanding of the witness's testimony, and it doesn't
12 require special knowledge or skill. I mean, he's trained
13 in the program, but I don't think he has to be an expert
14 to -- it looks like in the Franks case, I was only given
15 it this morning, but it looks like they didn't have an
16 expert from Verizon who testified to the accuracy of the
17 data.

18 THE COURT: Why would you not want to offer him as an
19 expert?

20 MS. HENDRICKS: I just wasn't sure it was necessary.
21 But we ---

22 THE COURT: Well, you can't -- if he's not an expert,
23 he cannot give an opinion, okay?

24 This is -- why are you relying on this case?

25 MR. CRANE: Why are we?

1 THE COURT: Yeah.

2 MR. CRANE: We did -- research was done last night.
3 And there's not many cases in South Carolina. There's two
4 -- there's that case and one that doesn't have
5 precedential value to it. So that's why we're relying on
6 it. That may be the only case, and now this will be
7 Number 2.

8 THE COURT: If they don't offer him as an expert ---

9 MR. CRANE: Thank you, Judge.

10 THE COURT: I don't know what they're going to do.

11 MR. CRANE: I understand.

12 One other thing, Judge. I'd like for my client to be
13 able to remove his mask during the trial.

14 THE DEPUTY: He's in a pod where somebody is COVID
15 positive, which means he potentially has been exposed.

16 MR. CRANE: And I think he's tested negative, and I'm
17 not concerned about him sitting next to me. So I'd like
18 for him to be able to remove -- he's the only one in the
19 courtroom that has a mask on. I don't want the jury to
20 get any type of ---

21 THE DEPUTY: Your Honor, had he not been in this
22 trial, he would not have been transported. He would be
23 under quarantine. So that's why we have the mask on him.

24 THE COURT: Okay. Well, I'm going to adhere to
25 safety protocols. You might not care whether or not

1 you're exposed to it. There may be a lot of other people
2 who are. I will explain to the jury that there's a
3 potential that he has been exposed to COVID and that's why
4 he's wearing a mask.

5 MR. CRANE: Okay.

6 THE COURT: I won't make any mention of the detention
7 center, okay?

8 MR. CRANE: Okay. Thank you, Judge.

9 THE COURT: Are we ready to go?

10 MS. HENDRICKS: I suppose, Your Honor.

11 THE COURT: You suppose.

12 MS. HENDRICKS: Yeah. I was a little bit surprised
13 by this case. But yes, we can -- we're ready to go.

14 THE COURT: Are you going to offer him as an expert?

15 MS. HENDRICKS: I will. Yes, Your Honor.

16 THE COURT: Okay. You can voir dire him on it,
17 whatever you want to do.

18 MR. CRANE: Thank you, Judge.

19 THE COURT: Yeah. It's been pointed out to me that
20 part of this decision that you're relying on reads: (As
21 read) Further, as to any objection to the reliability of
22 CSLI methodology, we find no error in the trial court's
23 decision to admit the testimony. In reaching this
24 conclusion, we emphasize this court recently joined the
25 many other jurisdictions that have deemed CSLI reliable

1 enough to pass the Rule 702 gate.

2 MR. CRANE: Is that the data that is presented to
3 him? You used some initials there.

4 THE COURT: That's your -- what the technology we're
5 talking about.

6 MR. CRANE: Okay. Thank you, Judge.

7 THE COURT: That's out of the case you presented to
8 me and are relying on to disallow this.

9 MR. CRANE: Yes, sir. Thank you.

10 (WHEREUPON, the jury entered the courtroom at 9:57 a.m.)

11 THE COURT: All right. Ladies and gentlemen, welcome
12 back. Hope you had a pleasant evening, and we are ready
13 to resume.

14 Call your next witness.

15 MS. HENDRICKS: The State calls Tim Harrison.

16 WHEREUPON,

17 TIM HARRISON

18 After having been duly sworn, testified as follows:

19 THE CLERK: Thank you. Please be seated. State your
20 name for the record.

21 MR. CRANE: Your Honor?

22 THE WITNESS: Tim Harrison.

23 THE COURT: Wait.

24 MR. CRANE: Respectfully, would you indicate to the
25 jury ---

1 THE COURT: Yeah. I'm sorry. I meant to -- yes.

2 Please disregard the fact that Mr. Edmunds is wearing
3 a mask. There's a potential that he is exposed to the
4 COVID-19, and out of an abundance of caution, I am
5 requiring him to wear a mask. So please don't make any
6 presumption or take any negative inference from that,
7 okay? Thank you very much.

8 All right. Go ahead.

9 DIRECT EXAMINATION

10 BY MS. HENDRICKS:

11 Q Mr. Harrison, where are you employed?

12 A The Greenville Police Department.

13 Q And how long have you been employed there?

14 A Just over 13 years.

15 Q And what's your position?

16 A I currently am an intelligence officer.

17 Q And what are your duties as an intelligence officer?

18 A The primary duty for me is to be a conduit for
19 information throughout the department and with other
20 agencies in our area, trying to share intelligence and
21 provide help with investigations and research and other
22 support to operations and patrol units.

23 Q What kind of training and education have you received
24 in becoming an intelligence officer?

25 A I've taken a number of classes over the last six or

1 seven years since I've been in this role, going to
2 conferences, online trainings to help understand the intel
3 process better and different products that can be produced
4 to support law enforcement.

5 Q And do you receive any ongoing training?

6 A I do. Yeah. I get annual training.

7 Q And what kind of ongoing training do you receive?

8 A Whatever classes are available. Just depends on
9 what's out there. Some online training, in-person
10 training within the department for in-service to keep my
11 accreditation as a police officer.

12 Q And did you have an opportunity to become involved in
13 this case?

14 A I did.

15 Q And how did you become involved in it?

16 A I use a program for our department called GeoTime.
17 And that is a piece of software that we use to map out
18 cell phone records that are provided to us from cell phone
19 companies. So as a user of that program, Sergeant Irvin
20 reached out to me to map out the data that was provided.

21 Q And was this the first time you analyzed phone
22 records for the police department?

23 A No ma'am, it's not.

24 Q How many phone records have you analyzed in your
25 career with the Greenville Police Department?

1 A Over -- over a hundred. There are over a hundred
2 cases in my case file at work on my computer. Some of
3 those cases involve multiple phones, so I don't have an
4 exact number of phones I've analyzed or looked at.

5 Q And do you follow -- when you're asked to analyze
6 phone records, do you have a procedure that you follow?

7 A I do.

8 Q And did you follow that procedure in this case?

9 A Yes, ma'am.

10 Q And what's that procedure?

11 A When I receive the data from the investigator or the
12 officer who offers it, I download it to my computer, I
13 create a file, assign it to a case number and then just
14 use the data that's provided by those phone companies and
15 import it into GeoTime.

16 Q And what is contained in the phone records you
17 receive?

18 A Depends on the phone company. But always timestamps,
19 times and date of phone calls or text messages sent or
20 received. Sometimes it will include data. It will
21 include also cell tower lat. and longs., so it's the
22 location of those cell towers that the phone is using when
23 it makes a transaction to place a call or to receive a
24 call, send a text. It also will include oftentimes the
25 direction or sector of the cell tower. So it will tell

1 you what direction the phone is in relation to that tower.

2 Q And do you mean by that that the towers have
3 equipment -- tower's round, and it has equipment on
4 different sides, and that kind of makes different sectors?

5 A Yes, ma'am. A cell site is all the equipment that's
6 included in a cell tower. And there are antennas on all
7 sides, 360 degrees.

8 The information is often given in the data that we
9 receive from those phone companies, will indicate which
10 sector or which direction from the phone company it's
11 hitting from because it knows what antenna were used in
12 that transaction of data, whether it was a phone call or a
13 text or using an app on your phone to use data.

14 Q And what do you do with the phone records when you
15 receive them?

16 A I download them to my computer and then use -- import
17 them into this program GeoTime to map them out.

18 Q And can you tell us what GeoTime is?

19 A It's a software tool that law enforcement agencies
20 use to map out cell phone records. When we receive these
21 records, often it's a spreadsheet in most cases with
22 hundreds if not thousands of lines and columns of data.
23 So this tool just helps to visualize it in a way we don't
24 have to looking at it -- not to look at it on a
25 spreadsheet with lots of numbers and lats. and longs.

1 Before these programs were available, you'd have to
2 go into Google Maps and drop points on a map manually by
3 looking at the spreadsheet the phone company would send.
4 So it just automates that process and helps you to
5 visualize it in an easier way.

6 Q And how many times have you used GeoTime?

7 A Hundreds.

8 Q And how many years have you been an intelligence
9 officer with the police department?

10 A Since January of 2016.

11 Q So about six years?

12 A Uh-huh.

13 Q And do you find GeoTime to be reliable?

14 A I have.

15 Q Is GeoTime used by other law enforcement agencies?

16 A It is. It's used at the local, state and federal
17 level, internationally. It's a pretty widely used
18 program.

19 Q And were you trained in the use of GeoTime?

20 A Yes, ma'am.

21 Q Did you take GeoTime-specific classes?

22 A I did. I took Level I and Level II classes through
23 GeoTime. Their rep came down and did a class here at our
24 agency.

25 Q And if you have a question -- if you have a question

1 when you're using GeoTime, is there someone you can
2 contact for help?

3 A There is. They have a support system so you can send
4 an email, call them, and they're pretty responsive.

5 Q And have you done that to help you learn how to use
6 the system?

7 A I have.

8 Q Have you testified before using GeoTime?

9 A I have.

10 Q How many times?

11 A Once.

12 MS. HENDRICKS: Your Honor, at this time we offer
13 Officer Harrison as an expert witness in the use of the
14 GeoTime software and cell record translation tools.

15 THE COURT: Any objection?

16 MR. CRANE: Yes, sir. I object.

17 THE COURT: All right. Well, voir dire him and let's
18 see what you've got.

19 VOIR DIRE

20 BY MR. CRANE:

21 Q Mr. Harrison, good morning. How are you?

22 A Good morning. Fine. How are you?

23 Q Thank you.

24 Mr. Harrison, you said that you've had training in
25 the use of GeoTime. Who trained you?

1 A Ideal Tamif [phonetic] was the trainer who came down
2 from Canada to train me on the two levels of courses that
3 I've been through. He was the head trainer and rep that
4 we were party with as we bought the software back in 2016.

5 Q You bought the software in 2016?

6 A Yes, sir.

7 Q So you were trained in 2016?

8 A Yes, sir. I went through two classes in fairly close
9 succession to each other. I don't know the exact dates.

10 Q And how long did the class last?

11 A Level I, I think, was one day, and the Level II class
12 was two days.

13 Q So you've had three days of training in the use of
14 GeoTime?

15 A Yes, sir. And some continual training over the last
16 few years. They'll do webinars or updates. When they
17 have a software update to push out to us, they might do --
18 explain updates to the program.

19 Q When is the last webinar you did?

20 A It might have been in the last -- maybe two years
21 ago.

22 Q Two years ago?

23 A Yes, sir.

24 Q All right. And so GeoTime is a -- you're not an
25 engineer, are you?

1 A No, sir.

2 Q You're not a computer programmer or anything, are
3 you?

4 A No, sir.

5 Q Do you know how the GeoTime program works?

6 A No, sir. I know that -- I know how to use the
7 program as an end user.

8 Q So you just put in the computer, push a button and
9 assume it's working right?

10 A Yes, sir. There are safeguards in the program that
11 will give you errors if something doesn't work correctly,
12 and that's -- you know, we reach out to support with
13 GeoTime if there's a problem.

14 Q And that would be the program checking itself, the
15 program.

16 A Yes, sir.

17 Q So you know if the program is broken and checking
18 itself, you don't know if it's broken or not, do you?

19 A I guess no.

20 Q Okay.

21 A That's why we reach out to them and follow up with
22 their support.

23 Q Do you know how the program works?

24 A No, sir.

25 Q All right. And you said that you've used this

1 hundreds of times in cases that have come before the
2 police department. And you testified once.

3 A Yes, sir.

4 Q And when was that?

5 A Several years ago. A case here in this courtroom or
6 this courthouse.

7 Q How many years ago?

8 A I don't -- two -- two years ago, I think.

9 Q Two years ago?

10 A Yes, sir.

11 Q It couldn't have been 2016?

12 A No, sir. It wasn't 2016.

13 Q And when you testified at that trial, were you
14 qualified as an expert?

15 A No, sir.

16 Q So you've never been qualified as an expert.

17 A No, sir.

18 Q Do you know if GeoTime has ever been checked by
19 individuals other than law enforcement? Is there any peer
20 groups or scientific evidence behind it that you know of?

21 A Not that I know of. I know that it's not used
22 exclusively by law enforcement. There are other
23 commercial agencies that use it for loss prevention and
24 things like that. But I'm not sure of a peer review
25 that's been done on the software.

1 Q So the ones that rely on it the most are law
2 enforcement.

3 A I couldn't say. I know there are a lot of law
4 enforcement agencies at different levels that use the
5 program. Yes, sir.

6 Q And the data that you rely on that you put in the
7 computer comes from a cell phone provider; is that
8 correct?

9 A Yes, sir.

10 Q Can you vouch for the veracity of that information
11 that you get?

12 A Yes, sir.

13 Q How do you do that?

14 A Well, we trust that the phone companies are sending
15 the proper data.

16 Q I'm sorry. What did you say?

17 A We trust that the phone companies are honoring the
18 search warrant that we send in sending us the appropriate
19 data.

20 Q You trust the phone company sending you the right
21 data, but you don't know if they are or not, do you?

22 A No, sir.

23 MR. CRANE: Okay. Judge, I would object to him being
24 classified or qualified as an expert. I would submit to
25 you that he has improper training, he's only testified

1 once, he's never been qualified as an expert, doesn't know
2 how the program works and is not an expert. All he said
3 is I put in a program and push a button. That's not an
4 expert.

5 THE COURT: Well, he is in this case. And I will
6 tell you that I'm going to qualify him as an expert --
7 expert witness in the use of GeoTime software and call
8 records translation tools, and find that this jurisdiction
9 has joined many other jurisdictions that have deemed this
10 technology reliable enough to pass the expert witness
11 qualification gate.

12 All right. Proceed.

13 MS. HENDRICKS: Thank you, Your Honor.

14 DIRECT EXAMINATION CONTINUED

15 BY MS. HENDRICKS:

16 Q Mr. Harrison, when you said you don't know how
17 GeoTime works, do you mean you don't know how the back end
18 coding of the program works?

19 A Correct. I'm not a software engineer.

20 Q But you know how it works for your use.

21 A Correct.

22 Q So you know how to input data and pull up what you
23 need to map out.

24 A Yes, ma'am.

25 Q And you're proficient in that.

1 A Yes.

2 Q So you received phone records in this case, correct?

3 A I did.

4 Q Did you review those phone records from T-Mobile?

5 A I did.

6 Q And who's the T-Mobile customer in this case?

7 A The subscriber information we were sent back was this
8 account and phone number belonged to Quavon Edmunds, and
9 the phone number associated with the account is
10 (864) 920-8087.

11 Q And when was this account activated?

12 A According to T-Mobile, it was activated March the
13 30th of 2017.

14 Q And what information did GeoTime provide you with?

15 A Well, GeoTime will allow us to import the data sent
16 to us from T-Mobile to visually see it in a more
17 user-friendly way so we can interpret where the phone was
18 or has been.

19 Q Does it give you cell site location information?

20 A Well, T-Mobile gives us that, and GeoTime maps that
21 out for us and shows us on a map where it is.

22 Q And can you remind us what that cell site location
23 information is?

24 A It includes a latitude and longitude for the actual
25 cell tower that the cell phone will be connecting to.

1 Q And that information I think you already said is in
2 the phone records you review?

3 A It is.

4 Q And does that cell site location, it tells you what
5 tower the phone was using, correct?

6 A Correct.

7 Q And it also tells you what sector of the tower.

8 A It does.

9 Q So an earlier witness testified that towers are
10 generally spaced two miles apart. In your experience is
11 that true in the city of Greenville?

12 A Oh, not in the city of Greenville, no.

13 Q How big is the city of Greenville?

14 A Roughly 30 square miles.

15 Q And how many -- so you would say we have more than
16 15 cell towers.

17 A I would say that we have hundreds.

18 Q How does the phone determine which tower to connect
19 to?

20 A Generally, the phone will reach out to different
21 towers and connect to the one it can receive the strongest
22 signal from.

23 Q So the strongest signal, is that typically the
24 closest tower?

25 A Usually, it is the closest tower if there's no

1 obstructions or anything like that.

2 Q So the closest tower -- you know, for efficiency's
3 sake, typically, the closest tower is going to have the
4 strongest signal.

5 A Generally, yes.

6 Q But not always.

7 A Not always.

8 Q Okay. So these records only tell you the location of
9 the phone; is that correct?

10 A These records give us the latitude and longitude of
11 the towers the phone is using, and then it will show us a
12 sector the phone was in for that tower, and then it will
13 show us -- you know, it gives a general area, not an exact
14 location for the phone.

15 Q I'm going to show you what's been marked as State's
16 Exhibit 54. Do you recognize this?

17 A Yes, ma'am.

18 Q And how do you recognize that?

19 A It's a report that I generated using GeoTime.

20 Q Is it a fair and accurate representation?

21 A It is.

22 Q And has it been altered in any way?

23 A (Reviews exhibit) No, ma'am. It doesn't appear to
24 be.

25 MR. CRANE: Judge, I still object to it.

1 MS. HENDRICKS: Your Honor, at this time the State
2 would move to admit State's Exhibit 54 into evidence.

3 THE COURT: Any new grounds or just based on your
4 prior?

5 MR. CRANE: Prior objections. Thank you, Judge.

6 THE COURT: Same ruling.

7 (WHEREUPON, State's Exhibit Number 54 was admitted into
8 evidence.)

9 BY MS. HENDRICKS:

10 Q And, Mr. Harrison, what is State's Exhibit 54?

11 A It is a GeoTime report that I created using the
12 T-Mobile records that were sent to us.

13 Q Okay. So we're going to start with the beginning of
14 your report. Can you kind of explain to the jury what
15 this shows us?

16 A So what GeoTime does with these phone records is it
17 creates -- the red dots represent a time that the phone
18 was used and connected to a tower. So we would know that,
19 in this particular instance, the 3D view for GeoTime, the
20 third dimension of time that it shows is time itself, so
21 the past being up towards the top and the present being
22 closer to -- the present is down towards the bottom of the
23 map. So it shows over time movement of the phone.

24 The arrows and lines that you see connecting those
25 dots is not an actual path of travel. That's just showing

1 some continuity from one call to the next to give you an
2 idea of the movement of the phone, but it doesn't
3 represent actual paths of travel. And the dots themselves
4 don't represent an actual location for the phone, just
5 that the phone was hitting off of this tower at a
6 particular date and time.

7 And at the bottom of the map, you see, on the map
8 itself, all the small red pie-shaped sectors. Those
9 represent the sector of a particular tower that the phone
10 is using.

11 So in this case we see, on this particular day,
12 February the 7th, starting around 11 a.m. in the morning,
13 we see that Mr. Edmunds's phone is up in the area of
14 129 Chick Springs. Over time you see that there are calls
15 made. Each dot represents a call or a text message sent
16 or received from the phone. And then there is movement
17 where the phone is coming down towards closer to town into
18 Greenville.

19 Q So around this 11:00 hour, this yellow dot says
20 129 Chick Springs, that's just kind of a location on the
21 map, correct?

22 A Correct. The yellow dot and the line just represent
23 the location of that particular residence or that address.

24 Q So basically, from this map we can tell around 11:00
25 to 1:00 this defendant's phone was around 129 Chick

1 Springs Road.

2 A Yes, ma'am. In that area. In that general area.

3 Q And then it seems like he moved to a different part
4 of town.

5 A Correct.

6 Q And so this is just a different view kind of, of the
7 same data; is that correct?

8 A Yes. This is -- it's still a three-dimensional view,
9 but it adds a timeline that you can see more clearly
10 exactly what time some of these calls were placed or
11 received. So the timeline is up top and then the 3D map
12 is below connected by the lines that you see from the red
13 dots leading down to where the cell towers would be.

14 Q So you can see basically he's in this area around 11
15 a.m., and then by 1400, around 2 p.m., he moves to this
16 farther area, and then very shortly thereafter he's in
17 this other area (indicating throughout).

18 A Yes, correct.

19 Q And this is just a 2D view of that same data.

20 A This is the same data, yes, ma'am, just seen from a
21 2D view, just looking straight down on top of it.

22 Q And so those arrows are just showing like a path from
23 one point to another; is that correct?

24 A Correct.

25 Q It doesn't mean he was on the phone that whole time,

1 correct?

2 A No. And it doesn't show -- it doesn't mean that's an
3 actual path that someone with the phone would have taken.
4 It's just helping with continuity showing travel like of
5 the phone, like where it's moving to, generally. It's not
6 an actual path that was taken.

7 Q And we need that on this one because we don't have a
8 timeline, right?

9 A Right.

10 Q So that helps us. Okay.

11 And so this kind of narrows down to our time right
12 before the incident. So this is 1:42 to 1:55 p.m. Can
13 you explain what this is showing to us?

14 A Yes, ma'am. So during this time frame, approximately
15 1:42, 1:55, we isolated these calls that were made that
16 were hitting off of this tower. And it's a little bit
17 easier to see from this view because there's only one
18 thing to focus on and there's not a lot of overlapping
19 information.

20 The tower is the origin of this sector or this pie
21 shape. That's where the tower is located. So right where
22 that line comes down and touches the point there, that's
23 where the cell tower is. The information that the phone
24 company sent us is just telling us that this phone
25 contacted this cell tower and it's in this sector using

1 these antennae at this particular given time. So each red
2 dot is a transaction of information to the cell tower,
3 whether it was an incoming or outgoing phone call or text
4 message.

5 So there were eight different events -- and that's
6 what GeoTime refers to them as, events, the phone calls or
7 text messages -- that occurred in this 13-minute period
8 that all connected the phone to the cell tower.

9 And the red dots, again, aren't an exact location for
10 the phone. It's just a representation that the phone was
11 in this sector at these times.

12 Q So are you saying the cell tower is right here
13 (indicating)?

14 A Correct, yeah.

15 Q So the cell tower's right here (indicating). And he
16 was just anywhere within this pie shape, correct?

17 A Correct.

18 Q Okay. So what about these two addresses that are
19 plotted on here? Were those given to you by law
20 enforcement?

21 A They were.

22 Q Okay. Do you know what they are or do you just ---

23 A I don't know. Locations of interest that I put on
24 the map.

25 Q Okay. And is this just a -- that's just a 2D view of

1 the same 13 minutes; is that correct?

2 A Yes, ma'am. Yeah.

3 Q So this is a little bit of a wider time period right
4 around the shooting which was right before 2 p.m. So are
5 these dots at the top what we just saw? So that was that
6 sector that we were just looking at.

7 A Correct, yes.

8 Q And so then he moves -- seems to be connecting to
9 different towers; is that correct?

10 A Correct.

11 Q And is that just a 2D ---

12 A Yes. 2D of what we just looked at.

13 Q Okay. So this is narrowing down our time period even
14 more. So this is 1:54 to 1:56. So is this the -- is this
15 the pie-shaped area that had those two addresses that we
16 were looking at earlier (indicating)?

17 A Yes.

18 Q Okay. So that's where he is here. And then he moves
19 to another sector; is that correct?

20 A Correct.

21 Q And this yellow line says "shooting incident." Is
22 that the location of the shooting?

23 A That is the GPS location of where the shooting took
24 place.

25 And the line that extends below it is the general

1 timeframe we have for when we began to receive calls. So
2 from the time we received the first call to officers
3 trying to respond to the area and it being dispatched out
4 as a call to law enforcement is about a minute, minute and
5 a half. So that's what that line represents.

6 Q So the 9-1-1 call, is that what you're referring to?

7 A Correct.

8 Q Okay. So based on this, the defendant's cell phone
9 was in the sector covered by the shooting incident at the
10 time of the shooting?

11 A It was.

12 Q And is this just a further breakdown of that
13 timeline?

14 A It is, just to show more accurately each particular
15 incident. Like each particular event or call, you can see
16 it breaks it down based on what T-Mobile provided us with
17 the call times to the second.

18 Q And does that just show his movement? From 1:54 to
19 1:56, he moved from one sector of a tower to another?

20 A Correct. Just the 2D version of what we just viewed.

21 Q And this shows a different area of town. Is this
22 another address that -- of interest that you got from law
23 enforcement?

24 A Yes, ma'am.

25 Q And what can you tell us about this address?

1 A It was an address I was told to look into. And I
2 mapped it out, and I was able to see that the phone only
3 hit on a tower near that address at a time and date on
4 February the 5th in the evening and then not again until
5 the 7th, the day of the shooting, at almost 6:20 p.m.

6 Q So could you tell if -- so the defendant didn't use
7 his phone in this area during that time period, but was he
8 using his phone during that time period in other areas of
9 town?

10 A Yes, ma'am. The phone was being used other places
11 during that time period.

12 Q And is that just a 2D view of that same information?

13 A Yes, ma'am.

14 Q And can you tell us what this shows?

15 A This is just a representation of the fact that the
16 phone is not in that area of that particular address,
17 119 Clark Street, throughout the day until 6:19 and 51
18 seconds, according to the data that was sent by T-Mobile.

19 Q And is this a representation of that same
20 information?

21 A It is, just to show that it is some distance away and
22 a different cell tower being used.

23 Q It looks like there's, you know, kind of like a blank
24 period from here. Was his phone being used throughout
25 that time period?

1 A It was being used. It's just off the map.

2 Q It's just in a different area of town.

3 A We were isolating this particular -- right.

4 MS. HENDRICKS: I don't think I have any further
5 questions. Please answer any questions the defense may
6 have.

7 CROSS EXAMINATION

8 BY MR. CRANE:

9 Q Good morning, Mr. Harrison.

10 A Good morning.

11 Q Let me ask you, when you get the data from T-Mobile,
12 I think you've already testified, you just rely on that as
13 being accurate; is that correct?

14 A We do review the data to make sure that the
15 appropriate fields are there, there aren't issues when he
16 open the files that are sent. Normally, they're sent
17 digitally through email or Dropbox.

18 Q And that data identifies the phone number as
19 belonging to Quavon Edmunds?

20 A Yes, sir.

21 Q Can you determine whether or not on February 7, 2018,
22 Quavon Edmunds was in possession of that phone?

23 A I cannot, no, sir.

24 Q So you don't know who was in possession of the phone.

25 A I don't.

1 Q Okay. And are you indicating that the red dots
2 indicate what cell tower was being used or where the phone
3 was?

4 A Neither. The red dots are a representation of a
5 general area that the phone could have been, so it's not
6 an exact location for the phone. We just know, based on
7 the information that T-Mobile provided to us, what tower
8 he was using and what sector of that tower he was hitting
9 off of or what area he'd be in.

10 Q All right. So let me ask you about this. This is
11 Number 3.

12 A Number 3? Yes, sir.

13 Q Have you got Number 3?

14 A Yes, sir.

15 Q If we refer to the top of the graph up here, you're
16 indicating that's when he might have been -- or when the
17 cell phone was at 129 Chick Springs Road.

18 A Yes, sir.

19 Q Or in that area.

20 A In that area, yes, sir.

21 Q You don't know if it was at that address or not.

22 A No, sir.

23 Q And in looking at this graph -- can you look at your
24 graph? It looks like it might have left that last cell
25 tower at about 1:00; is that correct?

1 A No, sir. Sorry. Yeah. 1300. If you want to see
2 time more clearly, you need to go to the next one where it
3 shows a timeline.

4 Q We'll get to that one in a minute.

5 A Yeah.

6 Q We'll get to that one in a minute.

7 A Okay.

8 Q On this graph, it shows at 1:00, doesn't it?

9 A No. The 3D view of that map is -- can be manipulated
10 and rotated to view the data different ways. So if you
11 want to see the timeline view, you have to go to the next
12 slide. That is what correlates the exact times with those
13 dots.

14 Q Okay. Now, I think I just heard you say you can
15 manipulate this graph to show whatever you really want it
16 to show. Not to say that you did that, but I believe you
17 just testified to that, did you not?

18 A In the 3D view, you can rotate the map to see the
19 data different ways.

20 Q Okay. In this 3D view, does it show that phone
21 leaving at 1:00?

22 A I can't tell you. I wouldn't determine the time for
23 that phone in this view. I would go to the timeline view
24 or I would click on the call itself and it would give me
25 an actual timestamp and date for the call.

1 Q All right. Let me be more specific. Graph
2 Number 3 ---

3 A Right.

4 Q --- which you have in front of you ---

5 A Yes, sir.

6 Q --- does it show that phone, according to the time
7 frame, leaving at 1:00, yes or no?

8 A I wouldn't use this to determine the time for the --
9 for the call.

10 Q I didn't ask you that. Does that graph show the
11 phone leaving at 1:00? Here's the -- here's the dot.

12 A Right. I see that. Yes, sir.

13 THE COURT: Wait a minute. Let me instruct the
14 witness.

15 He's asked a yes or no question. You answer him yes
16 or no, and then you may explain your answer.

17 THE WITNESS: Okay. It looks like it is close to
18 1:00, yes, based on this particular view.

19 BY MR. CRANE:

20 Q This (indicating) right here where my pinpoint is ---

21 A Yes, sir.

22 Q --- isn't that 1300?

23 A Yes, sir.

24 Q Okay.

25 A It looks like it would be close to that based on this

1 view.

2 Q Okay. We'll get to the next one in a minute.

3 A Yes, sir.

4 Q This down here (indicating) where you say it next hit
5 on a tower is more like 2:30, isn't it? 1430?

6 A Yes. That's what it appears in that particular view.

7 Q And then the rest of these or whatever, and finally
8 leaves out somewhere around it looks like about 4:30 or
9 so; is that right?

10 A Well, I guess -- I guess it could be if you want to
11 look at it that way. The time goes off the map below the
12 map. But, again ---

13 Q You're correct. It goes off the map.

14 A Yes, sir.

15 Q Okay. It's after 4:00, isn't it?

16 A Right. It would appear that way in this particular
17 view.

18 Q Okay. And that's the one we can manipulate however
19 you want to manipulate it.

20 A I think "manipulate" is maybe the wrong word. You
21 can rotate the map to see it different ways. It doesn't
22 change the data that's there.

23 Q I'm just using the word you used.

24 A Right. Poor choice of words on my part, I guess.

25 Q Okay. All right. Now, in fairness to you, you

1 wanted to refer to Map Number 4, didn't you?

2 A Right. This -- this would be the view that I would
3 look at to more clearly show time as it relates to the
4 dots or the calls from the phone.

5 Q All right. And so this one also shows the phone
6 leaving somewhere around 1:00, does it not?

7 A Yes, sir.

8 Q And then hitting on a cell tower it looks like maybe
9 1:50 or so right here (indicating)?

10 A Yes, sir. I believe that the first transaction at
11 that tower was around 1:40, 1:42, 1:45, somewhere in that
12 time frame.

13 Q And are all of these dots cell phone calls?

14 A They were all calls that were made or received from
15 the phone, yes, sir.

16 Q Okay. Where is this cell tower right here
17 (indicating)?

18 A It's over near just off Poinsett.

19 Q On Poinsett?

20 A Yes, sir.

21 Q How far is that from East -- from Rutherford and
22 North Main Street?

23 A I don't know. I don't have an exact measurement for
24 you.

25 Q Where on Poinsett is it?

1 A It's near Rutherford and Rutherford Streets. It's
2 down -- I don't have -- I could look up the lat. and long.
3 and show it to you on the map. If you go over a couple
4 more slides to Number 6, you can see the origin of the map
5 here of the tower if you want to show 6. So you can see
6 Rutherford Road.

7 Q Number 6, where is the tower?

8 A It's right under the "P" on Paris Mountain Road.
9 Where that cone originates, that is the cell tower
10 location.

11 Q Where is that in relation to North Main and
12 Rutherford?

13 A Well, this (indicating) is Rutherford Road that you
14 see going there underneath the red line.

15 Q We'll get to that one in a moment, okay? I promise
16 you I'll come to that graph, okay?

17 A Okay.

18 Q All right. So we're going to get to 6.
19 Do you know where these towers are?

20 A The tower on the left is the same tower. It's just a
21 different sector of that tower facing the other direction.

22 Q All right. These towers right here are the same as
23 this one (indicating)?

24 A Yes, sir.

25 Q What about these (indicating)?

1 A That's a different tower.

2 Q That's a different tower.

3 A Yes, sir.

4 Q Okay. And this shows -- I don't think this has a
5 time on it, does it? Does this have time on it, Graph
6 Number 5?

7 A No sir. This doesn't show time.

8 Q All right. But this does have how far this is,
9 doesn't it? Distance, is that two miles?

10 A Yes, sir. That is that key in the bottom right
11 corner.

12 Q And what's that, about an inch and a half?

13 A I don't have a ruler in front of me, but I'd say ----

14 Q I'll give you one.

15 A Sure. I would say it's probably close to an inch,
16 inch and a half, yes, sir. Just -- just under an inch and
17 a half, inch and three-eighths, maybe.

18 Q Can you then tell me from this dot right here
19 (indicating) to this dot here, are these the same tower or
20 are these different towers?

21 A Those are calls being made from the same tower.
22 Because you see where it originates here (indicating)
23 where those -- the dark lines come together?

24 Q Right here (indicating)?

25 A They're hitting the same tower if you follow that

1 line where those three lines touch.

2 Q Over here (indicating)?

3 A Yes, sir. If you'll follow the line where those
4 three lines touch from those two dots.

5 Q Okay.

6 A Right here (indicating).

7 MS. HENDRICKS: Do you mean right here (indicating)?

8 THE WITNESS: Yes. That's the tower that they're
9 hitting off of.

10 BY MR. CRANE:

11 Q Okay.

12 A So it's the same tower. It's just the phone has
13 changed areas, so it's hitting a different sector of the
14 same tower.

15 Q All right. And where is Rutherford and North Main in
16 relation to that?

17 A Here is Rutherford Road. Rutherford Road is here
18 under this, and North Main Street is right here
19 (indicating throughout).

20 Q So about where the big dot is?

21 A Right where that red dot is.

22 THE COURT: From the jury, did y'all see that?

23 MR. CRANE: Judge, I'm going to -- I think ---

24 BY MR. CRANE:

25 Q Is this it right here (indicating), sir?

1 A Yes, sir. Rutherford Road is a road running here
2 (indicating). And this is where Rutherford splits from
3 Poinsett.

4 Q Okay.

5 A And just below -- just below the yellow dot is where
6 Main Street is, because the yellow dot represents the
7 intersection of North Main and Rutherford.

8 Q And take your ruler, and what's the distance between
9 those two dots according to your map?

10 A According to this map, it's just over an inch from
11 one dot to the other.

12 Q Okay. So what is that, about a mile and a half?

13 A Yes, sir. It could be a little -- it would be a
14 little over a mile, mile and a half, possibly.

15 Q So the best you can do is put a phone which T-Mobile
16 said was registered to Quavon a mile and a half from that
17 shooting incident or in that area. A mile and a half
18 somewhere there is where he was.

19 A Yes. Based on what -- yes. Based on what T-Mobile
20 provided with us.

21 Q Okay.

22 A It's not -- the red dot, again, is not an exact
23 location of the phone.

24 Q Right.

25 A I don't want to -- I don't want to misrepresent that.

1 That's just a visual representation to show the phone was
2 in this sector of this cell phone tower.

3 So you're right. I can't tell exactly where the
4 phone is.

5 Q Okay.

6 A I just know what time the phone was being used and
7 what cell tower it was hitting off of and what sector of
8 that tower.

9 Q And, of course, none of this can tell you whether or
10 not Mr. Edmunds was even there, can it?

11 A No, sir. This is just the phone data that was
12 provided to me by T-Mobile.

13 Q Can you explain that one to me again, please.

14 A Yes, sir.

15 Q It shows eight events.

16 A Uh-huh. These are -- the events are what GeoTime
17 will label phone calls or text messages, just events, any
18 time the phone is sending or receiving information from
19 the tower.

20 So the first event was at 1:43 and 13 seconds, the
21 last on that tower being at 1:54 and 38 seconds. So in
22 that time frame, there were eight transactions of data
23 from Mr. Edmunds's phone to that tower, and that phone was
24 in that sector during that time period.

25 Q And where on there is the tower?

1 A Right here (indicating) where the -- you see the
2 small mark here that's been indicated?

3 Q This (indicating) mark?

4 A No, sir.

5 Q This (indicating) way?

6 A Right at the origin of that cone, that's where the
7 tower is located.

8 Q Can you look where the pen is at where it is?

9 A Yes, sir. Just up from your pinpoint, yes. That's
10 where the tower's located right off of Rutherford Road.

11 Q And where is Rutherford and North Main in relation to
12 that?

13 A I think you can see the road here (indicating). The
14 next road over.

15 Q Let me see where you're pointing.

16 A Sure. You can see it here. It's under this. See
17 North Main Street right there? Right here is an
18 intersection (indicating throughout).

19 Q This is Rutherford and North Main?

20 A Yes, sir.

21 Q I'm sorry. I lost you. This one right here
22 (indicating)?

23 A Yes, sir.

24 Q Okay. So from 1:42 to 1:55, you're saying the cell
25 was somewhere in this (indicating) area, that far away.

1 How far is that, do you know?

2 A I don't.

3 Q There's no mileage graph on this one, is there?

4 A No, sir.

5 Q So from right here (indicating) -- and he's somewhere
6 in this red area, right? The cell phone is?

7 A Yes, sir.

8 Q So it could be way over here (indicating), couldn't
9 it?

10 A Yes, sir.

11 Q This is Number 8, sir.

12 And how far is this zone from where my pen is now to
13 over here (indicating), do you know?

14 A No, sir.

15 Q I mean, can you look by chance at the roads? Is it
16 miles or blocks?

17 A It might be a mile and a half to two miles.

18 Q So somewhere a mile and a half that phone was?

19 A Over this course of time ---

20 Q Yes, sir.

21 A --- correct. At specific points we know -- we can
22 fine-tune it a little bit more.

23 Q Okay.

24 A Because this is over -- you know, over an hour and a
25 half period of time. You're taking into account all of

1 those transactions with different cell phone towers. So
2 if you want to nail down to one time, we can be a little
3 bit more specific.

4 Q Can you tell on Number 8 where North Main and
5 Rutherford is?

6 A I can because the yellow dot represents North Main
7 and Rutherford where the incident took place.

8 Q Okay. And this all goes to about 1550. What's that,
9 3:15 and after?

10 A Yes, sir.

11 Q So for -- if the shooting happened somewhere around
12 2:00, for the next hour and a half or so, that phone
13 stayed in that area.

14 A Yes, sir.

15 Q That's what the things say?

16 A Yes, sir.

17 Q All right. So we have -- we won't call it
18 "scientific evidence," would we? Some type of data. We
19 have some type of data that was provided to you by
20 T-Mobile which indicates that a cell phone belonging to --
21 assigned to Quavon Edmunds was in these areas at the times
22 that you testified to ---

23 A Yes, sir.

24 Q --- hitting off of cell phone towers.

25 A Yes, sir.

1 Q We can't say exactly where he was, but probably
2 within a mile and a half of that area, somewhere in a mile
3 and a half, right?

4 A I would say that if you pull up one particular
5 incident and one cell tower, the area would be less than a
6 mile and a half.

7 Q Okay.

8 A If you take up, you know, this period of time you
9 just indicated a moment ago over -- over an hour and a
10 half period of time where he hit multiple cell phone
11 towers, that is probably a mile and a half or more.

12 Q But can you testify to this jury that that cell phone
13 was at North Main and Rutherford Street?

14 A No, sir. I would say that it hit off towers that
15 would potentially put it in that area.

16 Q Can you testify whether that cell phone was ever at
17 Cary Street?

18 A No, sir. Again, the red dots aren't exact locations
19 for the phone, just the cell phone towers he's hitting off
20 of and the sector of the tower he's using.

21 Q Can you testify that Mr. Edmunds was even in
22 possession of the cell phone on December 7th -- I mean on
23 February 7th?

24 A No, sir.

25 Q All right. And you can't tell from those records

1 whether or not Mr. Edmunds was even in that area, can you?

2 You can only tell that his cell phone assigned to him ---

3 A Correct.

4 MR. CRANE: Okay. Thank you. Let me get my ruler
5 back. Okay. Thanks.

6 One moment, please, Judge.

7 BY MR. CRANE:

8 Q And let me ask you, you testified at one of the
9 graphs where you said there were eight telephone calls
10 hitting off of towers?

11 A Eight -- eight events, yes, sir.

12 Q Eight events.

13 Can you tell from your information whether that phone
14 was stationary?

15 A No, sir.

16 Q So it might have been in a gas station or something.

17 A Correct. Yeah. Like, again, the red dots aren't
18 exact locations for the phone.

19 Q Right.

20 A We just know that it was -- the phone was in that
21 sector for that period of time when those events occurred,
22 yes, sir.

23 Q Right. And you don't know if it was moving or
24 stationary.

25 A Correct.

1 MR. CRANE: Okay. Thank you, sir. No further
2 questions.

3 THE COURT: Any redirect?

4 MS. HENDRICKS: Brief redirect, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. HENDRICKS:

7 Q So these 3D views are kind of -- can you show 3D on a
8 flat piece of paper?

9 A No.

10 Q And is that kind of what you meant when you were
11 talking about manipulating?

12 A Yeah. Rotating would be a better way to describe it.

13 Q Rotating.

14 A When you're in the program, the view is slightly
15 different. This is cleaned up, and some of the tools that
16 are there to be used are taken away to be able to see
17 things more clearly. But there are small access points
18 where you can rotate the map around and view it from
19 different angles. And obviously, in the 3D view, if I
20 rotated the map and made the map flat, all those times on
21 the back aren't necessarily to scale with the rest of the
22 dots. So those times would look like they would shift if
23 I rotated the map forward, backwards, side to side.
24 That's why I wouldn't use that to rely on time for these,
25 this data.

1 Q And are you familiar with where 402 Cary Street is
2 located in Greenville or where Cary Street is located in
3 Greenville?

4 A Generally, I know it's down off of North Main just
5 north of Park or Stone.

6 Q When we're looking at this picture, can you tell if
7 he was in that vicinity during this time period?

8 A Yes. Cary Street is generally in this area here
9 (indicating).

10 Q Are you pointing near, I guess, Mohawk Drive, like
11 right around ---

12 A Yeah. It's just west of Mohawk, between Mohawk and
13 North Main.

14 Q Okay. So he was in sectors covered by that area, the
15 phone.

16 A Yes. Cary Street is -- it would be covered in some
17 of the sectors that you see where the phone was used.

18 Q And, again, this is my last question. This shows
19 that the phone was moving; is that correct? Because he
20 was hitting off of one sector of the tower at 1:54 and
21 then he moved to another sector of the tower. So that
22 would indicate that the phone moved areas of town,
23 correct?

24 A Correct. The phone would have had to move to change
25 to a different sector.

1 MS. HENDRICKS: Thank you, Your Honor. No further
2 questions.

3 THE COURT: Okay. Thank you. You may step down.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Let me ask the lawyers to come up here
6 for one second.

7 (WHEREUPON, a bench conference was held off the record.)

8 THE COURT: Okay. Ladies and gentlemen, I understand
9 the next witness may be anywhere from 30 minutes to
10 45 minutes. Would you all like to take a short break
11 before we start up? That looks like a unanimous vote.

12 Okay. Call your witness.

13 MS. HENDRICKS: The State calls Russ Irvin.

14 WHEREUPON,

15 RUSSELL IRVIN

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Please be seated. Please
18 state your name for the record.

19 THE WITNESS: Russell Irvin.

20 DIRECT EXAMINATION

21 BY MS. HENDRICKS:

22 Q Where do you work?

23 A For the Greenville City Police Department.

24 Q And what's your position with the police department?

25 A I am currently a sergeant, and I'm assigned to the

1 Violent Crimes Investigations Unit.

2 Q How long have you been with the Greenville Police
3 Department?

4 A Just over 19 years.

5 Q What other positions have you held with the
6 Greenville Police Department?

7 A I was a uniform patrol officer for eight or nine
8 years, and I have been in investigations for about the
9 last ten -- ten or 11 years.

10 Q And did you assist in an investigation on
11 February 7, 2018?

12 A I did.

13 Q And where did you respond that day?

14 A I responded to the intersection of North Main Street
15 and Rutherford Road.

16 Q And is that in the city limits of Greenville?

17 A It is.

18 Q Is that in Greenville County?

19 A It is.

20 Q Did you know why you were responding?

21 A We had a report of a shooting at that location with a
22 confirmed gunshot victim.

23 Q And who was present when you arrived?

24 A There were multiple patrol officers, some detectives,
25 EMS, and the fire department.

1 Q And where was the victim?

2 A He was being treated by the fire department and EMS,
3 and he was still in or in close proximity to his car.

4 Q What did you do when you arrived?

5 A So I first met with my then supervisor Sergeant
6 Lawson. She kind of briefed me on what she knew at that
7 point. And I was informed that there was a female that
8 was in the car with the victim when he was shot. And so I
9 took her and put her in my car and took a statement from
10 her.

11 Q Was that Jatón Lomax?

12 A It was.

13 Q And what did you learn from her?

14 A She told me that her and the victim, Mr. Knowles,
15 were boyfriend and girlfriend. He was driving the car.
16 She was a front seat passenger. They were on the way to
17 her work. It was her first day at her new job, and he was
18 driving her there.

19 They were using her GPS to get there. They had
20 stopped at the traffic light there at Rutherford and North
21 Main. She stated a vehicle pulled up on the left side,
22 the driver's side of their vehicle, and someone from
23 inside that vehicle fired shots into theirs.

24 They both immediately ducked down, and their vehicle
25 began rolling forward. She kind of took the steering

1 wheel and guided it into this parking lot. And once it
2 came to rest, she got out of the vehicle. And it wasn't
3 until she went around to the driver's side that she
4 noticed the driver had been shot, and she then called
5 9-1-1.

6 Q What did you do after speaking with Ms. Lomax?

7 A Understandably, she was upset. She wanted to go to
8 the hospital so I allowed her to leave at that point to go
9 be with Mr. Knowles. I then went back to my supervisor on
10 the scene and explained to her what Ms. Lomax had told me.

11 I then learned that there was potentially a video
12 from a Greenville County Schools school bus that may have
13 captured the incident. One of our officers was in the
14 process of obtaining that video.

15 I was also aware that several individuals had been
16 detained in close proximity to the shooting scene that may
17 have been involved, and they were all being transported
18 back to our office.

19 So at that point, I went back to our office, reviewed
20 the school bus video, and assisted with the interviews of
21 the individuals who had been transported there.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 55. Do you recognize that?

24 A I do.

25 Q And does it fairly and accurately depict the subject

1 matter therein?

2 A It does.

3 Q And has it been altered in any way?

4 A No.

5 MS. HENDRICKS: Your Honor, at this time the State
6 moves to admit State's Exhibit 55 into evidence.

7 MR. CRANE: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Number 55 was admitted into
10 evidence.)

11 BY MS. HENDRICKS:

12 Q Can you tell us what this is?

13 A That is a still image from the school bus video that
14 shows the video looking out the windshield of the bus,
15 three vehicles stopped at the traffic light.

16 Q And were you ever able to identify this silver
17 Mercedes?

18 A I was not.

19 Q And why not?

20 A You can see that it's got a paper tag on it. And
21 even the paper tag is not really legible. So -- and it
22 was never located, so we were never able to identify whose
23 car it belonged to.

24 Q So what did you do after reviewing the bus video?

25 A After reviewing the bus video, I assisted with

1 interviewing some of the individuals who were there, and
2 then reviewing those statements and speaking with the
3 other detectives who had also conducted interviews with
4 them.

5 Q What did you learn from their statements?

6 A So I learned that Damous Beasley ---

7 MR. CRANE: I object, Judge. I think so what did you
8 learn from these statements, that's hearsay.

9 THE COURT: He's the chief investigating officer.

10 Go ahead.

11 MR. CRANE: I understand that. But if ---

12 THE COURT: Sir, I've ruled. Overruled.

13 Go ahead.

14 THE WITNESS: I learned that Damous Beasley and
15 Quavon Edmunds lived together at a home on Chick Springs
16 Road in Taylors. Quavon Edmunds discovered his home had
17 been broken into. He notified Damous of that information.
18 Damous and Quavon then met at the home with other
19 individuals.

20 Quavon knew who had broken into the house based off
21 of video, so a group of individuals then traveled together
22 to try to find Mr. Moss and confront him regarding the
23 burglary.

24 BY MS. HENDRICKS:

25 Q Can you tell us who the individuals were and what

1 vehicles they were in?

2 A So ---

3 MR. CRANE: Object again, Judge. That's got to be
4 hearsay. Whether he's a chief investigating officer or
5 not, he didn't -- it's not of his own knowledge. I
6 object.

7 THE COURT: Ask him what he learned in the course of
8 his investigation.

9 THE WITNESS: Based off the defendant's statements,
10 we learned that Damous Beasley was driving his black Chevy
11 Impala. Inside that vehicle was his cousin Curtis Collins
12 and an individual named Jaquin Dodd. Xavier Concepcion
13 was driving his blue Chevy Camaro, and the front seat
14 passenger of that car was Quavon Edmunds. There's some
15 conflicting information regarding whether Justin Miller
16 also left the house in his black Camaro or if he met them
17 at some point during their search.

18 BY MS. HENDRICKS:

19 Q And we're going to walk through the video of the
20 shooting.

21 (WHEREUPON, State's Exhibit Number 1, a video, is played
22 in open court.)

23 BY MS. HENDRICKS:

24 Q So is that the silver Mercedes that was never
25 identified?

1 A It is.

2 Q And who was in that silver Mercedes?

3 A At this point Xavier Concepcion.

4 (WHEREUPON, State's Exhibit Number 1, a video, continues
5 to play in open court.)

6 BY MS. HENDRICKS:

7 Q And who was in that blue Camaro?

8 A Based off the information we have, there was a person
9 driving that we have never identified. The front seat
10 passenger is Quavon Edmunds.

11 (WHEREUPON, State's Exhibit Number 1, a video, continues
12 to play in open court.)

13 BY MS. HENDRICKS:

14 Q And who is in that black Camaro?

15 A Justin Miller.

16 (WHEREUPON, State's Exhibit Number 1, a video, continues
17 to play in open court.)

18 BY MS. HENDRICKS:

19 Q And what about that black Impala?

20 A In that vehicle is Damous Beasley, Curtis Collins and
21 Jaquin Dodd.

22 (WHEREUPON, State's Exhibit Number 1, a video, continues
23 to play in open court.)

24 BY MS. HENDRICKS:

25 Q Where did Justin Miller go in that black Camaro after

1 he went around the school bus?

2 A So you see he turns right onto North Main Street,
3 travels south for a short distance. He then does a U-turn
4 and comes back essentially to the crime scene. And then
5 you can't really tell in the video, but you can kind of go
6 straight across onto Graves Drive, which is what he does.
7 When he does that, he is -- his vehicle is pointed out by
8 firefighters to arriving patrol officers.

9 Patrol officers go on to Graves Drive to try to
10 locate him. They do, in fact, locate his vehicle. He
11 jumps out of it and takes off running. They chase him on
12 foot and catch him a short distance away.

13 Q What about Damous Beasley and Beasley's Impala?
14 Where did it go after turning right on North Main Street?

15 A So it turns right, travels south on North Main
16 Street, again, for a short distance. It as well does a
17 U-turn, comes back to the crime scene where firefighters
18 point it out as well to responding officers. It then
19 turns and travels straight ahead on Rutherford Road where
20 it is pulled over by a patrol officer and stopped.

21 Q I believe you already testified to this. Was Curtis
22 Collins in Damous Beasley's Impala?

23 A He is. He's the front-seat passenger.

24 Q So was he arrested essentially on scene as well?

25 A He was.

1 Q And he had a firearm on him?

2 A He did. It was under his seat.

3 Q What kind of firearm was it?

4 A It was a Glock 40 caliber handgun.

5 Q And was that consistent with the gun that Fred was
6 shot with?

7 A No. The casing found on the scene in the roadway
8 where the shooting occurred was a shot from a 9 millimeter
9 handgun.

10 Q And did you question Damous Beasley on
11 February 8, 2017?

12 A I did. 2018.

13 Q Oh, I'm sorry.

14 A 2018.

15 Q 2018. Excuse me.

16 In your opinion did the defendant seem impaired in
17 any way?

18 A No, he did not.

19 Q Did he appear alert and able to understand what you
20 were saying?

21 A He did.

22 Q Did he appear to be under the influence of drugs?

23 A No.

24 Q Did you also review a witness statement of Wendy
25 Arnold?

1 A I did.

2 Q And in your investigation what did you learn from her
3 statement?

4 A I learned that when she arrived home the day of this
5 shooting, she saw two black males walking on Cary Street,
6 which is where she lived. She called 9-1-1 to report
7 this. She then saw a blue or what she described as a
8 Charger, I believe, sitting in front of her house
9 abandoned. The window, at least the passenger's side
10 window was down. She thought it was odd as well, and so
11 she called back to the police department to report that.

12 She then, while waiting for officers to arrive for
13 her call, she saw a black Cadillac pull up to this blue
14 car in front of her house. She sees a black male get out
15 of the passenger's side of that black Cadillac and into
16 the driver's seat of the blue car. Once he entered the
17 blue car, the windows in the blue car rolled up.

18 An officer pulls up responding to her 9-1-1 call.
19 And as he approaches the blue car, that person inside the
20 driver's seat of the car gets out and runs away on foot.
21 He is chased a short distance and located and arrested.

22 Q And who's that individual identified to be?

23 A Xavier Concepcion.

24 Q I'm going to show you what's been marked as State's
25 Exhibit 56. Do you recognize that photo?

1 A I do.

2 Q And does that accurately depict the subject matter
3 therein?

4 A It is.

5 Q Has it been altered in any way?

6 A No.

7 MS. HENDRICKS: Your Honor, at this time the State
8 moves to admit Exhibit 56 into evidence.

9 MR. CRANE: No objection.

10 THE COURT: Without objection.

11 (WHEREUPON, State's Exhibit Number 56 was admitted into
12 evidence.)

13 BY MS. HENDRICKS:

14 Q Can you tell us what State's Exhibit 56 is?

15 A That is a photograph of Xavier Concepcion.

16 Q And that's who was captured after a foot chase.

17 A Yes.

18 Q And was Wendy Arnold certain that Xavier Concepcion,
19 who was apprehended by police, was not one of the two
20 people that she saw walking around earlier?

21 A She was. He is not one of the two that she initially
22 called about.

23 Q And were you able to identify the black Cadillac from
24 the photos ---

25 A I was not.

1 Q --- that Wendy Arnold sent you?

2 A No, I was not. The picture only depicts the grill
3 area of the car. We never located it. There was no tag
4 number that we were able to obtain from the video -- or
5 from the photograph, so it was never identified nor
6 located.

7 Q I'm going to show you what's been marked as State's
8 Exhibit 57. Do you recognize that photo?

9 A I do.

10 Q Does it fairly and accurately depict the subject
11 matter therein?

12 A It does.

13 Q And has it been altered in any way?

14 A No.

15 MS. HENDRICKS: Your Honor, at this time the State
16 moves to admit Exhibit 57 into evidence.

17 MR. CRANE: Object, and would like to be heard
18 outside the presence of the jury.

19 THE COURT: All right. Ladies and gentlemen, it
20 sounds like a good time for us to have a morning break.
21 Please don't discuss the case.

22 (WHEREUPON, the jury exits the courtroom at 11:01 a.m.)

23 THE COURT: Okay.

24 MR. CRANE: Judge, my objection is that it appears to
25 me to be a mug shot taken by the police department. I'm

1 concerned if it goes to the jury, they'll infer that my
2 guy's a bad guy, which he isn't, and we would object to
3 the introduction of that photograph. This also can look
4 at my client and say that's the guy we had that day, and
5 if he's changed his appearance, he can tell us.

6 THE COURT: I haven't seen the picture so I don't
7 know what we're talking about.

8 MR. CRANE: I understand.

9 THE COURT: It's just like all the other pictures.
10 There's no indication it's a mug shot.

11 MR. CRANE: Yes, sir.

12 THE COURT: So subject to your objection, I'll allow
13 it to be admitted.

14 We'll just take a short break.

15 MR. CRANE: Thank you, Judge.

16 THE COURT: Officer, you may stand down, but please
17 don't discuss your testimony.

18 THE WITNESS: Yes, sir.

19 (WHEREUPON, a recess is taken at 11:03 a.m.)

20 THE COURT: All right. Ready to go?

21 MS. HENDRICKS: Your Honor, we were just informed of
22 a juror issue on break if you want to ---

23 THE COURT: Informed of a juror issue by who?

24 MS. HENDRICKS: Our victim's foster mother knows
25 somebody on the jury. I believe he waived at her and she

1 waived back. So I wanted to inform the Court of that as
2 soon as possible.

3 THE COURT: Y'all come up here.

4 (WHEREUPON, a bench conference was held off the record;
5 Juror Number 127 entered the courtroom.)

6 THE COURT: Mr. Lall, please come forward. I do need
7 to kind of be on the record with this. I understand that
8 you are familiar with or have worked with a relative of
9 one of the parties involved in this case; is that right?

10 JUROR NUMBER 127: I saw a lady there that I work
11 with, yeah.

12 THE COURT: And her name was not read. You have done
13 nothing wrong. But the fact that you know someone who is
14 connected to a party in the case requires me to remove you
15 from the jury.

16 JUROR NUMBER 127: That's fine.

17 THE COURT: So I want to thank you for your service.
18 Wow, to have come through all this and then have this pop
19 up.

20 JUROR NUMBER 127: It was a good experience.

21 THE COURT: Okay. Well, good.

22 So, Donna, do we send him back down?

23 JUROR NUMBER 127: Will this still count as being on
24 the jury?

25 THE COURT: Oh, yes. It definently counts.

1 We're going to find out if you're done with the week.
2 We may send you back down to the jury assembly room.

3 JUROR NUMBER 127: Thank you. It was a good
4 experience.

5 THE COURT: Good. I'd love to talk to you about it
6 more, but can't do that.

7 JUROR NUMBER 127: That's all right.

8 THE CLERK: Back down to Janine.

9 THE COURT: Okay. Can y'all escort Mr. Lall down?
10 If you can just have him -- let's get the jury back in
11 here. And then take -- y'all got -- okay. Mark will lead
12 you down.

13 Thank you very much for your service, sir.

14 JUROR NUMBER 127: Thank you.

15 THE COURT: Okay. Are we ready for the jury?

16 MR. CRANE: Yes, sir.

17 MS. HENDRICKS: Yes, Your Honor.

18 THE COURT: Okay.

19 (WHEREUPON, the jury entered the courtroom at 11:26 a.m.)

20 THE COURT: All right. Ladies and gentlemen, as you
21 can tell, one of your members has been released from
22 service. It wasn't based on anything that that juror did.
23 It just so happens that there was a connection with
24 someone who is related to one of the parties in this case,
25 and so out of an abundance of caution, I have released him

1 from service. So with that we will move forward.

2 All right. Resume.

3 MS. HENDRICKS: Your Honor, at this time the State
4 moves to admit State's Exhibit 56 -- 57. Excuse me.

5 THE COURT: Okay. Subject to the objection.

6 (WHEREUPON, State's Exhibit Number 57 was admitted into
7 evidence.)

8 BY MS. HENDRICKS:

9 Q Can you tell us what that is a photo of?

10 A That is a photo of Quavon Edmunds.

11 Q And is that him in 2018?

12 A It was.

13 Q And does his appearance match the description that
14 Wendy Arnold gave?

15 A It does. The gold tips is braids, dreadlocks.

16 Q And there was some testimony about individuals
17 getting into and out of the blue Camaro. Can you explain
18 what you learned in your investigation about that?

19 MR. CRANE: I renew my objection and continue. It's
20 hearsay.

21 THE COURT: Okay. Well, he can discuss what his
22 investigation revealed to him, and that's ---

23 THE WITNESS: So I learned that during the travels to
24 the Brutontown community, once they got to Brutontown,
25 there was one or two stops made by the caravan of cars.

1 The driver of the blue Camaro, Xavier Concepcion, got out
2 of his car and got into a -- the Mercedes we see on the
3 video. Another individual who has yet to be identified
4 got into the driver's side of the blue Camaro, and then
5 the group drove off.

6 BY MS. HENDRICKS:

7 Q So what did you do after speaking with Wendy Arnold?
8 What was your next step in your investigation?

9 A Based off of the information that I had at that
10 point, Quavon Edmunds was charged or warrants were
11 obtained for him related to this case.

12 Q And after obtaining the warrants, did you continue
13 your investigation?

14 A Absolutely.

15 Q And what did you do next?

16 A After the warrants were obtained, this was a few days
17 later, the victim was in good enough condition at the
18 hospital where I could speak with him or at least
19 communicate with him. So I went to the hospital to visit
20 him. His jaw, his mouth was wired shut because of the
21 injuries, so he was really only able to kind of nod his
22 head. And I allowed him to write on my notepad.

23 So, of course, I asked him if he knew who shot him.
24 He indicated he did. So I provided him my notepad and he
25 wrote that his name was Quavon Edmunds.

1 He continued to write that he had seen Quavon in a
2 bond hearing for the other individuals that we had already
3 charged. That bond hearing was broadcast over the news
4 media on TV, so it was aired on TV. And he indicated that
5 Quavon, he saw Quavon there at the bond hearing.

6 I asked him how he knew Quavon. He indicated like
7 this (gesturing), like they may smoke together. Or I
8 asked him if he bought or sold weed from Quavon. He said
9 he did. And he said that he went there that day to
10 purchase marijuana. Quavon was not there, but he obtained
11 marijuana from who he believed was Quavon's brother.
12 That's his connection to Quavon for that day.

13 Q And has the victim's story changed since then?

14 A It has.

15 Q And have you had a chance to clarify the victim's
16 story?

17 A Yeah. The victim now says that he did not see Quavon
18 shoot him, but he was told that it was Quavon. But he
19 does admit to going to Quavon's house that day and
20 committing this burglary with Lee Moss.

21 Q And why do you think he didn't tell you that
22 initially?

23 A Well, I can't speak for him specifically, but it's
24 common for even victims to lie to us when they are victims
25 of a crime for various reasons, and one of those reasons

1 being, of course, that maybe they have done something that
2 they're scared that they're going to get in trouble about
3 or they're going to -- they're ashamed of or embarrassed
4 about. So even the victims will oftentimes skew the
5 truth.

6 Q And what other evidence did you gather in this case?

7 A So we conducted search warrants on all of the
8 vehicles that we seized, which was the blue Chevy Camaro,
9 the black Chevy Camaro that Justin Miller was driving, and
10 the black Chevrolet Impala. And we, of course, did a
11 search warrant on the vehicle that the victim was driving,
12 the red Infinity. We obtained search warrants for cell
13 phone records. I think that was about it.

14 Q And did you review those phone records?

15 A I did.

16 Q And who's the T-Mobile customer associated with those
17 records?

18 A Quavon Edmunds.

19 Q And I don't believe you have any notes with you, but
20 do you know what phone number that was for?

21 A (864) 920-8087.

22 Q And why was the search warrant obtained for that
23 particular number?

24 A Obviously, we wanted to gather evidence on Quavon
25 Edmunds. We knew that there was calls made and

1 communications had between Quavon and other individuals
2 who had conspired with him to commit this act. We also
3 knew, based off of information we have gathered, that at
4 least one individual was talking to Quavon on the phone
5 just moments before the shooting. So we wanted to get his
6 cell phone records to corroborate that and also to try to
7 get his location history before responding. So we -- that
8 was the primary purpose of obtaining his cell phone
9 records.

10 Q And how did you find his phone number?

11 A So we contacted his employer, and that was the number
12 that they had on file for him at that time as being a
13 current phone number for him.

14 Q And can you tell us, again, what time the shooting
15 took place?

16 A I am going to say around 1:56 in the afternoon. I'm
17 not positive on the exact time, but I think that's when
18 calls began coming in.

19 Q And were DNA swabs collected from the blue Camaro
20 that the shots were fired from?

21 A They were.

22 Q And were those tested?

23 A They were not.

24 Q And why not?

25 A So DNA is kind of a complicated process. It's very

1 time-consuming and it's very expensive. Our lab here in
2 Greenville, our crime lab, does our DNA testing. They do
3 DNA testing for a lot of different agencies here in the
4 Upstate. Because it's so time-consuming, the backlog they
5 have is quite lengthy.

6 So normally, cases are kind of reserved for cases
7 where you need to identify your suspect or confirm a crime
8 occurred such as a rape or if you don't have any suspect
9 and you need to try to identify a suspect in a serious
10 matter. Those are the kind of cases we try to do DNA
11 testing for.

12 In this case we knew who the suspect was, we had very
13 little DNA to even collect, and we also believed that the
14 shooter was wearing a glove. So we didn't believe that
15 the DNA testing was going to provide us much information
16 that we didn't already have.

17 Q And would you have to have like a sample to compare
18 it to?

19 A Yes. Any swab collected from the vehicle is just
20 fluid. It's just DNA matter. It doesn't tell you who
21 that person is necessarily. You have to have that
22 person's DNA to compare it, and that way they can make the
23 match to confirm it. We did have Quavon Edmunds's DNA at
24 that time, so we had -- although we had a sample of
25 potential DNA from the car, we didn't have anyone to

1 compare it to to confirm whose DNA it was.

2 Q And was gunshot residue collected from the blue
3 Camaro as well?

4 A It was.

5 Q And was that tested?

6 A It was not.

7 Q And why not?

8 A So gunshot residue is not real reliable, especially
9 in shooting scenes. We had a video of the shooting. We
10 knew shots came from this car. It would really be no
11 point. We would expect to find gunshot residue. In fact,
12 we use SLED's crime lab to do our gunshot residue testing.
13 They no longer test gunshot residue, only in certain
14 situations because it doesn't provide much value to the
15 case. In this case we have the shots being fired on
16 video. We would expect to find gunshot residue, so there
17 was really no value to the case by having that confirmed.

18 Q And can you tell us when Quavon Edmunds was arrested?

19 A He turned himself in to police on February the 21st.

20 Q And the date of this incident was February the 7th.

21 A Correct.

22 Q Would you expect -- would he be able to be tested for
23 gunshot residue at that point?

24 A No. Gunshot residue, one reason it's so unreliable,
25 it's easily transferable. You can wash your hands and

1 wash the gunshot residue off. Certainly, two weeks later
2 any showers and baths would have -- would have taken care
3 of that.

4 Q Were fingerprint lifts taken from the blue Camaro?

5 A They were.

6 Q And whose fingerprints were found?

7 A The only prints taken from the vehicle that were able
8 to be identified as belonging to someone were -- belonged
9 to Xavier Concepcion, the owner of the car and someone we
10 would expect.

11 Q Does that mean -- does that eliminate anybody from
12 being in the car?

13 A Absolutely not.

14 Q So does that mean Quavon Edmunds wasn't in the car?

15 A No.

16 Q So we heard from Justin Miller, Curtis Collins,
17 Jaquin Dodd and Damous Beasley. What was Xavier
18 Concepcion charged with?

19 A He was charged with attempted murder, conspiracy and
20 accessory after the fact.

21 Q And what happened to those charges?

22 A They are still pending in court.

23 Q And was the gun that was used to shoot Fred ever
24 located?

25 A No.

1 Q That blue Camaro that fled on scene, you located the
2 vehicle, correct?

3 A Correct.

4 Q But the two people who were in the vehicle at that
5 time of the shooting were not located that day.

6 A Right.

7 Q Did you locate and speak with Lee Moss?

8 A I did.

9 Q Did you learn anything from Lee Moss that exonerated
10 this defendant?

11 A No.

12 Q Did he have any information that changed your
13 investigation?

14 A No.

15 Q We've heard a lot about the break-in of Quavon's
16 house in this case. Has anyone ever reported that to law
17 enforcement?

18 A No.

19 Q Was Fred ever charged with burglary?

20 A No.

21 Q And why not?

22 A Kind of a couple of reasons. One, like I just said,
23 there was -- no one reported it to law enforcement as --
24 you know, as a victim. No police report was ever filed
25 for a burglary. They decided to take care of that on

1 their own.

2 Quavon Edmunds lived in Taylors, which is outside the
3 city limits of Greenville. I have no jurisdiction over
4 that anyway. I couldn't have charged him with that
5 burglary.

6 Q One more brief question. So Mr. Harrison testified
7 that he got some addresses from you; is that correct?

8 A Yes.

9 Q I'm going to show you this map. And this 411 Old
10 Paris Mountain Road, do you know what that address
11 corresponds to?

12 A That was Lee Moss's address on this date.

13 Q And what about this other Rutherford Street, do you
14 know that one?

15 A That is the Spinx gas station where we had gotten
16 information that they may have met up at some point during
17 their search for Lee Moss.

18 Q And is Quavon Edmunds in the courtroom today?

19 A He is.

20 Q And can you please identify him.

21 A (Indicating) He's sitting at the defense table with
22 the mask on.

23 MS. HENDRICKS: I have no further questions. Please
24 answer any questions the defense may have.

25 THE COURT: Okay. Cross.

CROSS EXAMINATION

BY MR. CRANE:

Q Good morning, Detective. How are you?

A Good morning.

Q Let me ask you, you've indicated in your testimony you had information concerning Quavon Edmunds being in the passenger's seat of that Camaro. And who did that come from?

A Damous Beasley.

Q And so that's on his initial statement?

A Yes, sir.

Q Well, his initial statement he said he didn't know anything about it, didn't he?

A The day of the shooting?

Q Yeah.

A He said -- however, he provided a second statement the next day.

Q I understand.

How long was the initial interview on that day of the shooting?

A I don't know. I don't think I interviewed him the day of the shooting.

Q Wasn't it about 40 minutes?

A I don't -- I don't remember.

Q Well, you do remember that he totally denied even

1 being involved with anything, don't you?

2 A I know that he didn't provide any helpful information
3 the day of.

4 Q Did not.

5 A No, sir.

6 Q And then the day after, he's the one that you said
7 put Quavon in the passenger's seat of that car?

8 A Yes.

9 Q And you heard him testify yesterday, didn't you?

10 A Yes.

11 Q He didn't put him in the car yesterday, did he?

12 A I don't think he did yesterday.

13 Q All right. Well, the interview you had at law
14 enforcement with him handcuffed to a chair in front of a
15 detective, was it sworn to?

16 A It was a recorded interview.

17 Q I understand that. Did he swear on the Bible that he
18 would tell the truth to anybody?

19 A No.

20 Q Like he did when he came to court?

21 A No.

22 Q So it's an unsworn statement, right?

23 A Sure.

24 Q Told you the day after the incident, right?

25 A Right.

1 Q In custody?

2 A Yes.

3 Q Trying to get out of jail.

4 A I don't know.

5 Q He didn't want to stay in jail, did he?

6 A Who does?

7 Q Okay. And so you relied on that interview to say
8 that you had information that Quavon was in the
9 passenger's seat.

10 A Yes. We also have the witness, Ms. Arnold, who
11 described Quavon Edmunds as walking away from the car on
12 Cary Street.

13 Q No. She described a black male walking in her white
14 neighborhood ---

15 A With gold tips in his hair.

16 Q I understand that.

17 When did she describe him like that?

18 A I talked to her that night. And I think in her 9-1-1
19 call to police she described that as well.

20 Q I don't think it's in the 9-1-1 call to police that
21 he had gold tips. It might be. I might have missed it.
22 But I don't think it is.

23 Is this your incident report?

24 A Yes. This is one of them.

25 Q Would you read from right here and to the next page?

1 Is that when you talked to Ms. Arnold? You can read it
2 all if you wish, but I've kind of ---

3 A You wanted me just to read this paragraph?

4 Q That and the top of the next page.

5 THE COURT: Read it to yourself and refresh your
6 recollection.

7 THE WITNESS: (Reviews document) Okay.

8 BY MR. CRANE:

9 Q Did she say anything about anybody having gold tips
10 on their dreads?

11 A I don't indicate that in my report.

12 Q That's not in your report?

13 A No, sir.

14 Q Did you take a statement from her?

15 A I believe I did take a written statement from her.

16 Q Well, let me show you this. Can you identify that?

17 A This is the written statement I took from Ms. Arnold.

18 Q Would you read that over and see if she says anything
19 about that black male having gold tips on his dreads?

20 A (Reviews document) It does not mention the gold tips,
21 no.

22 Q All right. Is that a sworn statement?

23 A Yes.

24 Q Okay. Signed by her?

25 A Yes.

1 Q Okay. And I don't have notes in my notepad here as
2 to whether she testified "gold tips" yesterday. Did she
3 say gold tips in the dreads yesterday when she testified
4 or do you remember?

5 A I believe she did.

6 Q All right. And you think that it might be in the
7 9-1-1 call.

8 A I think it is, but I'm not positive.

9 Q I don't remember, but I'm sure if it is we'll find
10 out.

11 A Okay.

12 Q Now, when you -- so the person that you're relying on
13 to put Quavon in the passenger's seat is Mr. Beasley, who
14 testified yesterday under oath.

15 A Yes.

16 Q All right. And yesterday I believe he told us he
17 couldn't put him in the passenger's seat. Couldn't even
18 put him in the Camaro, didn't he?

19 A I think that's what he said at one point yesterday.

20 Q Okay. So should we believe him under oath, or should
21 we believe him back then, or do you know?

22 A I don't know.

23 Q You don't know.

24 A He claimed yesterday he doesn't remember. But my
25 statement from him was a day after the incident when his

1 recollection would be more recent.

2 Q And who is that you're relying on to talk about
3 someone getting into the Mercedes?

4 A That was Mr. Beasley.

5 Q All right. Did he say anything about the Mercedes
6 yesterday?

7 A I don't remember if he did or not.

8 Q And you said something about a TV video of the bond
9 hearing.

10 A Correct.

11 Q And what's that all about?

12 A So the bond hearing for Mr. Beasley, Concepcion,
13 Jaquin Dodd, Curtis Collins, Justin Miller was held a day
14 or two after their arrest. There was a couple of news
15 media outlets that were there filming the bond hearing,
16 and it was played on the evening news.

17 Q And so who said they saw my client at the bond
18 hearing?

19 A The victim did. He said that he saw Quavon in the
20 bond hearing, I guess, on the news.

21 Q This would be while he's in the hospital with his jaw
22 wired shut under sedation?

23 A I don't know if he was under sedation.

24 Q Okay. Well, let me ask you this. What TV station
25 was that?

1 A The local stations, Fox Carolina, WYFF. I don't know
2 which one he saw it on.

3 Q What -- do you know for a fact that it was even on
4 there?

5 A On the news?

6 Q Yeah.

7 A Yeah. Because I saw it.

8 Q You saw the picture of my client?

9 A No, no, no. I didn't see Quavon, but I wasn't
10 looking for him. But I know that the bond hearing was
11 broadcast on the TV.

12 Q All right. Well, when you saw the broadcast on TV,
13 did you see Mr. Edmunds on the video?

14 A I didn't, but I wasn't looking for him.

15 Q You didn't see him, but yet he's telling you he saw
16 him. And you're the chief detective on the case.

17 A Okay.

18 Q Did you see him or not?

19 A I did not see him.

20 Q Okay. Did you preserve a copy of that video so we
21 could watch it and see if he's there?

22 A No.

23 Q So you're saying you didn't see him, he's saying he
24 did and we don't have the video?

25 A Correct.

1 Q You don't know what channel it was or anything.

2 A No. Not right off, I don't.

3 Q Was that before or after the victim said that he knew
4 Quavon did the shooting? Before or after?

5 A What do you mean?

6 Q You said that the victim told you -- you went to the
7 hospital, and the victim said he knew Quavon did the
8 shooting.

9 A Right.

10 Q But then he said, really, I don't know that. Someone
11 told me that.

12 A Right.

13 Q Who told him that?

14 A I do not know who told him that. That was his
15 version of the story much later.

16 Q All right. So you don't know who told him that, so
17 you haven't been able to check whoever it was he said told
18 him that happened.

19 A No.

20 Q So we can discount that, can't we?

21 A Yeah. He -- he admitted he lied at that point.

22 Q Well, he lied quite a bit, didn't he? He lied about
23 this whole thing, didn't he?

24 A He didn't volunteer that he broke into the house, but
25 he -- he fessed up to that to me later on.

1 Q Well, he told you he went over to buy marijuana that
2 was given to him by someone else, then they left. And
3 that's all a lie, isn't it?

4 A Yes.

5 Q And the solicitor asked you about Lee Moss. You
6 visited Lee Moss down at the penitentiary, didn't you?

7 A I did.

8 Q Where was that? In Barnwell or somewhere?

9 A Trenton, South Carolina.

10 Q Trenton, South Carolina.

11 What's he in jail for?

12 A I think an assault charge.

13 Q An assault charge.

14 And when you talked to Lee Moss for about 45 minutes,
15 he lied to you, too, didn't he?

16 A I believe -- I mean, I can't prove what he's saying
17 is a lie, but I think there were certain aspects that he
18 didn't want to be forthcoming about.

19 Q He didn't admit to burglarizing anything, did he?

20 A No. He did not admit to burglarizing anything.

21 Q Okay. And he didn't admit to knowing anything about
22 the shooting, did he?

23 A Yes. He knew about the shooting.

24 Q One moment, please.

25 You did an incident report about visiting with Lee

1 Moss, didn't you?

2 A I did.

3 Q Let me just check my notes right here. I might have
4 it here.

5 Is this your incident report or supplemental
6 regarding Lee Moss?

7 A Yes, sir, it is.

8 Q Do you want to take a moment to read that over to
9 refresh your memory as to what he told you?

10 A (Reviews document) Okay.

11 Q What does he say about what happened? Doesn't he say
12 they went over to buy marijuana?

13 A They did. Lee Moss was the one that was wanting to
14 purchase marijuana from Quavon.

15 Q And when you asked about the burglary, what did he
16 say?

17 A He said when they arrived, there was two individuals
18 coming out of the house. He knew one as an individual
19 named Zay, not the Zay that's involved in this case but
20 another individual, and then a white male. Those two
21 individuals left. When Lee Moss and Fred went to the
22 door, the door was standing wide open. They called out
23 for Quavon, called Quavon on the phone, learned he wasn't
24 there so they left.

25 Q All of that's a lie, isn't it?

1 A I believe so, yes.

2 Q Okay. Now, the solicitor asked you about DNA, and
3 you said it's time-consuming and expensive.

4 A Correct.

5 Q Is four years and nine months enough time to check
6 out DNA?

7 A It's enough time to submit it and have results back,
8 four years, yes.

9 Q Okay. But for some reason that was never done.

10 A No. It was not done.

11 Q All right. The submission of DNA can also clear
12 people, can it not?

13 A In some cases, probably.

14 Q All right. And you indicated that the only
15 fingerprints from the car belonged to Xavier Concepcion;
16 is that correct?

17 A The only identified fingerprints, correct.

18 Q They took prints from the steering wheel, upper and
19 lower, inside and outside the driver door, inside and out,
20 I think, the other door, and on the gearshift. And if
21 someone else was driving, you would expect to find his
22 prints, wouldn't you?

23 A I don't think that's where prints were pulled from.
24 I think that was DNA swabs.

25 Q Where were the prints pulled from?

1 A I'm not sure.

2 Q All right. If someone else was driving, would you
3 expect to find their prints?

4 A It depends. Not always.

5 Q You said that you believe the shooter was wearing
6 gloves. Where in all this report did you get that
7 belief?

8 A Well, that's on the video. And we even heard the
9 school bus driver testify to that.

10 Q It's on the video?

11 A Uh-huh.

12 Q I must be missing it. Okay.

13 And I did notice that whoever is in the passenger's
14 seat, their hand barely comes out the window, doesn't it?

15 A You can see the item and what appears to be a hand
16 stick out the window.

17 Q Right. Is it more consistent with someone in the
18 driver's seat and leaning over and shooting or is it more
19 consistent with someone in the passenger's seat and
20 sticking his hand out the window to do the shooting?

21 A I don't think it would be a driver, and I can't say
22 to the position of the passenger when the shots were
23 fired. I don't know of too many drivers that can reach
24 all the way across a car and stick their hand out the
25 passenger window.

1 Q And who is it that told you that -- you told us a
2 story about what you think happened. Who is it that told
3 you about the cars meeting up at a Spinx or a Citgo or
4 whatever?

5 A Justin Miller initially said that they met up at a
6 Citgo at Rutherford Road and North Pleasantburg Drive. We
7 obtained video from there for that time frame. No
8 vehicles ever arrived there, met up there. We were then
9 told it was a Spinx gas station on Rutherford Road, and --
10 but we were never able to confirm whether that was true or
11 not.

12 Q Told by whom that it was Spinx?

13 A Justin Miller.

14 Q Is that in your report somewhere?

15 A I didn't obtain that information from him. One of my
16 other detectives did.

17 Q Did you check at the Spinx?

18 A No. That was much later when we learned that, and I
19 think the video had been written over with. But we were
20 never able to confirm it.

21 We were also told that they -- Justin Miller was at
22 Quavon's house when they left, so we didn't have a good
23 confirmation on what the exact story was.

24 Q And Miller said he was home and then met them at the
25 Spinx ---

1 A Yes.

2 Q --- and did leave from his house, right?

3 A Right. Miller says that he left from the -- from
4 his house after talking to Quavon and met them at the
5 Spinx.

6 Q All right. So I guess we're not really sure what any
7 of these guys are saying, are we?

8 A There's conflicting information, but some of it is
9 consistent with each other.

10 Q What's consistent is what you want to believe to try
11 to convict my client, isn't it?

12 A What is consistent is what several people are seeing,
13 what is supported by video, what is supported by
14 witnesses.

15 Q Is there a witness that saw Quavon do shooting?

16 A No one that can identify him as the shooter.

17 Q Okay. And you're relying on Beasley to put him in
18 the Camaro.

19 A Beasley puts him in the passenger's seat of the
20 Camaro. That's correct.

21 Q All right. Anybody else?

22 A Not that I have spoke with.

23 Q Okay. One moment, please.

24 Do you have any information who was in the black
25 Cadillac?

1 A No. That vehicle was never identified, and the
2 driver of that car was never identified.

3 Q And we don't know who was in the silver Mercedes?

4 A Based off of the information we have, Xavier
5 Concepcion was in it at the time you see it on the video.

6 Q Information from who?

7 A Beasley.

8 Q Okay. Back to Beasley.

9 A Right.

10 Q Now, also back to the DNA. You say you've got to get
11 a sample from the defendant. That's not hard to do for
12 law enforcement, is it?

13 A So if it's prearrest before we charge them with a
14 crime, we can use a search warrant. If they've already
15 been charged with a crime, then we typically ask for a
16 hearing in front of a judge and the judge can compel them
17 to give us if we have the probable cause.

18 Q All right. And you never got a sample from my
19 client, did you ---

20 A We never got a sample, no.

21 Q --- to match DNA?

22 A No.

23 MR. CRANE: Okay. Thank you, sir.

24 THE COURT: Any redirect?

25 MS. HENDRICKS: Just briefly.

REDIRECT EXAMINATION

BY MS. HENDRICKS:

Q DNA, would DNA tell you whether or not he was the shooter?

A It will not.

Q Would DNA just tell you he was in the car at some point?

A Yes. If his DNA had come back in the car, it just means at some point he was in that vehicle.

MS. HENDRICKS: Thank you. No further questions.

RECROSS EXAMINATION

BY MS. HENDRICKS:

Q It'd sure be nice to have DNA putting him in that car, wouldn't it?

A It would be nice to have a lot of things, but DNA would not ---

Q My question was, wouldn't it be nice to have DNA putting him in that car?

THE COURT: Let him answer the question.

MR. CRANE: I understand, Judge.

THE WITNESS: His DNA in the car would not put him in the car at the time of the shooting. It would just put him in the car at some point. But it doesn't -- the lack of his DNA does not mean he is not the shooter in the vehicle, and it doesn't mean that he was never in that

1 vehicle.

2 BY MR. CRANE:

3 Q I understand that. But if you had DNA, it would put
4 him in that car at some point.

5 A At some point, sure.

6 Q Okay. You can't even do that, can you, except for
7 Beasley?

8 A Right.

9 MR. CRANE: Thank you.

10 THE COURT: Okay. Thank you, Officer. You may stand
11 down.

12 All right. Call your next witness.

13 MS. HENDRICKS: The State rests, Your Honor.

14 THE COURT: Okay. Let me ask the lawyers to step up
15 here for just a second.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: All right. Ladies and gentlemen, this is
18 one of those times when I need to go over some legal
19 issues with the attorneys. It's also in a minute high
20 noon. So I think what we'll do is break for lunch and ask
21 y'all to be back at 1:30 to resume the trial.

22 Please don't discuss the case, and don't visit any
23 scenes. You know the drill. We'll see you at 1:30.

24 (WHEREUPON, the jury exits the courtroom at 12:01 p.m.)

25 THE COURT: Any motions?

1 MR. CRANE: Yes, sir. Your Honor, I respectfully
2 move for a directed verdict on the lack of evidence in
3 this particular case.

4 I would submit to the Court that the sworn testimony
5 from the witnesses, unless I missed it, does not put my
6 client doing anything illegal whatsoever. The only thing
7 you've got is some unsworn statements from Mr. Beasley.
8 There's nobody that can put my client -- nobody can
9 identify my client as being the shooter in that car.
10 Nobody can put my client actually in that car. Nobody can
11 say that he's even in the area. And the only thing
12 they've got is some telephone records of a phone that at
13 one point it was assigned to him and it shows that it was
14 in that area. It can't be specific. It doesn't put him
15 close to the area. There's a mile and a half radius or
16 distance. And I would submit to the Court there's
17 insufficient evidence for this matter to continue to the
18 jury.

19 THE COURT: Those are all issues for the jury. I
20 believe there is circumstantial evidence that certainly
21 rises above a directed verdict.

22 Okay. Anything else?

23 MR. CRANE: Not at this point.

24 THE COURT: All right. Mr. Edmunds, if you would,
25 please stand and raise your right hand.

1 (WHEREUPON, QUAUVON DESHAY EDMUNDS is duly sworn.)

2 THE COURT: Okay. You can put your hand down.

3 I want you to understand you have an absolute right
4 to testify in your defense in this case. You have an
5 absolute equal constitutional right not to testify and it
6 cannot be held against you. Whether or not you testify is
7 quite often a strategic decision made between you and your
8 attorney based on the advice of counsel, based on the case
9 that's been presented and also based on whether or not
10 there's any impeachable offense.

11 From the State, is there any impeachable prior
12 record?

13 MS. HENDRICKS: Yes, Your Honor. There's one failure
14 to stop for a blue light.

15 THE COURT: When was that?

16 MS. HENDRICKS: It was 2018.

17 THE COURT: Okay. So that's something you need to
18 talk with your lawyer about. They could use that to
19 impeach, question your credibility, okay?

20 So I'm going to -- we're breaking for lunch. You
21 need to talk to your lawyer about that. We're going to
22 need to know what you want to do.

23 Do you know if you have any other evidence to
24 present, Mr. Crane?

25 MR. CRANE: We might. Let me talk to my client,

1 Judge. If I do, it will be short.

2 THE COURT: All right. Well, okay. Well, we'll
3 break for lunch.

4 I want you to understand, though, the decision, I
5 would listen to your counsel, pay heed to his advice, but
6 the constitutional right to testify or not testify belongs
7 to you and you alone. So you make sure that you
8 understand what you're -- all the rights and
9 ramifications, and then you make the decision.

10 All right. See everybody at 1:30.

11 And if you have any -- does anybody have any proposed
12 jury charges at this time?

13 MS. HENDRICKS: I believe I'm going to have two brief
14 -- if I can give them to you after lunch.

15 MR. CRANE: I need to inquire as to whether or not
16 you're going to charge inferred -- implied ---

17 THE COURT: Malice?

18 MR. CRANE: Yes, sir.

19 THE COURT: Yeah.

20 MR. CRANE: I've got a case that indicates you should
21 not.

22 THE COURT: Well, good.

23 MR. CRANE: I'll get it to you.

24 THE COURT: Okay.

25 MS. HENDRICKS: Thank you, Judge.

1 (WHEREUPON, a recess is taken at 12:06 p.m.)

2 THE COURT: All right. Mr. Edmunds, have you made a
3 decision?

4 DEFENDANT EDMUNDS: I'm not testifying.

5 THE COURT: Okay. Well, do you have any questions
6 you need to ask me about that?

7 MR. EDMUNDS: No, sir.

8 THE COURT: Is this your free and voluntary choice?

9 MR. EDMUNDS: Yes, sir.

10 THE COURT: Okay. All right. Mr. Crane?

11 MR. CRANE: Yes, sir, Judge.

12 THE COURT: Are you going to put anything up?

13 MR. CRANE: Yes, sir.

14 THE COURT: Oh, okay. Well, let's get the jury.

15 (Pause in proceedings.)

16 MR. CRANE: Judge, we might want to discuss my
17 client's -- I mean my next witness's potential rap sheet.

18 THE COURT: Okay. Hold them.

19 MR. CRANE: The solicitor handed it to me. They
20 earmarked a couple, and I would submit that none of them
21 are admissible against her. They're all older than ten
22 years according to the rules.

23 THE COURT: I don't know -- I'm not looking at it so
24 I can't make a judgment.

25 MR. CRANE: I'm just saying if they're older than ten

1 years -- I mean, she's got a 1985 financial transaction
2 card fraud, a 1998 forgery. And those are the only ones
3 they have earmarked, so I don't know if there's another
4 one they want to bring out or not. I would submit under
5 the rule it's ---

6 THE COURT: Let's see. What is it you all want to
7 impeach him with?

8 MS. GASSER: May it please the Court, Your Honor. We
9 believe that the only other witness on defense's witness
10 list that was provided to us is a Ms. Margaret Beeks for
11 which it has been indicated to us by defense counsel that
12 she may be providing potential alibi testimony for the
13 defendant, therefore bringing her veracity and credibility
14 into direct conflict in this case, Your Honor.

15 She does have a 2016, which is well within the ten
16 years time limit, shoplifting conviction, which the State
17 would be impeaching her credibility with. And
18 additionally, the two prior convictions that Mr. Crane
19 referenced, the 1985 financial transaction card theft and
20 the 1998 forgery, Your Honor, the State would be asking to
21 use these to impeach the witness's credibility as she is
22 providing potential alibi testimony, therefore, her
23 truthfulness is coming into direct conflict in this case,
24 Your Honor.

25 The State asks that well within the rule of Rule 609,

1 that although it does say within the ten years, it does
2 say unless the Court determines in the interest of justice
3 that the probative value of the conviction supported by
4 the specific facts and circumstances substantially
5 outweighs its prejudicial effect.

6 Your Honor, I believe that this witness is going to
7 be asking this jury to believe her over other evidence,
8 and therefore, her veracity is at a direct contested
9 issue.

10 THE COURT: How old is this witness?

11 MS. GASSER: I believe it's his grandmother.

12 MR. CRANE: And she's pretty old. Not as old as me.
13 Not as old as you.

14 THE COURT: I'm a lot younger than you are, Crane.

15 An '85 conviction is too remote. '98 is too remote.
16 That's 24 years. You can use the shoplifting, but not the
17 other two.

18 MR. CRANE: And I don't know what that punishment
19 was, shoplifting first. That doesn't carry more than a
20 year.

21 THE COURT: I don't know what it is.

22 MR. CRANE: I would submit that's not admissible
23 either. They didn't show me -- they didn't show me the
24 indictment. They just gave me a rap sheet.

25 MS. GASSER: Your Honor, under Rule 609(a)(2),

1 evidence that any witness has been convicted of a crime
2 shall be admitted if it involved dishonesty or false
3 statement regardless of the punishment. Shoplifting has
4 been determined through case law to be a crime of
5 dishonesty.

6 THE COURT: Yeah. So I'm going to let them do that,
7 okay?

8 MS. GASSER: Thank you, Your Honor.

9 MR. CRANE: When was the conviction?

10 THE COURT: '16.

11 MR. CRANE: '16. Thank you, Judge.

12 THE COURT: All right. Anything else?

13 MR. CRANE: No, sir.

14 THE COURT: Okay.

15 (WHEREUPON, the jury entered the courtroom at 1:45 p.m.)

16 THE COURT: Okay. Welcome back, ladies and
17 gentlemen. We're ready to resume.

18 Mr. Crane?

19 MR. CRANE: Thank you. I call Margaret Beeks.

20 THE CLERK: Place your left hand on the Bible and
21 raise your right hand.

22 WHEREUPON,

23 MARGARET BEEKS

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please be seated. Please

1 state your name for the record.

2 THE WITNESS: My name is Margaret Beeks.

3 DIRECT EXAMINATION

4 BY MR. CRANE:

5 Q Speak up, Ms. Beeks.

6 A Margaret Beeks.

7 Q That's good.

8 Ms. Beeks, where do you live?

9 A 4 Mayo, M-A-Y-O, Greenville, South Carolina.

10 Q Do you know Quavon Edmunds?

11 A That's my grandson.

12 Q This is he over here?

13 A Yeah.

14 Q Did you help raise him?

15 A Yep.

16 Q All right. Does he live in Greenville?

17 A Yes.

18 Q Does he have any children?

19 A Yes.

20 Q How many children?

21 A One.

22 Q How old is that child?

23 A He's 2.

24 Q 2.

25 Do you know if Quavon works?

1 A He do part-time working. I know he help me.

2 Q Helps you?

3 A Yeah.

4 Q Do you know if he raises dogs still?

5 A Yes.

6 Q All right. And where does he live? You might have
7 told me that. Where does he live?

8 A Spartanburg.

9 Q He lives in Spartanburg, you live in Greenville.

10 A Uh-huh.

11 Q Do you know -- by the way, the way he is now with the
12 long dreads, how long has he had those dreads?

13 A Probably about ten years or more.

14 Q Longer than that?

15 A Uh-huh.

16 Q Does he wear hats or anything?

17 A Only hat I seen him with, "talk is talk."

18 Q A what?

19 A A hat that say "talk is talk."

20 Q Okay. Let me ask you, do you recall the date of
21 February 7, 2018?

22 A Yeah. Well, he supposed to be putting up a tent for
23 me.

24 Q All right. Let me ask you another way. And you
25 answered my question. I appreciate that. Is there a date

1 a couple years ago when Quavon's house was broken into?

2 A Yeah.

3 Q And around that date, did Quavon come to visit with
4 you?

5 A Yeah.

6 Q Now, on the 7th of February, we've heard some
7 testimony. You haven't heard any testimony, have you ---

8 A No.

9 Q --- at this trial?

10 A (Shakes head negatively.)

11 Q You've been outside.

12 A Right.

13 Q All right. And did he come to visit with you that
14 day?

15 A Yes.

16 Q Why did he come to visit with you?

17 A To put up a tent. We was going to have a celebration
18 for his grandmamma, not me, and my sisters.

19 Q And what type of celebration?

20 A You know, like sit around, family, eat, you know,
21 like a homecoming -- I mean a beerdome [phonetic].

22 Q Where did you live at that time?

23 A 119 Clock Street.

24 Q Okay. Do you know how he got to your house?

25 A No.

1 Q All right. Do you know about what time he got to
2 your house?

3 A I don't recall.

4 Q Do you know if it was daylight or nighttime?

5 A It was daylight.

6 Q And how was he acting when he got there?

7 A Normal.

8 Q Normal? Was he acting like maybe he just shot
9 somebody?

10 A No.

11 Q Have you ever known him to shoot anybody?

12 A No.

13 Q What type of demeanor does he have?

14 A He has a good demeanor. He's a good person.

15 Q And how long did he stay at your house?

16 A Well, all night. I had to take him somewhere.

17 Q Where did you take him?

18 A I took him to Chick Springs Road.

19 Q Why?

20 A To pick up his stuff.

21 Q Why was he picking up his stuff at Chick Springs
22 Road?

23 A Well, somebody had broken in the house.

24 Q And he wasn't going to stay there?

25 A No.

1 Q All right. So he came to your place during the
2 daylight.

3 A Uh-huh.

4 Q When you took him to Chick Springs Road -- well, let
5 me ask you this. When he came to your house during the
6 daylight, how long did it take you to put up the tent?

7 A Probably about two hours or longer because we
8 couldn't get it right.

9 Q Couldn't get it right.

10 And then you took him to Chick Springs Road or did he
11 drive?

12 A I drove.

13 Q Do you know what kind of car he drove back then?

14 A No.

15 Q Let me ask you this. Do you stay in touch with him
16 by way of telephone?

17 A What did you say?

18 Q Do you stay in touch with him by way of telephone?

19 A Yeah.

20 Q Do you know the number 920-8087?

21 A No.

22 Q Do you know his contact numbers?

23 A Not all of them.

24 Q Have you ever heard that contact number before?

25 A No.

1 Q All right. Now, Ms. Beeks, let me ask you probably
2 one or two more questions. Do you have a prior criminal
3 conviction for shoplifting back in 2016?

4 A Yeah.

5 Q And what did you do to be convicted of that?

6 A Well, I stole some boxes and socks because my nephew
7 supposed to be going to job service, and I didn't have the
8 money. So I went -- you know, go to Walmart, get him some
9 so he can go to job service.

10 Q Got arrested, got convicted.

11 A Right.

12 MR. CRANE: All right. One moment, Ms. Beeks.

13 Thank you. Answer any questions the government might
14 have, please.

15 CROSS EXAMINATION

16 BY MS. GASSER:

17 Q Good afternoon, Ms. Beeks.

18 A Hey.

19 Q You love your grandson, don't you?

20 A Yes, ma'am.

21 Q How many grandchildren do you have?

22 A I have three.

23 Q You have three grandkids. Wow.

24 Do you live with any of them?

25 A No.

1 Q And how old is your grandson?

2 A He's 26.

3 Q And you said that you helped raise him, correct?

4 A Yes.

5 Q Did he ever live with you before?

6 A Yes.

7 Q Did you change his diapers?

8 A Uh-huh.

9 Q Watch him graduate from school?

10 A Uh-huh.

11 Q Go to all his big events growing up, didn't you?

12 A Tried to.

13 Q You loved him. You still love him.

14 A Yes.

15 Q You'll do anything for your grandson?

16 A Not anything.

17 Q Not anything. Well, you just told us that you stole
18 stuff for your grandkids.

19 A I said my nephew. That wasn't for him.

20 Q For your nephew. But you'll steal stuff for your
21 family members.

22 A Not really. Not -- no. But I knew he wanted to go
23 to ---

24 Q But you did just tell us that in 2016 ---

25 A Yeah. I did. But he wanted to go to job service, so

1 that's why I done it.

2 Q But you were willing to steal something with the
3 potential of going to jail for a family member.

4 A That's right.

5 Q All right. So February 7, 2018, that was a long time
6 ago, right?

7 A Yes, ma'am.

8 Q Five years ago, that's correct?

9 And you said that your grandson, Quavon Edmunds, he
10 was going to come put a tent up for you that day?

11 A Uh-huh, yes.

12 Q But he was working that day, right?

13 A I don't recall that.

14 Q And you said you don't remember the time period but
15 he came over to your house.

16 A No.

17 Q You just remember that the tent took about two hours,
18 and it was sometime during daylight, correct?

19 A Right.

20 Q And you lived at 119 Clark Street?

21 A Yes, ma'am.

22 Q And you always communicated with him by cell phone,
23 right? That's what you told defense counsel?

24 A Yes, ma'am.

25 Q But you don't know how your grandson got there.

1 A No.

2 Q You don't know what time he got there.

3 A No.

4 Q And are you with your grandson 24/7?

5 A No.

6 Q Do you go with him to work?

7 A No.

8 Q Do you sleep in the same room with him?

9 A No.

10 Q Do you go to all his social outings with him?

11 A No.

12 Q Hang out with his friends with him?

13 A No.

14 Q So you don't know what he does 24/7?

15 A No.

16 Q You don't know all of his friends?

17 A No.

18 Q And you don't know all of his phone numbers. You

19 said that to defense counsel, correct?

20 A Right. No, I don't.

21 Q You said you don't know all of his contact numbers

22 that he's had.

23 A No.

24 Q And five years ago was a long time.

25 A That's right.

1 Q Do you agree with me that his phone number could have
2 changed?

3 A Yes.

4 Q And you don't remember his phone number from five
5 years ago?

6 A No, ma'am. No, ma'am.

7 Q Now, Ms. Beeks, we've already covered this, but you
8 do love your grandson.

9 A Yes, ma'am.

10 Q And were you upset when he was arrested?

11 A No.

12 Q You weren't upset when your grandson was arrested for
13 attempted murder.

14 A I might have been hurt, but not that upset.

15 Q You were hurting. Did you want your grandson to be
16 arrested?

17 A No. Who would want their grandson to be arrested?

18 Q Okay. So you're coming here today having never told
19 anyone about this information. This is the first time
20 we're hearing about it; isn't that right?

21 A That's right.

22 Q Not back five years ago when your grandson was
23 arrested for attempted murder.

24 A That's right.

25 Q And if you had this information, you could have told

1 anyone in those five years.

2 A Right.

3 Q But you didn't.

4 A No.

5 Q You chose to come here only today and tell this
6 information. You never called law enforcement.

7 A No.

8 Q You never called the solicitor's office.

9 A No.

10 Q You never told anyone.

11 A No.

12 Q So you just sat with this information for five years
13 while your grandson faced attempted murder charges.

14 A Right.

15 MS. GASSER: I have no further questions.

16 REDIRECT EXAMINATION

17 BY MR. CRANE:

18 Q Ms. Beeks, did anyone from law enforcement try to
19 contact you?

20 A No.

21 Q Did anyone from the solicitor's office try to contact
22 you?

23 A No.

24 Q And you did, in fact, talk to someone not just today.
25 You talked to me about this, didn't you?

1 A Yeah.

2 Q And we're not required to tell them what you tell me,
3 are we?

4 A No.

5 Q Okay. So, I mean, the defense is defense, right?

6 A Right.

7 Q He's got a right to defend himself, doesn't he?

8 A That's right.

9 Q And she -- you know, I guess she's asking you would
10 you come in here and lie for your grandson. That's what I
11 want to ask you too.

12 A No.

13 Q All right. If you wanted to lie for your grandson,
14 you would have told this jury that he was at your house at
15 2:00 in the afternoon when the shooting happened, wouldn't
16 you?

17 A That's right.

18 Q But you didn't tell them that, did you?

19 A No.

20 Q You told them he came over there, but you're not sure
21 what time.

22 A I don't know what time.

23 Q Okay. But that it was daylight.

24 A Yes, it was.

25 Q And it was February 7th.

1 A That's right.

2 Q And it gets dark about 5:00.

3 MS. GASSER: Objection, Your Honor. That's not in
4 evidence, and he's testifying.

5 THE COURT: What? Don't lead.

6 BY MR. CRANE:

7 Q Okay. Do you know what time it gets dark in
8 February?

9 A I thought it got dark about 5:00 or 6:00.

10 MR. CRANE: 5:00 or 6:00.

11 Okay. Thank you. Answer any questions they might
12 have.

13 THE COURT: You got anything else?

14 MS. GASSER: Nothing, Your Honor.

15 THE COURT: All right. Thank you. You can step
16 down. Thank you.

17 MR. CRANE: Defense rests, Judge.

18 THE COURT: All right. Does the State have anything
19 in reply?

20 MS. HENDRICKS: No, Your Honor.

21 THE COURT: Okay. All right. Ladies and gentlemen,
22 this is another one of those times I have to discuss some
23 legal issues with the attorneys, so I'm going to ask you
24 to go back to your jury room. We'll be with you just very
25 shortly.

1 (WHEREUPON, the jury exits the courtroom at 1:58 p.m.)

2 THE COURT: All right. Anything? Motions?

3 MS. HENDRICKS: No motions from the State, Your
4 Honor.

5 MR. CRANE: I would renew my motion for a directed
6 verdict, Your Honor, based on the fact that the evidence
7 taken in light most favorable to the State is not
8 sufficient to go to the grand jury.

9 THE COURT: Well, they've already been to the grand
10 jury.

11 MR. CRANE: I mean to the petit jury. My bad.

12 THE COURT: All right. Well, I'm going to deny that.
13 Rulings are the same.

14 JURY CHARGE CONFERENCE

15 THE COURT: All right. Let's talk about what jury
16 charges. What have y'all got?

17 MS. HENDRICKS: I have some to pass up, Your Honor.

18 THE COURT: All right. They're asking for accomplice
19 liability, hand of one is the hand of all.

20 MR. CRANE: I would object to that. There's no
21 accomplice to someone in that car. I mean, you know, it's
22 a conspiracy case, I understand. But I don't see the hand
23 of one, hand of all. I would object.

24 THE COURT: Oh, you object to everything.

25 MR. CRANE: That's my job, Judge.

1 THE COURT: You need a specific ---

2 MR. CRANE: That's why I represent him.

3 THE COURT: Huh?

4 MR. CRANE: That's why I'm representing him. That's
5 my job.

6 THE COURT: Yeah. I know that. But give me
7 something a little specific.

8 MR. CRANE: There's nothing that -- I mean, the
9 theory is that a car pulled up beside his car and did some
10 shooting. There's no hand of one, hand of all. Someone
11 in that car shot him. They have to prove who did it.
12 Where -- I don't -- I just don't see the hand of one, hand
13 of all. If you do, then, of course, it can go to the jury
14 that way. But I don't see hand of one, hand of all.
15 That's why all these other guys pled because their
16 attorneys convinced them it's a hand of one, hand of all.
17 My client says he wasn't there and didn't do it and he
18 didn't want to plead to something he didn't do.

19 THE COURT: Okay. From the State, what's your
20 position?

21 MS. HENDRICKS: There's case law that you can
22 conspire with an unidentified co-conspirator, so I think
23 there's -- you know, the jury can find that he was hand of
24 one, hand of all with the unidentified person in the blue
25 Camaro or the other co-conspirators. So I think a hand of

1 one, hand of all instruction is appropriate.

2 THE COURT: All right. I think there's evidence in
3 the record that will allow me to -- require me to charge
4 that.

5 So do you have any requests to charge?

6 MR. CRANE: I don't have any charges, Judge, but I
7 did make the request that you not charge implied malice.

8 THE COURT: Well, it's in the statute, Mr. Crane.

9 MR. CRANE: I know it's in the statute, but that
10 doesn't mean you have to explain it. It's inappropriate
11 to give a charge on implied malice in this case.

12 THE COURT: No.

13 MR. CRANE: It's an attempted murder case. It's a
14 specific intent charge.

15 THE COURT: It is a specific intent.

16 MR. CRANE: Yes, sir.

17 THE COURT: But malice can be implied, inferred from
18 the circumstances surrounding the case, and there's plenty
19 of case law to that effect.

20 MR. CRANE: But they're going to rely just on the
21 fact that a gun was used.

22 THE COURT: I don't know what they're going to rely
23 on. The guy got shot in the face.

24 MR. CRANE: Implied malice of the gun isn't
25 appropriate in this case, and I object to it.

1 THE COURT: I'm not going to tell them that they can
2 infer malice from the use of a deadly weapon. That is
3 clearly not the law.

4 MR. CRANE: Okay.

5 THE COURT: But from a total disregard for human
6 life, they can infer malice. Yeah.

7 MR. CRANE: The other -- well, I think implied malice
8 is inappropriate in a specific intent case, so I would
9 object to that.

10 I do have a question, Judge. On the -- what is the
11 Court's ruling on referring to the taped interviews of the
12 various witnesses?

13 THE COURT: What do you mean?

14 MR. CRANE: Can the State argue about what was in the
15 taped interviews that they showed to the jury?

16 THE COURT: It was played to the jury. Yeah.

17 MR. CRANE: It's not in evidence.

18 THE COURT: The disks are not in evidence.

19 MR. CRANE: So you're saying what's on there is in
20 evidence. What they showed to the jury is in evidence.

21 What's the jury going to look at if they want to see
22 the tapes?

23 THE COURT: They're not going to see them. They're
24 not -- they have not -- they didn't move to put them into
25 evidence.

1 MR. CRANE: Right.

2 THE COURT: So they're not in evidence.

3 MR. CRANE: Right.

4 THE COURT: Yeah.

5 MR. CRANE: I would object if they argue to what was
6 on the tapes.

7 THE COURT: So you're saying that in a case where an
8 officer gets up and testifies that in this written
9 statement, they said this, and today they're saying this,
10 you're saying can't refer to that written statement even
11 though it's not been introduced into evidence.

12 MR. CRANE: When it's not your client on trial.
13 That's what I said when he went to testify.

14 THE COURT: Well, that, Mr. Crane, they're going to
15 be allowed to talk about the prior inconsistent
16 statements.

17 MR. CRANE: Okay. Thank you.

18 THE COURT: All right. What I'm going to charge:
19 duties of the judge and jury, the arrest is not
20 indictment, multiple charges, credibility of the
21 witnesses, prior inconsistent statements, prior record of
22 a witness.

23 Do you want anything on the failure of your client to
24 testify?

25 MR. CRANE: Just that he doesn't have to testify,

1 Judge.

2 THE COURT: And so you want that.

3 MR. CRANE: Yes, sir.

4 THE COURT: Okay. And expert witnesses, presumption
5 of innocence, reasonable doubt, circumstantial evidence,
6 hand of one is the hand of all, alibi and then the
7 offenses. Okay?

8 MR. CRANE: Yes, sir.

9 THE COURT: And did y'all talk about the order of
10 argument?

11 MS. HENDRICKS: I believe since the defense put
12 something into evidence, I'll get reply argument.

13 THE COURT: Correct.

14 MR. CRANE: I agree.

15 THE COURT: Open fully.

16 MS. HENDRICKS: Yes, Your Honor.

17 THE COURT: Okay. All right. Anything else?

18 MR. CRANE: No, sir.

19 THE COURT: Okay.

20 MS. HENDRICKS: Your Honor, I was going to use a
21 PowerPoint in my closing, if we can turn the board on.

22 (WHEREUPON, the jury entered the courtroom at 2:07 p.m.)

23 THE COURT: All right. Ladies and gentlemen, welcome
24 back to the courtroom.

25 I don't know if you can remember my opening comments

1 to you on Monday. I told you there were five parts of a
2 trial, and we have now completed the first two parts --
3 had to count -- the opening statements and the evidence.

4 So all of the evidence that's going to be presented
5 has already been presented to you, and we are now going to
6 move into the closing arguments of these attorneys. And
7 y'all have paid great attention throughout the course of
8 the trial, and I ask you to continue to do so through the
9 arguments of these lawyers as they advocate their
10 positions to you. All right.

11 CLOSING ARGUMENTS

12 MS. HENDRICKS: Thank you, Your Honor. May it please
13 the Court.

14 THE COURT: Yes.

15 MS. HENDRICKS: I want to thank you for your time and
16 attention and patience in this case. In just a few
17 minutes you'll be able to deliberate. You get to take all
18 the evidence into the jury room, and you can finally talk
19 about everything you've seen and heard in this case.
20 Before you do that, I want to go over just a few things
21 with you.

22 In this case we have at least six people in four
23 cars. So let's talk about what we know for a fact. We
24 know for a fact that Damous Beasley was driving the black
25 Impala with Quavon Edmunds and Curtis Collins as its

1 passengers. All three of them testified consistently to
2 this, and they were found basically on scene with just
3 those three in the car.

4 Next we have Justin Miller in the black Camaro. He
5 also was caught shortly on scene, and everybody testified
6 that he was alone in his black Camaro.

7 Finally, we have Xavier Concepcion in the silver
8 Mercedes, and we have Quavon Edmunds in the blue or gray
9 -- bluish-gray Camaro. Quavon Edmunds was -- we have
10 testimony that Quavon Edmunds was the passenger in that
11 Camaro, so there is an unknown driver also in that car.

12 This is a diagram of where all the cars are when the
13 incident takes place or shortly thereafter. Xavier
14 Concepcion runs a red light to catch up to Fred's car, and
15 then the blue Camaro containing Quavon Edmunds pulls up
16 alongside Fred's car and fires four shots directly into
17 his car at point-blank range. Quavon Edmunds fires a gun
18 at 2 p.m. on Rutherford Road and North Main Street
19 directly in front of a school bus on a crowded road with
20 pedestrians and businesses and several other cars in the
21 immediate vicinity.

22 Quavon Edmunds gathers his friends, arms himself and
23 drives around Brutontown hunting Fred. When he finally
24 finds him, he doesn't hesitate before firing a gun
25 directly into his vehicle.

1 We're going to play the video for you again, but
2 we're having more difficulties. That was the patience I
3 was thanking you for earlier.

4 So now let's talk about the charges. Quavon Edmunds
5 is charged with two counts of attempted murder. Attempted
6 murder is the attempt to kill another with express malice
7 aforethought and intent to kill. Malice is hatred, ill
8 will or hostility towards another person. Quavon Edmunds
9 clearly has malice towards Fred for breaking into his
10 home, and he has malice aforethought when he hunts down
11 Fred. Shooting Fred with a deadly weapon in the head at
12 point-blank range is express malice and clearly
13 demonstrates an intent to kill.

14 While Quavon Edmunds clearly demonstrates all the
15 elements as to Fred, he's also charged with the attempted
16 murder of Jatón Lomax.

17 Malice aforethought doesn't require any particular
18 amount of time before the act is committed. It just has
19 to exist right before and at the time of the act. You can
20 watch the videos as many times as you want in the jury
21 room, and you'll see that Quavon waits for nine seconds
22 before firing four shots, that's malice aforethought, and
23 to give him plenty of time to see that there was a
24 passenger in the car.

25 Jatón Lomax was clearly within the zone of danger

1 when Quavon fired a gun multiple times into an occupied
2 car knowing Jatón was in the line of fire.

3 Attempted murder does not require an injury. Just
4 because Quavon Edmunds missed when he fired a gun at Jatón
5 Lomax doesn't mean that he did not commit attempted murder
6 as to Jatón Lomax. He fired a deadly weapon, a handgun,
7 again, at point-blank range directly into the car she was
8 a passenger in.

9 The next charge is an easy one: possession of a
10 weapon during the commission of a violent crime. He
11 possessed a weapon, the handgun, during the commission of
12 the attempted murder, which is a violent crime.

13 And the next charge is another easy one: discharging
14 a firearm into an occupied vehicle. He clearly discharged
15 a firearm, he had a 9 millimeter firearm, into an occupied
16 vehicle. That was the burgundy Infinity that contained
17 Fred and Jatón.

18 And the final charge is conspiracy, which is a
19 combination between two or more people for the purpose of
20 accomplishing a criminal object or a noncriminal object by
21 criminal means. There's rarely direct evidence of a
22 conspiracy, but conspiracy can be proven by circumstantial
23 evidence.

24 In this case the conduct of the parties makes the
25 conspiracy obvious. Damous Beasley, Quavon Edmunds,

1 Justin Miller and Xavier Concepcion have known each other
2 for years. Curtis Collins is Damous Beasley's cousin, and
3 Jaquin Dodd is Curtis Collins's friend.

4 When Quavon Edmunds's house was broken into, he
5 called his friends to meet up and get revenge. Quavon
6 Edmunds and his friends and co-conspirators met up at his
7 house, then at a gas station, planned to drive around to
8 find Lee Moss. At least some of them armed themselves in
9 anticipation of a confrontation, and they did then, in
10 fact, drive around Brutontown looking for Lee Moss.

11 When they located the car that Lee Moss used along
12 with Fred to break into Quavon's and Damous's house,
13 Quavon shot Fred with no hesitation.

14 Now let's talk about some of the testimony you heard.
15 You heard from Debbie Bostic, the bus driver, who
16 describes a gloved hand sticking out of the passenger's
17 side window of the blue Camaro and firing shots into
18 Fred's car. You can see this on the video for yourself.

19 You heard how there should have been a 4-year-old
20 little boy on that bus, but he happened to be sick that
21 day. You heard how three schools were put on lockdown
22 because of this shooting.

23 You also heard the 9-1-1 calls of a witness in the
24 North Main area and the emotional call from Jaton Lomax
25 after Fred was shot in the head while driving the car she

1 was in.

2 You also heard from Mike Bosillo whose main purpose
3 was to get the T-Mobile records into evidence. While Mike
4 Bosillo testified that towers can be spaced up to two
5 miles apart, you then heard from Tim Harrison with the
6 Greenville Police Department who clarified that in the
7 city of Greenville, there are hundreds, if not thousands
8 of cell towers in the 30-mile radius of the city, and
9 they're definitely not spaced two miles apart. You can
10 see that for yourself on the maps that we put into
11 evidence. You can see all the overlapping cell phone
12 towers.

13 That may be the spacing in rural areas, but it
14 doesn't apply to the city of Greenville where the shooting
15 took place.

16 You heard from Phillip Brown, the responding officer
17 who was the first to arrive on scene.

18 You heard from Cory Finley, the EMS paramedic who
19 responded to the shooting and described the dire condition
20 that Fred was in after being shot in the head.

21 Fred was in critical condition because he had a
22 significant, life-threatening injury. He was a Level I
23 gunshot wound, which is as critical of a condition you can
24 get, and was transported with lights and sirens.

25 You heard from Jatón Lomax who described how she was

1 a passenger in Fred's car and was also shot at. She
2 describes how she had to grab the wheel because Fred lost
3 control of the car. She was in a car that was shot at
4 multiple times, shooting out multiple windows, and the
5 pictures that you saw through Forrester Ellison show all
6 the bullets that hit the passenger's side of the car as
7 well.

8 You also heard from Will Godfrey with the fire
9 department who described seeing the dark gray Camaro with
10 oversized wheels, a darker impala and another car speeding
11 off after the shooting. He also explained how the Impala
12 came back on scene before speeding off and being stopped
13 by law enforcement.

14 You heard from Quinstasia Griffin who described how
15 she was stopped on Summit Drive and Rutherford Road when
16 her car was hit by the charcoal gray blue Camaro who was
17 turning on Summit Drive from Rutherford Road. She
18 identified the blue-gray Camaro that Quavon Edmunds was
19 the passenger in that hit her and continued on. And when
20 law enforcement recovered that blue-gray Camaro, it had
21 front-end damage consistent with that hit and run.

22 You also heard testimony from Wendy Arnold along with
23 both of her 9-1-1 calls. In her testimony she described a
24 heavy-set guy with dreads with gold tips, which matches
25 Quavon Edmunds's description back in February of 2018.

1 This person was suspicious to her not because he was
2 black in a white neighborhood as the defense suggested,
3 but because there's a ton of law enforcement responded to
4 the scene. Her neighborhood was filled with cops. There
5 were schools on lockdown. And he was suspicious because
6 of his behavior. He turned, saw her, ran, and kept
7 turning around and looking back at her.

8 Wendy Arnold then found the blue-gray Camaro parked
9 at the end of the driveway. And she testifies that she
10 saw Quavon Edmunds and the unknown person walking only
11 three or four houses down from there.

12 Wendy Arnold then describes how someone who was later
13 identified as Xavier Concepcion gets out of the black
14 Cadillac and gets into the blue Camaro. Law enforcement
15 arrives and Xavier gets out and runs, but he's caught on
16 scene as well.

17 You heard from Forrester Ellison, the sergeant --
18 former sergeant of forensics who collected the evidence in
19 the case and took photos.

20 You also heard from Tim Harrison who explained how
21 Quavon Edmunds's cell phone was in the vicinity of Lee
22 Moss's house, that's the 3611 Paris Mountain Road, and it
23 then moves consistent with all the codefendants' testimony
24 to the scene of the shooting from 1:54 p.m. to 1:56 p.m.

25 We also saw -- there was this testimony that probably

1 didn't make sense to you at the time, but after hearing
2 the alibi witness of the defense, she testified that her
3 address was 119 Clark Street. And we actually asked Tim
4 Harrison about that on direct. So he had already looked
5 into whether or not the defendant's phone was at 119 Clark
6 Street and found that the last time it connected to that
7 tower was February 5th, and it didn't connect again until
8 February 7th at 6:19. So he did go to his grandmother's
9 house after the shooting, but it was four hours after the
10 shooting.

11 Now, the defense did a great job of pointing out that
12 this was just the location of the defendant's phone.
13 However, don't forget that the witnesses testified that
14 Quavon Edmunds called all of them during the shooting.
15 Specifically, Justin Miller told police that Quavon called
16 him because he was lagging behind and there was upcoming
17 traffic coming up on Rutherford, which means Quavon called
18 Justin moments before the shooting.

19 Now let's talk about what you heard from the victim,
20 Mr. Fred Miller-Knowles. Now, you may not agree with the
21 fact that Fred went to Quavon and Damous's house and stole
22 from them. You may even agree with Mr. Crane when he
23 called Fred a drug dealer, a liar and a thief. I've spent
24 a lot of time with him, and I can tell you that he's more
25 than that. But do you know what he's not? He's not

1 violent.

2 He went into a home that he knew was empty. He and
3 Lee Moss went to that house. No one was home. They left.
4 Then they decided, you know what? We're just going to go
5 take what we wanted. It wasn't the right thing to do, but
6 they knew it was empty. They knew nobody was going to get
7 hurt, unlike Quavon who armed himself and went after Fred
8 for revenge. He doesn't deserve to be shot in the head
9 and almost killed for breaking into an unoccupied home.
10 We cannot, as law-abiding citizens, allow others to take
11 the law into their own hands and shoot their enemies.

12 Now lets talk about what you heard from the four
13 codefendants who have pled guilty: Curtis Collins, Jaquin
14 Dodd, Justin Miller and Damous Beasley. They were all
15 charged with attempted murder and conspiracy under the
16 theory of the hand of one, hand of all. As accomplices
17 and co-conspirators, they are responsible for the
18 attempted murder to the same extent as the principal,
19 Quavon Edmunds, under the theory of hand of one, hand of
20 all.

21 They all agreed to arm themselves, get in four
22 separate cars and hunt down Lee Moss and Fred for breaking
23 into Damous and Quavon's house. At a minimum they were
24 going to take their stuff back by force. And by arming
25 themselves, they guaranteed that nothing good was going to

1 happen. They were anticipating a confrontation. And now
2 they all four pled guilty to accessory after the fact,
3 which carries up to 15 years, and conspiracy, which
4 carries up to five. So they are all still looking at a
5 possible 20 years of sentences.

6 They pled guilty because they were, in fact, guilty.
7 At their guilty pleas, all four of them pled guilty to
8 taking part in a coordinated effort among several cars
9 that surrounded the victim before shots were fired and to
10 arming themselves for a confrontation, which is exactly
11 what you see on the video.

12 Even though they pled guilty, they are all still good
13 friends with Quavon Edmunds. And I'm sure you could tell
14 none of them wanted to testify and a lot of them suddenly
15 had memory loss when it came to Quavon's involvement.

16 Jaquin Dodd and Curtis Collins both testified to the
17 fact that they went over to Quavon and Damous's house
18 after it got broken into. They then got into Damous
19 Beasley's black Impala and drove around looking for the
20 individuals who broke into the house.

21 Curtis Collins testified that he got a call from his
22 cousin Damous Beasley because Damous Beasley and Quavon
23 Edmunds's house was broken into. He armed himself with a
24 gun, and got in the car with Damous Beasley to go get
25 their stuff back. You don't arm yourself with a gun to go

1 take your stuff back by force without expecting a
2 confrontation.

3 Next you heard testimony from Justin Miller. He
4 testified that Quavon was mad and upset that his house was
5 broken into and that they were going to drive around
6 looking for the person who broke in to get his stuff back.

7 Justin Miller then met up with Quavon at a gas
8 station. He initially told law enforcement Spinx, then he
9 went back and said Citgo, unclear what gas station they
10 met up at.

11 He tried to say that Quavon was in the black Impala
12 to distance his friend Quavon from the fact that he was
13 the shooter and the passenger in the blue Camaro. We knew
14 for a fact that he was not in the black Impala. Damous
15 Beasley, Jaquin Dodd and Curtis Collins were in the black
16 Impala. They were the only individuals in the black
17 Impala, and they were pulled over minutes from -- after
18 the scene, minutes away from the shooting. When
19 questioned about it further, he admitted he didn't
20 actually see Quavon in the black Impala. He just assumed
21 he was in the black Impala.

22 He also tried to say he only saw the black Impala.
23 But we played you portions of his statement to police the
24 day of the incident, and he clearly stated there was a
25 silver car, a blue car, and black Impala.

1 He also tried to deny talking to Quavon on the phone.
2 But, again, we played his statement from the day of the
3 incident where he clearly stated that Quavon called him
4 because he was lagging behind and there was upcoming
5 traffic on Rutherford.

6 Justin Miller also told police that he went to make
7 sure no one got hurt to be a friend, which proves, again,
8 that they were expecting a confrontation.

9 So what's more reliable, the statement of Justin
10 Miller four and a half years later or what he said on the
11 day of the incident?

12 And finally, the last codefendant you heard from was
13 the closest friend of Quavon Edmunds, Damous Beasley.
14 Damous and Quavon are like family, and they even lived
15 together at the time of the shooting. When the defense
16 asked Damous if he and Quavon were related, he said not by
17 blood. He considers Quavon his family, not just by blood.

18 Damous clearly did not want to testify yesterday. He
19 denied most of what he actually told police the day after
20 the incident. However, what you heard from his statement
21 the day after -- from his statement to police the day
22 after it happened is what actually happened.

23 Quavon calls Damous and tells him their house had
24 been broken into. Then Damous calls CJ, a/k/a Curtis
25 Collins, and Smoke, a/k/a Jaquin Dodd to come over.

1 Xavier and Quavon were in the blue Camaro. The blue
2 Camaro was Xavier's car, and he was driving. That makes
3 perfect sense that he was driving his own car. Quavon was
4 in the passenger's seat.

5 They stop in Washington Heights, another person gets
6 in the blue Camaro, then they stop in Brutontown and
7 Xavier Concepcion gets in the silver Mercedes. Quavon
8 never gets out of the car.

9 Finally, you heard from Sergeant Russ Irvin, the
10 detective on the case. His testimony wrapped up the
11 entire case. He explained how the codefendant interviews
12 led to Quavon Edmunds as a suspect. He also testified
13 that he got Quavon's phone number from his employer, and
14 that's the number he used to get the search warrant for
15 the phone records that put him on the scene.

16 We've submitted to you that Quavon Edmunds was the
17 passenger in the blue Camaro and was the individual who
18 fired the gun, shooting Fred at point-blank range in the
19 head. We know Quavon was a passenger because Damous
20 Beasley, Quavon's best friend, clearly tells law
21 enforcement in his interview that Quavon was a passenger,
22 and Xavier Concepcion was driving.

23 At some point Xavier gets out of his own car, the
24 blue Camaro, and gets in the silver Mercedes. Damous
25 Beasley says that someone else got in the blue Camaro with

1 Quavon at that point. But once again, Damous Beasley
2 didn't want to cooperate. He didn't want to testify
3 yesterday even though he's already pled guilty and he's
4 facing 20 years. He thinks he's helping his friend, but
5 he's clearly placed Quavon Edmunds in the passenger's seat
6 of the blue Camaro and has never said that he saw him get
7 out of the blue Camaro.

8 Even if you aren't sure that Quavon was the passenger
9 in the blue Camaro that shot Fred, he is still guilty
10 under the theory of the hand of one, hand of all. The
11 judge will instruct you on the law as it pertains to that
12 hand of one, hand of all. But the example we're all
13 familiar with is the getaway driver. If two people decide
14 to go rob a convenience store and one person is the
15 getaway driver, all they do is drive the car, they don't
16 go into the store, they don't pull out a weapon, they
17 don't touch the money, they are still guilty of armed
18 robbery just like the gunman who ran into the store,
19 brandished his weapon and demanded all the cash in the
20 register. Now, if the gunman decides to pull the trigger
21 and murders the convenience store employee, then the
22 getaway driver is guilty of murder just like the shooter.

23 Under hand of one, hand of all, Quavon Edmunds is
24 guilty of attempted murder even if you believe he was just
25 driving the blue Camaro and wasn't the passenger who

1 pulled the trigger.

2 Let's be clear. Quavon Edmunds is the glue in this
3 case that holds everything else together. He knows all
4 the parties. It's his house that gets broken into. He
5 knows Lee Moss. He knows that it's Lee Moss who broke
6 into his house, and he has a motive to hunt down Fred and
7 shoot him in the head for breaking into his house.

8 Now, briefly let's touch on the defense's case.
9 Mr. Crane is just doing his job. His job is to zealously
10 advocate for his client, and he bears absolutely no burden
11 in this case. The burden rests solely with the State.
12 Mr. Crane and the defendant could have kicked up their
13 feet and not said a single word for the entire trial, and
14 that would have been their absolute right. But when the
15 defense does put a theory before you, you can hold them
16 accountable for it.

17 In their opening statement, the defense stated that
18 no one had guns. However, we know that's not true.
19 Quavon Edmunds had a gun in the blue Camaro, and we know
20 Curtis Collins also got arrested with a gun in the black
21 Impala.

22 From what we can tell, the defense's goal is to take
23 your eye off the ball, to distract you from the evidence
24 we have that places Quavon Edmunds in the passenger's seat
25 of the blue Camaro. The defense wants to confuse you with

1 the fact that the other codefendants pled to reduced
2 charges, that Fred was never charged with a burglary that
3 no one ever reported to law enforcement, and that no one
4 admitted in an explicit conversation that they were going
5 to go shoot someone.

6 The defense wants you to be distracted by the fact
7 that his client wasn't tested for gunshot residue when his
8 client wasn't arrested until 14 days after the shooting,
9 and any gunshot residue would have been long gone.

10 The defense wants you to be distracted by the fact
11 that the DNA swabs weren't tested when all they possibly
12 could have proven was that the defendant may have been in
13 his friend's car at some point. The lack of DNA wouldn't
14 mean that he wasn't in the car.

15 Now, the defense put up one witness: the defendant's
16 grandmother. Her testimony is that she doesn't know what
17 time Quavon came over that day. It was four and a half
18 years ago. She thinks maybe it was light outside. Well,
19 we have his cell phone records that tell you exactly what
20 time he got over there that day, and it was 6:19 p.m.,
21 well over four hours after the shooting.

22 I think it's convenient that they've come up with an
23 alibi four and a half years after the incident, and that
24 his alibi is his grandmother who admitted to stealing for
25 her own nephew, so it's not a stretch to think she would

1 lie for her own grandson.

2 The judge is going to tell you that our burden of
3 proof is beyond a reasonable doubt. Beyond a reasonable
4 doubt is not beyond all doubt. It just means if you leave
5 this courtroom and you feel firmly convinced of his guilt,
6 then he's guilty. The State has no interest in convicting
7 innocent people, but the State has every interest in
8 convicting people who hunt down their enemies and shoot
9 them in the head and convicting people who shoot into an
10 occupied car at North Main and Rutherford at 2 p.m. in
11 front of a school bus that should have had a 4-year-old in
12 it while neighbors are walking their dogs and people are
13 working in their homes and offices. The State has every
14 interest in protecting law-abiding citizens from stray
15 bullets and vigilante justice, because street justice is
16 not justice.

17 We ask that you return a verdict of guilty on all
18 counts. Thank you.

19 THE COURT: Okay. Mr. Crane.

20 MR. CRANE: Thank you.

21 Ladies and gentlemen, Mr. Foreman, thank you for
22 listening to the trial as the solicitor thanked you. It's
23 been three days. We've been hearing a lot of testimony, a
24 lot of evidence here, photographs, videotapes, hard
25 evidence over there, bloody sweatshirt. And you've got

1 the right to look at all of it when you go to the jury
2 room or none of it, whichever way you want to do it.

3 I will try not to take forever, but I've been doing
4 this a while and have a tendency to speak too long. But,
5 you know, I've only got four pages, so it won't be too
6 long.

7 The charges are, like the solicitor said, attempted
8 murder, possession of a weapon during the commission of a
9 violent crime, firing into a dwelling and conspiracy. As
10 she said, the attempted murder, the State must prove
11 beyond a reasonable doubt that my client did, with malice
12 aforethought, meaning to kill someone, fire into their car
13 and shoot that fellow in the head, intending to kill him
14 with express malice, meaning it's a specific intent, he
15 intended to kill someone and did it with wickedness in his
16 heart.

17 The other thing that you have to consider is the
18 possession of a weapon during the commission of a violent
19 crime. If, in fact, he did the attempted murder, in South
20 Carolina attempted murder is classified as a violent
21 crime. We have a statute that classifies violent crimes,
22 much like burglary is classified as a violent crime. So
23 keep that in mind. If you find him guilty of the
24 attempted murder, then more likely than not you should
25 find him guilty of possession of a weapon during the

1 commission of a violent crime because the event happened
2 with a gun.

3 And then you've got the discharge into a vehicle,
4 same scenario there, and then the conspiracy, the
5 conspiracy being the meeting of the mind between two or
6 more people to do something illegal or to do something
7 legal with an illegal manner. So that's what the law is.

8 Now, you have to consider this evidence, and when you
9 deliberate, the State has to convince you beyond a
10 reasonable doubt, a doubt -- listen, let me tell you
11 something up front. If I say something that the judge
12 says differently, you take what he says, because he's the
13 lawgiver. If I misquote the facts, you take the facts as
14 you heard them, because sometimes an attorney hears what
15 they want to hear and not what was actually said. Let me
16 give you an example.

17 When the solicitor started just a moment ago, if you
18 were listening carefully, she said that Mr. Beasley,
19 Mr. Edmunds and Mr. Collins were in the black Impala.
20 Y'all hear her say that? That's not the way it was. I
21 know it was a slip of the tongue, but I just wanted to
22 point out that if I say something that you heard
23 differently, you take what you heard. I don't
24 intentionally mean to mislead you.

25 But anyway, convince you beyond a reasonable doubt, a

1 doubt which causes a reasonable juror to hesitate to act,
2 a doubt from which you will have to be firmly convinced of
3 my client's guilt or innocence.

4 My client sits there as an innocent person. He's
5 pled not guilty to these offenses. The other guys have
6 all pled guilty to charges. He's pled not guilty saying
7 he didn't do this. He sits here with a cloak of innocence
8 against him. It's as if he's covered with the cloak of
9 innocence, and until that cloak of innocence is lifted off
10 of him by your verdict if that verdict is guilty, he will
11 remain not guilty. And if that cloak of innocence is
12 lifted off, then you can look over there and see that
13 person and still live with your verdict and accept that
14 verdict, then you've done your job. So beyond a
15 reasonable doubt is what you have to do.

16 You can't have speculation, conjecture, maybes -- I
17 wrote down some notes here that actually were provided to
18 me by the solicitor -- inferences, suspicion, conjecture,
19 fanciful analogy, remote acts which are disconnected.
20 You've got to have evidence of the crime itself. You're
21 not here to say, well, you know, Quavon Edmunds might have
22 done that. The big question that you have to decide is
23 was Quavon Edmunds the one in that Camaro that did the
24 shooting. I understand that going hand of one, hand of
25 all they're trying to say that there were three or four