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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RISHARD LEWIS GETER,

APPELLANT

APPELLATE CASE NO. 2023-000255

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN THE GENERAL SESSIONS
7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME I

6 vs.

CASE NO. 2020-GS-42-00908
2023-GS-42-00557

7 RISHARD LEWIS GETER,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE J. MARK HAYES, II

11 DATE: February 13, 2023

12 TIME: 10:30 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

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22 ATTORNEYS FOR THE DEFENDANT
23 ROBERT B. HALL, ESQ.
24
25

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2		DIRECT	CROSS	REDIRECT	RECROSS
3	WITNESS/EXAMINATION				
4	<u>OFFICER KAINO ROLLE</u>				
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6	BY MR. HALL	--	85	--	--
7	OFFICER LAUREN RUSSO				
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13	CHRISTY NORKETT				
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15	BY MR. HALL	--	--	--	--
16	JESSICA DESHERLIA				
17	BY MS. CUENCA	125	--	--	--
18	BY MR. HALL	--	--	--	--
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1 THE COURT: Ladies and gentlemen, as the bailiff
2 just announced, my name is Mark Hayes, and I'm the circuit
3 court judge here in Spartanburg County. Thank you for being
4 here today.

5 Ladies and gentlemen, what I would like for us to
6 do first to start, there's an American flag up there, please
7 stand, put your hand over your heart and say the Pledge of
8 Allegiance.

9 (The Pledge of Allegiance was said by all.)

10 Thank you very much, you may be seated.

11 Ladies and gentlemen, thank you very much for
12 humoring me with that pledge of allegiance. I wanted you to do
13 that so that you can recall what you just pledged allegiance
14 to, not only to your country, to your flag but also to the very
15 last word. Do you remember what the last thing you pledge
16 allegiance to?

17 Justice.

18 Ladies and gentlemen, you are here today because
19 you are filling a Constitutional right that everyone that is
20 accused of a crime has a right to a jury trial of members of
21 their peers from their community.

22 Your purpose this week is to participate in the
23 justice system of this country. It has frequently been said
24 that the justice system that we have in the United States of
25 America is the greatest justice system ever created. I've been

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1 doing this job almost 20 years. I'm a firm believer that is
2 very true.

3 Your job this week -- we're going to do criminal
4 court this week. Your job is to participate in that justice
5 system serving as a jury. I will explain to you later if you
6 are, in fact, picked to serve on a jury that your role will be
7 to determine whether or not the State has met its burden of
8 proof of establishing all of the elements of a criminal offense
9 that they charged the Defendant with beyond a reasonable doubt.
10 That will be your role in the justice system that we have in
11 this country, and that will be your role this week is to serve
12 as that juror.

13 The system of justice that we have in this country
14 requires a lot of moving parts. You're probably going to
15 experience some of those moving parts this week. You're
16 probably going to sit there and say what the heck is going on.
17 I'm not doing anything. I'm just sitting here, I'm just
18 wasting time, can't they do something?

19 Ladies and gentlemen, a lot of what happens in the
20 justice system in this state and in this county take place out
21 of your presence. And there's a reason for that. Because you,
22 as jurors, have to base the decision that you make solely on
23 the evidence and the law that is presented to you in a court.

24 There are things that have to take place out of
25 your presence. In advance, I apologize for the apparent

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1 slowness and your sitting in the back a lot of time waiting to
2 get started. Accept my apology in advance, expect that is
3 going to happen. No way I can control that. We do the best we
4 can. We are definitely working outside of your presence to be
5 sure that we make this week as minimal inconvenience for you,
6 and also to make it as educational as possible.

7 Ladies and gentlemen, there is also people that
8 work in the court system. We have the lawyers that represent
9 the State, also represent them. We also have people like this
10 gentleman here. The officers that are in uniforms, these are
11 court security. If you ever feel threatened or you have some
12 security issue, speak to one of the officers.

13 We have the ladies and gentlemen that are in the
14 red jackets. These are the bailiffs. They're here to help you
15 this week if ever you feel like there's an emergency that
16 occurs. You have to have some type of communication with me or
17 one of the other judges, reach out to the bailiffs. They'll be
18 sure that conversation takes place with the court.

19 One of the other things that we will do and we're
20 going to do just shortly, I have to decide whether or not you
21 are qualified to serve as jurors.

22 In just a moment I'm going to take that bench up
23 there, and I'm going to ask you a series of questions to
24 determine your qualification to serve as jurors. Whenever I
25 ask you these questions, if you need to respond to the

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1 question, just don't blurt it out, stand up and let me call on
2 you.

3 I need to let you know that lady sitting way over
4 there, she's the court reporter. She's taking down everything
5 that's said. I tell you that because whenever you do respond,
6 I need you to really speak up so I and all the lawyers can hear
7 you. If by chance when I'm asking you these questions you
8 can't hear me, you need to let me know, and I'll speak up as
9 well.

10 Ladies and gentlemen, some of the questions that I
11 ask you as part of this process, you might think, gosh, that
12 sort of personal in nature. You might not want to stand and
13 disclose the information openly in the presence of your fellow
14 jurors. That's okay. If you don't want to respond to the
15 question when I ask, make a mental note of the question. At
16 the end of the process, I'm going to allow you to come up and
17 speak privately with me and the clerk of court and share that
18 information with The Court.

19 Ladies and gentlemen, again, it is my pleasure and
20 my privilege to have you in Spartanburg County to serve as
21 jurors. It's my pleasure and privilege to serve as circuit
22 court judge in this county.

23 Ladies and gentlemen, I'm now going to take the
24 bench up there. I'm going to ask you a series of questions.
25 I'm going to remind that the clerk of court, Amy Cox, she has

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1 sworn you to tell me the truth. I need to really stress that
2 to you. It's vitally important that we have truthful and
3 honest information to the questions that I ask.

4 Ladies and gentlemen, thank you very much. I'm now
5 going to take the bench and ask you these questions. Please
6 listen to the questions. If you need to respond to them, just
7 please stand. Thank you very much, ladies and gentlemen.

8 Also, ladies and gentlemen, we're going to have a
9 new courthouse in a few months. If you get to come back, that
10 will be in the building that's behind us. A lot of the things
11 about this building going downhill. One of them is this
12 microphone. If it ever blasts out, I can't control it. I have
13 to unplug it and yell at you.

14 Ladies and gentlemen, here are the questions that
15 determine your qualifications to serve as jurors in this court.

16 Is there any member of the jury panel who is not a
17 citizen of the United States? If so, please stand at this
18 time.

19 Is there any member of the jury panel not presently
20 a resident and citizen of Spartanburg County? If so, please
21 stand at this time.

22 Is there any member of the jury panel unable to
23 read, write, speak, or understand the English language? If so,
24 please stand at this time.

25 Ladies and gentlemen, I'm now going to read to you

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1 the next three questions. Please listen to all three of these
2 questions. If you need to respond to any of these three
3 questions, I will ask that you stand after I announce the third
4 question. Please listen to all three of these questions.

5 Is any member of the jury panel unable to read,
6 write, or understand the English language?

7 Does any member of the jury panel have less than a
8 sixth-grade education or its equivalent? I'm actually going to
9 read you four questions.

10 Is any member of the jury panel unable because of a
11 mental or physical infirmity to render efficient jury service
12 this week?

13 Last question: Has any member of the jury panel
14 been convicted by a guilty plea or trial in a state or federal
15 court of record of a crime punishable by imprisonment for more
16 than one year and your civil rights have not been restored by
17 pardon or amnesty?

18 Punishable by more than one year means that you
19 could have received a sentence of more than one year regardless
20 of what sentence you may have actually received.

21 Ladies and gentlemen, if any of those four
22 questions apply to you, please stand at this time.

23 What we're going to do, would the four of you line
24 up right here in the breezeway. Sir, just tell me your juror
25 number.

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1 JUROR 64: 64.

2 (The following proceedings were had outside the
3 hearing of the jury panel.)

4 THE COURT: Yes, sir.

5 JUROR 64: Recognize you, judge. Couple charges
6 and escape charge.

7 THE COURT: Give me one second.

8 They were from Florida?

9 JUROR 64: Yes.

10 THE COURT: What type of sentence did you receive?

11 JUROR 64: The escape was three months. Financial
12 charges they charged me with a penalty. For the breaking and
13 entering, I had probation.

14 THE COURT: If you violate the probation, what was
15 going to happen to you?

16 JUROR 64: I would go to jail.

17 THE COURT: How long?

18 JUROR 64: I don't know.

19 THE COURT: Thank you very much for giving me that
20 information. The information that I have, based on the
21 information that the staff did, you remain qualified to serve.
22 Thank you.

23 THE BAILIFF: Juror number 76.

24 THE COURT: You are Mr. Henry?

25 JUROR 76: Yes, sir.

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1 THE COURT: Tell me about it.

2 JUROR 76: I met in 1991. I got convicted of home
3 robbery. Did like three years and eight months in the
4 Department of Corrections. Felony.

5 THE COURT: Thank you for sharing that with me,
6 Mr. Henry. What I'll do, I'll excuse you from the jury
7 service. Based on the information I have, it's verified, that
8 information. Thank you for coming in. Thank you for giving us
9 that information. Give the badge to the clerk of court.

10 THE BAILIFF: Juror number 163.

11 THE COURT: You're Mr. Tatach?

12 JUROR 163: Tatach.

13 THE COURT: Yes, sir.

14 JUROR 163: Yes, just spelling words. I can read
15 and all. My spelling pretty bad. If I have to write anything.

16 THE COURT: The reason that you think -- I
17 appreciate you sharing that with me. The reason that you're
18 telling me is because you don't have a formal education?

19 JUROR 163: For instance, if I have to write
20 something, that's what my concern is.

21 THE COURT: Thank you for sharing. What do you do
22 for a living?

23 JUROR 163: I'm a truck driver.

24 THE COURT: How long have you been?

25 JUROR 163: About seven years.

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1 THE COURT: How far did you go in school?

2 JUROR 163: How far?

3 THE COURT: How far did you --

4 JUROR 163: Eight.

5 THE COURT: Did you get a diploma?

6 JUROR 163: Diploma.

7 THE COURT: Thank you for sharing. I think you'll
8 be okay. Certainly there's no -- I can't recall there's ever a
9 requirement you have to write something. Thank you. I
10 appreciate it.

11 THE BAILIFF: Juror number 137.

12 THE COURT: You are Petty. Tell me about it.

13 JUROR 137: I have a CDV. I think it's supposed to
14 be expunged. I don't know if it's showing up.

15 THE COURT: Ms. Petty, thank you for sharing that
16 with us. You can stay with us.

17 JUROR 137: Thank you.

18 (The following proceedings were had within the
19 hearing of the jury panel.)

20 THE COURT: Is there any member of the jury panel
21 who is a clerk, or deputy clerk of court, constable, sheriff or
22 other commissioned law enforcement officer, probate judge,
23 county commissioner, magistrate, or other county officer or
24 employed within the walls of any courthouse? If so, please
25 stand at this time.

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1 Is there any member of the jury panel who has
2 previously served on jury duty and circuit court -- that's not
3 city court, magistrate, or federal court -- during this
4 calendar year? If so, please stand at this time.

5 Is there any member of the jury panel who served as
6 a member of the Spartanburg County Grand Jury during the past
7 several years? If so, please stand at this time.

8 Ladies and gentlemen we now move to what's known as
9 jury exemption. State law provides for several exemptions to
10 jury service. An exemption does not mean that you are not
11 qualified to serve. It simply means that you have the right to
12 say: I choose not to serve.

13 Those of you who are 65 years of age or older may
14 be exempted from jury service and those of you who are 65 years
15 of age or older represent a pool of tremendous talent for jury
16 service, and we urge you to serve this week if you are inclined
17 to do so. If you wish to be exempted, you may certainly do so.

18 Is there any member of the jury panel who is 65
19 years of age or older and you wish to be exempted from service
20 this week? If you do wish to be exempted based on being 65
21 years of age or older, I would ask that you please stand at
22 this time.

23 Another exemption concerns prior jury service. No
24 person is required to serve as a juror more often than once
25 every three calendar years. Therefore, if any member of the

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1 jury panel has previously served on jury duty during the last
2 two calendar years, you may be exempted from service this week
3 if you choose to be exempted. Please note that this exemption
4 does not apply if your prior jury service was in a magistrate's
5 court, city court, or federal court.

6 If this exemption applies to you and you wish to be
7 exempted, please stand at this time.

8 Persons who have served as a member of a Grand Jury
9 in the last five calendar years may also be exempted from jury
10 service. If any member of the jury panel has served on a Grand
11 Jury during the last five calendar years, you may be exempted
12 from service this week if you choose to be exempted.

13 Ladies and gentlemen, if you have served as a
14 member of the Grand Jury during the past five years, you wish
15 to assert that as an exemption from service this week, I would
16 ask that you please stand at this time.

17 The next exemption, ladies and gentlemen, those of
18 you who have legal custody of young children. Please listen
19 very carefully to this exemption. It has several parts, all of
20 which must apply for you to be exempted on this basis.

21 You may be exempted from jury service if you have a
22 child under the age of seven years. You have legal custody of
23 your child or children. You have the principal care, custody,
24 and control of your child or children, and you are unable to
25 make arrangements for the adequate care of your child or

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1 children while performing jury duty.

2 Ladies and gentlemen, if all of these requirements
3 apply to you, then you may be exempted on this basis if you
4 wish. If this exemption applies to you and you wish to be
5 exempted on this basis, please stand at this time.

6 Yes, ma'am. Your juror number?

7 JUROR 56: 56.

8 THE COURT: Come forward.

9 (The following proceedings were had outside the
10 hearing of the jury panel.)

11 THE COURT: Ms. Ferretiz.

12 JUROR 56: My husband just has limited days he can
13 request off work. It's very much inconvenience for me. I'm
14 the sole provider for my son during the weekdays during the
15 mornings. He is not in daycare or anything. There's nobody
16 else in the house. Everyone works during the day. If there is
17 any way I can be exempted.

18 THE COURT: How old is he?

19 JUROR 56: He's five years old.

20 THE COURT: What I need from you, the Legislature
21 set up these rules. I don't have the luxury of bending it. If
22 you want to sign an affidavit as to these requirements, I can
23 excuse on that basis. You need to sign an affidavit. You need
24 to go to the clerk's office to sign that affidavit. If you see
25 the clerk, she will help you.

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1 (The following proceedings were had within the
2 hearing of the jury panel.)

3 THE COURT: If you are the primary caretaker of a
4 person 65 years of age or older and you are unable to provide
5 for the adequate care for that person while performing jury
6 service, you may be exempted from jury service on that basis as
7 well as, if you are the primary caretaker of a severely disabled
8 person, who is unable to care for himself or herself and cannot
9 be left unattended, and you are unable to provide for the
10 adequate care of that person while performing jury service, you
11 may be exempted from jury duty on that basis.

12 If either of those exemptions apply to you and you
13 wish to be exempted on either of those exemptions, I would ask
14 that you please stand at this time.

15 Yes, ma'am. Your juror number?

16 JUROR 137: 137.

17 (The following proceedings were had outside the
18 hearing of the jury panel.)

19 THE COURT: Ms. Petty.

20 JUROR 137: I should've stand on the other one. I
21 have a one year old at home, and my daddy is 85 years old. And
22 I have to have somebody there right now while I'm here.

23 THE COURT: For your father?

24 JUROR 137: Uh-huh. He has early stages, leaves
25 the water on. Early stuff.

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1 THE COURT: The Legislature sets up these
2 parameters for when I can exempt. There is an affidavit that I
3 would need you to sign at the clerk's office, to provide to
4 you, meet your father, meet such qualification. If you were to
5 do that, I can excuse you from jury service.

6 JUROR 137: Do I need to now?

7 THE COURT: You need to go to the clerk's office.
8 Will you sign that affidavit?

9 JUROR 137: Uh-huh.

10 THE COURT: See the clerk of court. She'll take
11 your badge. Thank you for being here.

12 (The following proceedings were had within the
13 hearing of the jury.)

14 THE COURT: The next exemption involves those of
15 you who may be attending school at this time or working in some
16 capacity with a school. If this exemption applies to you and
17 you wish to be exempted, what we will do is transfer your
18 service to another term of court at a time which will not
19 conflict with your school responsibilities.

20 Is there any member of the jury panel, who is a
21 full-time student, school teacher, school crossing guard,
22 school bus driver or who serves in any other school-related
23 function who is unable to serve on jury duty this week as a
24 result of that school involvement? If this exemption applies
25 to you and you wish to be transferred to another week, then I

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1 would need for you to please stand at this time.

2 Just two of you, please stand there. Your juror
3 number, ma'am?

4 JUROR 168: 168.

5 THE COURT: Come forward.

6 (The following proceedings were had outside the
7 hearing of the jury panel.)

8 THE COURT: Ms. Volquez.

9 JUROR 168: I am a teacher. I don't have
10 replacement for this week.

11 THE COURT: When are you available?

12 JUROR 168: First of May is fine.

13 THE COURT: I'll transfer you to May term. See the
14 clerk of court. She'll take your badge.

15 THE BAILIFF: Juror 131.

16 THE COURT: Mr. Patel?

17 JUROR 131: Yes, sir.

18 THE COURT: Tell me about it.

19 JUROR 131: Go to USC. Study finance.

20 THE COURT: You're in school now?

21 JUROR 131: Yes, sir.

22 THE COURT: Good luck.

23 When would you be able to come back?

24 JUROR 131: Summertime, June, July.

25 THE COURT: Which one, or does it matter?

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1 JUROR 131: Towards the end of June.

2 THE COURT: Thank you for coming in today. Good
3 luck with your studies. See the clerk of court. She'll take
4 your badge and transfer you to end of June.

5 (The following proceedings were had within the
6 hearing of the jury panel.)

7 THE COURT: Is there any member of the jury panel
8 who is employed with the Department of Corrections, at a
9 penitentiary? If so and you wish to be be exempted on that
10 basis, please stand at this time.

11 Is there any member of the jury panel who performs
12 services for a business, commercial, or agricultural enterprise
13 which are so essential to the operation of the enterprise, that
14 if you were required to perform jury duty, the enterprise would
15 have to close or stop functioning. If so, and you wish to be
16 exempted on that basis, please stand at this time.

17 Your juror number?

18 JUROR 150: 150.

19 THE COURT: Come forward.

20 (The following proceedings were had outside the
21 hearing of the jury panel.)

22 THE COURT: How are you doing, sir? Stan Sill.

23 Yes, sir, tell me about it.

24 JUROR 150: I own insurance, sell insurance. I'm
25 the only one there. No one would be there as long as I'm gone.

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1 No employees or anything like that.

2 THE COURT: See the clerk of court. She'll take
3 your badge. Thank you for coming.

4 THE BAILIFF: Juror number 87.

5 THE COURT: You're Ms. Jones?

6 JUROR 87: Uh-huh. I'm self-employed. I'm an
7 aesthetician.

8 THE COURT: One-man operation?

9 JUROR 87: Uh-huh.

10 THE COURT: What we can do is I can excuse you for
11 that basis. Just see the clerk. She'll take your badge.

12 JUROR 87: Thank you.

13 THE BAILIFF: Juror 120.

14 THE COURT: You're Mr. Molony?

15 JUROR 120: Yes, sir.

16 THE COURT: Tell me about it.

17 JUROR 120: I'm a one-man operation. I don't have
18 secretaries. I work as independent contractor of financial
19 services. If no one is there, it's stopped. My main concern.

20 THE COURT: You wish to be excused?

21 JUROR 120: If I can.

22 THE COURT: Only reason I ask, very successful
23 operation. If you want to -- this is an exemption, which means
24 you have the right to stay or go.

25 JUROR 120: Yes. I just started this job a few

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1 months ago. It is uphill climb.

2 THE COURT: Good luck to you. We can excuse you.

3 See the clerk of court.

4 JUROR 120: Appreciate it. God bless.

5 THE BAILIFF: Juror 164.

6 THE COURT: Yes, ma'am.

7 JUROR 164: I am the only manager at the surgery
8 center. I'm only full-time oriented. I'm training another
9 one. For me to be out all week, if I'm not there, we don't do
10 surgery.

11 THE COURT: Thank you for sharing that with me.

12 I noticed that you were transferred already. What
13 was the reason for that?

14 JUROR 164: Sick with COVID.

15 THE COURT: That doesn't quite fit in the peg. I
16 can transfer you to another term, give you some more notice.

17 JUROR 164: That would be great. We had a leak
18 during the cold spell.

19 THE COURT: They do plumbing, too?

20 JUROR 164: We were closed for a month. We're just
21 really busy right now.

22 THE COURT: What about September, October?

23 JUROR 164: That's fine.

24 THE COURT: Just see the clerk, and she will
25 transfer you.

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1 (The following proceedings were had within the
2 hearing of the jury panel.)

3 THE COURT: Ladies and gentlemen, that concludes
4 the statutory lists of qualifications and exemptions for jury
5 service. It may be that you were qualified, no exemptions
6 apply to you but jury service this week would constitute an
7 extreme hardship on you for a particular reason. I cannot
8 permanently excuse a qualified juror from jury service. Under
9 extreme and compelling circumstances, I can excuse a juror from
10 this term of court and transfer the juror to another term of
11 court, particularly jurors who have not been previously
12 transferred. Please understand that general inconvenience is
13 not a sufficient reason to transfer you to another term of
14 court. To justify a transfer to another term of court, service
15 this week must constitute an extreme hardship to you.

16 Ladies and gentlemen, this is now the chance for
17 those of you who did not respond earlier to any questions that
18 I asked, and those of you who have a compelling reason to
19 request a transfer of your service to another week to come
20 forward. If you believe that you are disqualified or exempt
21 from jury service, or if you have any questions about whether
22 you are disqualified or exempt, or if you wish to request or
23 discuss with me a compelling reason that you wish to request a
24 transfer to another week, I would ask that you please stand at
25 this time.

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1 THE BAILIFF: Juror number 1.

2 (The following proceedings were had outside the
3 jury panel.)

4 THE COURT: You are Ms. Abbott?

5 JUROR 1: Yes, ma'am.

6 THE COURT: Tell me.

7 JUROR 1: Friday I had to go to the hospital. Six
8 weeks pregnant. There were unexplained -- they wanted me to
9 get checked today. But I had to be here. Stress on the baby.

10 THE COURT: Thank you for sharing that with me.
11 Good luck with that. If we try to say towards the end of the
12 year?

13 JUROR 1: That's fine.

14 THE COURT: See the clerk of court. She will take
15 your badge. Give her to the end of the year.

16 THE BAILIFF: Juror number 29.

17 THE COURT: You're Ms. Burger?

18 JUROR 29: I do not have a record but all my civil
19 rights have been returned to me. I'm able to own a firearm and
20 all that, the other great stuff. I just wanted to make you
21 aware, just in case. I ran a background from SLED, there's
22 nothing there. I did another for Good Hire, and they're all
23 misdemeanors.

24 THE COURT: Thank you for sharing that with us.
25 You get to stay with us. Thank you.

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1 THE BAILIFF: Juror 138.

2 THE COURT: You are Mr. Pike. Tell me.

3 JUROR 138: 2019 I was divorced. Everything was
4 running smooth. I had to go through the whole process to prove
5 my innocence. I don't feel like I cannot have a bias on me.

6 THE COURT: Thank you for sharing that with us.
7 Simply because you've told me about that now, do not think
8 there is not another question when we get to the jury selection
9 process that is an appropriate response to a question I need
10 you to answer again. That type of response does not disqualify
11 you from serving on the jury as part of the jury voir dire.
12 Thank you for giving that to us.

13 THE BAILIFF: Juror 111.

14 THE COURT: You're Ms. McDowell?

15 JUROR 111: I have two reasons. My biggest reason
16 is transportation. Me and my fiance sharing vehicle, makes it
17 a little difficult. He's in the parking garage right now
18 waiting for me..

19 THE COURT: I hate that part.

20 JUROR 111: Really short staff. Me and one other
21 person. She is there currently by herself. If I could get the
22 time rescheduled to a better time.

23 THE COURT: What do you do?

24 JUROR 111: I work for finance. We process loans.

25 THE COURT: Thank you for sharing that with us. On

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1 the transportation issue, if by chance you are so lucky to be a
2 member of the jury, we can provide transportation.

3 JUROR 111: All right.

4 THE COURT: We are going to select a jury for the
5 case probably within the next hour and 15 minutes. And at that
6 point, if you're not selected to be part of the 12 or 14, you
7 can leave for the day and not come back until we need you
8 again. I just know the first case might take the week, it
9 might not. We could resolve it. There's a good chance as far
10 as the jury, you would not come back. I only mention that, if
11 I do transfer you now, you'll start the process over again.

12 JUROR 111: Right.

13 THE COURT: People like you are very important with
14 the successful operation to serve.

15 Based on having one other person, could probably
16 transfer you out. I would like to let you know, if I do
17 transfer you, you would not be transferred again for any
18 reason.

19 JUROR 111: I can give her a heads up so I don't
20 have anybody to fill in.

21 THE COURT: You want to be transferred out?

22 JUROR 111: Yes.

23 THE COURT: When is better?

24 JUROR 111: Next month or April.

25 THE COURT: We'll transfer you out to April. Good

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1 luck to you and your boyfriend waiting in the garage.

2 JUROR 111: My job requests that I have something
3 with my name showing that I came today.

4 THE COURT: The clerk of court can help you.

5 JUROR 111: Thank you.

6 THE BAILIFF: Juror 26.

7 THE COURT: 26?

8 JUROR 26: 26.

9 THE COURT: Yes, ma'am.

10 JUROR 26: I work at the Honeywell Air Space plant,
11 and I'm a non-stop buyer. My manager was on vacation last
12 week. So I had my jury duty delayed. She and I are the only
13 ones that do the special ordering. She had her hand crushed.
14 Now she has pins, might be a month before she will be back. I
15 wanted to see if I can get this delayed again. She won't have
16 full use.

17 THE COURT: You already used that.

18 JUROR 26: I did. I did.

19 THE COURT: I'm reluctant because that was used
20 before. People like you are very important to the successful
21 operation.

22 JUROR 26: I understand.

23 THE COURT: We will probably pick the first jury in
24 about an hour. If you were not selected, you will leave and
25 there's a chance you might not come back until the end of the

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1 week. Not guaranteed. I'm not feeling that it will be over.
2 I mention that to you, if I did transfer you, which I'm not
3 wanting to, you would have to start back over again.

4 JUROR 26: Right.

5 THE COURT: And you've already had this much
6 invested in it.

7 JUROR 26: I understand. They're not going to
8 shutdown the plant. It might delay processes.

9 THE COURT: Just stay with us.

10 JUROR 26: Okay.

11 THE COURT: Thank you.

12 THE BAILIFF: Juror 151.

13 THE COURT: You're Mr. Smith?

14 JUROR 151: Hey, how are you doing? Just a medical
15 issue. I just want you to be aware. I have an implant, and I
16 take medicine three to four times a day. I have it with me. I
17 just want to be.

18 THE COURT: You're going to need to take it while
19 you're here?

20 JUROR 151: Between 12:30 and 1:30.

21 THE COURT: Thank you very much for sharing that.
22 If it gets to be that time is approaching and you are selected
23 to be on the jury, remind one of the bailiffs to let you take
24 it.

25 JUROR 151: Okay. Thank you very much.

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1 THE BAILIFF: Juror 163.

2 JUROR 163: The job I got is truck driver. Been
3 off for a week. I usually go out for a month, 30 days. And
4 I've already been home for a week. I'm afraid another week
5 being home is too much for the company. The payments on a
6 brand new truck, that they might let me go. I don't know.
7 Just wanted to let somebody know.

8 THE COURT: That won't suffice. You have to
9 transfer?

10 JUROR 163: That wasn't the reason I was on the
11 road. My wife called. I drive all over the country.

12 THE COURT: I appreciate you standing. I
13 understand the burden placed on you. It's the same for
14 everybody has to deal with. People like you are so important
15 to the successful operation of jury system. Without you we
16 would collapse, if you've already transferred before. Because
17 if I could do, it's going to be the same situation.

18 JUROR 163: Right.

19 THE COURT: What you're telling me, that's not one
20 of the pegs that I have to find that the Legislature says I can
21 permanently excuse.

22 JUROR 163: Even if I lose my job?

23 THE COURT: That's why we give you the opportunity
24 to be able to have some place to fill in, notify your employer.

25 JUROR 163: They know about it. I talked to them.

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1 I didn't know it was going to be a week.

2 THE COURT: You didn't know it was going to be a
3 week?

4 JUROR 163: No.

5 THE COURT: The notice that went out, it was going
6 to be a week of service.

7 JUROR 163: Not sure.

8 THE COURT: I believe it did.

9 It would help if you would share that with your
10 employer.

11 JUROR 163: I'll tell them today. Okay.

12 THE COURT: I mean, if I transfer you one more
13 time, you can't be transferred again. You've already stayed --
14 let me finish. You've already stayed here all morning. We're
15 about to pick the first jury. If you do not get selected, 14
16 people, likelihood you won't come back. First case may not
17 end. Not guaranteed transfer you go through this again.

18 JUROR 163: I'll just stay.

19 THE COURT: You can call. I have a lot of people
20 coming in. My hands, if I give -- you are a qualified juror, I
21 cannot just dismiss you.

22 JUROR 163: Just take my chances. I don't mind. I
23 don't mind serving.

24 THE COURT: I understand. If you need something to
25 tell your employer some notification, she's more than --

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1 JUROR 163: That would be --

2 THE COURT: Absolutely. Just let us know.

3 JUROR 163: Okay.

4 THE COURT: Thank you.

5 THE BAILIFF: Juror 99.

6 THE COURT: You are Ms. Lively?

7 JUROR 99: I have a contract. I'm a traveling
8 nurse. I can't miss days on that contract. They will let me
9 go from there. I'm only provider for my home. I pay my own
10 bills. 13-week contract, ends April. I don't know if I could
11 be moved to May.

12 THE COURT: I'm not understanding. You're here
13 now.

14 JUROR 99: I have to come back into town to deal
15 with this. I go Tuesday through Friday on a travel contract.
16 I have to go back up to North Carolina. I stay there. All my
17 travel contract for nursing is at homes.

18 THE COURT: Best I can do, transfer you out. Your
19 job requirements will not be a basis to transfer you again.

20 JUROR 99: That's fine.

21 THE COURT: When would be a good --

22 JUROR 99: May. 13th to end of April.

23 THE COURT: Transfer to May?

24 JUROR 99: Yes.

25 THE COURT: Just see the clerk of court. She'll

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1 transfer you.

2 THE BAILIFF: 162.

3 THE COURT: You're Ms. Taghavie.

4 JUROR 162: I have an appointment. On Wednesday I
5 booked a month ago.

6 THE COURT: What kind?

7 JUROR 162: Either increase or maintain dosage. If
8 I don't make it Wednesday.

9 THE COURT: Is it in person?

10 JUROR 162: In person. In Greenville near Heywood
11 Mall.

12 THE COURT: Okay. Thank you for sharing that with
13 me. Let me explain something to you. You're very important to
14 serve on jury duty. We need people like you to serve.
15 Wouldn't be able to function without you. You've already been
16 here all morning. We're about to pick the first jury, 14
17 people. If you're not one of the 14, you would go home.
18 There's a strong likelihood you won't come back, not a
19 guarantee.

20 If I transfer you out, your service, you get sort
21 of no credit for what's already done. The likelihood you'll be
22 transferred again, say something else came in, likely to be
23 transferred would be slim, if at all. I just share that with
24 you. I don't want you to miss your doctor appointment to get
25 your medicine prescribed. I also don't want to make you come

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1 back in the future. Some people choose to stay with us, see
2 how it goes.

3 JUROR 162: If I chose to stay, get selected?

4 THE COURT: Then you have to serve.

5 JUROR 162: I won't miss that. It makes me a
6 better parent. I will choose the transfer.

7 THE COURT: I appreciate you sharing. Encourage
8 you not to look at it as being a choice. You're also a
9 citizen. See, we need people like you to serve.

10 JUROR 162: I understand. I don't want to get out
11 of it. Taking my anxiety medicine is making me a much better
12 parent than when I'm not on it. I'm not going backwards.

13 THE COURT: I would say I'll transfer you out to
14 when?

15 JUROR 162: Anytime other than Wednesday.

16 THE COURT: One month?

17 JUROR 162: That's fine.

18 THE BAILIFF: 74.

19 THE COURT: You are Mr. Hazeres?

20 JUROR 74: I have surgery scheduled for Thursday.
21 And it's very hard to get that rescheduled due to my job. I'm
22 a traveling sales guy. I'm commissioned base.

23 THE COURT: Surgery, how long is it going to take
24 to be out?

25 JUROR 74: Three days.

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1 THE COURT: Will you be able to function again in
2 three days if --

3 JUROR 74: After, yes, following week.

4 THE COURT: Thank you for sharing that with me. I
5 could transfer you out, reschedule you to come in.

6 JUROR 74: As long as everything go fine with the
7 surgery.

8 THE COURT: Transfer you out, make it about a
9 month.

10 JUROR 74: Sure.

11 THE COURT: Transfer you. See the clerk of court.
12 Good luck to you, sir.

13 THE BAILIFF: 177.

14 JUROR 177: George Wofford, yes, sir.

15 THE COURT: You're 170?

16 JUROR 177: 177. My uncle passed away. His
17 funeral is tomorrow afternoon.

18 THE COURT: Sorry to hear about that. Thank you
19 for sharing that with us. So you want to transfer?

20 JUROR 177: Yes, sir, I can serve any other time.

21 THE COURT: See the clerk of court. Next month?

22 JUROR 177: That's fine.

23 THE COURT: See the clerk of court to transfer you.

24 JUROR 177: Thank you, sir.

25 (The proceedings were had within the hearing of the

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1 jury.)

2 THE COURT: Thank you, ladies and gentlemen. The
3 jury is now qualified for the week. Couple of little
4 instructions. It's very important that you not have any
5 contact with any of the parties that will be involved in the
6 cases, either lawyers or any of the possible witnesses.

7 If by chance you are coming and going from the
8 courthouse, and you see these people, don't even say hello to
9 them. Also, don't think they're being rude to you if they
10 don't speak to you. They're simply following the same
11 instructions that I'm giving to you about don't have any
12 communication or contact with those people.

13 I need you to be prompt, and we ask you to be here
14 a certain time, if you are selected to be part of the jury,
15 please do so. It's not fair to your other fellow jurors if one
16 or two jurors are late.

17 Ladies and gentlemen, if an emergency occurs at
18 home or work or otherwise, reach out to one of the individuals
19 that are wearing the red jackets. These are the bailiffs.
20 They're here to assist you with those types of situations, and
21 they'll be sure that any type of communication that needs to be
22 had with any court official takes place.

23 Ladies and gentlemen, again, thank you very much
24 for your participation in the qualification process. I'm going
25 to ask the lawyers in the first case to step up for just a

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1 moment. Give me one second, ladies and gentlemen.

2 (Off-the-record discussion.)

3 THE COURT: Ladies and gentlemen, what we're going
4 to do, we're going to move into the selection of our first jury
5 for the week, but we're going to take a ten-minute break. I'm
6 going to let you -- there's bathrooms across the hall. I'm
7 going to step down. Need you to be back in here, according to
8 that clock on the wall, be back here about 25 minutes until
9 12:00.

10 THE CLERK: Take them back to the jury assembly
11 room. We'll bring you back in about ten, 15 minutes. Go with
12 the bailiff to the jury assembly room. Get you back here
13 shortly.

14 (The jury exited the courtroom from 11:20 a.m. until
15 11:43 a.m.)

16 THE COURT: Y'all don't know how good it's going to
17 be to be in the new building. After this service this week,
18 you have three years of protection. I would encourage you to
19 come visit the new building after we get into it.

20 What you're experiencing in this building is what
21 they looked at in the early 1960s as to what a courthouse would
22 be and the needs of the judicial system has changed
23 dramatically since the early '60s. I encourage you to please
24 come back and take a look at your new building.

25 Ladies and gentlemen, we're now going to do the

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1 selection of the first jury for the week. We're going to begin
2 the jury selection in the case of the State of South Carolina
3 versus Rishard Lewis Geter. I have some questions I need to
4 ask you. Before I ask you these questions, the clerk of court
5 needs to swear you in one more time. Please stand and raise
6 your right hand.

7 (The jury panel was duly sworn.)

8 THE COURT: You may be seated, ladies and
9 gentlemen.

10 If ever you can't hear me when I ask these
11 questions, please just raise your hand and let me know. Again,
12 ladies and gentlemen, we're now going to move into the jury
13 selection of the case of the State versus Rishard Lewis Geter.

14 I'm going to ask if Mr. Geter would please stand
15 and face the ladies and gentlemen. Ladies and gentlemen, this
16 is Mr. Geter. Mr. Geter is charged by way of an indictment of
17 one count of murder, which the indictment provides that
18 Mr. Geter did, in Spartanburg County, on or about November 1,
19 2019 feloniously, willfully, and with malice aforethought, kill
20 one Jason Eison by shooting him.

21 He's also charged with Count 2 under that same
22 indictment with possession of a weapon during the commission of
23 a violent crime. That part of the indictment provides that
24 Mr. Geter did, in Spartanburg County, on or about November 1,
25 2019, visibly displayed a firearm during the commission or

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1 attempt the commission of a violent crime, that being murder.

2 He's also charged by way of a separate indictment,
3 breach of peace of high and aggravated nature. That indictment
4 provides that Mr. Geter did, in Spartanburg County, on or about
5 November 1, 2019, disturb and break the peace and/or
6 tranquility of the general public in the front yard of [REDACTED]
7 Amherst Drive, Spartanburg, South Carolina in a high and
8 aggravated nature in that he went armed offensively, fired a
9 pistol or firearm at such location at a time while persons were
10 in or near the front yard, placing those persons in grave and
11 serious danger of violent injury or death.

12 Ladies and gentlemen, Mr. Geter has plead not
13 guilty to these charges and, therefore, our purpose in this
14 trial is to determine whether or not the State can meet their
15 burden of proof of establishing the elements of those offenses
16 beyond a reasonable doubt.

17 Ladies and gentlemen, my first question to you is I
18 would ask that you please stand if you are related by blood or
19 marriage to Mr. Geter or if you have a close personal or social
20 relationship with Mr. Geter or if you have been in any type of
21 employment relationship with Mr. Geter, I would ask that you
22 please stand.

23 Thank you very much. Mr. Geter, thank you very
24 much. You may be seated.

25 Ladies and gentlemen, as I announced when I read

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1 the indictment, the alleged victim in these cases is Jason
2 Eison, E-I-S-O-N. Ladies and gentlemen, if you are related by
3 blood or marriage to Mr. Eison or if you have a close personal
4 or social relationship with him or had a close personal social
5 relationship with him or if you were involved in any type of
6 employment relationship with him, I would ask that you please
7 stand at this time.

8 Thank you very much, ladies and gentlemen.

9 Ladies and gentlemen, I'm now going to read a list
10 of potential witnesses who may be called as part of the trial
11 of this case. I'm going to ask if you would please listen to
12 the names when I call them out. After I have called out all
13 the names of the potential witnesses who might testify in this
14 case, I would ask that you please stand if you are related by
15 blood or marriage to any of these witnesses or if you have a
16 close personal, social, or employment relationship with any of
17 these witnesses, I would ask that you please stand.

18 After I call all the names, then I ask that you
19 stand.

20 I would also ask, if any of these witnesses are
21 present in the courtroom, I would ask that you please stand and
22 face the ladies and gentlemen of the jury when I call your
23 name.

24 Here is the list of potential witnesses that may be
25 called as part of the trial.

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1 We have Kenya Geter. Harlan Geter. Gladys Geter.
2 Torry Geter. LaKia Gooden. Erica Gray. Alexis Daniel
3 Johnson. Shaneice Aleka Johnson. Makhya Lindsey. Matthew
4 Lindsey. Zhaylen Lyles. Donald Martin. Rishard Means.
5 Rodney Lecco Nash. Latonya Ann Parker. Dylan Davis. Russell
6 Porter. Steven Clontz. Edgar Guthro. Jeff Kirby.
7 Christopher Layton. Tim Metz. Louis Nelson. Christy Norkett.
8 Mark Norungolo. Jeffrey Powell. Kaino Rolle or Role. Lauren
9 Russo. Ashley Smith. Brian Stokes. Chris Taylor. William
10 Reece. Caitlin Wright. Kevin Renneker. Maryann Boehm. Tyler
11 Sturkie. Jasmine Ruiz-Ye. Jamie Hall. Nathan Pinker. Ashley
12 Blanton. Dr. Grace Dukes. Desherlia, Jessica. Casandra
13 Walker.

14 Ladies and gentlemen, again, if you're related by
15 blood or marriage to any of those individuals or if you have a
16 close personal, social relationship or employment relationship
17 with any of those individuals, I would ask that you please
18 stand at this time.

19 Ladies and gentlemen, at this time -- yes, ma'am.
20 Your juror number?

21 JUROR 182: 182.

22 THE COURT: You want to come forward. You said
23 182?

24 JUROR 182: Yes, sir.

25 (The following proceedings were had outside the

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1 hearing of the jury panel.)

2 THE COURT: Ms. Young.

3 JUROR 182: Brian Stokes. Brian Stokes.

4 THE COURT: How do you know him?

5 JUROR 182: He's a cop.

6 THE COURT: The fact that you know an individual,
7 would that in any way affect your ability for the State or
8 defense to give a fair and impartial trial?

9 JUROR 182: No.

10 (The following proceedings were had within the
11 hearing of the jury panel.)

12 THE COURT: Ladies and gentlemen, at this time I'm
13 going to ask the lawyers who will be participating in the trial
14 of this case to please stand and introduce themselves to you.
15 We'll start first with the State.

16 MS. CUENCA: Good morning, my name is Maressa
17 Cuenca. I'm a prosecutor here at the Solicitor's Office in
18 Spartanburg County.

19 MR. BULSA: I'm Derrick Bulsa, also with the
20 Solicitor's Office.

21 MR. HALL: My name is Robert Hall, I represent
22 Mr. Geter; from the public defender's office.

23 THE COURT: Thank you very much.

24 Ladies and gentlemen, if you have a close personal
25 or social relationship with any of these lawyers or if you're

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1 related by blood or marriage to any of these lawyers, I would
2 ask that you please stand at this time.

3 Ladies and gentlemen, if you've ever been
4 represented by any of these lawyers that are participating in
5 the trial of this case, I would ask that you please stand at
6 this time.

7 Ladies and gentlemen, if you have ever been a
8 victim of a crime that was prosecuted by the Seventh Circuit
9 Solicitor's Office or if you've ever been a Defendant in a case
10 that was prosecuted by the Seventh Circuit Office or a member
11 of your family were a defendant in a case that was prosecuted
12 by the Seventh Circuit Solicitor's Office, I would ask that you
13 please stand at this time.

14 Ladies and gentlemen, if you've ever been -- if you
15 or an immediate member of your family has ever been represented
16 by anyone from the Spartanburg Public Defender's Office, I
17 would ask that you please stand at this time, if you've ever
18 been represented by the Spartanburg County Public Defender's
19 Office.

20 Likewise, ladies and gentlemen, if you or a member
21 of your family have ever been a victim in a case that was
22 defended by the Public Defender's Office of Spartanburg County,
23 I would ask that you please stand at this time.

24 Has any member of the jury panel or a member of
25 their immediate family ever been a victim of or accused of a

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1 violent crime? If so, please stand at this time.

2 Yes, sir. You want to come down here. Tell me
3 your juror number again.

4 JUROR 138: 138.

5 THE COURT: Come on up.

6 (The following proceedings were had outside the
7 hearing of the jury.)

8 THE COURT: Tell me about it.

9 JUROR 138: Accused of domestic violence. I
10 defended myself. I had to go through the process. I'm not
11 convicted of anything. I did go through the process. It was
12 rough. And I feel like I would be bias.

13 THE COURT: Thank you for sharing that. Now I'm
14 going to ask you a question that I'm asking everyone. The fact
15 that has occurred, would that in any way give State and defense
16 a fair and impartial trial?

17 JUROR 138: I feel like it would.

18 THE COURT: That's good enough. Thank you.

19 Yes, sir. Your juror number?

20 JUROR 64: 64. Domestic and assault violence.

21 THE COURT: Were you accused or --

22 JUROR 64: I was arrested for that in Florida.

23 THE COURT: The fact that occurred, would that in
24 any way affect your ability to be impartial if you're selected
25 on the jury?

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1 JUROR 64: Yeah.

2 THE COURT: Thank you very much.

3 (The following proceedings were had within the
4 hearing of the jury.)

5 THE COURT: Has any member of the jury panel formed
6 or expressed an opinion about any issue or matter that is
7 involved in this case? If so, please stand at this time.

8 Is there any member of the jury panel aware of any
9 bias or prejudice towards either the State or the Defendant in
10 this case? If so, please stand at this time.

11 Is there any member of the jury panel that was a
12 member of the Grand Jury that issued the indictments in this
13 case? If so, please stand at this time.

14 Is there any member of the jury panel who is a
15 member of or contributor to any group which has as its primary
16 concern the promotion of law enforcement or victim's rights.
17 These groups certainly would include but not limited to, MADD,
18 SADD, or CAVE, Citizens Against Violent Crime. If so, please
19 stand at this time.

20 Does any member of the jury panel know of any
21 reason whatsoever why he or she should not serve as a juror in
22 this case with particular emphasis being placed on your ability
23 to be fair and impartial to both the State and the Defendant?
24 If so, please stand at this time.

25 Any additional questions from the State?

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1 MS. CUENCA: Yes, Your Honor; permission to
2 approach?

3 THE COURT: All right.

4 (Off-the-record discussion.)

5 THE COURT: Anything from the defense?

6 MR. HALL: Nothing, Judge.

7 THE COURT: Thank you very much.

8 May I see the lawyers again. I'm sorry.

9 (Off-the-record discussion.)

10 THE COURT: Ladies and gentlemen, let me explain
11 this to you. The clerk of court, she is the lady that sits
12 over here. She is now randomly selecting your names through
13 the computer. And a list is going to be produced.

14 From those lists, the lawyers are going to engage
15 in what we call a striking process so that we will take members
16 off this list and narrow it down to the 14 people that then
17 will be selected as part of this jury.

18 When I started practicing law many years ago, we
19 used to do this. We didn't have computers, didn't have
20 technology so we did it by hand. And we would bring in someone
21 from the School of Deaf and Blind that was visually challenged,
22 put each one of your names in a capsule, put those capsules in
23 a wooden barrel, reach in and pull the names out one at a time.

24 We still have the barrel. It's on the other side
25 of this door. If it's needed and technology goes down, we can

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1 bring the barrel out. Hopefully, we don't have to do that. If
2 we do that, jury selection for a trial might last the entire
3 day.

4 A couple years ago I was doing a trial, technology
5 blew out as we were selecting the jury. We had to bring the
6 barrel out. And everybody in the courtroom gasped. All of a
7 sudden, the magical technological wizard snapped their finger.
8 It was able to work again so we didn't have to do it. We still
9 have that ancient technology of a wooden barrel with capsules
10 if we do need it.

11 Be patient with us a little bit and the clerk of
12 court can punch a button, and we'll have this.

13 Ladies and gentlemen, when your name -- if your
14 name is called, I would ask that you bring any personal
15 belongings that you have with you, coats, pocketbooks, anything
16 you have with you. One of the bailiffs will stand right here
17 in the center of the two tables. Come and stand with the
18 bailiff and face that way, and the lawyers then will announce
19 whether they're striking you from the case or they want you to
20 be seated.

21 Do not take it personal if they tell you -- if
22 they're striking you from the case; they're simply doing their
23 job as lawyers.

24 At this time, we will start the striking process.
25 And just listen to the clerk of court when she calls your name.

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1 Bring any personal belongings with you.

2 THE CLERK: Juror Number 79, Marian Hull.

3 What says the State?

4 MS. CUENCA: Please seat the juror.

5 THE CLERK: What says the defense?

6 MR. HALL: Please swear the juror.

7 THE CLERK: Number 9, Christina Ash.

8 What says the State?

9 MS. CUENCA: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. HALL: Please swear the juror.

12 THE CLERK: 127, Jacqueline Ortiz.

13 What says the State?

14 MS. CUENCA: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. HALL: Please excuse the juror from the trial
17 of this case.

18 THE CLERK: Number 92, Patricia Killford.

19 What says the State?

20 MS. CUENCA: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. HALL: Please swear the juror.

23 THE CLERK: Number 71, Christopher Hire.

24 What says the State?

25 MS. CUENCA: Please present the juror.

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1 THE CLERK: What says the defense?
2 MR. HALL: Please swear the juror.
3 THE CLERK: 135, Heather Patty.
4 What says the State?
5 MS. CUENCA: Please present the juror.
6 THE CLERK: What says the defense?
7 MR. HALL: Please swear the juror.
8 THE CLERK: Number 73, Carla Harris.
9 What says the State?
10 MS. CUENCA: Please present the juror.
11 THE CLERK: What says the defense?
12 MR. HALL: Please swear the juror.
13 THE CLERK: 128, Austin Pack. What says the State?
14 MS. CUENCA: Please excuse this juror.
15 THE CLERK: 24, Nathan Bradley.
16 What says the State?
17 MS. CUENCA: Please present the juror.
18 THE CLERK: What says the defense?
19 MR. HALL: Please swear the juror.
20 THE CLERK: 125, Johnny Nesbit.
21 What says the State?
22 MS. CUENCA: Please present the juror.
23 THE CLERK: What says the defense?
24 MR. HALL: Please swear the juror.
25 THE CLERK: Number 49, Belton Drake.

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1 What says the State?

2 MS. CUENCA: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. HALL: Please excuse the juror from the trial
5 of this case.

6 THE CLERK: 165, Jeffrey Troyer.

7 What says the State?

8 MS. CUENCA: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. HALL: Please swear the juror.

11 THE CLERK: Number 100, Sarah Lloyd.

12 What says the State?

13 MS. CUENCA: Please present the juror.

14 THE CLERK: What says the defense?

15 MR. HALL: Please swear the juror.

16 THE CLERK: Number 52, Deidre Edge.

17 What says the State?

18 MS. CUENCA: Please excuse this juror.

19 THE CLERK: 167, Bailey Sturgill.

20 What says the State?

21 MS. CUENCA: Please excuse this juror.

22 THE CLERK: 134, Christian Paton.

23 What says the State?

24 MS. CUENCA: Please present the juror.

25 THE CLERK: What says the defense?

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1 MR. HALL: Please excuse the juror from the trial
2 of this case.

3 THE CLERK: 101, Frederick Lockman.
4 What says the State?

5 MS. CUENCA: Please excuse this juror.

6 THE CLERK: 14, Lorie Beard. What says the State?

7 MS. CUENCA: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. HALL: Please swear the juror.

10 THE CLERK: 35, Melinda Carter.
11 What says the State?

12 MS. CUENCA: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. HALL: Please swear the juror.

15 THE COURT: We'll go with two alternates.

16 THE CLERK: 129, Terri Palmer.
17 What says the State?

18 MS. CUENCA: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. HALL: Please swear the juror.

21 THE CLERK: 174, Angela Wilkerson.
22 What says the State?

23 MS. CUENCA: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. HALL: Please swear the juror.

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1 THE CLERK: The jury selection is complete.

2 THE COURT: Thank you, madam clerk. Anything
3 concerning the manner and method of selection of the jury from
4 the State?

5 MS. CUENCA: Nothing from the State, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. HALL: Nothing from the defense, Your Honor.

8 THE COURT: Thank you very much.

9 Ladies and gentlemen who were selected to be our
10 first jury for the week, congratulations. Give me one moment,
11 I need to speak with the ladies and gentlemen who unfortunately
12 did not get selected.

13 Ladies and gentlemen, thank you for your time and
14 your patience while we went through the jury qualification
15 process, also the voir dire process, and the selection process
16 of our first jury for the week. I ask, if you would now, as I
17 let you return back to the jury assembly room and receive
18 further instructions, I would ask, if you would, as you exit
19 the courtroom, to do so quietly because we're going to continue
20 to work here.

21 Thank you very much for your attendance and your
22 patience with us. You may retire back to the jury assembly
23 room.

24 (The jury panel exited the courtroom).

25 THE COURT: Ladies and gentlemen, congratulations

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1 on being selected as the first jury for the week. Throughout
2 the course of this proceeding, I'll be giving you some
3 instructions. I'm about to give you two instructions that will
4 apply from this moment forward all the way to the end of the
5 case, until you begin and finish your deliberations in the
6 case.

7 Ladies and gentlemen, you have been selected to be
8 the jury in this case. And what you're going to be asked to do
9 at the end of this case is to engage in deliberations about the
10 case. The deliberations will require you to begin and have
11 discussions about the case among yourselves, about the evidence
12 that has been presented, and the law that I will tell you to
13 apply in this case.

14 My first instruction to you: Until you begin your
15 deliberations, which is at the end of the case after all the
16 testimony is presented and I have instructed you on the law,
17 until you begin your deliberations, you are not to have any
18 discussions with anyone about anything involving this case.

19 You might go to lunch or tonight at supper, a
20 family member will say, I heard you got selected to be in a
21 trial, what kind of case. They might say it's so exciting,
22 tell me about it. Very politely tell them that the judge has
23 ordered me: I cannot have any discussions with anyone about
24 anything involving the case.

25 After it's over and the verdict has been reached in

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1 this case, you can talk to anybody as much as you want to until
2 you're blue in the face. Until the deliberations have
3 concluded, you are not to discuss this case with anyone
4 outside, ladies and gentlemen. That includes not only family
5 and friends, that also includes among yourselves. You cannot
6 have any discussions about anything involving the case among
7 yourselves or with anyone else until the case -- until you
8 start your deliberations at the end of the trial. That's
9 number one.

10 Number two: Do not do any type of independent
11 research or investigation into anything involving the case.
12 The decisions that you will make in your deliberations has to
13 be made based on the evidence and information that you receive
14 during the course of this trial and the law that I will
15 instruct you to apply to that evidence. So do not do any type
16 of independent research or investigation.

17 I've announced -- I've read the indictments to you.
18 If you think you've heard a street address, do not go out of
19 your way to drive by that address.

20 The lawyers have introduced themselves to you. I
21 told you who I am. Do not do any type of Internet research as
22 to who Judge Mark Hayes is or one of the lawyers are.

23 Do not do any type of independent research or
24 investigation into anything involving this case. Your decision
25 in this case has to be based solely on the evidence that is

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1 presented and the law that I give you.

2 That includes, ladies and gentlemen, perhaps I or
3 one of the lawyers might use a word that you just don't quite
4 understand during the course of this trial. Do not even go to
5 the shelf and pull Webster's Dictionary off the shelf to look
6 up a word. Allow the lawyers and me to educate you as to what
7 it is you are to consider as part of your deliberations.

8 With those two instructions, don't have any
9 discussions with anyone including yourselves about anything
10 involved in the case; do not do any type of independent
11 investigation, I think it's time for you to go to lunch.

12 Ladies and gentlemen, I'm going to ask you, if you
13 would, to be back in the jury deliberation room. The bailiffs
14 will show you where the jury deliberation room is. They'll
15 also explain to you how to come and exit the courtroom or
16 courthouse.

17 I'm going to ask, if you would, be back in the jury
18 deliberation room by 1:00 -- I'm sorry, make that 2:00. I'm
19 looking at the clock on the wall. Hour-and-a-half for lunch.
20 There are matters that I have to take up with the lawyers. It
21 has to be done outside of your presence; hopefully, we'll be
22 able to get those done by the time that you return from lunch.

23 Again, thank you for your patience while we went
24 through the jury selection process. You may go with the
25 bailiff, and they'll take you to the jury deliberation room.

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1 (The jury exited the courtroom at 12:25 p.m.)

2 THE COURT: If I remember correctly, there's no
3 Jackson v. Denno. There's no type of hearing. Was there an
4 issue that I needed to address prior to the start?

5 MS. CUENCA: Yes, Your Honor, I think there are
6 some brief pretrial motions.

7 MR. HALL: They asked if I would stipulate to the
8 chain, and I said, having discussed this in the past with my
9 client, he wants the people there. I understand what the law
10 is about a clean chain. I would ask, in the past, we're asking
11 that they bring everybody in. I'm not going to have a lot of
12 questions, I just want to make sure they have everybody in the
13 chain to establish it completely.

14 MS. CUENCA: Your Honor, the State will have very
15 brief motions regarding just the drugs that were found within
16 the victim's body, a motion in limine, Your Honor. So they're
17 not brought into the testimony as well as a very brief
18 third-party guilt, Your Honor, that can be brought in.

19 THE COURT: You intend to bring up third-party
20 guilt?

21 MR. HALL: Your Honor, we're just saying we didn't
22 do it, somebody else must have. We're not identifying
23 somebody.

24 THE COURT: Tell you what. Let's get back together
25 about ten minutes til 2:00 and try to sort through anything

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1 that's left.

2 How many chain witnesses, Mr. Hall, is the State
3 going to bring in?

4 MS. CUENCA: Your Honor, there are three SLED
5 reports; serology, GSR, as well as the DNA. The State is only
6 planning to bring in the witnesses that actually opened the
7 sealed evidence, Your Honor, and tested it. We're not planning
8 to bring anyone from evidence control that moved a box from one
9 location to the other as well as on the site of the Spartanburg
10 Police Department, Your Honor, who either brought it into the
11 evidence room or took it to SLED, Your Honor. Again, moving
12 things around in the evidence room, it is the State's position
13 regarding the essential chain of custody on the case.

14 THE COURT: Okay.

15 MR. HALL: I beg your pardon. Your Honor, given if
16 they have a conviction, I want it to be a clean record for
17 issues of appeal on conviction for my client, for
18 post-conviction relief hearing, I would prefer whatever happens
19 in this case not to have to come back. I'm at that point where
20 I'm looking at retirement. I don't want to have to come back.
21 I just want to make sure everything is as clean as possible.

22 THE COURT: Is there a particular need for the
23 State -- can you articulate any particular need for the State
24 to do more than what they presented or said that they're going
25 to do?

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1 MR. HALL: From what I understand, they're saying
2 once something is sealed, anyone who just transports it does
3 not need to be here. I understand that. I understand the case
4 law in that.

5 As I understand, if I will have anything other than
6 a preference, my client wants to have all the chain witnesses
7 here. I don't think they will be long. Just tell what they
8 did, and that's it. I won't be asking anything except if they
9 tampered with it or anything, and that would be it.

10 MS. CUENCA: Your Honor, if I may be heard. The
11 State can provide the State v. Hatcher, which is what it's
12 relying on for the chain of custody, Your Honor. The whole
13 thing of that one indicates the State does not have to
14 establish the identity of every person handling the fungible
15 items, rather establish the chain of custody as far as
16 practical, Your Honor. These are SLED witnesses that are
17 coming from Columbia, Your Honor. Based on State v. Hatcher,
18 that is the reason the State is only bringing those that
19 actually engaged with the evidence, Your Honor.

20 THE COURT: I'm not going to tell the lawyers what
21 to do or what not to do. He says he's going -- Mr. Hall, I'm
22 hearing him saying he's going to ask the witnesses questions,
23 that if there are chain issues that develop. Nothing that I'm
24 saying here would prevent the State from amending their list,
25 amending what you just told me as to who you're going to bring

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1 in.

2 If issues arise during the course of this trial
3 that the State feels they need to bring in more chain
4 witnesses, bring in more chain witnesses. Mr. Hall may raise
5 issues that you feel the need. I'm not going to hold the State
6 to that list.

7 MS. CUENCA: Your Honor, if I may clarify the scope
8 of your ruling. The SLED chain of custody, which we provided
9 to Mr. Hall, has several individuals within that list. Your
10 Honor, we would have to bring and notify each one of them to
11 come if that is what The Court is requiring.

12 THE COURT: The Court is not requiring the State to
13 do anything. The State will present their case the way they
14 want to present it. What I'm saying is that Mr. Hall stated he
15 wants everybody here. I'm not saying: Mr. Hall, he gets
16 everybody here. What I'm saying you have articulated to me the
17 witnesses you feel like you need to bring in to establish a
18 proper chain.

19 I have no idea -- I have not heard any of the
20 evidence. I don't know if it's proper or not. You bring in
21 whoever you want to bring in. If Mr. Hall raises issues during
22 the course of this trial that you feel like, gosh, I need to
23 bring in Joe Smith that gathered the evidence at some point,
24 bring Joe Smith in. I'm not ruling it out.

25 I'm just saying: I've heard this, we'll deal with

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1 these as they come up during the course of the trial. If
2 Mr. Hall does something you feel like you need to bring in
3 somebody else, chain witness, bring them in.

4 MS. CUENCA: Thank you, Judge.

5 THE COURT: Mr. Hall, you can ask whatever
6 questions you want to ask them.

7 MR. HALL: Thank you.

8 THE COURT: Thank you for reminding me of the State
9 versus Hatcher case.

10 MS. CUENCA: Thank you, Judge.

11 THE COURT: Anything else before I step down for
12 lunch?

13 We'll see you-all shortly.

14 (A luncheon recess transpired from 12:32 p.m. until
15 1:50 p.m.)

16 (STATE EXH. 1, Photograph, was marked for
17 identification.)

18 (STATE EXH. 2, Photograph, was marked for
19 identification.)

20 (STATE EXH. 3, Photograph, was marked for
21 identification.)

22 (STATE EXH. 4, Photograph, was marked for
23 identification.)

24 (STATE EXH. 5, Photograph, was marked for
25 identification.)

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1 (STATE EXH. 6, Photograph, was marked for
2 identification.)

3 (STATE EXH. 7, Photograph, was marked for
4 identification.)

5 (STATE EXH. 8, Photograph, was marked for
6 identification.)

7 (STATE EXH. 9, Photograph, was marked for
8 identification.)

9 (STATE EXH. 10, Evidence legend, was marked for
10 identification.)

11 (STATE EXH. 11, Photograph, was marked for
12 identification.)

13 (STATE EXH. 12, Photograph, was marked for
14 identification.)

15 (STATE EXH. 13, Photograph, was marked for
16 identification.)

17 (STATE EXH. 14, Photograph, was marked for
18 identification.)

19 (STATE EXH. 15, Photograph, was marked for
20 identification.)

21 (STATE EXH. 16, Photograph, was marked for
22 identification.)

23 (STATE EXH. 17, Photograph, was marked for
24 identification.)

25 (STATE EXH. 18, Photograph, was marked for

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1 identification.)
2 (STATE EXH. 19, Photograph, was marked for
3 identification.)
4 (STATE EXH. 20, Photograph, was marked for
5 identification.)
6 (STATE EXH. 21, Photograph, was marked for
7 identification.)
8 (STATE EXH. 22, Photograph, was marked for
9 identification.)
10 (STATE EXH. 23, Photograph, was marked for
11 identification.)
12 (STATE EXH. 24, Photograph, was marked for
13 identification.)
14 (STATE EXH. 25, Photograph, was marked for
15 identification.)
16 (STATE EXH. 26, Photograph, was marked for
17 identification.)
18 (STATE EXH. 27, Photograph, was marked for
19 identification.)
20 (STATE EXH. 28, Photograph, was marked for
21 identification.)
22 (STATE EXH. 29, Shell casings, was marked for
23 identification.)
24 (STATE EXH. 30, Shell casings, was marked for
25 identification.)

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1 (STATE EXH. 31, Shell casings, was marked for
2 identification.)

3 (STATE EXH. 32, Shell casings, was marked for
4 identification.)

5 (STATE EXH. 33, Shell casings, was marked for
6 identification.)

7 (STATE EXH. 34, Shell casings, was marked for
8 identification.)

9 (STATE EXH. 35, Shell jacket, was marked for
10 identification.)

11 (STATE EXH. 36, Gunshell, was marked for
12 identification.)

13 (STATE EXH. 37, Gunshell, was marked for
14 identification.)

15 THE COURT: Are y'all ready for any of the pretrial
16 issues that I need to clarify?

17 MS. CUENCA: Yes, Your Honor. The State's motion
18 in limine was to exclude any reference to drugs that were found
19 in the victim. Your Honor, that is under 404 -- rather 402,
20 not relevant and 403 with unfair prejudice, Your Honor. That
21 is the basis for the State asking to exclude any of that from
22 being asked to any of the witnesses into evidence, Your Honor.

23 THE COURT: What drugs are supposed to be found?

24 MS. CUENCA: Your Honor, there was methamphetamine
25 and amphetamine, Sudafedrin, morphine, fentanyl, and more

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1 fentanyl, Your Honor.

2 THE COURT: Yes, sir.

3 MR. HALL: Your Honor, I did not hear the first of
4 it. She turned her head; she has a soft voice. Maybe I'm
5 getting older, it's hard to hear. I think she said --

6 THE COURT: Under 404 and 403, she's moving to
7 exclude -- the way I heard it -- any reference to the drugs
8 that were found in the victim.

9 MR. HALL: Your Honor, she just gave me the marked
10 evidence. Your Honor, I think that it's probably pretty clear,
11 and I don't know whoever shot him, shot him and that's the way
12 it was. I don't think it has anything to do with our case. We
13 didn't do it.

14 THE COURT: Okay. They're not going to bring in --
15 they're not going to elicit testimony from the witnesses about
16 the drugs that were found in the victim.

17 MS. CUENCA: Thank you, Judge.

18 MR. HALL: I think that would have to come from the
19 autopsy anyway, Your Honor.

20 THE COURT: What else from the State?

21 MS. CUENCA: Your Honor, nothing further from the
22 State.

23 THE COURT: Mr. Hall, do you have anything
24 pretrial?

25 MR. HALL: Only thing I have, Your Honor, I do have

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1 a witness I said we would try to do on Wednesday. I think the
2 way things are running with the number of witnesses they have,
3 looks like maybe Wednesday afternoon, if the State has rested,
4 I'll have the witness here to testify.

5 THE COURT: Refresh my memory. Who is that?

6 MR. HALL: Ms. Cassandra Walker.

7 THE COURT: The one that ran out?

8 MR. HALL: Yes. For whatever reason if they are
9 not finished, I would like to be able to call her out of order.
10 She is a physician's assistant and has a schedule she has to
11 keep. Wednesday is her day off. She is coming a long drive
12 from North Augusta. Would like to inconvenience her as least
13 as possible.

14 THE COURT: Okay. Best I can tell you is the State
15 understands your request. Let's see how the trial develops and
16 address what we need to address.

17 MS. CUENCA: The State will premark a few of these
18 exhibits as well.

19 THE COURT: I'll step down. Let me know when y'all
20 are ready.

21 (A recess transpired from 2:00 p.m. until 2:09
22 p.m.)

23 THE COURT: Juror 165, Jeffrey Troyer, will serve
24 as our foreperson on this jury.

25 I understand all the jury is present, the lawyers

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1 are ready for their opening statement. We will bring the jury
2 in.

3 (The jury entered the courtroom at 2:09 p.m.)

4 THE COURT: Good afternoon, ladies and gentlemen.
5 Thank you for being prompt and on time. Sometimes when we keep
6 you waiting, we have to do it because we have to work out here
7 and do things outside of your presence. Apologize for the
8 delay in bringing you back.

9 Ladies and gentlemen, told you there's two
10 preliminary instructions that I gave you. Periodically I will
11 simply ask you questions throughout this trial just to see if
12 they have been complied with, if by any chance anybody has
13 approached you or you've heard anything while you were on a
14 break.

15 Ladies and gentlemen, is there anybody during the
16 break -- I know the courthouse is crowded -- ran into anybody
17 or had any conversations with anybody or heard any
18 conversations that dealt with this case?

19 (No response.)

20 THE COURT: Thank you very much. At this time,
21 ladies and gentlemen, we will need for you -- this lady over
22 here, the clerk of court, she's going to swear you in. Please
23 stand and raise your right hand.

24 (The jury was duly sworn at 2:12 p.m.)

25 THE COURT: Thank you. You may be seated, ladies

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1 and gentlemen.

2 Ladies and gentlemen, before we begin this trial, I
3 want to tell you that this trial probably will be different
4 from what you might expect. Many people do not have the chance
5 to attend an actual court session as you're doing now and may
6 think from watching television or movies or reading books that
7 trials are always full of high drama, intense action, and
8 riveting circumstances.

9 Now, while all of these things may be true at
10 times, ladies and gentlemen, this trial is not for
11 entertainment. It is a fundamental part of our democracy.
12 Oftentimes a trial is slow, deliberate, repetitive; just the
13 opposite of what you may have seen in television or in movies
14 or read in a book.

15 This courtroom is a place of honor dedicated to the
16 protection and preservation of citizen's rights through what
17 many have called the greatest justice system ever created. The
18 attorney's appearing before you, they're advocates for the
19 parties that they represent. First and foremost, they are
20 officers of The Court, sworn to uphold the integrity and
21 fairness of our judicial system.

22 You should expect them to be professional,
23 competent, and ethical in the representation of their client's
24 interest. Remember, ladies and gentlemen, that you have now
25 taken an oath to try this case and reach a fair and just and

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1 proper verdict. You are also expected to be professional,
2 reasonable, and ethical. I thank you for accepting the
3 important responsibility of jury service and for your
4 contribution today to our justice system.

5 Ladies and gentlemen, what I will say now is
6 intended to serve as an introduction to the trial. These
7 remarks are not a charge on the law of the case. I will
8 instruct you on the law applicable to this case at the end of
9 the trial before you retire to consider your verdict. This is
10 merely an explanation, the procedure that we will follow in the
11 trial of this case so that you may better understand what may
12 be happening.

13 The Defendant in this case is charged by way of a
14 written indictment filed with this court with the crimes of
15 murder, possession of a weapon during the commission of a
16 violent crime, and breach of peace of a high and aggravated
17 nature. The elements of which will be explained to you later.

18 These indictments are simply the charge by which
19 the case is brought into court. And it is not in any sense
20 evidence of any of the allegations contained in them.

21 The Defendant has pled not guilty to these
22 indictments. The State, therefore, has the burden of proving
23 each of the elements of these indictments beyond a reasonable
24 doubt. It will be your duty, ladies and gentlemen, to decide
25 whether or not the State has met that burden.

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1 Your purpose, as jurors, is to find and determine
2 the facts of the case. You are the sole judge of the facts.
3 If at any time I make any comments regarding the facts, you
4 must disregard my comments. You are to determine the facts
5 from the testimony you hear and the other evidence introduced
6 in this courtroom. It is up to you to determine the inferences
7 which you may feel may properly be drawn from the evidence.

8 It is especially important that you perform your
9 duty of determining the facts diligently and conscientiously
10 because ordinarily there is no way to correct an erroneous
11 determination of the facts that is made by the jury.

12 On the other hand, with equal emphasis, the same
13 law that makes you the judge of the facts makes me the judge of
14 the law. The law as given by The Court is the only law that
15 you may consider. You must accept and follow it even though
16 you may disagree with it.

17 I cannot tell you what the facts are and you cannot
18 disagree with me about what the law is or should be. Your job
19 is to take the law as I give it to you and apply it to the
20 facts as you find them from the testimony of the witnesses and
21 any other evidence that is introduced. After doing that you
22 will render your verdict a true and just verdict under the
23 solemn oath that you just took as jurors.

24 As I've told you, until I advise you to begin your
25 deliberations, you must not discuss the case with anyone

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1 including your fellow jurors, friends, family members, and
2 anyone involved in this case. That prohibition is against
3 having any discussion with anyone includes face-to-face
4 conversation, by telephone, e-mail, text, blog, or any other
5 method of communication. You must not use a computer, cell
6 phone, or other electronic device with communication
7 capabilities at any time while in this courtroom or during your
8 deliberations or during your breaks or meals or overnight. You
9 may do so but not to do any type of independent research or
10 investigation into anything involving this case.

11 Ladies and gentlemen, you may not at any time use
12 these devices to get or send any information about the case to
13 anyone. That includes to a party, to a witness, to an
14 attorney, to a court official, to a news organization. You
15 cannot give out any information during the course of this trial
16 to anyone.

17 Ladies and gentlemen, during this trial, do not
18 read, listen to, or watch any news reports about this case.
19 This includes anything that may be in a newspaper or on the
20 Internet, radio or television. You must not consider anything
21 you may have read or heard about this case outside of the
22 courtroom whether before or during the trial. After the case
23 is submitted to you, you must discuss it only in the jury room
24 with your fellow jurors.

25 The attorneys and the parties in the case have been

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1 advised they are not to talk to you at all. As I've already
2 said, if you see anyone involved in the case and they do not
3 even say hello to you, they're not being unfriendly. They are
4 just following my instructions.

5 Ladies and gentlemen, it is important that you keep
6 an open mind and not decide any issue in this case until all of
7 the evidence has been presented, the parties have made their
8 closing arguments, and I have instructed you on the law of the
9 case.

10 It is your solemn responsibility to assure that
11 your verdict is based solely and only on the evidence as it is
12 presented to you in this trial and on the law that I instruct
13 you during and at the close of this case.

14 Ladies and gentlemen, in just a moment the
15 Solicitor will make what is called an opening statement in
16 which the Solicitor will explain to you the issues in the case
17 or at least what the Solicitor thinks the issues are in the
18 case.

19 The attorney for the Defendant may also make an
20 opening statement although he is not required to do so. What
21 the attorneys tell you during their opening statement is not
22 evidence in the case. It is only their contention as to what
23 the issues are.

24 The evidence in the case will be presented to you
25 by the testimony of sworn witnesses from the witness stand

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1 and/or any exhibits that may be introduced into evidence.

2 Ladies and gentlemen, from time to time during this
3 trial you may hear one of the lawyers say something like: Your
4 Honor, I believe we have a question of law. Or they may say:
5 A matter of law to discuss with you. Or they may say: Your
6 Honor, may we approach the bench, or sometimes I myself may
7 find it necessary to excuse you from the courtroom for a short
8 while so that the attorneys and I can discuss what are known as
9 matters of law.

10 The reason for this is because you are the judge of
11 the facts in the case and sometimes when I am discussing
12 matters of law with the lawyers, it is necessary for me to make
13 some comment about the facts in connection with the ruling of
14 whether or not a particular law applies or does not apply.

15 I am not supposed to tell you what I think about
16 the facts so, when we have these discussions, I will excuse you
17 from the courtroom while the attorneys and I converse about
18 matters of law.

19 Ladies and gentlemen, in determining what the true
20 facts are in a case, you must decide whether or not the
21 testimony of the witness is believable. It will be my
22 responsibility to rule as a matter of law as to whether certain
23 testimony is admissible at all or not. Once the testimony is
24 admitted, whether or not you believe it is solely for you to
25 determine.

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1 In determining whether to believe a witness, you
2 have the right to consider the interest of any witness, the
3 bias of any witness, the prejudice of any witness, and the
4 opportunity for the witness to have seen the matters and things
5 about which the witness may testify, and the way the witness
6 acts on the witness stand.

7 You have a right to consider anything that is in
8 the record that will help you evaluate the testimony of a
9 witness. That means that it is your duty to pay close
10 attention to the witnesses, to observe the witnesses, to listen
11 to the witnesses, and to pay close attention to the attorneys
12 and to The Court. Do not let your thoughts wander. Give
13 strict attention to the testimony in this case so that, at the
14 end of it all, at the end of all the testimony, after the
15 arguments of Counsel have been made to you, and I have charged
16 you on the law, you will then be in a position to determine
17 what the true facts are and to apply the law to those facts and
18 thus render a true and just verdict.

19 Mr. Foreman, it is your added duty to preside in
20 the jury room and to be the jury spokesperson here in the
21 courtroom. It will also be your duty to write the verdict in
22 this case. I will give you further instructions on that
23 towards the end of the case.

24 In order to preserve everyone's rights, I will give
25 the State an opportunity and the defense an opportunity to

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1 object to anything I've said during these instructions. Does
2 the State have any objections?

3 MS. CUENCA: No objection, Your Honor.

4 THE COURT: Does the defense have any objection?

5 MR. HALL: No objection.

6 THE COURT: Ladies and gentlemen, at this time we
7 will receive the opening statements from the attorneys.

8 MS. CUENCA: May it please The Court, Your Honor,
9 opposing Counsel, ladies and gentlemen of the jury.

10 On November 1, 2019, the victim, Jason Eison,
11 drives over to [REDACTED] Amherst Drive. There's going to be
12 testimony that there was an argument. They were outside of the
13 duplex of [REDACTED] Amherst Drive.

14 And there will also be testimony that, all of a
15 sudden, a truck drives by Amherst Drive where the Defendant,
16 Rishard Geter, gets out of the truck and guns Jason down.

17 Soon after the shooting -- it wasn't just one shot.
18 It wasn't just two shots. The Defendant shot over eight times.
19 Seven of those shots were directed towards Jason Eison. Jason
20 Eison didn't die instantly.

21 Soon after the shooting, the witnesses that were
22 also present there, they left. First, it was the Defendant who
23 left, then the witnesses.

24 After the shooting a few days later, there will
25 also be testimony that the Defendant came over to one of the

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1 witnesses' mother's house to try to bribe her into not saying
2 anything.

3 Now, as the State, it is our burden to prove this
4 beyond a reasonable doubt, to leave you firmly convinced of the
5 three charges that are before you; first of all, of murder,
6 possession of a weapon during a violent crime, as well as
7 breach of peace, high and aggravated in nature.

8 How is this evidence going to be presented to you?
9 There is going to be two ways; first of all, through witness
10 testifying. We're going to have testimony from law
11 enforcement, from Spartanburg Police Department, of the
12 thorough investigation of trying to figure out who was the
13 shooter, which we know was Mr. Geter.

14 You will also hear testimony from different lay
15 witnesses. Now, these lay witnesses will be reluctant because
16 this is a community within this case that are afraid to get
17 involved. They're afraid to come and testify and tell law
18 enforcement what they saw, what they observed.

19 We will also bring in lay witnesses that were
20 there, that have observed certain things of the shooting. That
21 is how the evidence will be presented as well as potentially
22 some exhibits that the State is going to ensure to use in
23 support of this.

24 This is an important case. Use your common sense
25 and the life skills that you use on important decisions every

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1 single day. And at the end of the case I will come back to you
2 and ask you, because of the evidence that was presented, if you
3 are firmly convinced that Mr. Geter was, in fact, the one who
4 shot and gunned down Jason Eison, I'm going to ask you to find
5 him guilty of murder, of possession of a weapon during a
6 violent crime, as well as breach of peace of a high and
7 aggravated nature. Thank you.

8 MR. HALL: May it please The Court, Solicitors.
9 Ladies and gentlemen of the jury, as I told you before, I'm
10 Robert Hall. I represent Mr. Geter. Mr. Geter has been
11 charged with these crimes. He's pled not guilty. That's
12 saying prove it.

13 And the Solicitor is right. The way they do it is
14 presentation of the evidence. It's not the burden that it
15 could've happen. It's beyond a reasonable doubt that it did
16 happen. And that he did it.

17 We don't dispute that there was a killing. We're
18 just asking the State to carry the burden of proof to your
19 satisfaction. You can believe a witness, part of what they say
20 or none of what they say. That's left up to you. To do that,
21 you have to pay attention, listen, and watch while they're
22 testifying. Look at the evidence.

23 At the conclusion of the case I'll be back, like
24 the Solicitor, in time to ask for exact opposite for what she's
25 asking. At that time we both will be pointing out the evidence

OFFICER ROLLE DIR BY MS. CUENCA

1 in the case that you have not yet heard. It's very important
2 that you listen. We just ask that you do your job, pay
3 attention, and listen so you can render what we feel like is a
4 true verdict. Thank you.

5 THE COURT: State ready to call their first
6 witness?

7 MS. CUENCA: Yes, Your Honor. The State calls
8 Officer Kaino Rolle to the stand.

9 THE COURT: Come right over here. Let the clerk
10 swear you in.

11 OFFICER KAINO ROLLE
12 being first duly sworn, testified as follows:

13 THE COURT: Watch your step as you're stepping up.
14 Have a seat in the chair and pull the chair up to the
15 microphone, if you would.

16 DIRECT EXAMINATION

17 BY MS. CUENCA:

18 Q. Good afternoon, Officer Rolle.

19 A. Good afternoon.

20 Q. Please introduce yourself to the jury.

21 A. My name is Officer Kaino Rolle.

22 Q. Officer Rolle, where do you work?

23 A. I work for Spartanburg City Police Department.

24 Q. How long have you been employed by them?

25 A. Four years now.

OFFICER ROLLE DIR BY MS. CUENCA

1 Q. Tell us a little bit of what you do as an officer.

2 A. I'm a patrol officer. Pretty much our job is just
3 designated patrol the area we're assigned to.

4 Q. What kind of training do you receive for your
5 position?

6 A. I went to the South Carolina Criminal Justice
7 Academy. After graduation I did FTO for a total of 120 hours.

8 Q. Were you also an officer for the City on November
9 1, 2019?

10 A. Yes, ma'am.

11 Q. Where were you dispatched on that day, November 1,
12 2019?

13 A. I was dispatched to -- let me look at the paper.
14 [REDACTED] Amherst Drive.

15 Q. What county is that in, Officer Rolle?

16 A. It's in Spartanburg County.

17 MS. CUENCA: Let the record reflect I'm showing
18 opposing Counsel what has previously been marked State's
19 Exhibit 1.

20 THE COURT: Exhibit what?

21 MS. CUENCA: Exhibit 1 and exhibit 2 as well, Your
22 Honor.

23 MR. HALL: We have no objection to 1. We would
24 object to what's in number 2.

25 THE COURT: Okay. No objection to 1. We'll

OFFICER ROLLE DIR BY MS. CUENCA

1 reserve on number 2.

2 BY MS. CUENCA:

3 Q. Officer Rolle, what direction did you drive to get
4 to [REDACTED] Amherst Drive?

5 A. I came off Darby Road. The back way.

6 Q. What exactly do you mean by the back way?

7 A. There's two entrances to get to Amherst. You
8 either take John B. and go Crescent or come off South Forest
9 Street, which will take you in the back way to Crescent, and
10 you take on Darby Road to come around. It's going to be off of
11 Amherst.

12 MS. CUENCA: Your Honor, permission to approach the
13 witness.

14 BY MS. CUENCA:

15 Q. Officer, do you recognize this exhibit?

16 A. Yes, ma'am.

17 Q. Can you describe what that is.

18 A. It's going to be an aerial overview off Darby Road
19 and Amherst Drive.

20 Q. That is the direction that you were driving to get
21 there that day?

22 A. Yes, ma'am.

23 MS. CUENCA: Your Honor, at this time the State
24 would move State's Exhibit 1 into evidence.

25 THE COURT: Without objection.

OFFICER ROLLE DIR BY MS. CUENCA

1 MS. CUENCA: Thank you.

2 (STATE EXH. 1, Photograph, was entered into
3 evidence.)

4 BY MS. CUENCA:

5 Q. Officer Rolle, I'm going to bring you exhibit 1 so
6 you can step down for one second.

7 THE COURT: Officer, you're stepping away from the
8 microphone. Need you to really speak up. You will not be at
9 the microphone. The court reporter as well as all the jurors
10 in the back row need to be able to hear you.

11 THE WITNESS: Yes, sir.

12 BY MS. CUENCA:

13 Q. Officer Rolle, if you come over here, point in what
14 direction you were driving. Point to the exhibit.

15 A. I came off this way (indicating) right here, Darby
16 Road. And I went into Amherst Drive. Parked my vehicle in the
17 front of the residence. Not directly in front but near the
18 residence.

19 THE COURT: I'm sorry. I didn't hear that last
20 part. Need to speak up.

21 THE WITNESS: Which part do you want me to say,
22 Judge? The whole thing?

23 THE COURT: I didn't hear the last part.

24 THE WITNESS: When I came up Darby Road, I made a
25 right on to Amherst Road. I pulled up to the residence.

OFFICER ROLLE DIR BY MS. CUENCA

1 MS. CUENCA: Thank you, Officer. You can go back
2 to the stand.

3 BY MS. CUENCA:

4 Q. Why were you called to [REDACTED] Amherst Drive that day,
5 Officer?

6 A. It was in reference to a shooting.

7 Q. Were you one of the first officers that arrived
8 that day?

9 A. Yes, ma'am.

10 Q. What did you observe when you arrived?

11 A. I observed African-American male laying on the
12 ground near a black-in-color, four-door Chevy Impala without
13 license plate. The male was laying on the ground face up. His
14 head was beside the passenger side tire. Rest of the portion
15 of his body was in the residence -- in the yard of the
16 residence.

17 MS. CUENCA: Your Honor, permission to approach the
18 witness.

19 BY MS. CUENCA:

20 Q. Officer, I'm handing you State's Exhibit Number 2.
21 What is this?

22 A. You said: What is it?

23 Q. Yes. Can you describe it, please.

24 A. Still shot from a body camera.

25 Q. How do you recognize that specific shot?

OFFICER ROLLE DIR BY MS. CUENCA

1 A. Everything I just described, male laying on the
2 ground.

3 Q. Is that a fair and accurate representation of what
4 you saw that day when you arrived?

5 A. Yes, ma'am.

6 MS. CUENCA: Your Honor, at this time the State
7 would move State's exhibit 2 into evidence.

8 MR. HALL: Your Honor, I do want to address an
9 issue what's in the picture.

10 THE COURT: Lawyers want to approach. Bring me the
11 exhibit as well.

12 (The following proceedings were had outside the
13 hearing of the jury.)

14 THE COURT: What's your objection?

15 MR. HALL: My objection, it has the body lying
16 there. I think that's prejudicial.

17 MS. CUENCA: It's doesn't show any blood. It's
18 dark.

19 THE COURT: It's not grotesque.

20 MR. HALL: It's not, I agree, Your Honor.

21 THE COURT: I'm going to allow it.

22 (The following proceedings were had within the
23 hearing of the jury.)

24 THE COURT: I'll overrule the objection.

25 (STATE EXH. 2, Photograph, was entered into

OFFICER ROLLE DIR BY MS. CUENCA

1 evidence.)

2 BY MS. CUENCA:

3 Q. I'm actually going to use exhibit 2. Officer
4 Rolle, is this what you observed when you arrived that day?

5 MS. CUENCA: Your Honor, permission to publish to
6 the jury?

7 THE COURT: Yes, ma'am.

8 MS. CUENCA: Thank you.

9 BY MS. CUENCA:

10 Q. It's probably not showing the best. Is that
11 approximately what you saw on that day or what you saw that
12 day?

13 A. Yes, ma'am.

14 Q. Where do you say the victim was when you saw him?

15 A. He was lying -- half his body was in the road, the
16 other half was in the yard.

17 Q. Do you know what condition he was in?

18 A. I did not at that particular time. I just know he
19 was shot.

20 Q. Were there any other first aid responders that
21 arrived?

22 A. Yes, ma'am. Officer who arrived after me and few
23 other officers.

24 Q. What first aid responders arrived at the scene?

25 A. EMS arrived later on.

OFFICER ROLLE DIR BY MS. CUENCA

1 Q. When you arrived, were there any other people
2 outside or around?

3 A. No, ma'am.

4 Q. Were there any other vehicles on the scene,
5 Officer?

6 A. Besides the vehicle in the front yard, no, ma'am.

7 Q. Where was that vehicle again in relation to the
8 victim?

9 A. Right directly on the side of the road.

10 Q. When you arrived, what did you do next?

11 A. Well, I hopped out of my vehicle. I put on some
12 gloves. As I was making my way to the vehicle, Officer Russo
13 and EMS arrived, so they took over.

14 My job was to establish a crime scene log. Pretty
15 much what a crime scene log is just document all the names, who
16 was on the scene that day.

17 Q. Did you do any canvassing of the area as well?

18 A. I did. I went around a few residences, tried to
19 knock on the door to see if anybody was there. Talk to them to
20 see if they heard or seen anything.

21 Q. Were you able to speak with anyone?

22 A. I was not.

23 Q. What did you do next?

24 A. I asked that they lower him on to the truck, and I
25 rode in the ambulance.

OFFICER ROLLE DIR BY MS. CUENCA

1 Q. Why did you ride in the ambulance with Mr. Eison?

2 A. I pretty much wanted to see if he was going to say
3 anything or wake up, hey, this is who shot me or this is what
4 happened or whatnot. Just to be an ear for him.

5 Q. Were you able to speak with him?

6 A. I was not.

7 Q. What injuries did the victim suffer?

8 A. He had gunshot wounds.

9 Q. Were you informed of the victim's condition at that
10 point when you were riding in the EMS?

11 A. No, ma'am.

12 Q. Did you gather any evidence on this case?

13 A. Only thing I was able to get from the hospital was
14 his shoes.

15 Q. Did you find out the identity of the victim?

16 A. Yes, ma'am. I was contacted by the investigator
17 who was in charge of the case. His name was Jason Eason or
18 Eison.

19 Q. Is that the extent of your involvement in this
20 case?

21 A. Yes, ma'am.

22 MS. CUENCA: Your Honor, I beg The Court's
23 indulgence.

24 (A pause transpired.)

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

OFFICER ROLLE CROSS BY MR. HALL

1 answer any Mr. Hall may have.

2 CROSS-EXAMINATION

3 BY MR. HALL:

4 Q. If you said it, I didn't hear. What time did you
5 arrive on the scene?

6 A. I don't remember the particular time I arrived.

7 Q. Do you have any reports or anything?

8 A. I do, but my -- I don't have the -- correction, I
9 do. Approximately 1773 hours. Be 570 -- around five-ish.

10 Q. Around five-ish?

11 A. Yes, sir.

12 Q. You don't have your report that says you were
13 dispatched at this time, arrived at this time?

14 A. I'm reading my report. It says 1773 hours.
15 Obviously, I messed the timing up.

16 Q. Could that be 1723, 1733?

17 A. I don't know, sir.

18 Q. You're not sure?

19 A. Yes, sir.

20 Q. It was November, early November?

21 A. November 1st, yes, sir.

22 Q. When you got there, was it still daylight?

23 A. Yes, sir.

24 Q. Okay.

25 MR. HALL: I have no further questions, Your Honor.

OFFICER RUSSO DIR BY MS. CUENCA

1 THE COURT: Any redirect limited to what he went
2 into?

3 MS. CUENCA: No, Your Honor. And the State would
4 ask for him to be excused.

5 MR. HALL: No objection.

6 THE COURT: Without objection. Thank you for
7 coming. You may be excused as well.

8 THE WITNESS: Thank you, Your Honor.

9 (The witness exited the stand.)

10 THE COURT: Is the State ready to call their next
11 witness?

12 MS. CUENCA: The State would like to call Lauren
13 Russo to the stand.

14 THE COURT: Let the clerk swear you in.

15 OFFICER LAUREN RUSSO

16 being first duly sworn, testified as follows:

17 THE COURT: Watch your step as you're stepping up.
18 Have a seat in the chair, and pull your chair up to the
19 microphone.

20 DIRECT EXAMINATION

21 BY MS. CUENCA:

22 Q. Officer, please introduce yourself to the jury.

23 A. Good afternoon, my name is Officer Lauren Russo.

24 Q. Where do you work, Officer Russo?

25 A. Spartanburg City Police Department.

OFFICER RUSSO DIR BY MS. CUENCA

1 Q. How long have you been employed there?

2 A. August will be five years.

3 Q. What kind of training did you receive, Officer?

4 A. Went to the South Carolina Criminal Justice
5 Academy.

6 Q. What is your position again with the City?

7 A. I work patrol.

8 Q. What exactly does that entail?

9 A. We'll respond to different calls for service within
10 the city limits and help whoever we need to help.

11 Q. Were you an officer with the city on November 1,
12 2019?

13 A. Yes, ma'am.

14 Q. Where were you dispatched that day, Officer?

15 A. [REDACTED] Amherst Drive in Spartanburg County but within
16 the City limits.

17 Q. Is that your beat, Officer?

18 A. No. No, it's not.

19 Q. Why did you respond there?

20 A. It backs up to my zone. I work the south side,
21 Amherst is considered part of the west side. They are
22 literally corner to corner with each other.

23 Q. Officer Rolle was explaining the direction. What
24 direction did you drive to get there to Amherst Street?

25 A. I came up Crescent, took a right on Darby, took a

OFFICER RUSSO DIR BY MS. CUENCA

1 right on Amherst, parked right behind Officer Rolle.

2 Q. Same direction as Officer Rolle?

3 A. He came in Forest. I came in right after him when
4 we turned on Darby.

5 Q. Officer Russo, why were you called or dispatched
6 that day?

7 A. We got dispatched in reference to a shooting.

8 Q. You were one of the first that arrived; is that
9 right?

10 A. Yes, ma'am.

11 Q. What did you observe when you got there?

12 A. Exited my patrol vehicle. Walked toward the
13 direction of [REDACTED] Amherst. Noticed the black Impala parked in
14 front of the residence. Closer to the residence was a black
15 male, face up. His head was toward the front passenger tire.
16 Part of his torso was partly in the roadway, his legs extended
17 into the yard.

18 Q. In State's Exhibit 2, is this you on the picture,
19 Officer?

20 A. Yes, ma'am.

21 Q. I think it's a little hard to see on the lighting.
22 Were you the primary officer on the case?

23 A. I was not primary; Rolle was.

24 Q. Would you tell us again where was the victim
25 located in relation to this?

OFFICER RUSSO DIR BY MS. CUENCA

1 A. In the front yard. So you have the vehicle that
2 was parked against the curb of that residence, his head was
3 towards the front passenger tire, his body extended toward the
4 residence.

5 Q. What condition was the victim, do you know?

6 A. I do not know.

7 Q. Did you try to attempt to locate any kind of
8 bullets?

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

10 Q. Do you know how many bullet wounds did you see on
11 the victim?

12 A. Not at the time.

13 Q. Were there any other first aid responders that
14 arrived?

15 A. EMS arrived shortly after.

16 Q. Were there any other people outside or around the
17 area when you arrived?

18 A. No, I cleared EMS to enter shortly after we got out
19 of the patrol vehicle because there was nobody there.

20 Q. I didn't ask you this initially but around what
21 time did you arrive on the scene?

22 A. 1735 hours we were dispatched. I was there no
23 later than five minutes after that.

24 Q. Again, you and Officer Rolle arrived right at the
25 same time?

OFFICER RUSSO CROSS BY MR. HALL

1 A. Yes, ma'am.

2 Q. Were there any other vehicles in the area when you
3 arrived?

4 A. No, ma'am.

5 Q. Other than, of course --

6 A. The black Impala. There was nobody else.

7 Q. What did you do next then, Officer?

8 A. After I tried to get a pulse on him, was unable to,
9 EMS was arriving shortly after that. I went back to my patrol
10 vehicle, got a crime scene log, canvass sheets, crime scene
11 tape to help secure the scene.

12 Q. Did you observe any shell casings?

13 A. There were shell casings present.

14 Q. Did you do anything else, or was that the extent of
15 your involvement?

16 A. I helped marked some shell casings. Other than,
17 that's all I had to do with the case.

18 MS. CUENCA: I beg The Court's indulgence.

19 (A pause transpired.)

20 MS. CUENCA: I have no further questions, Officer.
21 You can answer any that Mr. Hall may have.

22 THE WITNESS: Yes, ma'am.

23 CROSS-EXAMINATION

24 BY MR. HALL:

25 Q. You said you were dispatched at 5:35?

OFFICER RUSSO CROSS BY MR. HALL

1 A. Around 5:35.

2 Q. You were there within a few minutes?

3 A. No longer than five minutes after that.

4 Q. That would put Officer Rolle there a minute or so
5 before you?

6 A. If that long.

7 Q. You had no witnesses come forward?

8 A. No, sir.

9 Q. Did you do any looking for witnesses?

10 A. I did not.

11 MR. HALL: I don't have any other questions for
12 this witness, Your Honor.

13 THE COURT: Any redirect limited to what he went
14 into?

15 MS. CUENCA: No, Your Honor. Would ask for her to
16 be excused.

17 THE COURT: You may step down. You may be excused
18 as well. Watch your step as you're stepping down.

19 State ready to call the next witness?

20 MS. CUENCA: Yes, Your Honor. The State would call
21 Sergeant Ashley Smith to the stand.

22 THE COURT: Come right up here and let the clerk of
23 court swear you in.

24 SERGEANT ASHLEY SMITH

25 being first duly sworn, testified as follows:

SGT SMITH DIR BY MS. CUENCA

1 DIRECT EXAMINATION

2 BY MS. CUENCA:

3 Q. Good afternoon, Sergeant Smith. Please introduce
4 yourself to the jury.

5 A. My name is Ashley Smith. I work for the City of
6 Spartanburg.

7 Q. How long have you been working there, Sergeant
8 Smith?

9 A. I've been with the city for 14 years.

10 Q. What were your positions at the City?

11 A. Positions I've held over the years with the City, a
12 third-shift patrol officer. Then I did investigations through
13 narcotics. Followed by supervision in patrol. Supervision in
14 our criminal investigation unit. And then a sergeant with our
15 forensic unit.

16 Q. What is your capacity now?

17 A. My capacity now, I'm currently a fingerprint
18 examiner as well as our archives. Scanning our archives.

19 Q. However, at the time of the shooting on November 1,
20 2019, what was your position then?

21 A. My position dealt with, as a sergeant, which is a
22 supervisor as well as a forensics investigator.

23 Q. How long had you been a forensic investigator by
24 the time the shooting happened in 2019?

25 A. Officially, I moved to just forensics. About a

SGT SMITH DIR BY MS. CUENCA

1 month prior, a few months prior to that I worked with them
2 closely through the investigation team.

3 Q. So this was not the first case that you were a
4 forensic investigator on?

5 Was this your first case?

6 A. I believe this was my first case.

7 Q. What exactly does a forensic investigator do,
8 Sergeant Smith?

9 A. Our job is to collect physical evidence. We're to
10 take photographs of the scene and tape the scene or try and
11 encapsulate the scene. We partner up with our investigation,
12 see what needs to be sent off to crime labs.

13 Q. Where were you sent on November 1, 2019?

14 A. I went to [REDACTED] Amherst Drive.

15 Q. Around what time did you arrive?

16 A. I arrived at, approximately, 5:54 p.m.

17 Q. Was it still daylight outside?

18 A. Yes, but it was fading fast.

19 Q. What did you observe when you arrived?

20 A. When I arrived, there was crime scene tape. I saw
21 officers on the scene. A black Impala in front of [REDACTED] Amherst
22 Drive. I saw orange cones where officers had marked evidence
23 for me.

24 Q. Why exactly do they have crime scene tape?

25 A. Crime scene tape is to control our area, make sure

SGT SMITH DIR BY MS. CUENCA

1 people aren't coming in and out. Lets us know where we need to
2 look, as well as keep the scene as pristine as possible.

3 Q. Why exactly are the orange cones placed there that
4 you observed when you arrived?

5 A. The orange cones were placed there by patrol
6 officers who saw evidence or possibly be evidence to help me
7 see it as well to help protect the evidence pieces.

8 Q. When you arrived, what do you do first?

9 A. First thing I did was I took pictures of the scene.

10 MS. CUENCA: Let the record reflect I'm showing
11 opposing Counsel what has previously been marked as State's
12 Exhibits 3 through 24.

13 MR. HALL: No objection.

14 THE COURT: Without objection. State's exhibit 3
15 through 24.

16 MS. CUENCA: Permission to approach, Your Honor.

17 BY MS. CUENCA:

18 Q. Sergeant Smith, what have I handed you?

19 You can take a moment to look.

20 (A pause transpired).

21 THE WITNESS: You handed me crime scene photos that
22 I took as well as a still from a body camera.

23 BY MS. CUENCA:

24 Q. How do you recognize them?

25 A. I recognize them as being the photos that I took on

SGT SMITH DIR BY MS. CUENCA

1 that day.

2 Q. Is that a fair and accurate copy of what you took
3 that day, Sergeant Smith?

4 A. Yes, ma'am.

5 MS. CUENCA: Your Honor, at this time, the State
6 would introduce exhibits 3 through 24 into evidence.

7 THE COURT: Without objection.

8 (STATE EXH. 3, Photograph, was entered into
9 evidence.)

10 (STATE EXH. 4, Photograph, was entered into
11 evidence.)

12 (STATE EXH. 5, Photograph, was entered into
13 evidence.)

14 (STATE EXH. 6, Photograph, was entered into
15 evidence.)

16 (STATE EXH. 7, Photograph, was entered into
17 evidence.)

18 (STATE EXH. 8, Photograph, was entered into
19 evidence.)

20 (STATE EXH. 9, Photograph, was entered into
21 evidence.)

22 (STATE EXH. 10, Evidence legend, was entered into
23 evidence.)

24 (STATE EXH. 11, Photograph, was entered into
25 evidence.)

SGT SMITH DIR BY MS. CUENCA

1 (STATE EXH. 12, Photograph, was entered into
2 evidence.)

3 (STATE EXH. 13, Photograph, was entered into
4 evidence.)

5 (STATE EXH. 14, Photograph, was entered into
6 evidence.)

7 (STATE EXH. 15, Photograph, was entered into
8 evidence.)

9 (STATE EXH. 16, Photograph, was entered into
10 evidence.)

11 (STATE EXH. 17, Photograph, was entered into
12 evidence.)

13 (STATE EXH. 18, Photograph, was entered into
14 evidence.)

15 (STATE EXH. 19, Photograph, was entered into
16 evidence.)

17 (STATE EXH. 20, Photograph, was entered into
18 evidence.)

19 (STATE EXH. 21, Photograph, was entered into
20 evidence.)

21 (STATE EXH. 22, Photograph, was entered into
22 evidence.)

23 (STATE EXH. 23, Photograph, was entered into
24 evidence.)

25 (STATE EXH. 24, Photograph, was entered into

SGT SMITH DIR BY MS. CUENCA

1 evidence.)

2 MS. CUENCA: Thank you, Judge.

3 BY MS. CUENCA:

4 Q. Let's start with exhibit 3. What does that show,
5 Sergeant Smith?

6 A. That shows the overview of the crime scene.

7 MS. CUENCA: Your Honor, permission to publish to
8 the jury?

9 THE COURT: Yes, ma'am. What's that number?

10 MS. CUENCA: State's Exhibit 3, Your Honor.

11 BY MS. CUENCA:

12 Q. When you arrived that day, Sergeant Smith, is this
13 what you observed when you first got there?

14 A. Yes, ma'am.

15 Q. Do you continue to take pictures as you approach?

16 A. Yes, ma'am.

17 Q. I'm going to come and get the rest of the exhibits.
18 How exactly do you photograph things? What is the process?

19 A. Basically what we do is we want to catch as much of
20 the scene as possible. What we start out with is overview
21 photos. We start from where we get out at our car, which is
22 usually behind the crime scene or near the crime scene tape.

23 We take multiple angles of the crime scene. I'll
24 start in one direction, come to another direction, come in. We
25 will then do what we call medium shots where we'll show

SGT SMITH DIR BY MS. CUENCA

1 evidence or, like in this case or another case -- we'll show
2 medium shots where there is evidence or, about the location of
3 the specific evidence. And then we do close-up shots of the
4 specific evidence.

5 Q. I'm going to show you a few more.

6 MS. CUENCA: Your Honor, permission to publish
7 State's Exhibits 4 through 26 to the jury?

8 THE COURT: All right.

9 MS. CUENCA: Thank you, Judge.

10 BY MS. CUENCA:

11 Q. What exactly does exhibit 4 show us, Sergeant
12 Smith?

13 A. Middle view of where the vehicle is as well as
14 where the -- I was told where the body was.

15 Q. Those are the cones like you were describing. What
16 exactly do they do again?

17 A. In this picture you can see the cones, which is
18 locating different evidence.

19 Q. What about State's Exhibit 5?

20 A. That's another angle on the front of the car,
21 showing where the potential evidence was.

22 Q. What does exhibit 6 show right over here? What is
23 that?

24 A. That would be the residence in front of which the
25 victim was laying.

SGT SMITH DIR BY MS. CUENCA

1 Q. What about this one right here, State's Exhibit 7?

2 A. From the house side, looking towards the road.

3 That is the side of the vehicle where I was told the victim was
4 laying.

5 Q. Do you know where in relation to this vehicle the
6 victim was laying, Sergeant Smith?

7 A. Approximately, where the orange cones are.

8 Q. The orange cone, the one right by the tire?

9 A. Yes, ma'am.

10 Q. What about State's Exhibit 8?

11 A. 8 is the front of the vehicle.

12 Q. This is another angle again?

13 A. Yes, ma'am.

14 Q. With all of the evidence that you observed, how
15 many pieces of evidence did you see that day? Did you recover?

16 A. I believe it was 12.

17 Q. What do you do with those orange cones, Sergeant
18 Smith?

19 A. What I did with the orange cones, I have yellow
20 placards that match each individual piece by number. I
21 replaced the cones with those individual markers.

22 Q. And you replaced them with, I'm going to show you
23 State's Exhibit 11. It looks like it's a little bit darker
24 here. You were taking these pictures after it was getting
25 dark?

SGT SMITH DIR BY MS. CUENCA

1 A. Yes, ma'am.

2 Q. Are those the placards that you're talking about?

3 A. Yes, ma'am.

4 Q. What exactly were those? This is another shot of
5 that; correct?

6 A. Yes, ma'am.

7 Q. Let's go specifically -- what about placard number
8 one. What are you marking here?

9 A. Number one is a projectile, which is the part of
10 the bullet that comes out of the gun and strikes the person.

11 Q. What about State's Exhibit Number 14? Number two
12 placard.

13 A. That would also be another projectile.

14 Q. This one has two and three. What is number 3?

15 A. Number 3 is a third projectile.

16 Q. There's an item four. Is that just a piece of
17 paper?

18 A. Yes, ma'am.

19 Q. Was there any significance to that?

20 A. No, ma'am.

21 Q. State's Exhibit 16, number five. What is that?

22 A. That is a shell casing from a gun.

23 Q. Looking at placard six, State's Exhibit 17, what is
24 that?

25 A. That is another shell casing.

SGT SMITH DIR BY MS. CUENCA

1 Q. It's difficult to see over here. Where would you
2 put the placard in relation to the shell casing? I can
3 approach you.

4 A. Okay.

5 Q. It's okay if you keep it. Where would that
6 projectile be?

7 A. In that case, the shell casing is in front of the
8 placard, just underneath the corner there.

9 Q. How about this one? Placard seven.

10 A. It's, again, in front of the number 7 right there
11 (indicating).

12 Q. What about your eight placard? It also has number
13 seven. What is number eight showing?

14 A. It's another shell casing.

15 Q. And then we have placard number nine. State's
16 Exhibit 20.

17 A. That would be another shell casing.

18 Q. Do you know how many -- I think there is one more.
19 Placard number 10, State's Exhibit 21. What was that one?

20 A. That was also a shell casing.

21 Q. How many shell casings did you retrieve on the
22 scene that day, Sergeant Smith?

23 A. I believe I collected six.

24 Q. What about -- there were two more placards, number
25 11 and 12. What were those?

SGT SMITH DIR BY MS. CUENCA

1 A. 11 was the butt of an unlit cigarette and number 11
2 was the butt of a regular cigarette.

3 Q. Why were those recovered, Sergeant?

4 A. We recovered those initially in case we needed to
5 try and determine other leads for who was possibly on the
6 scene.

7 Q. Did they belong to any suspect?

8 A. Not to my knowledge.

9 Q. Let's look at these over here, State's Exhibit 22.
10 What exactly is that showing?

11 A. That's showing the residence across the street, I
12 believe.

13 Q. Across the street from what?

14 A. From [REDACTED] Amherst.

15 Q. Is that the same over here from a different angle?

16 A. Yes.

17 Q. What about this one that you described from a still
18 shot from a body cam, State's Exhibit 24. What does that show,
19 Sergeant?

20 A. That would be where the carport is next to where
21 you follow-up the driveway.

22 Q. So that day you retrieved 12 items; is that
23 correct?

24 A. Yes, ma'am.

25 Q. Did you participate in trying to identify any of

SGT SMITH DIR BY MS. CUENCA

1 the suspects?

2 A. No, ma'am.

3 Q. What is the scope of your job then as a forensic
4 investigator?

5 A. My job is to collect the evidence and coordinate
6 with the investigators as to what we need to do with the
7 evidence or what the evidence tells us.

8 Q. What do you do with the evidence? Do you collect
9 evidence?

10 A. Yes.

11 Q. What do you do with that evidence?

12 A. We decide if it needs to go for further analysis
13 or -- we decide if it needs to go for further analysis or where
14 we need to go next or what leads we can find from them.

15 Q. When we're describing some of the shell casings
16 there, the evidence that you took --

17 MS. CUENCA: Let the record reflect the State is
18 showing opposing Counsel what has previously been marked as
19 States's Exhibits 29 through 34.

20 MR. HALL: No objection.

21 MS. CUENCA: Your Honor, permission to approach the
22 witness.

23 BY MS. CUENCA:

24 Q. What have I just handed you, Sergeant Smith?

25 A. These are the shell casings from the scene.

SGT SMITH DIR BY MS. CUENCA

1 Q. Those are the ones that you retrieved that day?

2 A. Yes, ma'am.

3 Q. How do you know that they are the shell casings
4 from the scene?

5 A. Each one was put into their individual envelope to
6 which I signed and printed my name as well as we notated it on
7 the evidence bar code.

8 Q. As far as you know, do you know if they have been
9 altered?

10 A. No, ma'am.

11 MS. CUENCA: Your Honor, at this time the State
12 would move State's Exhibits 29 through 34 into evidence, Your
13 Honor.

14 MR. HALL: No objection.

15 THE COURT: Without objection. Thank you, sir.

16 (STATE EXH. 29, Shell casings, was entered into
17 evidence.)

18 (STATE EXH. 30, Shell casings, was entered into
19 evidence.)

20 (STATE EXH. 31, Shell casings, was entered into
21 evidence.)

22 (STATE EXH. 32, Shell casings, was entered into
23 evidence.)

24 (STATE EXH. 33, Shell casings, was entered into
25 evidence.)

SGT SMITH DIR BY MS. CUENCA

1 (STATE EXH. 34, Shell casings, was entered into
2 evidence.)

3 BY MS. CUENCA:

4 Q. Are you able to open one of those?

5 A. Yes, ma'am.

6 Q. Open one, please.

7 MS. CUENCA: Permission to publish State's Exhibit
8 29 to the jury, Your Honor.

9 THE COURT: Okay.

10 BY MS. CUENCA:

11 Q. What is that, Sergeant Smith?

12 A. Shell casing of a nine millimeter bullet.

13 Q. Did the shell casing need to be processed or sent
14 to the lab?

15 A. I believe we sent them to the lab to check for
16 AFIS, which would be to check for previous matches.

17 Q. Do you know if that was done in this case, Sergeant
18 Smith?

19 A. Yes, ma'am.

20 Q. The day -- on this day of the shooting when you
21 were investigating, were there any weapons that were recovered?

22 A. No, ma'am.

23 Q. Was that the extent of the processing that day,
24 Sergeant Smith?

25 A. Yes, ma'am.

SGT SMITH DIR BY MS. CUENCA

1 Q. Did you identify whose vehicle the black Impala
2 was?

3 A. The black Impala belonged to a Tiffany Smith.

4 Q. Did you learn who that person was, Tiffany Smith?

5 A. She was the girlfriend of the victim at the time.

6 Q. Did you process that Impala?

7 A. I did not.

8 Q. What happens after you finish processing the scene?

9 A. What we do, we go through another walk-through,
10 make sure we haven't missed anything. And then once we have
11 everything secured, we release it back to the public.

12 Q. So then let's talk about your next involvement in
13 the case. What happened on the following day, on the 2nd of
14 November?

15 A. I attended the autopsy.

16 Q. Where did you attend the autopsy?

17 A. That would be at Spartanburg Regional Hospital.

18 Q. What did you do there, Sergeant Smith? You're not
19 medically trained; correct?

20 A. Correct. What I did there was take initial photos
21 of the body. I recovered the clothes that had been cut off the
22 night before from them and recovered a fragment of a bullet,
23 one of the bullets from the medical examiner.

24 Q. By fragments, is that like a projectile or is that
25 different?

SGT SMITH DIR BY MS. CUENCA

1 A. It's a projectile. In this case this one
2 shattered.

3 Q. What did you observe about the victim, Jason Eison?

4 A. He had multiple gunshot wounds to him.

5 Q. Normally, during a biopsy (sic), if they recover
6 bullets, does the doctor give them to you?

7 A. Yes.

8 Q. Did you receive anything in this case?

9 A. The bullet fragment.

10 Q. How many, do you remember?

11 A. I believe there was one or two.

12 Q. Were you able to identify the caliber based on
13 those projectiles?

14 A. There was not enough for us to determine.

15 Q. What do you mean by not enough, Sergeant Smith?

16 A. The fragments are about the size of a third of a
17 dime and were too small to show what type of caliber they would
18 be.

19 Q. Other than the fragments, were there other items
20 that you collected that day from the autopsy?

21 A. I collected the clothing from the victim.

22 Q. What was your next involvement on November 20,
23 2019?

24 A. I was involved as the return officer of a search
25 warrant at [REDACTED] Briarwood Road.

SGT SMITH DIR BY MS. CUENCA

1 Q. What is that location, [REDACTED] Briarwood Road? What
2 is -- whose house is that, do you know?

3 A. I do not know.

4 Q. Is that the Defendant's house, Rishard Geter's
5 house?

6 A. I believe so.

7 MS. CUENCA: Let the record reflect I'm showing
8 opposing Counsel what has been previously marked as State's
9 Exhibits 25 and 26.

10 MR. HALL: No objection.

11 MS. CUENCA: Permission to approach, Your Honor?

12 THE COURT: Yes, ma'am.

13 BY MS. CUENCA:

14 Q. What have I just handed you, Sergeant Smith?

15 A. Two photos that I took at the house.

16 Q. What exactly are those photos of?

17 A. The first one is of a colorful jacket with multiple
18 cartoon characters on them. The second one is piece of mail
19 with the Defendant's name on it.

20 Q. Is that a fair and accurate depiction of those
21 items?

22 A. Yes.

23 Q. You said you took them?

24 A. Yes, ma'am.

25 MS. CUENCA: Permission to enter State's Exhibits

SGT SMITH DIR BY MS. CUENCA

1 25 and 26 into evidence?

2 MR. HALL: No objection.

3 THE COURT: Without objection.

4 (STATE EXH. 25, Photograph, was entered into
5 evidence.)

6 (STATE EXH. 26, Photograph, was entered into
7 evidence.)

8 MS. CUENCA: Permission to publish to the jury.

9 THE COURT: Yes, ma'am.

10 BY MS. CUENCA:

11 Q. State's Exhibit 26,, can you again speak to the
12 jurors what that is.

13 A. That is a piece of mail with the Defendant's name
14 on it as well as the current address that we were at.

15 Q. Why did you take a picture of that, Sergeant?

16 A. It's to help show whose residence is at that
17 location.

18 Q. And State's Exhibit 25?

19 A. There's a cartoon jacket.

20 Q. Do you remember where you recovered it?

21 A. We recovered that from a back bedroom in one of the
22 closets.

23 Q. Was that placed into evidence?

24 A. Yes, ma'am.

25 Q. Who placed that into evidence, Sergeant Smith?

SGT SMITH DIR BY MS. CUENCA

1 A. I did.

2 MS. CUENCA: Let the record reflect that I'm
3 showing opposing Counsel State's Exhibit 35.

4 THE COURT: 35?

5 MS. CUENCA: Yes, Your Honor.

6 Permission to approach the witness.

7 BY MS. CUENCA:

8 Q. What is in that box, Sergeant Smith?

9 A. That would be the jacket.

10 Q. How do you know that's the jacket?

11 A. It's marked on the outside with case number as well
12 as the jacket. And it's the only one that we sent to the crime
13 lab.

14 Q. Does it have your signature?

15 A. The bag inside has my signature.

16 MS. CUENCA: Your Honor, permission -- or the State
17 would ask that State's Exhibit 35 be entered into evidence.

18 MR. HALL: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 35, Jacket, was entered into evidence.)

21 BY MS. CUENCA:

22 Q. Sergeant Smith, are you able to open that?

23 A. I believe so. (Witness complied).

24 MS. CUENCA: Permission to publish to the jury,
25 Your Honor.

SGT SMITH CROSS BY MR. HALL

1 THE COURT: Yes, ma'am.

2 BY MS. CUENCA:

3 Q. Is that the jacket that you found that day --

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

5 Q. -- at the residence? At Mr. Geter's?

6 A. Yes, ma'am.

7 Q. Do you know if it was sent for testing?

8 A. Yes, ma'am.

9 Q. You can probably put that on the side, Sergeant
10 Smith. For testing, was that at the state crime lab that you
11 sent it for testing?

12 A. Yes.

13 Q. Why was it sent for testing?

14 A. We believed that the suspect was wearing it the day
15 of the shooting. We sent it for possible gunshot residue as
16 well as DNA to determine who actually owned the jacket.

17 MS. CUENCA: I beg The Court's indulgence.

18 (A pause transpired.)

19 MS. CUENCA: Sergeant Smith, I don't have any
20 questions for you. If you could answer any Mr. Hall may have.

21 CROSS-EXAMINATION

22 BY MR. HALL:

23 Q. Is it Sergeant still?

24 A. I'm not certified at this time. Either one.

25 Q. You move into different departments, might get a

SGT SMITH CROSS BY MR. HALL

1 different title. Officer Smith, I'll go with that.

2 Were you aware of where 911 calls came from this?

3 A. No, sir.

4 Q. So you wouldn't have known to go to a certain
5 location and take a picture of the angle?

6 A. What happened, I was on call. This was after hours
7 for CID and forensics. My supervisor called me to inform me
8 that there had been a shooting at [REDACTED] Amherst Drive.

9 Q. You didn't have any information to take that
10 picture I just asked about?

11 A. The crime scene was already set up. And then I
12 spoke with officers once I got on scene and was able to take it
13 from there.

14 Q. You don't know if you took a picture from the angle
15 of the 911 caller; is that correct?

16 A. From the 911 caller?

17 Q. Yes, where the original call or any calls came
18 from.

19 A. I misunderstood your question. I would not know at
20 this time.

21 Q. Did you collect anything other than jacket and the
22 envelope?

23 A. We collected ten items that night.

24 Q. What items?

25 A. We collected a green plant-like substance, an empty

SGT SMITH CROSS BY MR. HALL

1 Glock case, a second, an empty ammo box of .40 caliber ammo --
2 I'm sorry, nine. Object was labeled as number 6, which is a
3 smart phone. It had a charging cord and LG plug. Another
4 green plant-like substance, jacket with cartoon characters and
5 another box of .45 ammo, 31 count.

6 Q. What's that, that fell out when you pulled the
7 jacket. Sorry, I'm distracted by that.

8 A. I believe that's something that goes back to SLED.

9 Q. I beg your pardon?

10 A. I believe it has to do with SLED items.

11 Q. Did you -- you were the person that's collecting
12 the evidence or the evidence being brought to?

13 A. I collected the evidence.

14 Q. You transported it to City evidence?

15 A. Yes.

16 Q. When you look at the shell casings, could you tell
17 what caliber they were?

18 A. Shell casings were nine millimeter.

19 Q. And the ammunition you found was .40 caliber?

20 A. .40 and .45 caliber.

21 Q. That's a bit different from a nine millimeter,
22 those two calibers?

23 A. Yes, they are different calibers.

24 Q. You can't shoot a .45 in a nine millimeter?

25 A. No, sir.

SGT SMITH REDIR BY MS. CUENCA

1 Q. Or a nine millimeter in a .40 or .45?

2 A. Not to my knowledge.

3 Q. Ammunition, two different calibers. Is there a gun
4 box or box a gun came in or something?

5 A. We found a Glock box without the Glock.

6 Q. Was that collected?

7 A. Yes, sir.

8 MR. HALL: I don't think I have any other questions
9 of this witness, Your Honor.

10 THE COURT: Any redirect limited to what he went
11 into?

12 REDIRECT EXAMINATION

13 BY MS. CUENCA:

14 Q. Sergeant Smith, do you know what caliber the empty
15 Glock box was?

16 A. That one I believe was the .40.

17 MS. CUENCA: Nothing further, Your Honor. Would
18 ask that the Sergeant be excused.

19 MR. HALL: No objection.

20 THE COURT: Without objection, you may be excused.

21 If you would, as you leave, can you put the jacket
22 back in the bag that goes back in the box and set the box
23 there.

24 (Witness complied.)

25 MS. CUENCA: Your Honor, permission to approach.

SGT SMITH REDIR BY MS. CUENCA

1 (The following proceedings were had outside the
2 hearing of the jury).

3 MS. CUENCA: I have one officer maybe I can get. I
4 have to give a report in five minutes. Wanted to let her know.
5 The remainder are complete. The other people are witnesses
6 coming tomorrow. I have two more witnesses.

7 THE COURT: How long?

8 MS. CUENCA: Could I have a moment to call my EMS
9 so she can get on her way.

10 THE COURT: Do you have a witness to call now?

11 MS. CUENCA: Yes.

12 (The following proceedings were had within the
13 hearing of the jury.)

14 THE COURT: State ready to call their next witness?

15 MS. CUENCA: Yes, Your Honor. The State would call
16 animal control technician Christy Norkett to the stand.

17 THE COURT: Come right up here. Let the clerk of
18 court swear you in.

19 CHRISTY NORKETT

20 being first duly sworn, testified as follows:

21 THE COURT: Watch your step as you're stepping up.
22 Just have a seat in the chair. Pull the chair up to the
23 microphone.

24 DIRECT EXAMINATION

25 BY MS. CUENCA:

CHRISTY NORKETT DIR BY MS. CUENCA

1 Q. Officer, please introduce yourself to the jury.

2 A. I am animal control technician Christy Norkett.

3 Q. What is your title? Is it Officer Norkett?

4 A. Just animal control officer.

5 Q. Where do you work right now?

6 A. I work for the City of Spartanburg in the Animal
7 Control division.

8 Q. How long have you been employed with the City?

9 A. Total of close to 22, 22-and-a-half years.

10 Q. What are your present duties at the animal control
11 division?

12 A. As animal control, I respond to any calls in the
13 City limits for any kind of animal issues, whether injured, an
14 animal -- a raccoon in somebody's yard or pets that need
15 assistance.

16 Q. At the time of the shooting on November 1, 2019,
17 you had a different position; is that correct?

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

19 Q. What was that position?

20 A. I was the forensics investigator, part of the team
21 with Sergeant Smith.

22 Q. What kind of training did you receive for that?

23 A. I initially started out at the police academy. And
24 went -- also had some college classes for forensics,
25 specifically. And through my years of experience in law

CHRISTY NORKETT DIR BY MS. CUENCA

1 enforcement, assisting on scenes, I had further information
2 from that.

3 Q. What exactly did you do as a forensic investigator?

4 A. As a forensic investigator, we went to any and all
5 kind of crime scenes that we were called out to. We would
6 document the scene by taking photographs of the scene from a
7 360 angle. Every single time. It didn't matter where the call
8 came from. It was all one thing we did the photographs of. We
9 collect any and all evidence that might possibly be involved in
10 that case, and make sure that it was properly processed and
11 preserved at the department.

12 Q. Were you a forensic investigator for this case of
13 November 1, 2019?

14 A. I assisted with the case; I wasn't the primary one.

15 Q. What was your initial involvement in this case?

16 A. I was contacted by Sergeant Smith that evening. It
17 was approximately, I believe, 7:45 in the evening. I was
18 contacted by Sergeant Smith to go to the hospital in reference
19 to collecting photographs of the scene.

20 Q. After you collected photographs, what did you do
21 next?

22 A. When I went -- when I left the hospital, I went out
23 to the actual scene to see if Sergeant Smith needed any
24 assistance where she was finishing up with marking evidence or
25 anything she needed.

CHRISTY NORKETT DIR BY MS. CUENCA

1 Q. When you arrived on the scene, what did you do?

2 A. I stayed outside the actual crime scene and stood
3 by while she finished getting her stuff together. She was
4 almost finished when I got there. I stood by for her so that
5 the towing company could come and pick the vehicle up that we
6 were going to process further for more evidence later than that
7 evening.

8 Q. Is that all that you did that day then?

9 A. Yes.

10 Q. What happened -- what was your next involvement in
11 this case on November 4th?

12 A. November 4th?

13 Q. Yes.

14 Did you process a Chevy Impala?

15 A. Yes, I did process the Chevy Impala about 1:52 in
16 the afternoon.

17 Q. Is that the vehicle that was found next to the
18 victim's body on the day of the shooting?

19 A. Yes, it was, the same vehicle.

20 Q. What observation did you make of that vehicle while
21 you were processing it?

22 A. When I went out there to the vehicle, I initially
23 took pictures of the vehicle all the way around and then did
24 the inside and out. I noticed that when -- I noticed there was
25 damage to the vehicle. Let me make sure I say it the right way

CHRISTY NORKETT DIR BY MS. CUENCA

1 so I don't get it mixed up.

2 There was possibly like a ricochet mark on the
3 front edge of the hood of the vehicle where the bullet had gone
4 and actually hit it and kept going.

5 There was also further damage to the front
6 passenger side corner of the bumper where, I believe that's
7 where they stated that he was actually located when the
8 officers first arrived.

9 Q. Did you find anything when you were processing it,
10 any pieces of evidence?

11 A. When I was -- after I initially looked at the
12 damage, I pulled the hood of the vehicle up to see if there was
13 anything further damaged underneath or anything of evidentiary
14 value. When I was looking under the hood, near the windshield
15 wiper area, I located two further nine millimeter shell
16 casings.

17 Q. Did you gather those shell casings?

18 A. I did..

19 MS. CUENCA: Let the record reflect I'm showing
20 opposing Counselor what has been marked as State's Exhibit 36
21 and 37.

22 MR. HALL: No objection.

23 MS. CUENCA: Permission to approach?

24 THE COURT: Yes, ma'am.

25 BY MS. CUENCA:

CHRISTY NORKETT DIR BY MS. CUENCA

1 Q. What have I just handed you, Officer Norkett?

2 A. She handed me two shell casings that I did recover
3 from the vehicle, the Impala.

4 Q. Are those the ones that you said you recovered that
5 day when you were processing?

6 A. Yes, these are the exact shell casings.

7 Q. How do you know those are the ones?

8 A. I know these are the exact shell casings that I
9 collected because it's in my handwriting and it has my
10 signature and my initials on it and the exact time that it was
11 recovered and where I had a label printed out for each item
12 that we entered into evidence.

13 MS. CUENCA: Your Honor, at this time the State
14 would introduce State's Exhibit --

15 MR. HALL: 6 and 7.

16 MS. CUENCA: 36 and 37 into evidence, Your Honor.

17 MR. HALL: No objection.

18 THE COURT: Without objection.

19 (STATE EXH. 36, Shell casing, was entered into
20 evidence.)

21 (STATE EXH. 37, Shell casing, was entered into
22 evidence.)

23 BY MS. CUENCA:

24 Q. Did you find any weapons inside the vehicle?

25 A. No, I didn't find any weapons.

CHRISTY NORKETT DIR BY MS. CUENCA

1 Q. Let's talk about when your next involvement was in
2 this case. On November 6, 2019, what did you do, Officer?

3 A. On November 6th at about 2:00 in the afternoon, I
4 processed or photographed to document the victim's clothing
5 after they had dried in our office.

6 Q. What does processing mean? What do you do?

7 A. Basically what we do, we put down a sterile piece
8 of butcher paper so that it's clean. We lay the clothing out
9 so that we can document any kind of abnormalities to it or, in
10 this case, a bullet hole or anything that wouldn't have been
11 there prior to.

12 Q. Did you take any photographs of the clothes?

13 A. I took multiple photographs of the clothes.

14 Q. What did you see when you were processing? What
15 did you observe?

16 A. When I was photographing the clothing, I found that
17 there were what appeared to be six holes in the back of the
18 pants. They were believed to be bullet holes. And there
19 were -- four of the holes were up towards the left upper hip
20 area of them and then the other two were further down like
21 towards the calf and just above the ankle of the left leg.

22 Q. Was there one right backside of the pants; is that
23 correct?

24 A. I believe so. I may have missed that on the line.

25 Yes.

CHRISTY NORKETT DIR BY MS. CUENCA

1 MS. CUENCA: Let the record reflect that I'm
2 showing opposing Counsel what was previously marked State's
3 Exhibits 27 and 28.

4 Permission to approach, Your Honor.

5 BY MS. CUENCA:

6 Q. What have I just handed you, Officer?

7 A. You handed me copies of the photographs that I did
8 take with the yellow markers that we use to indicate the
9 abnormalities or in this case the bullet holes.

10 Q. That's a fair and accurate copy of the pictures you
11 took that day?

12 A. Yes, ma'am.

13 MS. CUENCA: Your Honor, permission to enter
14 State's Exhibit 27 and 28 into evidence.

15 MR. HALL: No objection.

16 THE COURT: Without objection.

17 MS. CUENCA: Permission to publish to the jury?

18 THE COURT: Yes, ma'am.

19 (STATE'S EXH. 27, Photograph, was entered into
20 evidence.)

21 (STATE'S EXH. 28, Photograph, was entered into
22 evidence.)

23 BY MS. CUENCA:

24 Q. You mentioned some yellow markings on there. What
25 exactly are you trying to show with that?

CHRISTY NORKETT DIR BY MS. CUENCA

1 A. Where I have on the photographs there are yellow
2 markers, if you look there, kind of arrow shaped, the small end
3 of that is pointing to the different holes that appear to be
4 bullet holes in the pair of pants, the back of the pants.

5 Q. That was State's Exhibit 27. Is that the same for
6 State's Exhibit 28?

7 A. Yes, ma'am. That's what that is referring to, more
8 holes.

9 MS. CUENCA: Beg The Court's indulgence.

10 (A pause transpired.)

11 MS. CUENCA: I have no further questions. Please
12 answer any Mr. Hall may have.

13 MR. HALL: I have no questions of this witness,
14 Your Honor.

15 THE COURT: Thank you, ma'am. You may step down.
16 Watch your step as you're stepping down. Lawyers approach a
17 moment.

18 (The witness exited the stand.)

19 (The following proceedings were had outside the
20 hearing the jury.)

21 THE COURT: Is your next witness the one we have to
22 call?

23 MS. CUENCA: Yes. We might this afternoon. She is
24 the last one we have for today.

25 (The following proceedings were had within the

CHRISTY NORKETT DIR BY MS. CUENCA

1 hearing of the jury).

2 THE COURT: Ladies and gentlemen, what we're going
3 to do is take a short recess. Need to remind you of my ongoing
4 instructions: Do not have any discussions among yourselves or
5 anyone else involved in the case. Do not do any type of
6 independent research or investigation.

7 At this time you may go with the bailiff. He'll
8 take you back to the jury deliberation room.

9 (The jury exited the courtroom at 3:29 p.m.)

10 THE COURT: We're going to step down and give me an
11 update on where that witness is when you find out.

12 MS. CUENCA: Thank you, Judge.

13 (A recess transpired from 3:30 p.m. until 4:06
14 p.m.)

15 THE COURT: I'm told the witness has arrived; is
16 that correct?

17 MS. CUENCA: Yes, Your Honor.

18 THE COURT: Let's bring the jury back.

19 (The jury entered the courtroom at 4:09 p.m.)

20 THE COURT: Is the State ready to call their next
21 witness?

22 MS. CUENCA: Yes, Your Honor. The State would call
23 paramedic Jessica Desherlia to the stand.

24 THE COURT: Just come right up here and let the
25 clerk of court swear you in. Stand at the edge of the box.

JESSICA DESHERLIA DIR BY MS. CUENCA

1 JESSICA DESHERLIA

2 being first duly sworn, testified as follows:

3 THE COURT: Watch your step as you're stepping up.
4 Just have a seat in the chair and pull the chair up to the
5 microphone, if you would. Answer any questions she might have.

6 DIRECT EXAMINATION

7 BY MS. CUENCA:

8 Q. Good afternoon, Ms. Desherlia. Would you introduce
9 yourself to the jury, please.

10 A. I'm Jessica Desherlia. I'm a paramedic with
11 Spartanburg EMS.

12 Q. How long have you been employed by Spartanburg EMS?

13 A. Nine years in August.

14 Q. What exactly does a paramedic do?

15 A. ALS intervention, IVs, medications, airway
16 interventions, things like that.

17 Q. What kind of training have you received,
18 Ms. Desherlia?

19 A. Training, I did a paramedic program and then we do
20 yearly training, quarterly.

21 Q. Were you working on November 1, 2019?

22 A. I was.

23 Q. Where were you dispatched to?

24 A. You want the address?

25 Q. Was that [REDACTED] Amherst Drive?

JESSICA DESHERLIA DIR BY MS. CUENCA

1 A. Uh-huh.

2 Q. Why were you dispatched there?

3 A. For a shooting.

4 Q. When you arrived, were you the only paramedic that
5 arrived?

6 A. Yes.

7 Q. What did you observe when you arrived?

8 A. The male was lying on the ground along the roadway.

9 Q. Did you observe anything about the male?

10 A. He had been shot multiple times.

11 Q. What do you do as a paramedic when you see someone
12 on the ground? What do you do next?

13 A. You feel for a pulse. He had a pulse. Then you
14 start assisting ventilation, if they need it, which he did. We
15 assisted ventilation. We put him on our cardiac monitor, then
16 we rolled him onto a spine board and got him on the back of the
17 truck. We maintain care in the back of the truck. By then
18 another paramedic had arrived as backup.

19 Q. Was he still alive when you arrived to the
20 shooting?

21 A. He was.

22 Q. He was still alive when you put him in the --

23 A. Yes, ma'am.

24 Q. What did you do with the victim, the patient?

25 A. We secured his airway with -- we ended up using, I

JESSICA DESHERLIA DIR BY MS. CUENCA

1 think, King Airway on him. It's just an advanced airway. We
2 secured his airway, we assisted ventilations. We looked for IV
3 access, but there wasn't any. We got hiatal access.

4 Q. What does that mean?

5 A. Access to the bone, just so we can give him fluids
6 or needed to give him medications but we didn't. Just gave
7 fluids. We continued to reassess on the way to the hospital.
8 We noticed that he lost pulses. At that point we started CPR.

9 Q. How long did it take to arrive to the hospital,
10 approximately?

11 A. It looks like we transported at 1751 and arrived at
12 1802. So 11 minutes.

13 Q. Once you arrived at the hospital, was he still
14 alive?

15 A. We were still doing CPR.

16 Q. What did you do once you arrived at the hospital?

17 A. We went to the trauma bay.

18 Q. At the trauma bay, what did you do?

19 A. So at that point we just moved the patient to the
20 trauma table and then a team of surgeons and the trauma
21 surgeons and the trauma docs, they come in and look at him and
22 they started working on him, doing CPR.

23 Q. Was that the extent of your involvement in the
24 case?

25 A. Yes, ma'am.

JESSICA DESHERLIA DIR BY MS. CUENCA

1 MS. CUENCA: I have no further questions. Please
2 answer any that Mr. Hall might have.

3 MR. HALL: I don't believe I have any questions,
4 Your Honor.

5 THE COURT: Thank you, ma'am. You may step down.

6 MS. CUENCA: May she be excused, Your Honor?

7 THE COURT: Any objection to the witness being
8 excused?

9 MR. HALL: None whatsoever.

10 THE COURT: Ma'am, you may be excused.

11 (The witness exited the stand.)

12 THE COURT: Ladies and gentlemen, what we're going
13 to do, I consulted with the lawyers with the scheduling. We're
14 going to conclude with the presentation of testimony for today.

15 I need to remind you even more now than at the
16 beginning of the trial, not to have any discussions with anyone
17 about anything involving the case. Going to go home, see
18 friends, family. They're going to be curious about what you're
19 doing, why aren't you coming to work or whatever. Just tell
20 them you'll be able to tell them anything they want to know
21 about the case after it's over. Until then you cannot have any
22 discussions with them about anything involved in the case, even
23 if they ask who is the judge, who are the lawyers. Very
24 politely tell them: I can't tell you.

25 Also, do not do any type of independent research or

JESSICA DESHERLIA DIR BY MS. CUENCA

1 investigation. You've heard of locations, names have been
2 thrown out, words have been used that maybe you don't
3 understand. I remind you do not take this as an opportunity to
4 look up any words, do research on any person or anything and do
5 not drive by the scene that you heard.

6 Ladies and gentlemen, with those instructions, I
7 will let you go for the day. I will ask that you be back in
8 the morning by 9:30, and we will resume the presentation of the
9 testimony in the case.

10 At this time, I'll let you go with the bailiff.
11 Let you go with the bailiff. And have any questions about
12 anything, about parking or anything, see the bailiff. He'll be
13 able to answer those for you. Thank you very much.

14 (The jury exited the courtroom at 4:15 p.m.)

15 (The trial was adjourned at 4:15 p.m.)

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1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME II
4 Plaintiff,

5 vs. CASE NO. 2020-GS-42-00908
6 2023-GS-42-00557

7 RISHARD LEWIS GETER,
8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. MARK HAYES, II
11 DATE: February 14, 2023
12 TIME: 9:40 AM
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 MARESSA CUENCA, ESQ.
 and DERRICK BULSA, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 ROBERT B. HALL, ESQ.

24

25

1		I N D E X			
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15

16 E X H I B I T S

17 FOR I.D. IN EVD

18 STATE'S EXH. 38, Booking information 268 270

19 STATE'S EXH. 39, Photograph 269 270

20 STATE'S EXH. 40, Photograph 269 270

21

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1 THE COURT: Is the State ready to call their
2 witness?

3 MS. CUENCA: Yes, Your Honor. Good morning. May
4 it please The Court. We would like to start off, Your Honor,
5 by saying that the parties are stipulating to the fact that the
6 jacket belonged to Mr. Geter, the Defendant. And that would be
7 State's Exhibit 35, I believe, Your Honor.

8 THE COURT: I'll announce to the jury that the
9 parties have stipulated that State's 35, the jacket, you want
10 me to phrase it belongs to Mr. Geter?

11 MS. CUENCA: Yes, Your Honor.

12 MR. HALL: Yes, his jacket.

13 THE COURT: When they come in and they're seated,
14 I'll announce that stipulation to the jury. Anything from the
15 defense?

16 MR. HALL: Nothing, Your Honor.

17 THE COURT: If you will, just bring the jury in.
18 There is only one jacket that will be introduced?

19 MS. CUENCA: Yes, Your Honor.

20 (The jury entered the courtroom at 9:43 a.m.)

21 THE COURT: Morning, ladies and gentlemen. We will
22 start today with the parties have stipulated to a particular
23 fact so I'm now going to announce the stipulation to you:

24 Exhibit Number 35, which was the jacket that was
25 introduced yesterday, the parties have stipulated that the

SHANEICE JOHNSON DIR BY MS. CUENCA

1 jacket belongs to the Defendant, Mr. Geter.

2 Is the State ready to call their first witness for
3 today?

4 MS. CUENCA: Yes, Your Honor. The State would call
5 Ms. Shaneice Johnson to the stand.

6 THE COURT: Ma'am, come up here. Let the clerk of
7 court swear you in. Stand right there at the bar at the
8 witness stand.

9 SHANEICE JOHNSON
10 being first duly sworn, testified as follows:

11 THE COURT: Step up and have a seat in that chair
12 and pull the chair up to the microphone, if you would.

13 DIRECT EXAMINATION

14 BY MS. CUENCA:

15 Q. Good morning, Ms. Johnson.

16 A. Good morning.

17 Q. How are you?

18 THE COURT: Ms. Johnson, this lady over here is a
19 court reporter. She has to be able to hear you. And that lady
20 way on the other side of the courtroom, the last juror that's
21 wearing the pink jacket, she has to hear you as well. Really
22 speak into that microphone and speak up for us. Okay.

23 THE WITNESS: Okay.

24 BY MS. CUENCA:

25 Q. Ms. Johnson, please introduce yourself to the jury.

SHANEICE JOHNSON DIR BY MS. CUENCA

1 A. I'm Shaneice Johnson.

2 Q. That's good. How old are you, Ms. Johnson?

3 A. Thirty-one.

4 Q. Are you from Spartanburg County?

5 A. Yes, ma'am.

6 Q. Do you know the Defendant, Mr. Rishard Geter?

7 A. Yes, ma'am.

8 THE COURT: Something happened to her voice.

9 MS. CUENCA: If you can speak up, Ms. Johnson.

10 THE WITNESS: Okay.

11 BY MS. CUENCA:

12 Q. Do you know the Defendant, Mr. Rishard Geter?

13 A. Yes, ma'am.

14 Q. How do you know him?

15 A. We used to work together.

16 Q. Is that how you met him?

17 A. Yes, ma'am.

18 Q. Did you know him on November 1, 2019?

19 A. Yes, ma'am.

20 Q. What was your relationship status with Mr. -- the
21 Defendant?

22 A. We were in an intimate relationship.

23 Q. Did you live together, Ms. Johnson?

24 A. No, ma'am.

25 Q. Were you with him that day on November 1, 2019?

SHANEICE JOHNSON DIR BY MS. CUENCA

- 1 A. Yes, ma'am.
- 2 Q. Tell me about that day. Let's start from the
- 3 morning. Where were you with him in the morning, Ms. Johnson?
- 4 A. We went to work. And we got off that morning.
- 5 Q. Around what time?
- 6 A. 6:00, 6:30, around 7:00.
- 7 Q. That's in the morning?
- 8 A. Yes, ma'am.
- 9 Q. You're working a night shift?
- 10 A. Night shift to morning.
- 11 Q. What did you do after you got off work around 6:30?
- 12 A. I took Mr. Geter to Wal-Mart to buy him a phone.
- 13 Then we went to my house and went to sleep.
- 14 Q. You said you went to Wal-Mart to get a phone?
- 15 A. Yes, ma'am.
- 16 Q. After you went to sleep, you went to your house?
- 17 A. Yes, ma'am.
- 18 Q. What did you do next?
- 19 A. We woke up, and I took him to the bank. And then I
- 20 took him to get a haircut.
- 21 Q. Did you guys eat something as well, Ms. Johnson?
- 22 A. Yes, ma'am.
- 23 Q. So you went to get him a hair cut. You went to the
- 24 bank. What did you do next?
- 25 A. I then dropped him off at his aunt's house.

SHANEICE JOHNSON DIR BY MS. CUENCA

1 Q. Do you know what his aunt's name is?

2 A. Ms. Mary.

3 Q. You only know her by Ms. Mary?

4 A. Yes, ma'am.

5 Q. Do you know, approximately, what time of the day
6 that was?

7 A. Around 1:00 or 2:00.

8 Q. When you arrived at Ms. Mary's house or his Aunt
9 Mary's house, what happened?

10 A. Someone called him. He walked in the house, sit
11 down and talked to them.

12 Q. You got out of the car and went into his Aunt
13 Mary's house?

14 A. Yes.

15 Q. Then what happened?

16 A. I went and got in my car.

17 Q. Did you hear -- did he say anything? What was he
18 upset about, do you know?

19 A. Somebody got hit, and he was arguing with somebody.
20 So I left and told him: Don't call me if you get in trouble.

21 Q. Who else was in the house that day, Ms. Johnson?

22 A. His cousin and his aunt.

23 Q. Who is his cousin?

24 A. I don't know him by his name.

25 Q. Do you know him by a nickname?

SHANEICE JOHNSON DIR BY MS. CUENCA

1 A. I don't know him by a nickname either. I know it
2 was his cousin.

3 Q. Do you know if that cousin, is that the son of the
4 aunt?

5 A. Yes, ma'am.

6 Q. If you don't know, it's okay; if you don't know.
7 If you do know, do you know if he was the son or you don't
8 know?

9 A. I don't know if he's her son. I know he's his
10 cousin.

11 Q. So you told him: If you get into trouble, don't
12 call me. What did you do next?

13 A. I then got into my car and then my son went home --
14 well, went to my mom's house.

15 Q. You went to your mom's house. When was the next
16 time that you heard from Mr. Geter that day?

17 A. About 6:10.

18 Q. You weren't with him from when you left his aunt's
19 house, Ms. Mary, until when did you see him next?

20 A. Until it was time to go to work.

21 Q. Let me go back before that. Did you hear from him
22 at all from the time that you dropped him off at his aunt's
23 house? Did you hear from him?

24 A. No, ma'am.

25 Q. Did you try to call him?

SHANEICE JOHNSON DIR BY MS. CUENCA

1 A. Yes, ma'am.

2 Q. Were you able to reach him?

3 A. No, ma'am.

4 Q. Then you said he called you around 6:00 or 6:10.

5 Why did he call you?

6 A. 'Cause he needed a ride to work.

7 Q. Is that typical for you to drive him to work?

8 A. Yes, ma'am. Sometimes I will take him.

9 Q. Did you go pick him up?

10 A. Yes, ma'am.

11 Q. Was that the usual time that you pick him up when
12 you go to work?

13 A. Sometimes I will pick him up like at 6:00 or 6:10.
14 Yes, ma'am. And that day I picked him up at 6:20.

15 Q. Were you upset at him for picking him up later?

16 A. Yes, ma'am.

17 Q. So you picked him up to go to work. Did you park
18 right -- where do you pick him up from?

19 A. I picked him up at his home.

20 Q. Do you know where he lived at that time?

21 A. I don't know the street address. I know how to get
22 there.

23 Q. Do you pick him up right in front of his house?
24 Did you go in?

25 A. No, I didn't go in.

SHANEICE JOHNSON DIR BY MS. CUENCA

1 Q. Where did you pick him up?

2 A. In between the stop sign and his home.

3 Q. During your drive to work, did he say anything to
4 you?

5 A. No, ma'am.

6 Q. So you drove. And where did you work on November
7 1, 2019?

8 A. Magna Seating.

9 MS. CUENCA: I beg The Court's indulgence.

10 (A pause transpired.)

11 BY MS. CUENCA:

12 Q. Ms. Johnson, how upset was Mr. Geter at his Aunt
13 Mary's house?

14 A. He was really mad. I've never seen him mad before.

15 Q. You said you had never seen him mad before?

16 A. No.

17 Q. Again, this was due to the phone call that he had?

18 A. Yes, ma'am.

19 Q. How did he appear when you picked him up to take
20 him to work?

21 A. He was very calm and collected.

22 MS. CUENCA: Ms. Johnson, I have no further
23 questions. Please answer any that Mr. Hall might have.

24 THE WITNESS: Okay.

25 CROSS-EXAMINATION

SHANEICE JOHNSON CROSS BY MR. HALL

1 BY MR. HALL:

2 Q. Ms. Johnson, the day before this was Halloween; is
3 that correct?

4 A. Yes, sir.

5 Q. Did you take, I guess, a night off for your kids to
6 do Halloween with them?

7 A. I don't remember. I think we worked that night.

8 Q. You're not sure about that?

9 A. No, sir.

10 Q. Could you have picked him up after work at some
11 point if you took the night off?

12 A. I think we worked. I'm pretty sure we worked.

13 Q. Pretty sure?

14 A. I don't remember.

15 Q. Y'all went to Wal-Mart at 6:30, 7:00 in the morning
16 to get him a new phone?

17 A. Yes, sir.

18 Q. That's one of those you go in and buy a phone and
19 they set up minutes on it?

20 A. Yes, sir.

21 Q. Do you know why he needed a phone?

22 A. No, sir.

23 Q. Did he say anything like he broke his phone, I got
24 to get a new phone?

25 A. No, sir.

SHANEICE JOHNSON CROSS BY MR. HALL

- 1 Q. You took him there for the purpose of getting him a
2 new phone?
- 3 A. Yes, sir.
- 4 Q. Is that the phone you said he got a call on?
- 5 A. Yes, sir.
- 6 Q. You don't know any specifics about what supposedly
7 got him angry?
- 8 A. I just know somebody got hit and then he was angry.
- 9 Q. That was early afternoon?
- 10 A. Yes, sir.
- 11 Q. Y'all go to work. You have to be work before 6:30,
12 7:00?
- 13 A. Before 6:50 to be on time.
- 14 Q. So you left his house. You picked him up at what
15 time?
- 16 A. I think -- well, 6:20.
- 17 Q. You might not know, where is Magna Seating?
- 18 A. It's in Moore, in Duncan.
- 19 Q. It's on the Moore-Duncan Highway?
- 20 A. Yes, sir.
- 21 Q. Is that closer to Reidville Road or 221?
- 22 A. Close to both.
- 23 Q. Kind of in the middle?
- 24 A. Yes.
- 25 Q. You say if you pick him up at 6:20, you got to work

SHANEICE JOHNSON CROSS BY MR. HALL

1 20 minutes, 25-minute drive?

2 A. Yes, sir.

3 MR. HALL: Beg The Court's indulgence.

4 (A pause transpired.)

5 BY MR. HALL:

6 Q. Is this consistent, the same thing you told the
7 investigator that you had hour-and-a-half, two-hour interview
8 with?

9 A. I think so. It's around the same time.

10 Q. I'm sorry. I couldn't hear you.

11 A. It's around the same time.

12 Q. I'm not sure if you're answering. Is what you just
13 testified to the same thing you told Chris Taylor and Louis
14 Nelson? You're in that room with them for over an
15 hour-and-a-half?

16 A. Yes. We drove to work at the same time. We
17 were -- I was mad because we were going to be late. But we got
18 there around, I think --

19 THE COURT: Ma'am, I'm sorry, your voice is
20 trailing off. You need to speak into that microphone. We have
21 to be able to hear you.

22 THE WITNESS: I'm sorry.

23 THE COURT: That's all right.

24 BY MR. HALL:

25 Q. Did you tell them about going to Wal-Mart?

SHANEICE JOHNSON CROSS BY MR. HALL

1 A. Yes, sir.

2 Q. And going to, I think you said, Aunt Mary's?

3 A. Yes, sir.

4 Q. Did you tell them you all were in an intimate
5 relationship?

6 A. Yes, sir.

7 Q. Didn't y'all really get there about, to clock in,
8 about 6:35, 6:40?

9 A. I don't remember the time, but I think it was
10 around 6:38 or 6:40.

11 Q. So you weren't close to being late?

12 A. No, but I like to get there early so I can be able
13 to eat and get myself together.

14 Q. When you picked him up, I assumed he's dressed
15 appropriately for work?

16 A. He dressed the same way every day.

17 Q. He wasn't upset. He was, you said, calm?

18 A. Yes, sir.

19 Q. Is it normal for y'all not to have conversation on
20 the way to work?

21 A. Yes, sir.

22 MR. HALL: I have no further questions of this
23 witness.

24 THE COURT: Any redirect limited to what he went
25 into?

SHANEICE JOHNSON REDIR BY MS. CUENCA

1 MS. CUENCA: Very briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. CUENCA:

4 Q. What do you normally consider early? What time do
5 you normally like to arrive at?

6 A. I like to get to work like 6:20, so I'll be able to
7 eat my food, get my head together, sit there and think about if
8 I want to go into the job.

9 MS. CUENCA: Nothing further, Your Honor. She may
10 be excused.

11 MR. HALL: No further questions.

12 THE COURT: Ma'am, if you would, watch your step as
13 you're stepping down. Thank you for coming. You may be
14 excused as well.

15 THE WITNESS: Thank you.

16 (The witness exited the stand.)

17 THE COURT: Thank you.

18 State ready to call their next witness?

19 MS. CUENCA: Yes, Your Honor. The State would call
20 Erica Gray to the stand.

21 THE COURT: Ma'am, come right up here to the
22 witness stand and let the clerk of court swear you in.

23 ERICA GRAY

24 being first duly sworn, testified as follows:

25 THE COURT: Watch your step. Step up and have a

ERICA GRAY DIR BY MS. CUENCA

1 seat in the chair and pull the chair up to the microphone.

2 Thank you.

3 DIRECT EXAMINATION

4 BY MS. CUENCA:

5 Q. Good morning, Ms. Gray. Please introduce yourself
6 to the jury.

7 A. My name is Erica Gray.

8 Q. Are you from Spartanburg County?

9 A. Yes, ma'am.

10 Q. Do you know the Defendant, Mr. Rishard Geter?

11 A. Yes, ma'am.

12 Q. How do you know him?

13 A. He's like a brother to me.

14 Q. Are you-all related by blood?

15 A. No, ma'am.

16 Q. Ms. Gray, did the Defendant ever live at your house
17 or stay at your house?

18 A. Yes, ma'am.

19 Q. Was he in your house on November 1, 2019, Ms. Gray?
20 The day of the shooting, was he at your house?

21 A. Yes, ma'am.

22 Q. Do you see him in the courtroom today, Ms. Gray?

23 A. Yes, ma'am.

24 Q. Could you be able to point to him?

25 A. Yes, ma'am.

ERICA GRAY DIR BY MS. CUENCA

1 Q. Could you be able to point to him?

2 A. (Witness complied).

3 MS. CUENCA: Let the record reflect that she's
4 pointing to the gentleman sitting by Mr. Hall.

5 BY MS. CUENCA:

6 Q. When you saw him that day at your house, do you
7 remember approximately what time that was, Ms. Gray?

8 A. I was just getting out. I knew it had to be after
9 5:00. Between 5:00 and 5:30.

10 Q. You said about after 5:00?

11 A. Yeah.

12 THE COURT: Ms. Gray, if you would, I need you to
13 slide into that microphone. Thank you.

14 BY MS. CUENCA:

15 Q. Was he already at your house when you got there
16 from work?

17 A. Yes, ma'am.

18 Q. How was he acting?

19 A. He's on the phone.

20 Q. Was there anything in particular? Was he just
21 talking normally on the phone?

22 A. Just on the phone. I really didn't pay attention.
23 I was just getting off work.

24 Q. Was he fussing on the phone?

25 A. He was on the phone.

ERICA GRAY DIR BY MS. CUENCA

1 Q. I believe you said before that he was fussing?

2 A. He was talking loud.

3 Q. Was he yelling?

4 A. It would be yelling to me because I'm just getting
5 off work. I had a long day at work.

6 Q. Do you know who he was talking to, Ms. Gray?

7 A. No, ma'am.

8 Q. As a result of the way that he was acting, what did
9 you do, Ms. Gray?

10 A. I did my normal thing. Go in my room. Take off my
11 clothes. Turn on my TV, and fix my drink and get on my bed.

12 Q. Do you know a Kenya Geter, Ms. Gray?

13 A. Yes, ma'am.

14 Q. Did you call Ms. Geter after you saw him fussing or
15 talking on the phone?

16 A. Yes, ma'am.

17 Q. What did you tell --

18 A. I talked to Kenya all the time back then. I
19 haven't talked to her recently. We used to talk about
20 everything.

21 Q. On that specific day after you saw Mr. Geter
22 fussing, what did you talk to Kenya about?

23 A. I don't know 'cause I talked to Kenya about
24 everything.

25 Q. Did you talk to her about Mr. Geter being at your

ERICA GRAY DIR BY MS. CUENCA

1 house?

2 A. He was in my house then, I was talking to her,
3 yeah.

4 Q. Did you tell her that he was at your house?

5 A. Yeah, we were talking.

6 Q. Do you have a brother, Ms. Gray?

7 A. Yes, ma'am.

8 Q. What is his name?

9 A. Donald Martin.

10 Q. Does he have a nickname that he goes by?

11 A. Duke.

12 Q. Was he there that day?

13 A. No, ma'am.

14 Q. He was not at your house?

15 A. No, ma'am.

16 MS. CUENCA: I beg The Court's indulgence.

17 (A pause transpired.)

18 BY MS. CUENCA:

19 Q. Ms. Gray, where did you live that day on November
20 1, 2019?

21 A. 105 Whitner Highway.

22 Q. You said Whitner Avenue?

23 A. Yes, ma'am.

24 Q. Is that in Spartanburg?

25 A. Yes, ma'am.

ERICA GRAY CROSS BY MR. HALL

1 MS. CUENCA: Ms. Gray, I have no further questions.
2 Please answer any that Mr. Hall might have.

3 THE WITNESS: Okay.

4 CROSS-EXAMINATION

5 BY MR. HALL:

6 Q. What time did you get off work?

7 A. I get off at 5:00, 4:00. Sometime at 5:00, most of
8 the time. Sometimes on Friday I get off at 4:00. I don't
9 usually get home until after 5:00 because I have to wait on a
10 ride, too.

11 Q. You know Shard for a long time. Was he at your
12 house when you got there, or did he come after?

13 A. He was there when I got there.

14 Q. Does he have access to your house to come in?

15 A. Yes, sir.

16 Q. Like family?

17 A. Yes, sir.

18 Q. And Kenya Geter that you were talking about is his
19 aunt?

20 A. Yes, sir.

21 Q. Is it normal for y'all to have phone conversations
22 in the evening?

23 A. Yes, sir.

24 Q. You come home. He's there. You get off the work
25 clothes, all that, and you make a drink and you relax?

ERICA GRAY CROSS BY MR. HALL

- 1 A. Yes, sir.
- 2 Q. And you call your friend Kenya?
- 3 A. Yes, sir.
- 4 Q. Pretty normal?
- 5 A. Yes, sir.
- 6 Q. And you said Duke, Donald Martin, is your son?
- 7 A. My brother.
- 8 Q. I'm sorry. I couldn't understand what you said.
- 9 He was not there.
- 10 Is Rishard kind of loud sometimes?
- 11 A. Yes, sir, all the time.
- 12 Q. Was there anything unusual about him talking loud
- 13 on the phone?
- 14 A. No, sir, 'cause I'm used to him. I'm used to
- 15 Rishard and Don.
- 16 Q. What time did you get home and find Rishard there?
- 17 A. I can't really say. I get off of work -- I have to
- 18 wait on a ride. So it will be no later than 5:00-something.
- 19 Q. 5:00-something?
- 20 A. Yes.
- 21 Q. You mean 5:10, 5:15?
- 22 A. I get home different times every day.
- 23 Q. You don't remember specifically what time this day?
- 24 A. No.
- 25 Q. How long have you known Rishard?

ERICA GRAY REDIR BY MS. CUENCA

1 A. Since he was little.

2 Q. Does he drive a car?

3 A. No, sir.

4 Q. He's wearing glasses. Has he always worn glasses
5 as far as you know?

6 A. Back in the day not, no. As far as I know, yes.

7 Q. At least as an adult, has he always worn glasses?

8 A. I think so. I don't pay attention.

9 Q. Where is Whitner Avenue?

10 A. Whitner?

11 Q. I'm sorry.

12 A. Duncan Park.

13 Q. Is it down towards Union Street, that part of
14 Duncan Park?

15 A. Like, off Church Street. Pine Street. Right in
16 that area.

17 MR. HALL: I have no further questions, Your Honor.

18 THE COURT: Any redirect into what he went into?

19 MS. CUENCA: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. CUENCA:

22 Q. Ms. Gray, you've known Mr. Geter for a long time?

23 A. Yes, sir.

24 Q. Is it difficult for you to be here today?

25 A. No.

ERICA GRAY REDIR BY MS. CUENCA

1 Q. You mentioned that Mr. Geter was loud. Was he
2 upset as well?

3 A. He's always loud.

4 Q. Was he upset, Ms. Gray?

5 A. I didn't really pay attention.

6 Q. Now, you also said that you have conversations with
7 Ms. Kenya Geter?

8 A. Yes.

9 Q. Normal conversations?

10 A. Yes.

11 Q. That day specifically, did you call her to tell her
12 about Mr. Geter, about the Defendant being at your house?

13 A. No. We've always talked. I was just laughing with
14 her.

15 Q. My question is, did you --

16 A. No. No, ma'am. Just talking, having a
17 conversation. Laughing.

18 Q. So the reason that you called her that day was not
19 to let her know --

20 A. I talk to her a lot. I even talked to her when her
21 child was in the hospital. Her child's fooling stuff. I
22 always talk to her.

23 MS. CUENCA: Thank you. No further questions, Your
24 honor.

25 THE COURT: Thank you, ma'am. You may step down.

MATTHEW LINDSEY DIR BY MR. BULSA

1 Watch your step as you're stepping down.

2 May the witness be excused?

3 MS. CUENCA: Yes, Your Honor, she may.

4 MR. HALL: No objection.

5 THE COURT: Ma'am, you may be excused as well.

6 Thank you for coming.

7 (The witness exited the stand.)

8 MR. BULSA: State calls Matthew Lindsey.

9 THE COURT: Mr. Lindsey, come right up here to the
10 witness stand. Let the clerk of court swear you in.

11 MATTHEW LINDSEY

12 being first duly sworn, testified as follows:

13 THE COURT: Watch your step. Have a seat in the
14 chair and pull the chair up to the microphone.

15 DIRECT EXAMINATION

16 BY MR. BULSA:

17 Q. Good morning, Mr. Lindsey.

18 A. Good morning.

19 Q. Please introduce yourself to the jury.

20 A. I'm Matthew Lindsay.

21 Q. Where do you live?

22 A. [REDACTED] Amherst Drive.

23 Q. How long have you lived there?

24 A. Couple years now.

25 Q. Were you living there back on November 1, 2019?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Yes, sir.

2 Q. Who lived there with you back then?

3 A. My fiancée, my mom, and my sister and now my grand
4 kids.

5 Q. I want you to direct your attention to the screen
6 as I show this picture. This is State's Exhibit Number 1. Can
7 you see that?

8 A. Yes, sir.

9 Q. We see Amherst kind of makes a loop; is that right?

10 A. Yes, sir.

11 Q. Do you see that red mark over there to the right of
12 the screen?

13 A. Yes, sir.

14 Q. It's labeled [REDACTED] Amherst.

15 A. Yes.

16 Q. Where is your house in relation to that house?

17 A. Straight across the street.

18 Q. If I show you State's Exhibit Number 7, you see
19 that black car. Then we see a house up there to the right. Is
20 that your house?

21 A. Yes, sir.

22 Q. Did anything happen on November 1, 2019 in that
23 neighborhood?

24 A. Yeah. Rob got shot that day.

25 Q. You called the victim Rob?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Yeah.

2 Q. How did you know him?

3 A. Just friends. I've known him for a while. Just
4 friends.

5 Q. You knew him from that neighborhood?

6 A. He been around the whole time, yeah.

7 Q. Who lived at the house that's directly across from
8 your house where this incident occurred?

9 A. Gizzard lived across the street from me at the
10 time.

11 Q. State's Number 6, that looks like a duplex?

12 A. Yes, sir.

13 Q. The person you called Gizzard lived where?

14 A. On the left-hand side.

15 Q. Do you know Gizzard's real name?

16 A. No, sir.

17 Q. Just know him by his nickname?

18 A. That's all.

19 Q. The timing, the person you called Rob got shot,
20 what time was that?

21 A. I can't remember that.

22 Q. Was it late afternoon?

23 A. It was in the afternoon. That's all I can tell
24 you.

25 Q. Did you work back then?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Yeah.

2 Q. What kind of work did you do?

3 A. I was doing roofing at the time.

4 Q. Had you worked that day?

5 A. No, sir.

6 Q. Had you been home pretty much all day?

7 A. Yeah.

8 Q. The time when this happened, how many people were
9 out in this front yard?

10 A. When I walked outside -- I walked outside 'cause
11 there was a bunch of arguing going on. Me and my fiancée and
12 grand kids playing in the carport there. It was, I don't know,
13 three, four of them over there. Maybe five.

14 Q. Were there cars on the street?

15 A. Yes, sir.

16 Q. Do you remember about how many?

17 A. There were white car and another car and then Rob's
18 when he showed up.

19 Q. So you said you were in the house and there was
20 arguing that drew you outside?

21 A. Yeah. You could hear it good in the house.

22 Q. When you came outside to see what was going on,
23 could you tell who was arguing?

24 A. It was a lady and seemed like all of them was
25 arguing, something about she got hit or something.

MATTHEW LINDSEY DIR BY MR. BULSA

1 Q. Was Rob involved in the argument?

2 A. When he got there.

3 Q. He was?

4 A. Yeah.

5 Q. Show you State's Number 23. Is this the carport
6 where you came out?

7 A. Yes, sir.

8 Q. That's directly across from [REDACTED]?

9 A. Yes, sir.

10 Q. You came out and you would've been looking at
11 State's 24. You would've been looking back in this direction?

12 A. Yes. I was sitting on the steps. The steps right
13 there in the corner (indicating). I'm a little lower right
14 there.

15 Q. When you say steps; maybe we can see them in this
16 other picture. Would you have been further towards the front
17 of the house?

18 A. No. That's the picture of somebody standing up. I
19 would be sitting down lower.

20 Q. Other than the height of it, it's pretty much the
21 view you would've had, the vantage point?

22 A. Yep.

23 Q. You see people arguing out there in the yard?

24 A. What?

25 Q. You saw people arguing out in front of [REDACTED]?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Oh, yeah.

2 Q. What happened after they argued?

3 A. Guy pulled up in a blue Toyota truck, and he was
4 shooting. And all I know was Rob fell behind the thing. And
5 later I found out he was dead.

6 Q. Let's back up and take it a little slower. A blue
7 Toyota truck pulled up?

8 A. Yeah.

9 Q. Which direction did it come from?

10 A. From the left.

11 Q. From the left. In the same direction as the police
12 cars?

13 A. From the left-hand side. Yeah.

14 Q. It would've been pointing in the same direction --

15 A. Yeah.

16 Q. -- where you see the police cars? And the truck,
17 did it come completely in your view?

18 A. I could barely see the front of it and the door
19 where that police is sitting on the left.

20 Q. It didn't quite pull up to the house?

21 A. No.

22 Q. You saw a blue Toyota pickup truck pull up. And
23 did you see anybody get out of it?

24 A. Oh, yeah. He got out shooting.

25 Q. How many people?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Just one.

2 Q. One person got out from which side?

3 A. I don't remember which side he got out of, sir. I
4 got keyed in on the shooting then. I can't remember which
5 side.

6 Q. He got out shooting?

7 A. Uh-huh.

8 Q. Did you get a look at him? What could you tell
9 about his appearance?

10 A. He had a ball cap on, and he had dreads. About my
11 size. Maybe a little skinnier. That's about all I could tell
12 you.

13 Q. What is your size?

14 A. I'm 6'4".

15 Q. You say he was about your size, about the same
16 height as you?

17 A. Yeah.

18 Q. Just thinner?

19 A. Yeah.

20 Q. Was he a black person or a white person?

21 A. He was black, sir.

22 Q. Black individual with dreads?

23 A. Yeah.

24 Q. And he came out shooting you said?

25 A. Yes, sir.

MATTHEW LINDSEY DIR BY MR. BULSA

1 Q. He came out shooting. And then what happened?

2 A. Everybody started scattering. He kept firing all
3 the way up to Rob's car up there. When he got behind Rob's car
4 up there, it looked like he fired three shots into the ground;
5 whether he was firing at Rob or what. He fired three shots
6 into the ground.

7 Q. He got out of the car and moved forward toward
8 Rob's car, shooting all the time?

9 A. The whole time.

10 Q. And you actually saw Rob fall?

11 A. Yeah.

12 Q. When this was going on, you stayed out on your
13 carport and watched the whole thing?

14 A. I did.

15 Q. How about your fiancée? Was she out there when
16 this happened?

17 A. When the shots -- the first shot got fired, she
18 grabbed the grand kids and went inside.

19 Q. She came outside --

20 A. We was sitting there smoking a cigarette.

21 Q. -- when they were arguing and you both came outside
22 together?

23 A. Yeah.

24 Q. She was afraid for her grandchild. She grabbed him
25 and took him inside?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. Yes.

2 Q. You described everybody else as scattering?

3 A. Yeah.

4 Q. Did you see anybody else come out from any of the
5 houses?

6 A. What do you mean?

7 Q. Did any of your neighbors come out and see what was
8 going on?

9 A. I didn't pay attention to them.

10 Q. What were you focused on?

11 A. That guy with the gun.

12 Q. You said he actually went all the way up to where
13 Rob fell and shot into the ground?

14 A. Yeah. Personally I would say he shot him again.
15 He was shooting him. I can't say for sure.

16 Q. Because he was behind the car?

17 A. Right.

18 Q. What happened after you saw him at that point?

19 A. Once he got through shooting, he walked back to the
20 car and just drove off casually, not the car but the truck.
21 Like nothing ever happened.

22 Q. He got back in the same vehicle?

23 A. Yes, sir.

24 Q. He drove off, I guess?

25 A. To the right.

MATTHEW LINDSEY DIR BY MR. BULSA

1 Q. Basically around the circle?

2 A. Out of there.

3 Q. This truck would've come around the circle in one
4 way and out the other?

5 A. Yes, sir.

6 Q. What did everybody else do?

7 A. Scattered. As soon as that first shot was fired,
8 they scattered.

9 Q. When you say scattered, what does that mean?

10 A. I mean, couple of them went in the house, couple --
11 one went down the street. And the lady was right there with
12 the white car, she left.

13 Q. Basically then the street became empty?

14 A. Yep.

15 Q. Did you stay out there until the police arrived?

16 A. Basically, I mean, I went inside, you know, for
17 just a second. I was back outside when the cops showed up.

18 Q. Did you go in to check on your fiancée?

19 A. Yeah.

20 Q. How were they acting?

21 A. They was a little scared. I mean, ain't never seen
22 nothing like that before.

23 Q. About how long did it take the police to get there?

24 A. Minute or two. It wasn't long.

25 Q. When the police got there, did you approach the

MATTHEW LINDSEY DIR BY MR. BULSA

1 police?

2 A. No, they come to me.

3 Q. Came to you?

4 A. Uh-huh.

5 Q. What did you tell them?

6 A. Basically, I tell them what happened. I really
7 didn't want to be right here.

8 Q. Why not?

9 A. Because I got to live in that neighborhood.

10 Q. You're afraid for your life and your fiancée's
11 life?

12 A. People talk, usually something happen to them, you
13 know.

14 Q. Yes, sir. That's fair. You did agree to talk to
15 the police?

16 A. Yeah.

17 Q. They actually spoke to you inside your house?

18 A. Yeah.

19 Q. Is that because you don't want to be seen riding
20 off with the police?

21 A. Yes.

22 Q. Did you tell them --

23 A. I mean, I told what it is because, you know, it
24 happened right there, you know. That could've been me. I
25 would want somebody to say something.

MATTHEW LINDSEY DIR BY MR. BULSA

1 Q. Right. About how quick did this happen?

2 A. It was less than three, four minutes. By the time
3 he pulled up, three or four minutes. I mean, it was over.

4 Q. When the police were asking you who did this, what
5 kind of description did you give them?

6 A. Same description I just gave you.

7 Q. Was there anything about his clothing that you were
8 able to remember?

9 A. I can't remember.

10 Q. You were focused on the gun and the shots?

11 A. Yeah, basically that gun and which way he was
12 shooting.

13 Q. Are you familiar with weapons?

14 A. Uh-uh.

15 Q. Could you tell what kind of weapon was used?

16 A. It looked like a nine millimeter or a .45 with
17 extended clip. That's what it looked like. That's 60, 70
18 feet. Could've been something different.

19 Q. From where you were sitting to the right-of-way
20 where they were is about 60 or 70 feet?

21 A. Yeah.

22 Q. You had this vantage point, and you had the tree
23 right there, too; right?

24 A. I can see the tree.

25 Q. Little bit blocked?

MATTHEW LINDSEY DIR BY MR. BULSA

1 A. No, when you sit down -- when I was sitting, I was
2 little bit more to the right. I could see straight to the
3 front of Rob's car.

4 Q. Okay. About how many shots was fired?

5 A. At least ten, 15 shots.

6 Q. Do you remember what you told the police? He got
7 in the passenger side?

8 A. I can't remember.

9 Q. Is it more likely that he got in the passenger
10 side?

11 A. More likely.

12 Q. You actually saw him when he got out as he moved
13 forward?

14 A. Yeah.

15 Q. Let's go over the number of people that were out in
16 the yard again.

17 A. Yeah.

18 Q. Can you tell them to us by name, if you know them.

19 A. Duke and Gizzard, and there was a lady there. And
20 there was another guy there. And I think there was one more,
21 but I'm not sure.

22 Q. Four? At least four?

23 A. Yeah.

24 Q. Maybe five or six?

25 A. Yeah.

MATTHEW LINDSEY CROSS BY MR. HALL

1 Q. Everybody was so afraid they scattered around?

2 A. Yeah.

3 MR. BULSA: Thank you. Answer any questions
4 Mr. Hall has.

5 CROSS-EXAMINATION

6 BY MR. HALL:

7 Q. Your driveway, if you roll down your driveway, you
8 could roll down into his driveway?

9 A. Yes, sir.

10 Q. Gizzard's, I mean?

11 A. Yeah.

12 Q. You call him Rob or Rock?

13 A. Called him Rob.

14 Q. That's Jason, I assume?

15 A. I always known him as Rob.

16 Q. His car would be pretty much blocking the driveway?

17 A. Whose? Rob's? No. Straight across the street is
18 Gizzard's house in between those two cop cars. See, there's
19 another car behind them. That's Gizzard's house. Rob parked
20 where that black car is now.

21 Q. It's way up?

22 A. Huh?

23 Q. It's on the upper side of that duplex?

24 A. You can see the black car right there.

25 Q. The tree and then the black car?

MATTHEW LINDSEY CROSS BY MR. HALL

1 A. Yeah.

2 Q. Way up there. Do you know -- you referred to as a
3 female woman there. Do you know who she was?

4 A. No, sir.

5 Q. Did you see what she was driving?

6 A. White four-door. Could've been LTD. Could've been
7 Mercury. White four-door. Looked like an old cop car.

8 Q. Like an old cop car?

9 A. Yeah.

10 Q. African-American? White?

11 A. African-American.

12 Q. She was there before Rob, who you call Rob?

13 A. Yes, sir.

14 Q. Where was her car parked?

15 A. About where that white car, the first cop car on
16 the right is, except a little bit further up. There would've
17 probably about four, five foot between Rob's car and her car.

18 Q. This is a big sedan?

19 A. Yeah. Like I said, I don't know what model or
20 nothing was.

21 Q. We're not talking a compact car?

22 A. Yeah, it's a big car.

23 Q. Full-size sedan?

24 A. Yeah.

25 Q. She's the only female out?

MATTHEW LINDSEY CROSS BY MR. HALL

1 A. That I could tell.

2 Q. Were the people arguing before Rob got there?

3 A. Yes, sir.

4 Q. He, I assume, got out of the car?

5 A. Uh-huh.

6 Q. Did he get into the argument?

7 A. He stayed closer to his car. He didn't get close
8 to them. It was like, he was yelling at them. They was
9 yelling at him. Like I said, what I could tell, it was over
10 that woman got hit or something by Rob. Like I said, I
11 couldn't hear the whole conversation.

12 Q. It strikes my head, before Rob got there, you said
13 there's three, four people out there?

14 A. About four people, yeah.

15 Q. One female?

16 A. And three guys.

17 Q. Seemed to be arguing something about the woman?

18 A. Uh-huh.

19 Q. The vehicle pulls up. You said you saw a blue,
20 green truck?

21 A. Blue Toyota truck, yeah.

22 Q. You just saw kind of the front of the truck?

23 A. From the doors to the front, not the bed.

24 Q. A guy got out and started shooting?

25 A. Yes, sir.

MATTHEW LINDSEY CROSS BY MR. HALL

1 Q. Was he in the yard shooting, in the street
2 shooting?

3 A. He started from the street, walked down into the
4 yard, walked behind the LTD and kept shooting the whole time.

5 Q. How close was he to Rob before Rob fell?

6 A. I don't know. Twenty, 30 feet.

7 Q. Do you remember saying something about
8 two-and-a-half, maybe three feet away?

9 A. Yeah. He walked all the way over to the vehicle.
10 I can't say whether Rob was dead then or hit or squatted down
11 or what. He fired three shots, looked like at the ground or
12 Rob, whatever, like, straight down.

13 Q. Could you see Rob hiding?

14 A. I couldn't tell. That's why I said.

15 Q. You were a little lower. There's kind of a berm
16 that rises up?

17 A. Where I was sitting, I could see the front end of
18 Rob's car where Rob was.

19 Q. Did you say he had dreads pulled back in a pony
20 tail?

21 A. I can't tell if he had it pulled back. All I know
22 is he had dreads and a ball cap on.

23 Q. Okay.

24 A. And about my height.

25 Q. When he was -- the shooter was leaving, you said he

MATTHEW LINDSEY REDIR BY MR. BULSA

1 goes back to the truck he came in, vehicle he came in. Make
2 any stops?

3 A. When he left?

4 Q. Yeah?

5 A. Not that I can remember. He walked straight back
6 to that vehicle and left.

7 Q. I assume all this was kind of unusual for you?

8 A. Oh, yeah.

9 Q. You're trying to take all this in. It's sometimes
10 difficult?

11 A. Yeah.

12 Q. Did the police offer to do a line-up or anything
13 for you?

14 A. No, sir.

15 Q. Could you have picked anybody out if they had?

16 A. No, sir.

17 MR. HALL: Thank you. No further questions.

18 THE COURT: Any redirect limited to what he went
19 into.

20 MR. BULSA: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. BULSA:

23 Q. Why do you think you couldn't pick anybody out?

24 A. If you put people up there the same size, dreads,
25 and ball cap, I couldn't. I really couldn't.

MATTHEW LINDSEY REDIR BY MR. BULSA

1 Q. You're talking about the size of this man. How
2 tall is Gizzard?

3 A. How tall am I?

4 Q. Gizzard?

5 A. I don't know, 5'5", 5'6".

6 Q. How about Duke?

7 A. About the same size.

8 Q. The other men that you saw out there were a lot
9 smaller than the shooter?

10 A. Yes, sir.

11 Q. Did anybody try to fire back, shoot back at this
12 guy?

13 A. Not that I seen.

14 Q. Did Rob? Did he try to do anything in retaliation?

15 A. I was more focused really on that one shooting.
16 Not pointing at him or nothing, but, you know.

17 Q. The person shooting?

18 A. Yeah.

19 Q. You saw Rob running?

20 A. Yeah.

21 Q. Rob wound up on the other side of his car?

22 A. Yeah.

23 Q. During the arguing, was anybody throwing any
24 punches?

25 A. No. They were like mad at somebody else. Until

MATTHEW LINDSEY RECROSS BY MR. HALL

1 Rob showed up. You could tell they was mad at him.

2 Q. About how long or after Rob got there that this
3 happened?

4 A. No more than about five minutes, ten minutes.
5 Couldn't have been that much longer than that, at the most.

6 Q. When the truck left, you got a good look at it?

7 A. Yeah.

8 Q. Had you seen that truck in the area before?

9 A. Yeah.

10 MR. BULSA: Thank you, Mr. Lindsey.

11 THE COURT: Thank you, sir. If you would, watch
12 your step as you're stepping down. Hang on one second.

13 Limited to what he went into.

14 RECROSS-EXAMINATION

15 BY MR. HALL:

16 Q. How long after Rob got there did the shooter
17 arrive?

18 A. It was about five, ten minutes. It wasn't no
19 longer than ten minutes. No longer.

20 Q. Do you know what time it was when these things were
21 happening?

22 A. I don't remember. Just the afternoon.

23 MR. HALL: Thank you.

24 THE COURT: Thank you, sir. You may step down.
25 Watch your step as you're stepping down.

MATTHEW LINDSEY RECROSS BY MR. HALL

1 MR. BULSA: Ask that he be excused.

2 THE COURT: Any objection?

3 MR. HALL: No objection.

4 THE COURT: Sir, you may be excused as well. Thank
5 you for coming.

6 You want to approach?

7 MS. CUENCA: Yes, Your Honor.

8 (The witness exited the stand.)

9 (The following proceedings were had outside the
10 hearing of the jury.)

11 MS. CUENCA: Judge, we have Parker.

12 THE COURT: She's not long.

13 MS. CUENCA: Uh-uh. I would say probably --

14 MR. HALL: We may have time.

15 MS. CUENCA: The next one is very brief one.

16 THE COURT: Parker?

17 MS. CUENCA: Yes.

18 (The following proceedings were had within the
19 hearing of the jury.)

20 THE COURT: State ready to call their next witness?

21 MS. CUENCA: Yes, Your Honor. The State would call
22 Latonya Parker.

23 THE COURT: Ma'am, just come right up here to the
24 the witness stand. Let the clerk of court swear you in.

25 LATONYA PARKER

LATONYA PARKER DIR BY MS. CUENCA

1 being first duly sworn, testified as follows:

2 THE COURT: Ma'am, watch your step. Have a step up
3 and have a seat in the chair and pull the chair up to the
4 microphone.

5 DIRECT EXAMINATION

6 BY MS. CUENCA:

7 Q. Good morning, Ms. Parker.

8 A. Good morning.

9 Q. Please introduce yourself to the jury.

10 A. My name is Latonya Parker.

11 Q. Where did you live on November 1, 2019?

12 A. I lived on [REDACTED] Amherst Drive, Spartanburg.

13 Q. Did you live with Mr. Matthew Lindsey at that time?

14 A. I did.

15 Q. Were you in a relationship with him at that time?

16 A. Yes, we were engaged.

17 Q. Do you remember the shooting of that day,

18 Ms. Parker?

19 A. Yes, ma'am.

20 Q. What do you remember that you observed?

21 A. I had stepped outside. I had my two-year-old
22 granddaughter with me. I had stepped outside to smoke a
23 cigarette. We do not smoke inside. And there was a couple, a
24 man and a female, arguing. Not loudly but they were -- you
25 could tell they were having words.

LATONYA PARKER DIR BY MS. CUENCA

1 Q. Do you recognize the male and the female?

2 A. I do not.

3 Q. Could you tell what they were arguing about?

4 A. No, ma'am.

5 Q. What happened after you saw them arguing?

6 A. I was smoking a cigarette, watching my little
7 granddaughter play. It wasn't too long after they were, you
8 know, having their confrontation and stuff that a truck pulled
9 up. And a male stepped out of the passenger side. I noticed a
10 magazine clip. It was a very long magazine clip. And I
11 grabbed my granddaughter and immediately went inside.

12 Q. Did you see him shoot?

13 A. No, ma'am, I did not.

14 Q. You saw a male. What kind of male? Will you
15 describe him.

16 A. It was a black male. If I remember correctly, he
17 had dreads, average height. I would say 6', 6'2", somewhere
18 around in there. And not a big build. Slender.

19 Q. You said he had dreads?

20 A. Yes, ma'am.

21 Q. So you said you did not see him shoot?

22 A. No, ma'am, I did not. As soon as he got out of the
23 vehicle, I noticed a clip to the gun. And I grabbed my
24 granddaughter, and I went inside. I took her to the bathroom.

25 Q. Was it a handgun?

LATONYA PARKER DIR BY MS. CUENCA

1 A. From what I could tell, yes, ma'am. Like I said, I
2 saw the clip extended from his hand, and I grabbed my
3 granddaughter and took her to the bathroom for safety.

4 Q. Do you remember what side of his hand he was
5 holding that gun?

6 A. If I remember correctly, it would have been the
7 right side because I seen it when he got out of the vehicle.

8 Q. Had you seen this individual before, Ms. Parker?

9 A. I don't know because, honestly, I did not see his
10 face. I don't know what he looked like except you could just
11 tell, you know, getting out of the vehicle, he was taller and
12 slender. I did not see his face.

13 Q. You were -- when you're saying that you were
14 smoking, were you right around the same as State's Exhibit 24,
15 in the area as Mr. Lindsey?

16 A. Yes, that would've been the little porch area where
17 we were.

18 Q. You were approximately right over here in this area
19 where I'm pointing?

20 A. There or maybe a little bit to the left; right in
21 there, yes.

22 Q. That's where you were observing all of this?

23 A. Yes, because there were steps.

24 Q. When you took your grandchild inside, did you hear
25 anything?

LATONYA PARKER DIR BY MS. CUENCA

1 A. Before I got down the hallway, I could hear shots
2 fired. Like I said, I took her immediately, put her in the
3 bathtub, shut the door and did not come out.

4 Q. Why did you do that?

5 A. Well, I mean, I saw a gun. If anything was going
6 to happen, I wanted my granddaughter to be as safe as possible.

7 Q. You feared for the life of your granddaughter?

8 A. Well, I mean, I saw a gun. Yes, I did. I wanted
9 her inside in case something happened, that she would be safe.

10 Q. Did you also fear for your life?

11 A. At the time I didn't think about myself.

12 Q. Because you were concerned about your
13 granddaughter?

14 A. Yes.

15 Q. How many shots did you hear, approximately, if you
16 remember?

17 A. Honestly, it was so fast. It probably was at least
18 ten or more.

19 Q. Definitely more than one or two?

20 A. Yes.

21 Q. And do you remember, again, what kind of vehicle he
22 drove in?

23 A. If I remember correctly, it was a pickup truck and
24 it was blue. It had chrome detailing.

25 Q. Is that what you told law enforcement that day?

LATONYA PARKER DIR BY MS. CUENCA

1 A. Yes, ma'am. I'm pretty sure that's what I had told
2 them.

3 Q. Do you remember, approximately, how many people
4 were there when they were arguing, Ms. Parker?

5 A. I know it would've been the gentleman and the
6 female, and it was at least probably two or three more, if I
7 remember correctly.

8 Q. Were they outside and where outside were they?

9 A. They were just in different places in the yard, on
10 the other side of the house.

11 Q. Definitely close proximity to each other?

12 A. They were all kind of in that hill/yard area, yes.

13 Q. Is this the same yard area the shooter went into?

14 A. I don't know. Like I said, when he stepped out of
15 the truck, I went inside.

16 Q. I think that you told us you didn't remember quite
17 the color of the truck.

18 A. It was either blue or green. I could not remember
19 correctly.

20 MS. CUENCA: I beg The Court's indulgence.

21 (A pause transpired.)

22 MS. CUENCA: Ms. Parker, I have no further
23 questions. Please answer anything Mr. Hall might have.

24 THE WITNESS: Yes, ma'am.

25 MR. HALL: No questions, Your Honor.

LATONYA PARKER DIR BY MS. CUENCA

1 THE COURT: Thank you, ma'am. You may step down.
2 Watch your step as you're stepping down.

3 May the witness be excused?

4 MS. CUENCA: Yes, Your Honor, she may.

5 MR. HALL: No objection.

6 THE COURT: You may be excused.

7 THE WITNESS: Thank you.

8 (The witness exited the stand.)

9 THE COURT: At this time we're going to take a
10 short recess. Remind you of the ongoing instructions, do not
11 have any discussions among yourselves about anything involving
12 the case. We'll get you back just shortly. Everybody keep
13 their seat while the jury is leaving.

14 (The jury exited the courtroom at 10:41 a.m.)

15 THE COURT: We'll step down for a few minutes.

16 (A recess transpired from 10:42 a.m. until 11:04
17 a.m.)

18 THE COURT: Bring the jury back in.

19 (The jury entered the courtroom at 11:05 a.m.)

20 THE COURT: State ready to call their next witness?

21 MR. BULSA: Yes, sir. State calls Rodney Lecco
22 Nash.

23 THE COURT: Mr. Nash, come right up here, if you
24 would, to the witness stand, and let the clerk of court swear
25 you in.

RODNEY NASH DIR BY MR. BULSA

1 RODNEY LECCO NASH

2 being first duly sworn, testified as follows:

3 THE COURT: Mr. Nash, please be careful. Step up
4 and have a seat in the chair. Then pull the chair up to the
5 microphone and speak into the microphone, if you would. Thank
6 you, sir.

7 THE WITNESS: Can y'all hear?

8 JURORS: Yes.

9 DIRECT EXAMINATION

10 BY MR. BULSA:

11 Q. Go ahead and introduce yourself to us.

12 A. My name is Lecco Nash. I'm here today on Shard.

13 Q. Mr. Nash, did you used to live on Amherst Drive?

14 A. Yes.

15 Q. What was your address?

16 A. [REDACTED] Amherst.

17 Q. I'm going to show you a picture. Look up there at
18 the screen. Does that look like the duplex you stayed in? You
19 need to answer.

20 A. Yeah.

21 Q. You lived on the left side?

22 A. Lived on the end where the car at right there
23 (indicating).

24 Q. That's over towards the left-hand side of that
25 picture. How long had you lived there?

RODNEY NASH DIR BY MR. BULSA

1 A. Lived there for, like, 20 years. I think 20, going
2 on.

3 Q. Live there anymore?

4 A. No.

5 Q. You moved after this incident?

6 A. Yep.

7 Q. Do you remember the day of November 1, 2019 when a
8 friend of yours got shot?

9 A. I know him a little bit.

10 Q. Did that happen in the afternoon hours?

11 A. It happened in like, I think, the afternoon. I
12 know it happened during the daytime, though.

13 Q. Still light outside?

14 A. Yeah.

15 Q. Were you working back then?

16 A. No, sir.

17 Q. Did you have people come over to your house often?

18 A. Yeah, they come over, kicking it sometimes, you
19 know.

20 Q. They kind of hang out at your house?

21 A. (Witness moves head up and down.)

22 Q. About how many people there the day of the
23 shooting?

24 A. Like, little couple people.

25 Q. Can you name the people that were there?

RODNEY NASH DIR BY MR. BULSA

1 A. It was Duke. Ham, Pill, and Jason.
2 Q. You said Duke and who else?
3 A. Jason. I'm going to say Duke, Crash, Big T.
4 Q. Who's Big T?
5 A. That's Pete.
6 Q. Huh?
7 A. That's Kenya people.
8 Q. Kenya?
9 A. Yeah.
10 Q. You're saying Kenya, not Kim?
11 A. Kenya.
12 Q. Jason, is he the guy that got shot?
13 A. Yeah.
14 Q. What name do you call him by?
15 A. I call him Jason sometimes. Jay Rock.
16 Q. Jason or Jay Rock. Was there an argument going on
17 that afternoon?
18 A. She said that he had hit her, you know. It just
19 went from there.
20 Q. She being Kenya?
21 A. Yeah, Kenya.
22 Q. Saying that Jay Rock had hit her?
23 A. Yeah. He had did something to her.
24 Q. What happened regarding the shooting? Describe to
25 us what happened.

RODNEY NASH DIR BY MR. BULSA

1 A. Like I said, like Matt said, you know what I'm
2 saying, pulled up and started shooting. He had started
3 shooting.

4 Q. Where were you when the shooting happened?

5 A. I was down by my door.

6 Q. Were you looking up at the shooting?

7 A. I wasn't even paying attention.

8 Q. Did you see who shot?

9 A. All I know it was Shard parked there.

10 Q. Who was doing the shooting?

11 A. Shard right there.

12 Q. The Defendant?

13 A. (Indicating).

14 MR. BULSA: Let the record reflect Mr. Nash has
15 identified the Defendant as the shooter.

16 BY MR. BULSA:

17 Q. What did you do when you saw the shots?

18 A. I scattered. I got in Kia's truck and drove off.
19 I was scared, you know.

20 Q. Is that about what everybody else did?

21 A. Yep. Yes, sir.

22 Q. Did you see where Mr. Geter went, where Rishard
23 went?

24 A. No, I didn't see all that.

25 Q. You didn't watch him go back to the truck?

RODNEY NASH DIR BY MR. BULSA

1 A. No.

2 Q. You just heard the shots, saw the shots and got
3 covered?

4 THE COURT: Sir, if you will respond verbally.

5 THE WITNESS: Sir?

6 THE COURT: Sir?

7 THE WITNESS: I didn't hear you.

8 THE COURT: You need to give a verbal answer
9 because she's taking down everything that's said. This lady
10 right here. You're shaking and nodding your head, she cannot
11 write that down. Okay?

12 THE WITNESS: Okay.

13 THE COURT: Thank you, sir.

14 BY MR. BULSA:

15 Q. You took cover. You took protection yourself. You
16 got away from the shooting?

17 A. Yes, sir.

18 Q. This sounds like it happened pretty quick. Did it?

19 A. It did.

20 Q. Shard showed up, shot, and then left?

21 A. Yep.

22 Q. Could you tell what kind of weapon he had?

23 A. I couldn't even tell that. I think it was a nine.

24 MR. BULSA: Thank you, Mr. Nash. Answer anything
25 Mr. Hall has.

RODNEY NASH CROSS BY MR. HALL

1 CROSS-EXAMINATION

2 BY MR. HALL:

3 Q. Mr. Nash, I believe?

4 A. Yes, sir.

5 Q. You have told officials and said before at the time
6 you were taking some medicine?

7 A. Yes, sir.

8 Q. Sometimes affects your memory?

9 A. Yes, sir.

10 Q. Okay. When the shooting happened, you got into a
11 vehicle, did you say?

12 A. Yes, sir.

13 Q. What kind of vehicle?

14 A. A Tahoe.

15 Q. Tahoe?

16 A. White Tahoe.

17 Q. Whose vehicle?

18 A. Belong to Kia. I say it belongs to Kia, sir.

19 Q. Kia?

20 A. Yeah, Kia.

21 Q. Do you know her whole name?

22 A. No, sir, just call her Kia.

23 Q. Where was that vehicle parked?

24 A. It was parked at the top of the street.

25 Q. At the top of the street?

RODNEY NASH CROSS BY MR. HALL

1 A. Yeah, right there, like, this one (indicating)
2 right there. Like, little bit up from my driveway. Right
3 there by my pole.

4 Q. We can't see the whole curve.

5 A. Can't see it 'cause they cut that out. I'm talking
6 about, as soon as you walk up my driveway, the pole right
7 there, she was parked right back there by the pole.

8 Q. Was she parked in front of your home or on the
9 other side of the driveway from your home?

10 A. She parked in front of my home.

11 Q. In front of your home?

12 A. Yes, sir.

13 Q. Where was Jay Rock parked?

14 A. Jay Rock was right there (indicating). Right there
15 at the other driveway.

16 Q. That's where he was blocking that driveway?

17 A. Yeah.

18 Q. Was everybody arguing that day?

19 A. They was mad because of what had happened. They
20 was mad 'cause what had happened, you know, what he had --
21 folks say he had did, what folks said went down. I don't know
22 what went down. I was guarding my house. Minding my business.
23 Like I always do. They come around, Kia.

24 Q. Before Jay Rock got there, who was in your yard? I
25 couldn't quite understand what you were saying.

RODNEY NASH CROSS BY MR. HALL

1 A. It was just me and Duke at the time, you know.

2 Q. You, Duke and --

3 A. Yeah, until they pulled up.

4 Q. Did Jay pull up before Kenya got there?

5 A. No, Jason was already there.

6 Q. When Katy got there?

7 A. Yep. He was already there. Then they pulled up.

8 MR. HALL: Beg The Court's indulgence.

9 (A pause transpired.)

10 BY MR. HALL:

11 Q. I thought you said something about Big somebody.

12 Big T or C. Who's that?

13 A. That's his kin people right there, Rishard. I'm
14 going to say Big T. They, you know, they call him Torry. They
15 call him Torry G. I call him Big T. That way everybody call
16 him that.

17 Q. That's a male?

18 A. Yeah, a male.

19 Q. A man?

20 A. Yeah, a man.

21 Q. What does he look like? African-American?

22 A. Yeah, he African-American. He black. He black.

23 Q. Can you say anything else about him. Tall? Short?
24 Fat?

25 A. He short, fat like my size. He bigger than me,

RODNEY NASH CROSS BY MR. HALL

1 though.

2 Q. Is that the person some people call Duke?

3 A. No, that ain't Duke.

4 Q. Was Duke there?

5 A. Yes, sir.

6 Q. Duke's there. Big T, Kenya, and you?

7 A. And Kill.

8 Q. And who?

9 A. Kill and Jason. I see Kill back there.

10 Q. Kenya out of the car? In her car?

11 A. She was out of the car.

12 Q. That makes about five people?

13 A. Yeah, it was me, Kill. It was Ken. Kill. That's
14 two already. And me. And Big T, and Crash.

15 Q. And Crack?

16 A. Dude name Crash. He dead.

17 Q. There was at least five people before Jason got
18 there?

19 A. Say what?

20 Q. There was at least five people there before Jason
21 got there?

22 A. He was already out there. Jason.

23 Q. That's who's already out there?

24 A. Yeah.

25 Q. Let me ask it this way. Do you remember who was

RODNEY NASH REDIR BY MR. BULSA

1 there when Jason pulled up?

2 A. I just sat there and told you that was all there.

3 Q. They were already there when Jason pulled up?

4 A. Yeah.

5 Q. Just want to be clear.

6 And you got in -- after the shooting, you got in
7 the car with Kia?

8 A. (Witness moves head up and down.)

9 Q. That was a little white car thing?

10 A. Tahoe.

11 Q. Tahoe?

12 A. Yeah.

13 Q. Did Kenya drive around there, or did she walk to
14 get there?

15 A. She drove around there.

16 Q. What was she driving?

17 A. She driving black Jeep.

18 Q. Black Jeep?

19 A. Yeah.

20 MR. HALL: I have no further questions, Your Honor.

21 THE COURT: Any redirect limited to what they went
22 into?

23 REDIRECT EXAMINATION

24 BY MR. BULSA:

25 Q. You're naming everybody that was there. You go by

RODNEY NASH REDIR BY MR. BULSA

1 Gizzard; right?

2 A. Yes.

3 Q. Just to make sure the jury understands, there were
4 two ladies there?

5 A. Two ladies. Kenya and Kia.

6 Q. Kia and Kenya?

7 A. Yeah.

8 Q. Sometimes when you were speaking it was confusing.

9 A. Okay.

10 Q. Two ladies, Kenya and Kia. You named all the men
11 that were there. Were they all smaller and shorter than
12 Rishard?

13 A. I'll say, yeah.

14 Q. When you say you didn't know what had happened
15 about the hitting, is that because you didn't see whatever
16 happened?

17 A. No, she just came, you know what I'm saying. She
18 just came around there, you know, and, you know, she told what
19 had happened, what Jason had did to her, you know. And then,
20 you know, they was already -- it was already arguing and stuff,
21 you know what I'm saying, arguing and stuff going on the night
22 before that day.

23 Q. Something had been going on between Kenya and
24 Jason?

25 A. Yeah.

RODNEY NASH REDIR BY MR. BULSA

1 Q. You left with Kia, not Kenya? You left with Kia?

2 A. Yes.

3 Q. Did you see where Jason was when you left?

4 A. I didn't see all that.

5 Q. You didn't see him laying down beside his car?

6 A. He was sitting up beside his car, yeah, you know.

7 I wasn't even really looking towards his way, though, you know.

8 That's how scared I was.

9 MR. BULSA: Thank you, Mr. Nash.

10 MR. HALL: Nothing.

11 THE COURT: Thank you, sir. You may step down, Mr.

12 Nash. Watch your step as you're stepping down.

13 THE WITNESS: Yes, sir.

14 THE COURT: Any reason why the witness cannot be

15 excused?

16 MR. BULSA: No, sir. We ask he may be excused.

17 MR. HALL: No objection.

18 THE COURT: Thank you, sir. You may be excused as

19 well. Thank you for coming.

20 Is the State ready to call the next witness?

21 MS. CUENCA: Yes, Your Honor. The State would call

22 LaKia Gooden to the stand.

23 THE COURT: Ma'am, just come right up here to the

24 witness stand and let the clerk of court swear you in.

25 LaKIA GOODEN

LAKIA GOODEN DIR BY MS. CUENCA

1 being first duly sworn, testified as follows:

2 THE COURT: Watch your step. Step up. Have a seat
3 in the chair. Pull the chair up to the microphone.

4 DIRECT EXAMINATION

5 BY MS. CUENCA:

6 Q. Good morning, Ms. Gooden. Please introduce
7 yourself to the jury.

8 A. My name is LaKia Gooden. I go by Kia.

9 Q. When Mr. Nash was referencing Kia, was that you?

10 A. Yes.

11 Q. Do you live here in Spartanburg County?

12 A. Yes.

13 Q. Do you know the victim Jason Eison?

14 A. Yes, I did.

15 Q. How do you know him?

16 A. Just from the neighborhood.

17 Q. How long did you know him, Ms. Gooden?

18 A. Maybe about two, three years.

19 Q. Do you know him by any other name?

20 A. Jay Rock.

21 Q. Do you know the Defendant, Rishard Geter?

22 A. Yes.

23 Q. How long have you known him?

24 A. Maybe, like 20 years.

25 Q. Do you also know Kenya Geter?

LAKIA GOODEN DIR BY MS. CUENCA

1 A. Yes.

2 Q. What is she in relation to you?

3 A. Friend.

4 Q. How long have you known her?

5 A. Over 20 years.

6 Q. Let's talk about November 1, 2019. Who did you
7 visit that day, Ms. Gooden?

8 A. Gizzard. We all call him that over there.

9 Q. Did you visit anyone before him, though?

10 A. I had rode by Kenya's. She weren't there so I went
11 around to Gizzard's.

12 Q. What time did you get to Gizzard's house?

13 A. I don't recall the approximate time. It was in the
14 afternoon.

15 Q. Okay. So it was in the afternoon. How close was
16 Gizzard's house in relation to Kenya's?

17 A. Just around the corner.

18 Q. Are they on the same street?

19 A. Yes.

20 Q. Again, when you said you were at Gizzard's house,
21 is it the duplex that is State's Exhibit 6?

22 A. Yes.

23 Q. When you arrived to Gizzard's house, what did you
24 observe?

25 A. A lot of arguing, commotion.

LAKIA GOODEN DIR BY MS. CUENCA

1 Q. Now, let's talk a little bit about the time frame.
2 What time did you say you were at Gizzard's house? You were in
3 the afternoon. Do you remember what time?

4 A. No, I don't remember the approximate time.

5 Q. Right before you went there, had you done anything?
6 Did you pick up your kids?

7 A. I really don't recall.

8 Q. Would you be able to remember if you saw anything
9 that you said before, that you picked up your kids before and
10 took them home?

11 A. I had been over there earlier that day, too. It
12 just depends on which time you're talking about.

13 Q. If you picked up your kids, what time would you
14 pick them up?

15 A. Around 2:30, 3:00.

16 Q. Do you remember if you picked them up that day?

17 A. Yes.

18 Q. You picked up your kids?

19 A. Yes.

20 Q. Around 2:30 or 3:00?

21 A. (Witness moves head up and down.)

22 Q. What did you do with your children?

23 A. I took them home.

24 Q. After that, is that when you went to see -- it was
25 afterwards that you went to see Gizzard?

LAKIA GOODEN DIR BY MS. CUENCA

1 A. Yes.

2 Q. So it was sometime after -- how long did it take
3 you to drop off your kids?

4 A. Not long. Maybe like ten, 15 minutes.

5 Q. What time did you arrive at Gizzard's house?

6 A. Shortly after it.

7 Q. So around what time, Ms. Gooden?

8 A. Maybe -- no later than 3:30.

9 Q. When you arrived there at 3:30, what did you do?

10 A. I pulled up to the commotion. I didn't have time
11 to even get out of my car. Soon as I pulled up, Jay Rock had
12 pulled in front of me. And Kenya pulled up behind me, and they
13 were arguing.

14 Q. Your testimony is that this happened around 5:30?
15 And you're saying that you arrived there at 3:30?

16 A. I don't remember the approximate time. I just know
17 it was sometime after I picked my kids up. Like I said, I had
18 been over there twice.

19 Q. You don't know exactly the time you were there for
20 the commotion?

21 A. Yes, ma'am.

22 Q. It's possible that you were there around 5:30?

23 A. Yes, ma'am.

24 Q. When you arrived to Gizzard's house, how many cars
25 did you see when you arrived?

LAKIA GOODEN DIR BY MS. CUENCA

1 A. Just the one that was in the yard that always be
2 parked there. A broke-down car.

3 Q. Was that the only vehicle that you saw?

4 A. When I pulled up, yes.

5 Q. Ms. Gooden, I'm going to show you State's Exhibit 3
6 that's already been entered into evidence. What vehicle is
7 this I'm pointing to?

8 A. That's Jay Rock car. He pulled up after I had got
9 there.

10 Q. Where was your vehicle in relation to --

11 A. Right there (indicating) where the police car, in
12 front of his.

13 Q. This is where you pulled up first?

14 A. Yes.

15 Q. And then afterwards --

16 A. He pulled up.

17 Q. You said you arrived first, then Jay Rock pulled
18 up. Then what happened?

19 A. Then Kenya pulled up, and they start arguing.

20 Q. Did this happen pretty soon after?

21 A. Right after.

22 Q. What were they arguing about?

23 A. Him hitting her.

24 Q. Who else did you see there that day?

25 A. Gizzard. Duke, and I don't remember the other

LAKIA GOODEN DIR BY MS. CUENCA

1 people that was in the yard. I really can't recall nobody else
2 but those two in the yard.

3 Q. Did you get out of your vehicle that day?

4 A. No, I didn't have time to get out of my vehicle.

5 Q. There's testimony that you were out of the vehicle,
6 Ms. Gooden. Do you remember?

7 A. Not at that time when I pulled up and the commotion
8 was going on, no.

9 Q. Not at that time. At a later time you did get out?

10 A. Maybe an earlier time when I was over there earlier
11 that day.

12 Q. You said there was Gizzard, you, and you can't
13 remember how many or who else was there. Do you remember
14 approximately how many people were there?

15 A. No. Just us. I don't remember seeing anybody
16 else. A lot of people pulled on the side. Someone could've
17 been on the side of the house.

18 Q. Do you recognize the name Torry Geter?

19 A. Yes.

20 Q. Was he there that day?

21 A. I didn't see Big T over there.

22 Q. Is it possible that he was there?

23 A. It's a possibility, but I didn't see him.

24 Q. What about Crash? A guy named Crash?

25 A. No, I don't recall the deceased over there, not

LAKIA GOODEN DIR BY MS. CUENCA

1 Crash.

2 Q. Is it possible he was there, you can't remember?

3 A. No, because if Crash would've been over there, his
4 moped would've been out there. He would've ran to my car as
5 soon as I got there.

6 Q. When Kenya arrived, you said she arrived after Jay
7 Rock. What happened?

8 A. They were arguing.

9 Q. What happened as they were arguing?

10 A. Somebody came up shooting.

11 Q. When you say somebody came up shooting, who was
12 that?

13 A. I don't know. I didn't see who did the shooting.
14 I was ducked down in my car, trying to protect myself because I
15 was frightened for my life.

16 Q. So your testimony is that you were ducking down in
17 your vehicle?

18 A. Yes, ma'am.

19 Q. How do you know there was a shooter that came?

20 A. Because I heard the shoots -- the gunshots.

21 Q. Where was the shooter coming from that you didn't
22 see him?

23 A. It had to be on my right because I was parked the
24 same angle the police officers were.

25 Q. From your right side? Are you saying from your

LAKIA GOODEN DIR BY MS. CUENCA

1 driver's side?

2 A. No, my passenger side.

3 Q. Driver's side or you said passenger side?

4 A. Yes, ma'am, passenger's.

5 Q. Right around where the police officers are
6 standing?

7 A. Yes, ma'am.

8 Q. That's where you think the shooter was coming from?

9 A. Not directly beside my car. It would've been, like
10 they probably would've been right by Kenya's car maybe, because
11 when Jay Rock -- the last time I seen him standing, he was
12 right in front of my car. So it had to have been at an angle.

13 Q. When you said that Jay Rock was right in front of
14 your vehicle, was he right in front of your hood or where was
15 he in relation to your vehicle?

16 A. A few feet away from my hood, yes.

17 Q. Was he on the road or in the yard?

18 A. He was in the yard.

19 Q. What about in relation to his vehicle that is
20 there? Where was he in relation to his vehicle?

21 A. Like, right on the other side of -- his passenger
22 side.

23 Q. Passenger side?

24 A. Our cars was a little closer than the officer's car
25 and his car is.

LAKIA GOODEN DIR BY MS. CUENCA

1 Q. He was on the passenger side, closer to the hood or
2 closer to the rear of the vehicle?

3 A. Closer -- like in the middle of both of them.

4 Q. You said the shooter was coming from your right?

5 A. Yes.

6 Q. What did you -- did you hear something? How did
7 you know it was the shooter?

8 A. I just heard the gunshots.

9 Q. Did you see anything other than hearing the
10 gunshots?

11 A. No, ma'am.

12 Q. How many gunshots did you hear?

13 A. A lot. I don't recall the exact number.

14 Q. Do you remember seeing Jason get shot?

15 A. I seen him falling down as I was ducking down.

16 Q. How long did you stay ducked down?

17 A. Until I didn't hear any more gunshots.

18 Q. You said there were a lot. You don't know
19 approximately how many?

20 A. No, ma'am.

21 Q. What did you do after you stopped hearing gunshots?

22 A. I got up and pulled off and drove down around
23 Kenya's. That's when Gizzard got in the car with me. I took
24 him over to his mom's house.

25 Q. Did you see any truck, Ms. Gooden?

LAKIA GOODEN DIR BY MS. CUENCA

1 A. No, ma'am.

2 Q. Did you hear a truck?

3 A. No, ma'am.

4 Q. You spoke with law enforcement initially; correct?

5 A. Yes, ma'am.

6 Q. Why were you not truthful with them initially,

7 Ms. Gooden?

8 A. 'Cause I thought that I wouldn't be helpful because

9 I didn't see who did the shooting.

10 Q. Did you want to get involved in the case?

11 A. No, I didn't.

12 Q. Why didn't you want to get involved?

13 A. Because I didn't think that I had any information

14 that would be helpful because I didn't see who did the

15 shooting.

16 Q. Is it your testimony that you did not see the

17 shooter, Ms. Gooden?

18 A. Yes, ma'am.

19 Q. Are you trying to protect the shooter?

20 A. No, ma'am.

21 MS. CUENCA: I beg The Court's indulgence.

22 (A pause transpired.)

23 MS. CUENCA: I have no further questions,

24 Ms. Gooden. Please answer any that Mr. Hall may have.

25 THE WITNESS: Yes, ma'am.

LAKIA GOODEN CROSS BY MR. HALL

1 MR. HALL: May it please The Court, Solicitors.

2 CROSS-EXAMINATION

3 BY MR. HALL:

4 Q. Ms. Gooden, what kind of car were you driving?

5 A. A white Caprice Chevrolet '94, a Caprice classic.
6 Older model like the police drive -- used to drive.

7 Q. Do you remember what year it was?

8 A. '94.

9 Q. That's the big car.

10 Do you know what kind of car Kenya was driving?

11 A. I think she drove a black Honda. Jeep. I don't
12 remember the name of it.

13 Q. Big like an Accord or smaller?

14 A. SUV.

15 Q. SUV?

16 A. Yes, sir.

17 Q. Pilot or CV? Was it the bigger one?

18 A. Yes, sir.

19 Q. When the shots started, you ducked down?

20 A. Yes.

21 Q. You saw Jay Rock, Jason, apparently get hit. You
22 said it looked like he was starting to fall?

23 A. Yes, sir.

24 Q. You left and went to Kenya's. Did you just drive
25 up the street and back around up where Amherst meets Amherst?

LAKIA GOODEN CROSS BY MR. HALL

1 A. Yeah, around the circle in the direction that my
2 car was facing.

3 Q. You're going up the street. That's the way the
4 numbers go?

5 A. Yes.

6 Q. Kenya lives right there where Amherst joins
7 Amherst?

8 A. Yes, sir.

9 Q. If you had been coming into that neighborhood from
10 the other direction, you wouldn't keep going down, you would
11 turn to the left to be at Kenya's?

12 A. Right, because when we was going around, a police
13 officer and ambulances was all coming around that way. That's
14 why we just went on around right there. I stopped right there.

15 Q. At Kenya's?

16 A. Yes, sir.

17 Q. And that's when Rodney got in the car with you?

18 A. Yes, sir.

19 Q. You didn't take him there?

20 A. No, sir. I took him to his mom's.

21 Q. Do you know how he got to Kenya's?

22 A. If I recall, I think he got in the vehicle with
23 Kenya.

24 Q. As you were leaving, you said you saw police cars?

25 A. Yes, sir.

LAKIA GOODEN CROSS BY MR. HALL

1 Q. When you were at Kenya's or going to Kenya's?

2 A. When I was going around the circle, that's how they
3 got my car on camera. They had pictures of my car being parked
4 right there. The Caprice Classic.

5 Q. How long were you at Kenya's?

6 A. Maybe a minute or two. Just enough time for the
7 police to keep going and Gizzard got in the car with me.

8 Q. Was Kenya at Kenya's when you got there?

9 A. Yes, sir.

10 Q. Did any police pull by while you were there?

11 A. They rode around.

12 Q. You didn't call 911, did you?

13 A. No, sir.

14 Q. Did you try to flag down the police officers or
15 anything?

16 A. No, sir, they were already going around.

17 Q. They were going --

18 A. Yes, sir.

19 Q. -- where they needed to be.

20 Okay. When you were at Kenya's, you picked up
21 Rodney. Do you know what Kenya was doing?

22 A. There with her children.

23 Q. I beg your pardon?

24 A. She was there with her children.

25 Q. There with the kids?

LAKIA GOODEN CROSS BY MR. HALL

1 A. Yes, sir.

2 Q. Getting her kids together? Get your stuff? What
3 was she doing?

4 A. I can't recall.

5 Q. When you got there, was Rodney in her car? Out in
6 front of her house, or where was he?

7 A. He was outside the car by that time. 'Cause it was
8 just enough time for him to jump in the car with me.

9 MR. HALL: I have no further questions, Your Honor.

10 THE COURT: Any redirect limited to what he went
11 into?

12 MS. CUENCA: No, Your Honor.

13 THE COURT: Thank you, ma'am. You may step down.
14 Watch your step as you're stepping down.

15 Any reason why the witness cannot be excused?

16 MS. CUENCA: No, Your Honor. The State asks that
17 she be excused.

18 MR. HALL: No.

19 THE COURT: Thank you, ma'am. You may be excused.
20 Thank you for coming.

21 State ready to call their next witness?

22 MS. CUENCA: State would call Ms. Kenya Geter to
23 the stand.

24 THE COURT: Ma'am, if you would come right up here
25 to the witness stand and let the clerk of court swear you in.

KENYA GETER DIR BY MS. CUENCA

1

KENYA GETER

2

being first duly sworn, testified as follows:

3

4

5

THE COURT: Ma'am, watch your step as you're stepping up. Please step up and have a seat in the chair, pull the chair up to the microphone.

6

DIRECT EXAMINATION

7

BY MS. CUENCA:

8

Q. Good morning, Ms. Geter.

9

A. Morning.

10

Q. Please introduce yourself to the jury.

11

A. My name is Kenya Geter.

12

Q. How old are you?

13

A. I'm 49.

14

Q. Where do you live?

15

16

A. I live at [REDACTED] Amherst Drive, Spartanburg. It's in the Park Hills area.

17

Q. How far away is that from [REDACTED] Amherst Drive?

18

A. Just like, if -- I wouldn't even say a mile.

19

20

Probably takes like three minutes. Less than three minutes from my house to around the corner.

21

Q. Is that the same street?

22

A. Yes, ma'am.

23

Q. How long have you lived there?

24

25

A. I moved there when I was 12 years old. And I think it's been like -- I've been there now for 13 years 'cause when

KENYA GETER DIR BY MS. CUENCA

1 I moved there, I was 12. My mom lived there before me or
2 whatever. That's when I moved in. My son is 13, so for
3 approximately 13 years.

4 Q. Is that where you lived on November 1, 2019?

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

6 Q. Do you have any children?

7 A. Yes, ma'am. I have eight kids. I have five girls
8 and three boys.

9 Q. What are their names?

10 A. My oldest daughter, her name is Makhya, she's 19
11 years old. I have a 16-year-old daughter, her name is Harlen.
12 I have a 13-year-old son, his name is Markeya. I have a
13 12-year-old son, his name is Zhaylen. And I have a ten-year
14 old son, his name is Todrick. And then I have Arianna. She's
15 eight -- no, she's seven. And then I have Kaylee, she's five.
16 And I have Camari, she's four.

17 Q. That's a lot to keep up with.

18 A. I know. That's why I'm stumbling.

19 Q. That's beautiful. Did you always live at [REDACTED]
20 Amherst Drive, or did you live with your mom sometimes?

21 A. I've always lived there, but when the accident --
22 when the incident happened, that's when I stayed at my mom's
23 house.

24 Q. What is your mom's name?

25 A. My mom's name is Gladys Geter.

KENYA GETER DIR BY MS. CUENCA

1 Q. Kenya, do you know the Defendant, Mr. Rishard
2 Geter?

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

4 Q. How do you know him?

5 A. That's my nephew.

6 Q. Is it his mom is your sister?

7 A. Yes, ma'am.

8 Q. What is his mom's name?

9 A. Cassandra Geter Miller.

10 Q. What is the age difference between you and the
11 Defendant?

12 A. I'm 49, Rishard is 35.

13 Q. Let's talk about Jason Eison. Do you know him or
14 did you know him?

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

16 Q. How did you know him?

17 A. I met Jason -- my daughter Camari, she's four years
18 old. I think I was like post-partum eight weeks. I had
19 C-section or whatever. I met him, I think she was roughly like
20 eight weeks or nine weeks old. We had like a long
21 relationship, however, for over a year. Two almost.

22 Q. At the time of his death, were y'all in a
23 relationship?

24 A. No.

25 Q. Did you-all speak, or did you see him?

KENYA GETER DIR BY MS. CUENCA

1 A. I would see him like if I go to Deals or whatever.
2 He came to my house that night before he got killed.

3 Q. Why did you see him the night before he got killed?

4 A. That particular night it was my other nephew, David
5 Geter, it was his birthday. It was [REDACTED]. I wouldn't
6 call it a get-together or whatever. I had fixed food. I guess
7 it was like a get-together, and Jason just stopped. So
8 happened to stop by.

9 Q. Did anything happen that night, Kenya?

10 A. No. Just -- no.

11 Q. In the sense that Jason stopped over to your house?

12 A. Uh-huh.

13 Q. Did you talk to him at all?

14 A. Yeah, that's the night when I had got in his car or
15 whatever. Like I stated before, I don't know if he had been
16 drinking or whatever 'cause I've never seen that side of him.
17 Before I could get out the car, he pulled off. He was like:
18 Teach you not to get in my car.

19 That's when we drove to a motel room. It's in
20 Boiling Springs, I think, off Highway 9. So on our way to
21 leave from the hotel or whatever, he was like: You're going to
22 drive.

23 Okay. Mind you, I had been drinking myself that
24 night. I can't really see at night. He was like: You're
25 going to drive.

KENYA GETER DIR BY MS. CUENCA

1 In the midst of me driving, like I stated before, I
2 can't really see at night and had been drinking. He was
3 like -- he was like: You're trying to kill me, you must want
4 me to go to jail or however.

5 That's when we get by Woodward's Funeral Home on
6 the north side of town or whatever. That's when he hit me.

7 Q. Did you tell anybody that he hit you?

8 A. When I finally -- I put his car in park or
9 whatever, and I jumped out of the car. I got a ride from two
10 guys I never saw a day in my life or whatever. So when I did
11 get home, I did go around and tell Rodney, you know, what had
12 happened.

13 Q. Rodney is known as Gizzard?

14 A. Yes.

15 Q. Let's talk about the day of the shooting on
16 November 1, 2019. What made you go to [REDACTED] Amherst Drive?

17 A. That particular day I went because Rodney had gave
18 me a phone call. I could hear the commotion even before I got
19 there, whatever. I went to deescalate the situation however.
20 Prior to that, when Jason did hit me, I had called the City or
21 whatever, see if I could still press charges, was it too late.
22 They was like, no, just come down to the records or however.

23 So once I heard the confrontation over the phone or
24 whatever, like, you did hit her, such and such, this and that,
25 so I went around the corner to try to deescalate the situation

KENYA GETER DIR BY MS. CUENCA

1 because I couldn't do it over the phone.

2 Q. You're less than three minutes away from the house?

3 A. Yes, ma'am.

4 Q. What direction were you driving from? Looking at
5 this picture.

6 A. You see the way the police car is parked going up
7 so that would make me -- I was in that same direction as that
8 car, yes, ma'am.

9 Q. Going the direction?

10 A. Yes, ma'am.

11 Q. Opposite direction of Jason Eison's car?

12 A. That's correct.

13 Q. You said you went to deescalate the situation.
14 Prior to this, did anybody else give you a call?

15 A. Yes, ma'am.

16 Q. Who?

17 A. I had spoken with Erica Gray.

18 Q. We can't go into the conversation. After that
19 conversation, what did you do as a result of that conversation?

20 A. Basically the same thing. Try to deescalate over
21 the phone, you know. It was a time frame difference from when
22 she called, from when the shooting actually happened or
23 whatever. So I can't per se what I did, you know, right at
24 that moment or however, if that makes sense.

25 Q. Was the call regarding Rishard?

KENYA GETER DIR BY MS. CUENCA

1 A. Yes, ma'am.

2 Q. Did Rodney call you before or after Erica?

3 A. Rodney called me after Erica.

4 Q. How long -- you said it took you less than three
5 minutes to get there. What did you see when you got there?

6 A. Once I got there, I saw LaKia car. Once I pulled
7 in, LaKia car was facing this way (indicating). I was facing
8 this way (indicating). I saw Mr. Eison at his car, which is
9 right here where the police car is right there (indicating).
10 When I got there, he was standing outside of his car. He
11 wasn't per se in the yard then.

12 Q. You're talking about Jason?

13 A. Yes, ma'am.

14 Q. He's standing outside of his car?

15 A. Yes, ma'am.

16 Q. Kind of where?

17 A. Go back up towards my right.

18 Q. Actually, what I'm going to do, Kenya, I'm going to
19 let you come -- if you could come and point to where he was and
20 where you had your vehicle. If you can be able to project so
21 they can be able to hear.

22 THE COURT: Yes, ma'am. You're not going to have a
23 microphone. I need you to really speak up so this lady way
24 over here can hear you as well as the back jurors as well.

25 THE WITNESS: Yes, sir.

KENYA GETER DIR BY MS. CUENCA

1 THE COURT: Thank you, ma'am.

2 THE WITNESS: You're welcome.

3 BY MS. CUENCA:

4 Q. I'll first start with exhibit 3. Where was Jason?

5 A. How do I do it?

6 Q. You'll just be able to point. That will be fine.

7 A. When I arrived, this is where my car was at, in
8 this area (indicating). This is kind of confusing, this
9 picture that they have here, because Jason's car would've been
10 up more so in this area (indicating).

11 Q. Maybe it's the angle of the vehicle.

12 A. He was standing here (indicating) when I first
13 pulled up.

14 Q. That's on the road?

15 A. Yes.

16 Q. Not in the driveway?

17 A. That's correct.

18 Q. If we're looking at State's Exhibit 4, kind of
19 where would he be there and this is Jason's car?

20 A. Yes.

21 THE COURT: Y'all need to speak up.

22 MS. CUENCA: Yes, Your Honor.

23 BY MS. CUENCA:

24 Q. Where would he have been, Mr. Eison?

25 A. Talking at this particular --

KENYA GETER DIR BY MS. CUENCA

1 Q. State's Exhibit 4.

2 A. State's Exhibit 4, he had been shot, you know. I
3 can't explain whether he was here or whatever.

4 Q. When you arrived.

5 A. When I arrived, okay. When I arrived, he was on
6 his driver's side, just like standing at the door, at the car
7 door.

8 Q. Thank you. If you want to take the stand.

9 Kenya, who all did you see when you arrived?

10 A. When I arrived there, I saw LaKia Gooden. Rodney,
11 which we call him Gizzard. Donald Martin. Who else was there?

12 I don't recall seeing -- they mentioned Crash. His
13 name is Josh. I don't recall seeing him.

14 Q. Is it possible that he was there, you just don't
15 remember?

16 A. Yes, ma'am.

17 Q. Where were they? Inside, outside? Where were
18 they?

19 A. Like Matt stated earlier, everybody was spaced off
20 or however.

21 Q. Were they on the street or on the yard?

22 A. Jason was the only person that was on the street.
23 I was on the street per se. LaKia was on the street per se.
24 Rodney was more near his door. Donald Martin was more near
25 where Ms. Lucille lived at. That's on the end where the blue

KENYA GETER DIR BY MS. CUENCA

1 trash can is at. She was on that side. That's how we all
2 were.

3 Q. When you arrived, did you get out of your vehicle,
4 Kenya?

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

6 Q. What did you do next?

7 A. When I got out of the vehicle I looked at Rodney
8 like, you know, it's not that serious, you know, like it wasn't
9 even that serious or however.

10 Q. Who was arguing, Kenya?

11 A. From my remembrance, it seemed like it was Donald
12 and Jason. That's how -- I believe that's when Jason, like,
13 kind of stepped in the yard or however. I don't know if they
14 was going to fight or however.

15 Q. You saw him step from the street into the yard?

16 A. That's correct.

17 Q. Did you actually see them fighting?

18 A. No.

19 Q. Did anybody hit anyone?

20 A. He didn't have time to.

21 Q. So it was mostly just verbal?

22 A. Yes, ma'am.

23 Q. There was no --

24 A. No physical, no.

25 Q. What did you do next when you saw them arguing?

KENYA GETER DIR BY MS. CUENCA

1 A. I think they were arguing. That's when I saw my
2 nephew drive up. Rishard Geter drive up. I didn't see him
3 drive up. I just could hear like leaves or whatever. After
4 that, the only thing I could hear was shots.

5 Q. How did you know it was your nephew?

6 A. I've been around him his whole life, so I know his
7 body. I know his frame. I know his face. He done been in my
8 life forever. So why wouldn't, you know.

9 Q. Kenya, do you see him in the courtroom today?

10 A. Yes, ma'am, I do.

11 Q. Could you point to him.

12 A. Yes, ma'am, he's there (indicating).

13 MS. CUENCA: Let the record reflect Ms. Geter has
14 pointed to the gentleman next to Mr. Robert Hall.

15 BY MS. CUENCA:

16 Q. You didn't first see him. You could feel?

17 A. I could hear like, once the commotion, like them
18 arguing, however, I could hear leaves like you can hear a track
19 go through the grass or however.

20 Once I hear that, once I can hear that, I hear
21 gunshots, whatever. So it's like I can still see him. I saw
22 him when he did it. I saw him when he left. I'm still in
23 shock because I never in my life been around, you know, that
24 type incident or whatever.

25 Q. Did you see him from your right side or your left

KENYA GETER DIR BY MS. CUENCA

1 side?

2 A. It would be from, like I say, my car is parked near
3 Rodney's apartment and faces this way (indicating). I was
4 standing on the driver's side of my car. That would be on my
5 left.

6 Q. Where were you facing? Were you facing Jason's car
7 or were you facing away from his car?

8 A. I was facing, like, okay. You see where this
9 envelope was at. I'm here (indicating). This Rodney house
10 (indicating). I was facing -- the incident happened in this
11 area (indicating). So that would be on my left. Because like
12 if you go around the curve, my driver's side would be on the
13 left.

14 Q. Was that on the yard or on the street, Kenya?

15 A. It was more so like between -- they have like a
16 little breakaway. I wasn't fully in the mid-part of the yard
17 or however. So I was more near my car. The only person that
18 was like literally in the yard was Rodney and Duke.

19 Q. Maybe it shows on State's Exhibit 2. It shows a
20 little bit more. Do you recognize that, Kenya, or does that
21 show more of where it happened?

22 A. It's kind of blurry from this angle. That would be
23 correct. You see where the police officer's lights are
24 shining. That's the direction my car was parked in.

25 Q. Does this one show a better shot of where --

KENYA GETER DIR BY MS. CUENCA

1 A. Yes, ma'am, it does. That would put my car on the
2 left-hand side. My car would be facing going up.

3 Q. Your car would be on this side?

4 A. Right. If I left out to go straight up the hill,
5 my passenger side would be on the opposite side. Same way Ms.
6 LaKia stated her car was or however. I came around, so
7 therefore my car is on the left-hand side of the sidewalk.

8 Q. You said the Defendant was coming from --

9 A. Yes, ma'am, exactly where your finger is at. So I
10 was like more near where my car is at. I wasn't like in the
11 mid-part of the yard. Exactly where your finger is pointed at.

12 I can hear like the leaves, like. You know how
13 somebody whips like real fast through the grass or leaves or
14 whatever. Out of nowhere shooting, you know.

15 Q. What did you do when he started shooting?

16 A. It's like, for a split second, it's like everything
17 just went black. Once it stopped, like I told you before, I
18 know his body. I know him. I can tell that it was him, you
19 know. So I got in my car.

20 Q. Who was he shooting at?

21 A. He shot Jason.

22 Q. How many times did he shoot?

23 A. I heard in my head, I can remember four times and
24 then three more additional times is like Matt said. I don't
25 know how they came up with like ten to 12. It was maybe seven

KENYA GETER DIR BY MS. CUENCA

1 or eight times.

2 Q. Did you see Jason falling?

3 A. That's one question I can't remember.

4 Q. Do you need a moment, Ms. Geter?

5 A. I don't remember him falling, but I can remember
6 leaving. He was on the ground.

7 Q. I know this is difficult for you, Kenya.

8 A. I need to get my life quick.

9 Q. I just want to clarify. You didn't see him
10 falling. You remember what? I'm sorry.

11 A. When I was leaving, I could see him laying on the
12 ground.

13 Q. Do you remember -- could you describe what Rishard
14 looked like that day?

15 A. He was made like cartoon-like face jacket. He had
16 on blue jeans, and he had on a hoodie mask. They said that was
17 a stocking cap, but it was a hoodie. Not a baseball cap but it
18 was a hoodie.

19 Q. Would you recognize the jacket if you saw it?

20 A. Yes, ma'am, I would.

21 MS. CUENCA: Permission to approach, Your Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. CUENCA:

24 Q. Exhibit 35 from the State. It has already been
25 entered into evidence. Is this the jacket he wore that day?

KENYA GETER DIR BY MS. CUENCA

1 A. It looks like it, yes, ma'am.

2 Q. You said it looks like it?

3 A. Yes, ma'am. That's the earliest cartoon face.

4 Q. How close did he get to Jason?

5 A. He was, like I say, once Jason was like here
6 (indicating), and I can't tell you exactly or whatever because
7 he walked up shooting, you know.

8 Q. There were other people in the yard as well when
9 Rishard was shooting?

10 A. Yes, ma'am.

11 Q. Do you remember what kind of gun it was?

12 A. It looked like -- I know it was a mag 'cause it had
13 like a long clip on it.

14 Q. Was it a handgun?

15 A. Yes, ma'am.

16 Q. What did you do after he shot Jason?

17 A. I turned around. I got in my car. It's like, for
18 a split second, just couldn't move, you know. I was just in
19 shock. That's when I left to go make sure my kids were all
20 right. And it was a couple of my kids that were walking, like,
21 up around the curve to check and see was I okay, you know.
22 That was it. I left, and I went to my mom's house.

23 Q. Do you remember what he left in?

24 A. It was a blue pickup truck with, like, chrome
25 details.

KENYA GETER DIR BY MS. CUENCA

1 Q. What about everyone else? Did they stay? What did
2 they do?

3 A. No. LaKia was parked, facing this way
4 (indicating). I was parked facing this way (indicating).
5 She -- I think she left first. And then that's when I went
6 around the corner. However, I didn't give Rodney a ride with
7 me.

8 Q. You said you went to pick up your kids?

9 A. Yes, ma'am.

10 Q. Where did you go?

11 A. I went to my momma's house.

12 Q. Your mom is Gladys Geter?

13 A. Yes, ma'am.

14 Q. Why did you leave your house?

15 A. You say --

16 Q. Why did you leave?

17 A. Because I was scared.

18 Q. Kenya, did you call the police?

19 A. No.

20 Q. Why didn't you call the police?

21 A. I was scared.

22 Q. Did you tell your mom what you observed that day?

23 A. Yes.

24 Q. Kenya, did you ask Rishard to shoot Jason?

25 A. No. No.

KENYA GETER DIR BY MS. CUENCA

1 Q. Did you ask anyone?

2 A. No, because I think about my kids. Why would I --
3 no.

4 Q. Did you help or participate by giving him a weapon?

5 A. No, ma'am.

6 Q. After you told your mom what happened, did you go
7 back to your house?

8 A. No.

9 Q. Did you end up staying there?

10 A. Stayed there for like almost a month. I stayed
11 there like a month or probably a little over a month.

12 Q. Was that the last time that you saw the Defendant?

13 A. No.

14 Q. When did you see him again?

15 A. I want to say like maybe a couple days or a week or
16 so after the shooting. He and his prior girlfriend had came to
17 my mom's house.

18 Q. Who is his prior girlfriend?

19 A. I know her by Del.

20 Q. They came to Gladys Geter's house?

21 A. Yes.

22 Q. What happened when he came to her house?

23 A. When he came, we was like in shock. Like what is
24 he doing here, whatever. When he came, he was like, excuse my
25 language, those crackers don't care about you or your kids and

KENYA GETER DIR BY MS. CUENCA

1 tried to bribe me money. You could plead the Fifth. These are
2 his words.

3 You could plead the Fifth. They don't care about
4 you or your kids. You know, trying to bribe me money.
5 That's when my mom -- she's like -- I knew not to. I wasn't
6 going to do anything like that anyway.

7 My mom was like: Nobody not doing, you know, any
8 of that here or whatever.

9 Q. Did you take the money?

10 A. No.

11 Q. Who else was there that day?

12 A. My 12-year-old son. And my 16-year-old was there.
13 My mom. And my other smaller kids. They're not here.

14 Q. Do you remember what he was wearing that day?

15 A. As I can recall that same jacket.

16 Q. He came in and told you to plead the Fifth?

17 A. Right.

18 Q. You said you didn't take the money?

19 A. No.

20 Q. What happened after that?

21 A. That's when he left, and I no longer spoke to him
22 or last time I seen him was last time we had court. Other than
23 that, I haven't spoken or saw him.

24 Q. Did you eventually talk to the police, Kenya?

25 A. Yes, ma'am.

KENYA GETER DIR BY MS. CUENCA

1 Q. Why were you not truthful with them to begin with?

2 A. Like I said before, I was scared.

3 Q. Scared of what?

4 A. Because, for one, how the streets got back to
5 Jason's family like I had it set up, however.

6 I was scared from that situation. I was scared
7 because I've never been in this type situation in my life. At
8 that point I wasn't conscious of -- I wasn't conscious of
9 whether I should go talk to them or not, whatever. I know it
10 made me look like guilty or whatever. I was scared. I didn't
11 know what to do.

12 Q. Were you trying to protect your nephew Rishard?

13 A. No.

14 Q. Even though you didn't initially tell the police,
15 did you tell them it was someone else?

16 A. No.

17 Q. You didn't point your finger at anyone?

18 A. I always, even from when I spoke to them from day
19 one, it's always been him that did it or whatever. I never
20 said that it was someone else or made up, you know, a situation
21 like it was, because it wasn't someone else, it was him.

22 Q. Why did you eventually tell the police?

23 A. You say why did I?

24 Q. Yes.

25 A. Because had it been on the other side, my family,

KENYA GETER CROSS BY MR. HALL

1 we would want justice. That's why. And I knew that I didn't
2 have anything to hide. It was the truth, you know.

3 Q. Do you have anything against your nephew?

4 A. No. I don't.

5 MS. CUENCA: Beg The Court's indulgence.

6 (A pause transpired.)

7 MS. CUENCA: Ms. Geter, I don't have any questions.
8 Please answer any that Mr. Hall has.

9 THE WITNESS: Yes.

10 MR. HALL: If it please The Court, Solicitor.

11 CROSS-EXAMINATION

12 BY MR. HALL:

13 Q. You've basically known him pretty much all his
14 life?

15 A. Correct.

16 Q. When you said he came to your mother's a few days,
17 seven days, whatever after this, do you know what time of day
18 that was?

19 A. It had to be around -- it was nighttime. So like
20 early, probably about 8:00, 8:30-ish.

21 Q. I think when you went to the police, sometime after
22 this, I think it was November 20th?

23 A. Yes, sir.

24 Q. First thing you said, pretty much: Everybody
25 thinks I had something to do with it.

KENYA GETER CROSS BY MR. HALL

1 A. That wasn't the first thing that I said to them.

2 Q. What was the first thing you said in the interview
3 room? Where they start taking video of you.

4 A. Uh-huh.

5 Q. That was a concern of yours, wasn't it?

6 A. Yes, sir, it was.

7 Q. When you talked to the police and talked about this
8 before, you had a detail that you didn't add this time.
9 Remember that? About him coming to your car and saying: Get
10 me the hell out of here?

11 A. I think I told them that before in the interview.

12 Q. I think you said it at least one other time?

13 A. Yes, I did.

14 Q. Did that happen?

15 A. Yes, it did.

16 Q. Even in the statements and everything, you said you
17 and Rishard had a falling out about he didn't think you were
18 being a good mother, watching your kids?

19 A. Yes, sir.

20 Q. That would've been a couple months or so before
21 this?

22 A. Yes, sir.

23 Q. You didn't have any conversations with him since
24 that --

25 A. That's correct.

KENYA GETER CROSS BY MR. HALL

1 Q. -- disagreement.

2 When you pulled up, you're facing uphill --

3 A. That's correct.

4 Q. -- going with the numbers. There's 331, [REDACTED], like
5 that.

6 A. Facing uphill was [REDACTED].

7 Q. You're facing towards -- where I'm standing, if
8 you're down the road, parked on the left side, your left side
9 to the curb?

10 A. That's correct.

11 Q. You would be going against traffic. This is a
12 residential area. People park like that all the time.

13 And you've gotten out of the car. The commotion is
14 in front of you. Everybody arguing about whatever.

15 A. The commotion wouldn't have been in front of me.
16 Like when I stay there, when I got out the car, you see where
17 the steps are at the end of the apartment, that's where Rodney
18 was standing at. Duke was standing, you see where the grill is
19 at in the window, he was standing in that area. Jason was at
20 his car then. LaKia was standing, like, more so where I was
21 standing at. She was never in her car. She was standing near
22 where I was standing at.

23 Q. Your attention is from the front of your car to
24 where Gizzard, Duke is, and Jason?

25 A. Right.

KENYA GETER CROSS BY MR. HALL

1 Q. You're kind of in the yard?

2 A. I wasn't in the yard. I would be more so at the
3 curve part. This is the curve (indicating). Okay. This is
4 the curve.

5 Okay. My car is right here (indicating). I would
6 be standing right here (indicating) in front of where my car
7 was at. I wasn't physically in the big part of the yard or up
8 by where he was standing at. I was standing right here where
9 my car was at (indicating).

10 Q. What I was trying to say, you're not standing in
11 the road?

12 A. That's correct.

13 Q. You heard the leaves. Somebody coming, in that you
14 heard the leaves. We see leaves around there. You heard that?

15 A. Uh-huh.

16 Q. The shooter comes by you on your left-hand side?

17 A. Correct.

18 Q. Okay. And did the shooting start before he got
19 past you or after he got past you?

20 A. I would say a little bit after that LaKia passed
21 me, but it was still -- I guess the way I explained it, you
22 would think it was before he passed me, but no, it was kind of
23 after he passed me a little. That's when the shooting started.

24 Q. You're kind of at the front of your car. So Kia is
25 by her car?

KENYA GETER CROSS BY MR. HALL

1 A. She was standing right by me.

2 Q. By you?

3 A. Yeah.

4 Q. And then there's a little space where Jason was?

5 A. Jason would be more than -- he was away from us.

6 Like I stated, when I first pulled up, he was -- he was at his
7 car. Okay. Let me rephrase this.

8 When I first pulled up, he was at his car. So when
9 the shooting happened, like I said, I don't know if him and
10 Donald Martin were getting ready to fight. That's what led him
11 to be in the yard when he got shot. Does that answer?

12 Q. Yes. He had moved from standing at his car towards
13 the -- well, from where we are?

14 A. Right. You see where the yellow little bush or
15 plant or whatever. Okay. If you think -- you can see right
16 here, he was past the gravel part, like in that area
17 (indicating). Like I say, Donald Martin was standing here
18 (indicating). I don't know if those two were getting ready to
19 fight or however before the shooter came. That would place
20 Jason in that area.

21 Q. Am I right in saying you don't have any idea how
22 Rodney got to your house?

23 A. He didn't get in the car with me, no, sir.

24 Q. Did you see Kia come by your house?

25 A. Yes, she did. She also came by my mom's house a

KENYA GETER CROSS BY MR. HALL

1 couple hours later after the shooting, checking to see was I
2 okay.

3 Q. When Kia came by your house, is that when Rodney
4 got with her?

5 A. Like I say, I don't remember. Only thing I was
6 focused on was getting my kids and leaving.

7 Q. Did you pull away first or did Kia pull away?

8 A. She had to pull away first.

9 Q. Did you see police officers coming around?

10 A. I can't tell you I did. I don't remember.

11 Q. To get to this location, [REDACTED], you either come Darby
12 Road or come down Amherst; is that right?

13 A. Not per se. If you come Darby Road, you have to
14 come off Crescent. You can either -- like, I always back into
15 my driveway. If I pull out, I made a left to go around the
16 corner. That would put my car going this way (indicating). If
17 I pulled out and went to the right, I would be facing that way,
18 right (indicating)?

19 Q. You would be going --

20 A. Downward. That would put the passenger side
21 towards the duplex.

22 Q. Yes.

23 A. Right.

24 Q. Also, if you turn right out of your driveway, you
25 could go the opposite direction up Amherst. I think the name

KENYA GETER CROSS BY MR. HALL

1 changes right up the road.

2 A. No, Amherst is Amherst. Darby is --

3 Q. I know Darby comes out just above. If we're coming
4 up, it's just up a little bit. You would turn right off of
5 Darby to go there. You don't agree with that?

6 A. No, sir. I've been living there for 12 years.
7 Listen, say for instance I'm backing my car in.

8 Q. I'm not talking about from your house. I'm talking
9 about this house.

10 A. This house? It's still on Amherst. It's still a
11 circular.

12 Q. Yes, it's a circle.

13 A. Right. It wouldn't interfere with like -- that's
14 still a circle. You come off Darby, you're coming off Crescent
15 Avenue to get on Amherst, if that makes sense to you.

16 Q. Yes, ma'am, I'm not disputing that. That's what I
17 asked you. You can get on Amherst from Crescent and Darby?

18 A. Yes. I'm sorry, yes, sir.

19 Q. Come in the other direction down Amherst?

20 A. Yes, sir, you can. I'm sorry. Mistaken the
21 question.

22 Q. Using your sample, backing in and turn right, you
23 can either go to the left down the loop immediately or go to
24 the right and back to the left and go down the loop or you can
25 go the other direction, away from the neighborhood of Amherst.

KENYA GETER CROSS BY MR. HALL

1 A. I'm still in disagree-ance with that one.

2 Explain to me where you're getting at because,
3 like, if I wanted to get to this house per se, I could either
4 go up around the curve, or I can go around this way
5 (indicating).

6 Q. I'm not talking about that. Somebody coming from
7 anywhere in Spartanburg.

8 A. Okay, anywhere in Spartanburg. You have Crescent
9 Avenue; right. Crescent Avenue, you come, you will make a
10 right. That will leave you on Darby. If you don't want to go
11 to this apartment, you want to go out of Park Hills, you can
12 either coming from Reidville Road way to come to Amherst. You
13 can come by where Park Hills school is at -- that's Coldbrook.
14 Those are the only two.

15 Q. That was my point.

16 A. Okay.

17 Q. You get either from John B. White --

18 A. Correct.

19 Q. -- or you come off Crescent Road?

20 A. Yes, sir, correct.

21 Q. That's how the police would have to get there?

22 A. That particular day my mind was so shot. I don't
23 know which way they came, to be honest, you know.

24 Q. We've had officers testify they came down Amherst.
25 They came through Darby. We've seen it.

KENYA GETER CROSS BY MR. HALL

1 A. Okay.

2 Q. Given all that, you get to the neighborhood, you
3 don't remember seeing any police officers?

4 A. No, sir, I don't.

5 Q. You just don't. If you had seen officers, would
6 you have said: Hey, there's been a shooting?

7 A. To be honest, I think I left before the officers
8 even got there. I would've heard sirens. I would've saw cars,
9 whatever. I don't believe they had gotten there then.

10 Q. You were able to drive up, probably, I think three
11 minutes' drive would be a little bit too long. Drive up, get
12 your kids, get their stuff and --

13 A. I didn't bother about getting their stuff. I just
14 told my kids to get in the car, and I went to my mom's house.

15 Q. You were able to get your kids in the car and get
16 to your mother's house?

17 A. Yes, sir.

18 MR. HALL: I have no further questions, Your Honor.

19 THE COURT: Any redirect limited to what he went
20 into?

21 MS. CUENCA: No, Your Honor. The State asks for
22 her to be excused.

23 THE COURT: Ma'am, watch your step as you're
24 stepping down.

25 THE WITNESS: Yes, sir.

KENYA GETER CROSS BY MR. HALL

1 THE COURT: You may be excused. Thank you for
2 coming.

3 (The witness exited the stand.)

4 THE COURT: May I see the lawyers for a moment.

5 (The following proceedings were had outside the
6 hearing of the jury).

7 MS. CUENCA: Her children's grandmother and Carly
8 and Latonya.

9 (The following proceedings were had within the
10 hearing of the jury.)

11 THE COURT: Ladies and gentlemen, going to take a
12 lunch break. Again, remind you of the two instructions that
13 are ongoing. Don't have any discussions with anyone including
14 yourselves. Do not do any type of independent research or
15 investigating on the case.

16 According to the clock on the wall, it's just past
17 12:20. I'm going to ask if you would be back in the jury
18 deliberation room by 10 minutes until 2:00. You may go with
19 the bailiff.

20 (The jury exited the courtroom at 12:22.)

21 THE COURT: I will step down. See y'all shortly.

22 (A luncheon recess transpired from 12:22 p.m. until
23 1:54 p.m. and the following proceedings were had outside the
24 hearing of the jury.)

25 MS. CUENCA: The State would like to ask for a

KENYA GETER CROSS BY MR. HALL

1 bench warrant to request for the presence of Alexis Johnson.
2 It's a subpoena that was served to her personally, Your Honor,
3 by investigator Brian Dill, dated week of February 13th
4 beginning Monday until excused.

5 THE COURT: Can you call Alexis Johnson.
6 Can you call the name out in the hallway. Alexis
7 Johnson.

8 THE BAILIFF: No response.

9 THE COURT: We'll authorize a bench warrant. If
10 you can get somebody from your office to -- yes, sir.

11 Mr. HALL: I don't know if -- she has an attorney
12 on some pending charges, if you want get in touch with Mr.
13 Farr.

14 MS. CUENCA: That's correct, Your Honor.

15 THE COURT: If you want to have a bench warrant
16 formally issued, get your office to prepare it, and I'll sign
17 it.

18 MS. CUENCA: Thank you, Your Honor.

19 THE COURT: Is the State ready for their next
20 witness?

21 MS. CUENCA: Yes, Your Honor, the State would
22 call --

23 THE COURT: I'm just asking if you're ready.

24 MS. CUENCA: Yes, Your Honor.

25 THE COURT: Anything from you, Mr. Hall, before we

ZHAYLEN LYLES DIR BY MS. CUENCA

1 bring the jury in?

2 MR. HALL: No.

3 THE COURT: Bring the jury in.

4 (The jury entered the courtroom at 1:57 p.m.)

5 THE COURT: Is the State ready to call their next
6 witness?

7 MS. CUENCA: Yes, Your Honor. The State would call
8 Zhaylen Lyles to the stand.

9 THE COURT: Come right up here to the witness
10 stand, and the clerk of court will swear you in.

11 ZHAYLEN LYLES
12 being first duly sworn, testified as follows:

13 THE COURT: Be careful stepping up. Just step up
14 there and have a seat in the chair, and the clerk of court will
15 help you pull the chair up to the microphone. If you would
16 just sort of speak into that microphone as well.

17 THE WITNESS: Okay.

18 THE COURT: You don't have to go that far.

19 DIRECT EXAMINATION

20 BY MS. CUENCA:

21 Q. Hi, Zhaylen.

22 A. Hi.

23 Q. If you want to take your mask off, it's okay. That
24 way we can hear you well. You're doing a good job.

25 A. Okay.

ZHAYLEN LYLES DIR BY MS. CUENCA

1 Q. Can you tell your name to the jury.

2 A. Zhaylen Lyles.

3 Q. Who is your mom, Zhaylen?

4 A. Kenya Geter.

5 Q. How old are you, Zhaylen?

6 A. Twelve.

7 Q. Do you know Rishard Geter here?

8 A. Yes, he my cousin.

9 Q. He's your cousin. Do you recognize him?

10 A. Yes.

11 Q. You and I have talked before, right, Zhaylen?

12 A. Yes.

13 Q. Do you remember the day that Rishard came to your
14 grandma's house?

15 A. Yes.

16 Q. Who is your grandma?

17 A. Gladys Geter.

18 Q. Tell me about that day that Rishard came to your
19 grandma's house.

20 A. Me and my siblings was in the den. And my ma and
21 my grandma was in the living room. And then that's when
22 Rishard knocked on the door. When he came in, he was telling
23 her like plead the Fifth. Like offering money for her not to
24 tell.

25 Q. Zhaylen, I wanted to ask you, the living room, is

ZHAYLEN LYLES DIR BY MS. CUENCA

1 that next to the den?

2 A. Yes. The den is, like, if you go -- if you, like,
3 going towards the bathroom, like, right there beside the living
4 room (indicating).

5 Q. You would be able to see?

6 A. Well, we was in there at the time. We couldn't
7 really see, but we could hear the conversation.

8 Q. Was Rishard the only one that came to your house?

9 A. It was Danielle also.

10 Q. Do you personally know Danielle?

11 A. I don't.

12 Q. You just heard the name before?

13 A. Yes.

14 Q. He was with someone?

15 A. Yes.

16 Q. Do you remember what he was wearing that day,
17 Zhaylen?

18 A. I think it was the jacket.

19 Q. What else do you remember? You were talking about
20 pleading the Fifth.

21 A. Yes, and offer her money to not tell, but she
22 wasn't going to accept it. Then I remember my mom was crying.
23 And then Danielle asked her why was she crying.

24 Q. Did your mom take the money, do you know, Zhaylen?

25 A. No, she didn't.

ZHAYLEN LYLES CROSS BY MR. HALL

1 Q. She didn't take the money. Okay. Is everything
2 that you've said today true, Zhaylen?

3 A. Yes.

4 Q. Did anyone make you say that?

5 A. No.

6 MS. CUENCA: I have no further questions. Please
7 answer any that Mr. Hall might have.

8 THE WITNESS: Okay.

9 CROSS-EXAMINATION

10 BY MR. HALL:

11 Q. When did you first talk to the prosecutors about
12 this?

13 A. Are you talking about her?

14 Q. Yes.

15 A. I don't remember the date, but it was a few weeks
16 before today, I think.

17 Q. A few weeks ago?

18 A. Yes. I don't remember the date exactly. I just
19 remember I woke up and then she asked me, when I walked through
20 the room, she asked me was I there that day when he came to my
21 grandma house.

22 Q. She came to your house, I assume?

23 A. Yes, she had came.

24 Q. Okay. You said my siblings. What do you mean by
25 that?

ZHAYLEN LYLES CROSS BY MR. HALL

1 A. Say it again. Can you repeat it.

2 Q. I'm sorry. You said me and my siblings.

3 A. Yes. My younger siblings and Harlen. My younger
4 siblings at school.

5 Q. Younger siblings were at school. What does sibling
6 mean?

7 A. It was my two brothers and my three little sisters.
8 And the only person that wasn't there was Makhya.

9 Q. Did you talk to your mother about why the Solicitor
10 was coming to see you?

11 A. Well, can you repeat the question.

12 Q. The Solicitor came and saw you one morning because
13 you said you woke up?

14 A. Well, she was talking to my grandma first. And
15 then I walked in. She asked me was I there that day when he
16 came to my grandma house.

17 Q. Before that, have you talked with your grandma or
18 your mom about the Solicitors coming and why they were coming?

19 A. Yes, I knew the purpose of them coming.

20 Q. Did y'all talk about what happened?

21 A. Yes.

22 Q. You've lived with -- a few years ago, after all
23 this stuff happened, you lived with your grandmother for a
24 month or two?

25 A. Yes.

ZHAYLEN LYLES CROSS BY MR. HALL

1 Q. Do you spend a lot of time with your grandmother?

2 A. Say it again.

3 Q. Do you spend a lot of time with your grandmother?

4 Are y'all over there a good bit?

5 A. Yes, we over there a little bit.

6 Q. Does she come to your house?

7 A. Not really.

8 Q. Did y'all go to her house?

9 A. Yes.

10 Q. Which siblings were there? I'm talking about when
11 you were at your grandmother's when you said Rishard came.

12 A. Do you want me saying names?

13 Q. Yeah. What siblings were there?

14 A. Harlen. Kaylee. Arianna. Makaylen. Todra, and
15 Camari.

16 Q. Pretty much the whole bunch.

17 A. Yes, besides Makhya.

18 Q. Was there anybody else there when you talked with
19 the Solicitor with your grandmother and mother?

20 A. It was just me and my grandma.

21 Q. Just you and your grandma?

22 A. Yes.

23 Q. You talked to your mother about it before?

24 A. Yes. I've been -- I knew that Derrick job was to
25 come talk to us.

ZHAYLEN LYLES REDIR BY MS. CUENCA

1 Q. Where was your mother when the Solicitor talked to
2 you?

3 A. She was at home. I been staying with my grandma
4 'cause ever since I got out of the hospital, I've been with
5 her. So I go back and forth.

6 Q. You have some serious problems?

7 A. Yes.

8 Q. Sounds like your grandma is helping to take care
9 of --

10 A. My mom take care. I just been at my grandma for
11 now.

12 Q. While you're at your grandma's, she's taking care
13 of you?

14 A. Yeah.

15 MR. HALL: Beg The Court's indulgence.

16 (A pause transpired).

17 MR. HALL: I have no further questions.

18 THE COURT: Any redirect limited to what he went
19 into?

20 MS. CUENCA: Yes, Your Honor, very briefly.

21 REDIRECT EXAMINATION

22 BY MS. CUENCA:

23 Q. Zhaylen, do you remember Mr. Brian coming with me
24 as well --

25 A. Yes.

HARLEN GETER DIR BY MS. CUENCA

1 Q. -- the gentleman in the back? Everything that you
2 told us today, is that something that was told to you, or is
3 that something that you remember?

4 A. Something I remember.

5 MS. CUENCA: I have no further questions, Your
6 Honor.

7 THE COURT: Thank you, sir. You may step down.

8 MS. CUENCA: He may be excused, Your Honor.

9 THE COURT: Any objection to the witness being
10 excused from the defense?

11 MR. HALL: No objection.

12 (The witness exited the stand.)

13 THE COURT: State ready to call their next witness.

14 MS. CUENCA: The State would call Harlen Geter to
15 the stand.

16 THE COURT: Just come right up here and let the
17 clerk of court swear you in.

18 HARLEN GETER
19 being first duly sworn, testified as follows:

20 THE COURT: Be careful. Have a step up and have a
21 seat in the chair and pull the chair up to the microphone, if
22 you would.

23 DIRECT EXAMINATION

24 BY MS. CUENCA:

25 Q. Harlen, how are you doing?

HARLEN GETER DIR BY MS. CUENCA

1 A. All right.

2 Q. Could you please introduce yourself to the jury.

3 A. My name is Harlen Geter.

4 Q. How old are you?

5 A. Sixteen.

6 Q. Where do you go to school?

7 A. Spartan High.

8 Q. Who is your mom?

9 A. Kenya Geter.

10 Q. Is Zhaylen your brother?

11 A. Yes, ma'am.

12 Q. The one that just testified?

13 A. Yes, ma'am.

14 Q. Do you know Rishard Geter?

15 A. Yes, ma'am.

16 Q. Who is he? How do you know him?

17 A. My cousin.

18 Q. Is he in court today?

19 A. Yes, ma'am.

20 Q. Could you point to him.

21 A. (Indicating).

22 MS. CUENCA: Let the record reflect she is pointing
23 to the Defendant sitting next to Mr. Hall.

24 BY MS. CUENCA:

25 Q. You and I have also talked about it before; is that

HARLEN GETER DIR BY MS. CUENCA

1 true?

2 A. Yes, ma'am.

3 Q. You remember the day of the shooting, November 1,
4 2019?

5 A. Yes, ma'am.

6 Q. You weren't there at the shooting; correct?

7 A. No, ma'am.

8 Q. Where were you, Harlen, that day?

9 A. At home.

10 Q. Around in the afternoon, what were you doing?

11 A. I know that I had just got out of school. And
12 that's when my mom was sitting in the car. She had got a call
13 from somebody around the corner. She told me that she was
14 going around there to see what they was arguing about. That's
15 when she got like right up the road, I say about a minute, you
16 just start hearing shooting. And at that moment we thought it
17 was my momma because she told us what happened the night before
18 with her and Jason.

19 Q. You heard some shooting. Do you remember how many
20 shots you hear?

21 A. No, I just know that it was shooting. Then it
22 stopped. Then you could hear it some more.

23 Q. What happened after the shooting? You weren't
24 there. What happened next?

25 A. After the shooting, you could see cars come down

HARLEN GETER DIR BY MS. CUENCA

1 the road. It was LaKia car first and then my mother car.
2 That's when my mother came and got us. We didn't grab any
3 clothes or nothing, just left. After that we went to my
4 grandma house.

5 Q. Do you know kind of where your house is. Will you
6 recognize this, Harlen? Do you see where it says Amherst
7 Drive? Do you recognize this at all?

8 A. Probably where the dot is, the white dot.

9 Q. Is this where you said the dot where your house is?

10 A. Yes.

11 Q. If you don't know, that's okay.

12 A. Is it, like, if you would just go up the street
13 from right there.

14 Q. It's okay. We can move on to some questions, if
15 you don't recognize that.

16 THE COURT: The exhibit you just showed her is
17 what?

18 MS. CUENCA: State's Exhibit Number 1.

19 THE COURT: Thank you.

20 BY MS. CUENCA:

21 Q. After the shooting, your mom came back to the
22 house?

23 A. Uh-huh.

24 Q. Where did you-all go?

25 A. We went to my grandma house.

HARLEN GETER DIR BY MS. CUENCA

1 Q. Let's talk about a few days later. Do you remember
2 when Rishard came to your grandmother's house?

3 A. Yes, ma'am.

4 Q. Was he by himself?

5 A. No, ma'am.

6 Q. Who was he with?

7 A. His girlfriend.

8 Q. What's his girlfriend's name?

9 A. Danielle.

10 Q. Do you know her?

11 A. I know her by my mother doing her hair.

12 Q. You had seen her before?

13 A. Yes, ma'am.

14 Q. What do you remember about that day that Rishard
15 and Danielle came?

16 A. They just came in. They sat down. They started
17 talking. I don't know how the conversation started off. I
18 just know that he was telling her that he'll give her money
19 when he get paid. And then that the crackers don't care about
20 none of her kids or her. And she don't have to say anything.
21 And his girlfriend was like she'll get money out of her 401(k),
22 something like that.

23 Q. Where were you, Harlen?

24 A. In the living room.

25 Q. So you saw them?

HARLEN GETER DIR BY MS. CUENCA

- 1 A. Yes, ma'am.
- 2 Q. And you heard this?
- 3 A. Yes, ma'am.
- 4 Q. Did your mom take the money?
- 5 A. No, ma'am.
- 6 Q. Who else was there in the house?
- 7 A. My grandma.
- 8 Q. What's your grandma's name?
- 9 A. Gladys Geter.
- 10 Q. Do you remember what Rishard was wearing that day?
- 11 A. That jacket (indicating).
- 12 Q. Which jacket?
- 13 MS. CUENCA: Your Honor, permission to approach?
- 14 THE COURT: Yes, ma'am.
- 15 BY MS. CUENCA:
- 16 Q. State's Exhibit 35. Do you recognize this jacket?
- 17 A. Yes, ma'am.
- 18 Q. That's what you're referring as the jacket?
- 19 A. Yes, ma'am.
- 20 Q. Harlen, has anybody made you say this?
- 21 A. No, ma'am.
- 22 Q. Is this based on what you remember?
- 23 A. Yes, ma'am.
- 24 Q. Or is this something that someone told you?
- 25 A. No, ma'am.

HARLEN GETER CROSS BY MR. HALL

1 MS. CUENCA: I have no further questions. Please
2 answer any that Mr. Hall may have.

3 CROSS-EXAMINATION

4 BY MR. HALL:

5 Q. This conversation happened while they were seated
6 in the den or living room?

7 A. Yes, sir.

8 Q. Okay. The people seated were who?

9 A. Danielle and Rishard, my grandma, and my mother.

10 Q. Where were you?

11 A. Like, on the edge of the couch.

12 Q. In the same room or next room?

13 A. Yes, sir.

14 MR. HALL: I have no further questions.

15 THE COURT: Any redirect limited to what he went
16 into?

17 MS. CUENCA: No, Your Honor. Permission to have
18 her excused.

19 THE COURT: Be careful stepping down. You may be
20 excused. Thank you very much.

21 (The witness exited the stand.)

22 MR. BULSA: State calls Gladys Geter.

23 THE COURT: Ma'am, just come right up here to the
24 witness stand and let the clerk of court swear you in.

25 GLADYS GETER

GLADYS GETER DIR BY MR. BULSA

1 being first duly sworn, testified as follows:

2 THE COURT: Ma'am, be careful stepping up. Just
3 have a seat at the chair and pull the chair up to the
4 microphone.

5 DIRECT EXAMINATION

6 BY MR. BULSA:

7 Q. Good afternoon, Ms. Geter.

8 A. Good afternoon.

9 Q. Would you please introduce yourself to the jury.

10 A. My name is Gladys Geter.

11 Q. Where do you live, ma'am?

12 A. I live at 119 High Street, Spartanburg.

13 Q. How long have you been there?

14 A. Thirteen years.

15 Q. You're Kenya's mother?

16 A. Yes.

17 Q. What relation is the Defendant to you?

18 A. That's my grandson.

19 Q. Did he ever live on Hyde Street?

20 A. No.

21 Q. We've heard that Kenya brought her kids over after
22 an incident?

23 A. Yes.

24 Q. Do you remember that?

25 A. Yes.

GLADYS GETER DIR BY MR. BULSA

- 1 Q. Were you at home when she got there?
- 2 A. Yes.
- 3 Q. Did she tell you what had happened?
- 4 A. Yes.
- 5 Q. What did she tell you?
- 6 A. She told me that Rishard had shot Jason.
- 7 Q. Did you know Jason?
- 8 A. No.
- 9 Q. What did you do when she told you that?
- 10 A. Well, I called Rishard's mother first and she
- 11 didn't answer, so I called her husband.
- 12 Q. Why did you do that?
- 13 A. I thought it was the right thing to do.
- 14 Q. Did you speak to him?
- 15 A. To her? To her husband, I did. And then later on
- 16 she called me back.
- 17 Q. Her husband is Rishard Means?
- 18 A. Excuse me?
- 19 Q. Who was the gentleman you spoke to?
- 20 A. To Rishard's step-father.
- 21 Q. What was his name?
- 22 A. Gary Miller.
- 23 Q. You didn't speak to Rishard's actual father?
- 24 A. No.
- 25 Q. Do you know him?

GLADYS GETER DIR BY MR. BULSA

- 1 A. Yes.
- 2 Q. Is that Rishard Means?
- 3 A. Richard, yes.
- 4 Q. Richard Means?
- 5 A. Uh-huh.
- 6 Q. When Kenya came over, did she have all her kids
- 7 with her?
- 8 A. Yes.
- 9 Q. Do you know why?
- 10 A. No. Well, I'm going to say she was really upset.
- 11 Q. Did she ask to stay with you?
- 12 A. No, she didn't ask. They just stayed.
- 13 Q. Just stayed. How big is your house?
- 14 A. I have three bedrooms, two full baths and dining
- 15 room, kitchen, and living room. It's kind of big.
- 16 Q. I imagine it got kind of tight?
- 17 A. Not really.
- 18 Q. Okay. What door does the front door -- what room
- 19 does the front door enter into?
- 20 A. Living room.
- 21 Q. Living room?
- 22 A. Yes.
- 23 Q. Is there a den nearby?
- 24 A. Yes.
- 25 Q. So Kenya is there with her kids. They're staying

GLADYS GETER DIR BY MR. BULSA

1 there for a while. Did Mr. Means (sic) ever come over?

2 A. Yes.

3 Q. Tell us about that.

4 A. I think it was about maybe a couple days later and
5 we were sitting in the living room, and I was watching TV. And
6 someone knocked on the door. It was nighttime, and Kenya
7 opened the door. And Rishard and Danielle was at the door, and
8 they came in.

9 And he just, to my recollection, he kind of like
10 wanted to hug Kenya or something and say please don't put him
11 in jail. So they proceed to just come in and sit down, kind of
12 obviously for me 'cause I had -- I was sitting in a chair, a
13 big chair. And there was a couch on the right and one on the
14 left. So Rishard and them sit on the couch near me.

15 And so I was continuing -- I did more like
16 listening. And I was looking at TV. And he began talking
17 about, you know, the policeman and killing, about her and her
18 children, you can plead the Fifth. You know, you say anybody
19 could have came up and shot the person, Jason. And then
20 offered her money. It was \$800, and she -- I spoke up then.

21 And I told her wasn't anybody going to bring no
22 money there. And so Danielle say, well, I can meet her
23 somewhere. I say nobody meeting you anywhere either. And that
24 time she said she can get \$200 out of her 401(k).

25 I repeated again: Nobody meeting you. I said:

GLADYS GETER CROSS BY MR. HALL

1 Matter of fact, don't come back here with that.

2 Q. Why did you respond that way?

3 A. Because it wasn't nobody going to take no bribe
4 money.

5 Q. Do you have anything against your grandson?

6 A. No. I love him. He lived in my house for some
7 years when I lived on Amherst. I don't have anything against
8 him. But I'm not going to get up here and swear on no Bible
9 and lie. I'm not doing that.

10 MR. BULSA: Thank you, ma'am. Answer any questions
11 Mr. Hall has.

12 CROSS-EXAMINATION

13 BY MR. HALL:

14 Q. You talked about this before and told us about it,
15 told the authorities about it, haven't you? What you just
16 talked about, Rishard coming over there?

17 A. Yes.

18 Q. I don't recall you saying anything previously about
19 you're sitting there, y'all are sitting around or anything like
20 that.

21 A. I was sitting in the living room. I don't remember
22 the question what they asked before. It's been a long time. I
23 remember the conversation and where I was sitting and where
24 he's sitting when he got in the house.

25 Q. When Rishard was in elementary school, he lived

GLADYS GETER CROSS BY MR. HALL

1 with you for a while, didn't he?

2 A. Yes.

3 Q. Wasn't there some issue about his mother, if she's
4 able to take care of him?

5 A. Well, at the time how he come to live in my house,
6 they was living in a shelter. They wanted to know if anybody
7 in the family, was there anybody in the family that could keep
8 her.

9 Q. You took Rishard and --

10 A. His sister.

11 Q. And did you take the mother in?

12 A. No.

13 Q. In fact, you had to pretty much take care of these
14 children. And I think you even took him to get his first pair
15 of glasses?

16 A. Yes.

17 Q. He had bad eyesight?

18 A. Yeah. He did.

19 Q. Had his mother ever gone and gotten him checked for
20 glasses?

21 A. I have no idea.

22 Q. Did he have glasses when he came to you?

23 A. No. Not to my remember.

24 Q. He needed glasses?

25 A. Yes.

GLADYS GETER CROSS BY MR. HALL

1 Q. You took care of it?

2 You took care of getting him glasses?

3 A. Yes.

4 Q. Now, were there any hard feelings between you and
5 his mother?

6 A. No.

7 Q. You just accept you were having to take them?

8 A. Yes, because really I didn't know anything was
9 going on, that they had an issue at home. I didn't know
10 anything until a police lady came by and said they was in a
11 shelter. And they wanted me to know that they was there.

12 Q. How long did you have Rishard and his sister?

13 A. Close to eight years.

14 Q. Close to eight years. Okay. Was he ever in
15 special ed or main school or what?

16 A. In the regular school.

17 Q. Do you know where his mother was living while you
18 were taking care of her children?

19 A. At first I didn't but later on she had an
20 apartment. She had a job and apartment.

21 MR. BULSA: I don't think this is relevant to the
22 facts of the case.

23 THE COURT: He's on cross-examination. He gets a
24 lot of leeway. It needs to be kept with some relevance.

25 BY MR. HALL:

GLADYS GETER CROSS BY MR. HALL

1 Q. Eventually she was able to get the kids back; is
2 that correct?

3 A. They pretty much was grown.

4 Q. You had no hard feelings about that?

5 A. No.

6 MR. HALL: Thank you very much.

7 THE COURT: Any redirect limited to what he went
8 into?

9 MR. BULSA: No, Your Honor.

10 THE COURT: Thank you, ma'am. Watch your step as
11 you're stepping down.

12 Any reason why the witness cannot be excused?

13 MR. BULSA: No, she may be excused.

14 THE COURT: Ma'am, you may be excused as well.
15 Thank you for coming.

16 THE WITNESS: Thank you.

17 (The witness exited the stand).

18 THE COURT: State ready to call their next witness?

19 MR. BULSA: State calls Rishard Means.

20 THE COURT: Sir, just come right up here. Let the
21 clerk of court swear you in.

22 RISHARD MEANS

23 being first duly sworn, testified as follows:

24 THE COURT: Sir, watch your step. Have a step up
25 and have a seat in the chair. And pull the chair up to the

RISHARD MEANS DIR BY MR. BULSA

1 microphone.

2 DIRECT EXAMINATION

3 BY MR. BULSA:

4 Q. Mind pulling your mask down so we can understand
5 what you have to say.

6 A. (Witness complied.)

7 Q. Thank you, sir. Would you introduce yourself to
8 the jury.

9 A. Rishard Means.

10 Q. Are you Rishard Geter's father?

11 A. Yes, I am.

12 Q. Do you remember when he was arrested?

13 A. No, I don't.

14 Q. Do you remember having a phone conversation with
15 him after his arrest?

16 A. Yes, I do.

17 Q. Do you remember him trying to get -- reach out to
18 Shaneice Johnson?

19 A. To who?

20 Q. Shaneice Johnson.

21 A. Vaguely. Vaguely. I've been in and out of the
22 hospital since then. It's, you know. I don't remember too
23 much of anything.

24 Q. Did he talk to you about why he was in jail?

25 A. No, he didn't. He told me that he was accused of

RISHARD MEANS DIR BY MR. BULSA

1 -- he had a murder charge.

2 Q. You told him you even knew one of the majors at the
3 City Police Department; right?

4 A. Yeah.

5 Q. And didn't your son ask you to reach out to
6 Ms. Johnson to try to help establish an alibi for him?

7 A. No. I don't remember that.

8 Q. To say that he was with her the whole day?

9 A. Well, I heard the recording when I went to the
10 Solicitor's office. I never heard that conversation.

11 Q. You heard that recording. You didn't hear that
12 recording that there was some talk about the jacket that the
13 police took?

14 A. No. No, I don't. I don't remember that.

15 Q. You told him he had nothing to worry about, he
16 hadn't been around any guns?

17 A. Yeah, I remember that.

18 Q. He told you that he hadn't been around any guns; is
19 that right?

20 A. Okay, yes.

21 Q. You remember that, but you don't remember him
22 trying to get you to get Shaneice?

23 A. I remember -- I remember him asking me about
24 someone. But like I said, it's vague. I don't really
25 remember. It's been a long time. It's been two years. Like I

RISHARD MEANS DIR BY MR. BULSA

1 said, I've been undergoing some medical treatment since then.

2 Q. You are blaming Kenya for getting him in this. You
3 were wanting Shaneice to get him out of it; is that right?

4 A. Who? Me?

5 Q. Him, in the discussion.

6 A. Like I said, I don't know the ordeal of the
7 situation. I don't know what transpired or what happened. All
8 I know he's in jail.

9 Q. I understand that.

10 A. All right.

11 Q. The point is, Kenya told on him. And then he's
12 trying to get Shaneice to get him out of it?

13 A. I don't know. Did she tell on him?

14 Q. Isn't that what happened?

15 A. I don't know. I'm asking you. Did she tell on
16 him?

17 Q. Did who tell on him?

18 A. You just said, Kenya told on him.

19 Q. That's what you and your son were discussing on the
20 phone call that you listened to.

21 A. I'm going by what you said, sir.

22 Q. I'm asking you, isn't that what the phone --

23 A. You can't ask me something that I don't know.

24 MR. BULSA: That's fine. That's all I have. Thank
25 you.

RISHARD MEANS CROSS BY MR. HALL

1 CROSS-EXAMINATION

2 BY MR. HALL:

3 Q. Mr. Means, you were concerned about your son when
4 he called you, says he's charged with this murder?

5 A. Of course.

6 Q. Of course.

7 A. Of course.

8 Q. Were you ever married to his mother?

9 A. No.

10 Q. Is his sister your child?

11 A. No.

12 Q. Do you remember when Rishard and his sister lived
13 with your wife's mother?

14 A. Yes, I do.

15 Q. His mother's mother?

16 A. Yes, I do.

17 Q. Was she correct there was no hard feelings there?

18 A. Oh, no. Oh, no. Not ever.

19 Q. I got to ask you. You're saying, no, there were no
20 hard feelings or, yes, there were?

21 A. No, there weren't. There wasn't.

22 Q. Do you know Shaneice?

23 A. No, I don't.

24 MR. HALL: I have no further questions, Your Honor.

25 THE COURT: Any redirect limited to what he went

CHRIS TAYLOR DIR BY MR. BULSA

1 into?

2 MR. BULSA: No, Your Honor.

3 THE COURT: Thank you, sir. You may step down.
4 Watch your step as you're stepping down.

5 Any reason why the witness can't be excused?

6 MR. BULSA: No, we ask that he be excused.

7 THE COURT: You may be excused, sir.

8 (The witness exited the stand).

9 MR. BULSA: State calls Chris Taylor.

10 THE COURT: Sir, just come right up here. Let the
11 clerk of court swear you in.

12 CHRIS TAYLOR

13 being first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. BULSA:

16 Q. Please introduce yourself to the jury.

17 A. My name is Chris Taylor.

18 Q. Who are you employed with?

19 A. City of Spartanburg.

20 Q. What capacity?

21 A. Currently working in Office of Professional
22 Standards in Inspections.

23 Q. Are you a police officer?

24 A. Yes, I am.

25 Q. How long have you been a police officer?

CHRIS TAYLOR DIR BY MR. BULSA

1 A. Approximately, 37-and-a-half years.

2 Q. How many of those have been with Spartanburg City?

3 A. Over 27.

4 Q. Did you work the shooting at [REDACTED] Amherst Drive?

5 A. Yes, I did.

6 Q. Do you work with someone? Do you have a partner?

7 A. During the time we was working, Investigator Nelson
8 was my partner at that time.

9 Q. Did you actually go to the location?

10 A. I did.

11 Q. About what time did you arrive?

12 A. I think I arrived about 5:45 p.m.

13 Q. Did Nelson go with you?

14 A. He did.

15 Q. What was taking place when you arrived?

16 A. When we arrived, it was crime scene tape being put
17 up. Cones on the ground. I stopped and spoke to a couple
18 officers, trying to find what they had done so far at the
19 location.

20 Q. You got briefed on the situation?

21 A. I did.

22 Q. Were officers going around to the neighbors, trying
23 to find out who heard or saw anything?

24 A. Yes. I instructed them to canvass as soon as I got
25 on the ground, the crime scene.

CHRIS TAYLOR DIR BY MR. BULSA

1 Q. Were you informed whether anybody was actually
2 there with the body when the initial officers arrived?

3 A. When initial officer arrived, no one was with the
4 body. Officer Rolle arrived first, then Officer Russo, then
5 EMS.

6 Q. Did you assist in speaking with Mr. Lindsey?
7 Matthew Lindsey?

8 A. Yes, I did.

9 Q. Where did you speak with him?

10 A. Inside of his residence, right across the road from
11 the instant location.

12 Q. Based on your investigation, did he appear to have
13 the best view of the shooting?

14 A. Yes, sir.

15 Q. At least as far as the houses are concerned?

16 A. Yes.

17 Q. How did you determine who was present at the scene?

18 A. We started talking to people, started identifying
19 some people that was at the location. Like, when I say, when
20 we arrived, there was nobody out there.

21 Q. How many people did you determine were actually
22 there at the time of the shooting?

23 A. We found what we called Gizzard. Nash was there.
24 Kia Geter. LaKia Gooden. And a couple other guys. I'm trying
25 to think. Duke. And one that kept talking, but he never told

CHRIS TAYLOR DIR BY MR. BULSA

1 us his name.

2 Q. As an investigator, did you reach out and try to
3 interview those people?

4 A. Yes, we did.

5 Q. How did that go?

6 A. Not very well. We talked to everybody, nobody
7 wanted to have anything to do with it. And not even being at
8 the location.

9 Q. How did you get them to finally tell us something?

10 A. It was constantly interviewing over and over, going
11 to the residence, going to the location. Talking to other
12 family members.

13 Q. Did they eventually -- someone eventually tell you
14 Mr. Geter was the shooter?

15 A. Kia Geter. After we talked to her approximately
16 three times she finally admitted.

17 Q. What did you do with that information?

18 A. With the information, we continued the
19 investigation even though I signed warrants on Mr. Geter. We
20 continued our investigation. We knew he got there at the
21 location with someone else. We just continued our
22 investigation.

23 Q. You're trying to identify who may have assisted
24 him?

25 A. Correct.

CHRIS TAYLOR DIR BY MR. BULSA

1 Q. Were you able to find Mr. Geter without any
2 trouble?

3 A. We didn't really have any trouble locating him once
4 we got the information.

5 Q. Where was he found?

6 A. At [REDACTED] Briarwood.

7 Q. Who lived at that residence?

8 A. That would be Mr. Geter here along with his
9 girlfriend and her daughter.

10 Q. Do you remember the girlfriend's name?

11 A. I think it was Danielle.

12 Q. That's the name we've heard in court?

13 A. Yes.

14 Q. When you found Mr. Geter, was a search warrant
15 obtained for his house?

16 A. We did a search warrant before we actually went to
17 his house to arrest him.

18 Q. You had that when you went?

19 A. Yes.

20 Q. We've been hearing testimony about this jacket that
21 was found at the house.

22 A. Yes.

23 Q. Mr. Hall brought up that some other ammunition was
24 found. Remember what that was?

25 A. Yes, it was. I think we found .40 caliber

CHRIS TAYLOR DIR BY MR. BULSA

1 ammunition and maybe .45 ammunition. Empty box.

2 Q. Empty box for what?

3 A. For a Glock 27, which is .40 caliber.

4 Q. You didn't find any guns?

5 A. No.

6 Q. Didn't find any nine millimeter?

7 A. No.

8 Q. Did that surprise you?

9 A. Not at all.

10 Q. Why not?

11 A. With my usual experience, a lot of times we go to a
12 residence with search warrant, we don't find a weapon, we don't
13 find the caliber ammunition we're looking for. Usually people
14 get rid of it.

15 Q. So you get Mr. Geter in. What was his appearance
16 like?

17 A. I think we got him out of the shower, more or less.
18 He was still wet. His dreads was hanging. I'm not sure he had
19 a shirt on or not. He wasn't dressed, like I said.

20 MR. BULSA: Your Honor, I'm showing defense Counsel
21 38 through 40.

22 MR. HALL: No objection.

23 THE COURT: Without objection.

24 (STATE EXH. 38, Booking information, was marked for
25 identification.)

CHRIS TAYLOR DIR BY MR. BULSA

1 (STATE EXH. 39, Photograph, was marked for
2 identification.)

3 (STATE EXH. 40, Photograph, was marked for
4 identification.)

5 BY MR. BULSA:

6 Q. Would you look at these three photos. See if you
7 can identify them.

8 A. Yes. This is Shard Geter.

9 THE COURT: If you would, refer to the number at
10 the bottom so we'll make a record of what you're looking at.

11 The first one?

12 THE WITNESS: First picture I'm looking at was
13 number 38.

14 THE COURT: Thank you, sir.

15 BY MR. BULSA:

16 Q. Let me ask it this way. Do those pictures
17 accurately depict what he looked like at the time of his
18 arrest?

19 A. It does.

20 Q. In fact, they're booking photos; is that correct?

21 A. They are.

22 Q. Taken when he was arrested?

23 A. Yes.

24 MR. BULSA: Your Honor, we would offer these into
25 evidence. I believe they're without objection.

CHRIS TAYLOR DIR BY MR. BULSA

1 MR. HALL: No objection.

2 THE COURT: Without objection.

3 (STATE'S EXH. 38, Booking information, was entered
4 into evidence.)

5 (STATE'S EXH. 39, Photograph, was entered into
6 evidence.)

7 (STATE'S EXH. 40, Photograph, was entered into
8 evidence.)

9 BY MR. HALL:

10 Q. Let me show you State's 38. This is an information
11 sheet; is that correct?

12 A. Yes, sir.

13 Q. Is this information the jail would've obtained when
14 he was booked in?

15 A. Yes, sir.

16 Q. Does it show his height and weight?

17 A. Six foot four, 190 pounds.

18 Q. That would've been an accurate size of him at the
19 time of his arrest?

20 A. Yes.

21 Q. Those two pictures, are those the booking photos?

22 A. They are.

23 Q. They show he's wearing his hair in dreads?

24 A. Yes, sir.

25 Q. For the jury's review, we have State's 39, just

CHRIS TAYLOR DIR BY MR. BULSA

1 some large pictures, and State's 40. He doesn't have glasses
2 on in these photos. Do you remember him wearing glasses at
3 that time?

4 A. Not during the time we arrested him, no.

5 Q. After you arrested him, did you stop investigating?

6 A. No.

7 Q. You continued to try to find information. Were
8 items sent to SLED for confirmation?

9 A. Yes. The jacket was sent. Ballistics was sent to
10 AFIS to check for being previously used in another crime.

11 Q. What specifically was being looked for on the
12 jacket?

13 A. Jacket, to see if it had any gunshot residue.

14 Q. Was a report generated and sent back?

15 A. Yes, it was.

16 Q. We'll have testimony about that tomorrow.

17 Did you attend the autopsy?

18 A. No, I did not.

19 Q. Were you ever successful in locating the weapon in
20 this case?

21 A. No, sir.

22 Q. The witnesses that have testified, the State
23 actually found -- the prosecution actually found some witnesses
24 that you didn't speak to; right? You never spoke to the
25 children?

CHRIS TAYLOR CROSS BY MR. HALL

1 A. No, we did not.

2 Q. You built your case, made the arrest and turned it
3 over to the prosecution?

4 A. That's correct.

5 MR. BULSA: Thank you. Answer anything Mr. Hall
6 may have.

7 CROSS-EXAMINATION

8 BY MR. HALL:

9 Q. Did you take the jacket to Kenya and say, is this
10 the jacket, or how did that happen?

11 A. No. We took photographs of it, and I showed it to
12 her.

13 Q. We're going to have the gunshot residue testified
14 to tomorrow, what was found or not found.

15 Was there anything else on there, any blood or
16 anything else in the jacket?

17 A. I didn't do as far as the process of the jacket. I
18 can't tell from that.

19 Q. Did y'all investigate about this blue truck?

20 A. Yes, sir.

21 Q. Did you ever find what you believe to be that
22 truck?

23 A. We located the vehicle.

24 Q. Was there anything in that truck linking it back to
25 Mr. Geter that you know of? Any fingerprints, DNA? Anything?

CHRIS TAYLOR CROSS BY MR. HALL

1 A. As I said earlier, Mr. Hall, I didn't process the
2 vehicle. We had forensic investigators to handle that.

3 Q. You're the lead investigator in this case.

4 A. Lead investigator, but I didn't get that
5 information.

6 Q. You didn't get that information. Okay.

7 Did you ever do a lineup to show to anybody else if
8 that would include him or anything like that?

9 A. Let me check my notes.

10 Q. Okay.

11 (A pause transpired).

12 THE WITNESS: The only person that was willing to
13 identify him was Kenya Geter. She knew him as her nephew.

14 BY MR. HALL:

15 Q. I wasn't asking about if you showed her or not.
16 Anybody else?

17 A. No, sir.

18 Q. You showed one to her.

19 The description of the jacket is a cartoon-ish
20 jacket. Did you think about maybe doing a kind of line-up with
21 that and some other cartoon-ish jackets in it to see if she can
22 pick out the jacket?

23 A. No, sir, we did not.

24 Q. You basically said when you talked to everybody
25 that you knew was there except for the one person nobody ever

CHRIS TAYLOR CROSS BY MR. HALL

1 identified. Nobody identified him initially; is that correct?

2 A. That's correct. Nobody did.

3 Q. And we know Kenya has, and we got a statement from
4 her, 19 days after the incident?

5 A. Yes, sir.

6 Q. When did Mr. Nash, they call Gizzard, when did he
7 identify him the first time?

8 A. He didn't identify him to me at all. When he came
9 to court, he identified him in court.

10 Q. A lot of times in cases like this there was a
11 reward offered. Was there a reward offered in this case?

12 A. No, it was not.

13 Q. The family never came up with any offer of a
14 reward?

15 A. No, sir.

16 Q. So if any news station or anything carried it, that
17 was erroneous?

18 A. The news stations that carried it, the only thing
19 they covered was as far as we're looking for a suspect and
20 trying to identify a blue Toyota Tundra.

21 Q. I believe you found that?

22 A. Yes, we did.

23 Q. Find the owner, driver of that vehicle, too?

24 A. Yes, we did.

25 MR. HALL: I have no further questions.

CHRIS TAYLOR REDIR BY MR. BULSA

1 THE COURT: Any redirect limited to what he went
2 into?

3 MR. BULSA: Yes, sir.

4 REDIRECT EXAMINATION

5 BY MR. BULSA:

6 Q. You're talking about the witnesses. Mr. Hall asked
7 you about some more. What was their demeanor when you were
8 talking to them?

9 A. When I initially talked to them?

10 Q. Yes, sir.

11 A. They immediately standoff-ish. They didn't want to
12 talk to us. They didn't want no parts of this case.

13 Q. How about when they finally came forward and told
14 you that they were there?

15 A. When they came forward and told myself and
16 Investigator Nelson, it became a different story all together.
17 They said they feared for their safety, feared for their
18 family. That's why they didn't want to talk to us.

19 Q. This blue truck, how long did it take to actually
20 find it?

21 A. I want to say a couple weeks maybe.

22 Q. Wasn't it taken out of the county?

23 A. It was actually -- we found the owner of the
24 vehicle. He said it was either in York, Charlotte, or either
25 in Rock Hill.

CHRIS TAYLOR REDIR BY MR. BULSA

1 Q. The vehicle that was identified to have driven the
2 Defendant away was taken away from Spartanburg County?

3 A. It was.

4 Q. Is that what was put on the news?

5 A. It was.

6 Q. I don't know if you understood the question. We
7 understand someone else processed the vehicle; right?

8 A. Right.

9 Q. They would've looked at it, see if there was
10 anything in there. Was there anything in there linking it back
11 to the Defendant?

12 A. Not to my knowledge.

13 Q. This was clearly weeks apart?

14 A. Yes.

15 Q. You don't know what happened to that vehicle, where
16 it had been, had it been cleaned or anything?

17 A. Right.

18 Q. Why didn't you show a line-up to Mr. Lindsey?

19 A. Mr. Lindsey told me he couldn't identify. All he
20 seen, guy six foot four, black male with dreads.

21 Q. He gave a description of the truck?

22 A. Right.

23 Q. That's what was used to find the truck eventually?

24 A. That's right.

25 Q. His description, his physical description matches

CHRIS TAYLOR REDIR BY MR. BULSA

1 the Defendant?

2 A. That's true.

3 MR. BULSA: Thank you.

4 THE COURT: Limited to new matters.

5 MR. HALL: No further questions, Your Honor.

6 THE COURT: Thank you, sir. You may step down.

7 Watch your step as you're stepping down.

8 (The witness exited the stand).

9 THE COURT: Lawyers, you want to approach.

10 (Thereupon, the following proceedings were had
11 outside the hearing of the jury.)

12 MS. CUENCA: This one is not here.

13 THE COURT: Do you have anybody else?

14 MS. CUENCA: Not for today. First, Dr. Dukes and
15 then SLED people.

16 (The following proceedings were had within the
17 hearing of the jury.)

18 THE COURT: All right, ladies and gentlemen. What
19 we're going to do is take a recess for today. There are some
20 matters that we need to attend to.

21 Need to remind you about the two ongoing
22 instructions. You can't have any discussions among yourselves
23 about anything involved in the case nor with anyone else. You
24 also cannot do any type of independent research or
25 investigation. I'll ask you, if you would, to be back in the

CHRIS TAYLOR REDIR BY MR. BULSA

1 jury deliberation room by 9:30 in the morning. We'll resume
2 the presentation of the testimony. Thank y'all very much for
3 your work today. You may go with the bailiff.

4 (The jury exited the room at 2:51 p.m.)

5 THE COURT: We will stand down. Give the jury just
6 a moment to get out of the building. If I can talk to the
7 lawyers back in chambers in just a moment.

8 (The trial adjourned at 2:51 p.m.)

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1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

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4 STATE OF SOUTH CAROLINA, VOLUME III
5 Plaintiff,

6 vs. CASE NO. 2020-GS-42-00908
7 2023-GS-42-00557

8 RISHARD LEWIS GETER,
9 Defendant.

10 HEARING BEFORE: HONORABLE J. MARK HAYES, II
11 DATE: February 15, 2023
12 TIME: 9:33 AM
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 MARESSA CUENCA, ESQ.
22 and DERRICK BULSA, ESQ.

23 ATTORNEYS FOR THE DEFENDANT
24 ROBERT B. HALL, ESQ.
25

STATE OF SOUTH CAROLINA vs. RISHARD L. GETER

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I N D E X

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DIRECT CROSS REDIRECT RECROSS

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WITNESS/EXAMINATION

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GRACE DUKES, M.D.

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BY MS. CUENCA

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BY MR. HALL

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AGENT JAMIE HALL

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BY MS. CUENCA

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BY MR. HALL

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AGENT TYLER STURKIE

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BY MS. CUENCA

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BY MR. HALL

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BY MS. CUENCA

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E X H I B I T S

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FOR I.D. IN EVD

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STATE'S EXH. 41, Diagram

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STATE'S EXH. 42, Diagram

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CERTIFICATE OF REPORTER Page 402

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25

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 THE COURT: I'm informed that all of the jurors are
2 here. Is the State ready to present their first witness?

3 MS. CUENCA: Yes, Your Honor, the State is ready.

4 THE COURT: Mr. Hall, are you ready?

5 MR. HALL: We're ready.

6 THE COURT: Let's bring the jury in.

7 (The jury entered the courtroom at 9:34 a.m.)

8 THE COURT: Is the State ready to call their first
9 witness?

10 MS. CUENCA: Yes, Your Honor. The State would call
11 Dr. Grace Dukes to the stand.

12 THE COURT: Come right up here to the witness stand
13 and let the clerk of court swear you in.

14 GRACE DUKES, M.D.
15 being first duly sworn, testified as follows:

16 THE COURT: Just have a seat in the chair and pull
17 the chair up to the microphone. Thank you.

18 DIRECT EXAMINATION

19 BY MS. CUENCA:

20 Q. Good morning, Dr. Dukes. Please introduce yourself
21 to the jury.

22 A. Hi, my name is Grace Dukes. Would you like me to
23 go on?

24 Q. Yes.

25 A. I'm a forensic pathologist/medical examiner in

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 Greenville County. I also do autopsies for Spartanburg County.

2 Q. Dr. Dukes, are you licensed to practice medicine in
3 the State of South Carolina?

4 A. Yes.

5 Q. Would you relate to the jury your educational and
6 training background.

7 A. Sure. I completed medical school at the Medical
8 University of South Carolina in Charleston in 2012.

9 I then completed an anatomic and clinical pathology
10 residency at the University of Kentucky in Lexington, Kentucky.

11 After that, I completed one year forensic pathology
12 specialty training in Cook County Medical Examiner's Office in
13 Chicago.

14 Q. In what capacity are you presently employed, Dr.
15 Dukes?

16 A. I'm employed by Pathology Associates in Greenville
17 as a forensic pathologist.

18 Q. What exactly does a forensic pathologist do?

19 A. A forensic pathologist examines bodies after
20 they've died to assist in investigation to help determine cause
21 and manner of death.

22 Q. At this point, approximately, how many autopsies
23 have you performed in the course of your career?

24 A. Upwards of 2,000.

25 Q. During your years of experience as a forensic

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 pathologist, have you had the occasion to observe many cases
2 where the cause of death is a gunshot wound?

3 A. I have.

4 Q. Have you qualified in a court of law before as an
5 expert in forensic pathology, Dr. Dukes?

6 A. Yes.

7 Q. How many times have you testified in court,
8 approximately?

9 A. Somewhere between 12 and 15 in three different
10 states.

11 MS. CUENCA: Your Honor, at this time I would like
12 to offer Dr. Grace Dukes as an expert in the field of forensic
13 pathology.

14 MR. HALL: We have no objection, Your Honor.

15 THE COURT: Ladies and gentlemen, normally a person
16 cannot give opinion testimony. Normally when a person
17 testifies, they must testify as to what either they saw, heard,
18 or sensed by smell or something of that nature. However, there
19 is an exception, when someone is qualified because of education
20 or experience, they are permitted to give their opinion in
21 certain areas if The Court qualifies them that way.

22 This witness will be qualified in the area of
23 forensic pathology, to give opinion testimony in that area.
24 That does not mean that you must accept the opinion. It is
25 evidence for you to use in any way that you see fit.

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 Yes, ma'am.

2 MS. CUENCA: Thank you, Judge.

3 BY MS. CUENCA:

4 Q. Dr. Dukes, on November 2019, where were you
5 employed?

6 A. At Pathology Associates.

7 Q. Were you a forensic pathologist then as well?

8 A. Yes.

9 Q. On November 2019, did you review an autopsy report
10 on a person named Jason Eison?

11 A. I reviewed it prior to December 12th.

12 Q. Could you please explain to the jury what the
13 purpose of an autopsy is again.

14 A. Yes. An autopsy is an examination of the body
15 postmortem, after a person has died, to document anything about
16 the person that might be useful to an investigation and
17 documentation of appearance, characteristics of the person,
18 injuries they might have or anything like that.

19 Q. However, in this case, you did not perform the
20 autopsy, is that correct, Dr. Dukes?

21 A. That's correct.

22 Q. Who did perform the autopsy?

23 A. Dr. Michael Ward.

24 Q. Did you review that report?

25 A. I did.

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 Q. Is it common practice for you to review a report
2 that somebody else has done an autopsy on?

3 A. It is common practice in medical examiner's offices
4 to review certain cases such as homicides as a quality control
5 measure.

6 Q. Other than the autopsy report, what other documents
7 did you review on this case?

8 A. At the time of the initial review of the case, I
9 had reviewed the written report, the investigative report, and
10 the photographs, and the notes taken by Dr. Ward.

11 Q. Does that include body diagrams as well?

12 A. Yes.

13 Q. Where was the autopsy performed on Mr. Eison?

14 A. It was performed in the morgue of Spartanburg
15 Regional Medical Center.

16 Q. Dr. Dukes, based on the autopsy, can you, with a
17 reasonable medical certainty, form an expert opinion as to the
18 cause of death of Jason Eison?

19 A. Yes.

20 Q. What is that opinion?

21 A. The cause of death in this case is multiple gunshot
22 wounds.

23 Q. You mentioned there are some diagrams on this case,
24 Dr. Dukes?

25 A. Yes.

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 MS. CUENCA: Let the record reflect I'm showing
2 opposing Counsel what has been previously marked as exhibits 41
3 and 42.

4 (STATE EXH. 41, Diagram, was marked for
5 identification.)

6 (STATE EXH. 42, Diagram, was marked for
7 identification.)

8 MR. HALL: No objection.

9 THE COURT: Thank you, sir.

10 MS. CUENCA: Your Honor, permission to approach the
11 witness?

12 THE COURT: Yes, ma'am.

13 BY MS. CUENCA:

14 Q. Dr. Dukes, what have I just handed to you?

15 A. We call these body diagrams. They are the page
16 that we use to take notes on during the autopsy examination.

17 Q. Is this a fair and accurate copy of those diagrams
18 of Mr. Eison's gunshot wounds, Dr. Dukes?

19 A. Yes.

20 Q. Has it been modified, other than the exhibit
21 stickers, has it been modified in any way?

22 A. It does not appear to be.

23 MS. CUENCA: Your Honor, at this time, the State
24 would like to introduce exhibits 41 and 42 into evidence.

25 THE COURT: She has identified them together

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 as something. Is there something identifying that makes 41
2 separate from 42?

3 MS. CUENCA: Your Honor, those two exhibits are
4 showing different parts of the same. They're two different
5 diagrams.

6 THE COURT: She identified them as the same. Can
7 she state what they show what's different like front, back,
8 left side, right side, back. Something so we can make a record
9 of it.

10 BY MS. CUENCA:

11 Q. Dr. Dukes, would you explain what exhibit 41 shows.

12 A. Exhibit 41 is a diagram of the entire body except
13 for injuries. Other characteristics of the body, organ
14 weights, other notes like that.

15 Q. And what about exhibit 42?

16 A. Exhibit 42 is a diagram predominantly, if not
17 entirely, of the decedent's injuries.

18 MS. CUENCA: At this time, Your Honor, the State
19 would move exhibits 41 and 42 into evidence.

20 MR. HALL: No objection.

21 THE COURT: Okay. Without objection.

22 MS. CUENCA: Permission to publish to the jury?

23 THE COURT: Yes, ma'am.

24 (STATE'S EXH. 41, Diagram, was entered into
25 evidence.)

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 (STATE'S EXH. 42, Diagram, was entered into
2 evidence.)

3 BY MS. CUENCA:

4 Q. Dr. Dukes, how many gunshot wounds were there?

5 A. There were seven total gunshot wounds.

6 Q. I'm going to show you State's Exhibit -- let's
7 start with State's Exhibit 41. Dr. Dukes, what is this date
8 over here of 11-1-2019?

9 A. That date is the same as the date and time that
10 death was pronounced.

11 Q. The time that he was pronounced dead was 7:09 p.m.?

12 A. Yes.

13 Q. Can you explain to the jurors what State's Exhibit
14 41 is showing more in depth.

15 A. Sure. There are different lines and pictures on
16 the body that are depicting tattoos, medical interventions that
17 were performed after the decedent was shot. And then that list
18 in the middle is characteristics of the internal exam; organ
19 weights, things like that.

20 Q. Are there also gunshot wounds describing this one
21 or would it be in the separate exhibit number 42?

22 A. I think that's entirely a separate exhibit.

23 Q. Let's go into exhibit number 42. What does this
24 show, Dr. Dukes?

25 A. This shows front and back of the body with gunshot

GRACE DUKES, M.D. DIR BY MS. CUENCA

1 wounds. It indicates whether -- it doesn't indicate whether
2 they are entrances and exits. Those are described in the
3 report. And it shows measurements on the body, of the position
4 of the gunshot wounds relative to one another.

5 Q. Are the gunshot wounds numbered over here? For
6 example E1, E3, E5?

7 A. They are.

8 Q. Are the wounds assigned in any particular order,
9 Dr. Dukes?

10 A. They are not.

11 Q. Just an arbitrary number that is used?

12 A. Yes.

13 Q. Where exactly were the gunshot wounds in this case?

14 A. The gunshot wounds in this case involved the lower
15 back, both the right and left sides, the hip, and left buttock,
16 and the left ankle.

17 Q. How do you know when it is an entrance wound or an
18 exit wound?

19 A. Entrance wounds have different characteristics than
20 exit wounds. We look for certain pieces of information. For
21 example, on an entrance wound, the projectile will abrade the
22 skin in a certain way on its way through the skin.

23 For an exit wound, it tends to be shaped slightly
24 different. It doesn't have that abrasion, doesn't have other
25 characteristics of an entrance wound. Typically, entrance

GRACE DUKES, M.D. CROSS BY MR. HALL

1 wounds are rounder. There are various characteristics we use.

2 Q. In this particular case, where were the entrance
3 wounds?

4 A. In this case, the entrance wounds were on the back,
5 the hip, and the posterior left ankle.

6 Q. Did you also -- were there any fragments that were
7 found?

8 A. There were.

9 Q. How many were recovered?

10 A. Two projectile fragments were recovered.

11 Q. Based on that particular autopsy, within your
12 bounds of reasonable medical certainty, what is your expert
13 opinion concerning the cause of death, Dr. Dukes?

14 A. The cause of death in this case is multiple gunshot
15 wounds.

16 MS. CUENCA: I have no further questions. Please
17 answer any that Mr. Hall might have.

18 CROSS-EXAMINATION

19 BY MR. HALL:

20 Q. Were there any burns from gunpowder on the body?

21 A. There were not. Not that was indicated.

22 Q. Y'all didn't have the clothes?

23 A. There is no indication in the report that clothing
24 was received at the autopsy or examined by Dr. Ward.

25 Q. Just asking you. There's no way of telling how far

GRACE DUKES, M.D. REDIR BY MS. CUENCA

1 the shot was fired with any particular entrance and exit
2 wounds?

3 A. There are ways to tell. In this case, they were
4 all deemed indeterminate range gunshot wounds, which means
5 further away than a couple of feet.

6 Q. Further away?

7 A. Than a couple of feet. Or no evidence of close
8 range fire detected around the wound.

9 Q. That could also be on the clothing?

10 A. It could.

11 Q. In the autopsy and examination and review, it
12 doesn't do anything to say who did this?

13 A. It does not.

14 MR. HALL: I have no further questions.

15 THE COURT: Any redirect limited to what he went
16 into?

17 REDIRECT EXAMINATION

18 BY MS. CUENCA:

19 Q. Dr. Dukes, could you ever be able to say who did it
20 as part of the attempted murder?

21 A. My job is to describe the injuries to the body.

22 MS. CUENCA: I have no further questions, Your
23 Honor.

24 THE COURT: Thank you, ma'am. You may step down.
25 Any reason why the witness cannot be excused?

AGT JAMIE HALL DIR BY MS. CUENCA

1 MS. CUENCA: The State would ask for her to be
2 excused.

3 MR. HALL: No objection.

4 THE COURT: Thank you, ma'am. You may be excused
5 as well.

6 THE WITNESS: Thank you.

7 (The witness exited the witness stand.)

8 THE COURT: Is the State ready to call the next
9 witness?

10 MS. CUENCA: Yes, Your Honor. The State would call
11 Jamie Hall to the stand.

12 THE COURT: Come right up here and let the clerk of
13 court swear you in.

14 AGENT JAMIE HALL
15 being first duly sworn, testified as follows:

16 THE COURT: Be careful and have a step up and have
17 a seat in the chair. Pull the chair up to the microphone.

18 DIRECT EXAMINATION

19 BY MS. CUENCA:

20 Q. Good morning, Ms. Hall.

21 A. Good morning.

22 Q. Please introduce yourself to the jury.

23 A. My name is Jamie Hall, and I work at the City of
24 West Columbia Police Department as an evidence custodian.
25 Prior to that, I worked in the SLED Forensic Services

AGT JAMIE HALL DIR BY MS. CUENCA

1 Laboratory as an evidence technician -- excuse me, as a
2 forensic technician in the trace evidence department.

3 Q. How long did you work for SLED before you left?

4 A. I was there almost seven years.

5 Q. What exactly does a forensic technician do?

6 A. In the trace evidence department, my job was
7 primarily to process evidence for GSR or gunshot residue
8 analysis. That involved inventory, GSR inventory and GSR kits
9 as they came in, as well as processing clothing and other
10 inanimate objects for potential GSR.

11 Q. In 2019, were you working in the trace evidence
12 department of SLED?

13 A. I was.

14 Q. How long have you been working there?

15 A. I started in 2015 as the admin for the same
16 department. In 2017, I became a technician.

17 Q. Would you please describe your educational
18 background and your training, Ms. Hall.

19 A. I have a bachelor's of science degree in wildlife
20 and fisheries biology from Clemson University.

21 Once I became a technician at SLED, I did go
22 through an in-house training program that included oral and
23 practical examination to prove that I was able to do my duties.

24 And I also took some outside training courses at
25 Hooke College in Chicago.

AGT JAMIE HALL DIR BY MS. CUENCA

1 Q. Have you testified in court before, Ms. Hall?

2 A. I have.

3 Q. Were you the forensic technician that was assigned
4 to this case?

5 A. I was.

6 Q. What item did you receive on this case?

7 A. In this case I processed an item. It was for SLED
8 lab number L20-00309, and it was item number two for the
9 laboratory.

10 MS. CUENCA: Permission to approach, Your Honor?

11 THE COURT: Yes, ma'am.

12 BY MS. CUENCA:

13 Q. Ms. Hall, does State's Exhibit 35 -- this piece of
14 evidence has already been entered. Is this the item that you
15 processed as item number two?

16 A. Yes, ma'am.

17 Q. Let's talk a little bit about the chain of custody,
18 Ms. Hall. What agency submitted exhibit 35, which you say is
19 item two, to SLED?

20 A. The chain of custody, which is the official record
21 kept for all evidence at the lab, indicates that an Officer
22 Norungolo -- sorry if I messed that up -- from Spartanburg
23 Department of Public Safety submitted it to the evidence
24 lockers at the laboratory.

25 Q. What exactly are we talking about when we're saying

AGT JAMIE HALL DIR BY MS. CUENCA

1 chain of custody?

2 A. The chain of custody is just the official
3 documentation that tracks everywhere the evidence went in the
4 laboratory. It's different at local agencies. At the
5 laboratory, there's a bar code system. If we look at that box,
6 it has a big yellow bar code on it. Anytime it's transferred
7 to a shelf in the storage area or an individual, it's scanned
8 to track who-all touched that box, where that box was at any
9 given time.

10 MS. CUENCA: Permission to approach again, Your
11 Honor?

12 THE COURT: Yes, ma'am.

13 BY MS. CUENCA:

14 Q. Would you show where that yellow sticker is, Ms.
15 Hall.

16 A. It's right here (indicating). It indicates the
17 unique lab number assigned to the case as well as the unique
18 item number two assigned to the case.

19 MS. CUENCA: Let the record reflect Ms. Hall was
20 pointing to the box, State's Exhibit 35.

21 BY MS. CUENCA:

22 Q. What day did SLED receive this box, State's Exhibit
23 35?

24 A. It was logged in to the main system on January 9,
25 2020.

AGT JAMIE HALL DIR BY MS. CUENCA

1 Q. And the first entry on that chain is Stephanie
2 Davidson. Do you know what she did?

3 A. I know that evidence control takes the information
4 provided in the pre-log submission and enters it into our
5 system. And at that time the items are given -- there's unique
6 lab numbers and item numbers. They do all the labeling of the
7 evidence there.

8 Q. Ms. Davidson is part of the evidence control?

9 A. She was at that time, yes, ma'am.

10 Q. And the next, it was left on a shelf. What does
11 that mean?

12 A. In this particular case it was left on a shelf in
13 the evidence control department. That's a secure location
14 downstairs in evidence control where only those employees have
15 access to the evidence.

16 Q. And then we see -- once it was left in a secured
17 location, Ms. Jackie Davis, is she also part of the evidence
18 control team?

19 A. She was at that time.

20 Q. What does she do?

21 A. On February 19, 2020, she removed it from the
22 shelf. So, again, anytime someone touches the box, it has to
23 be scanned. If someone is taking it off of a shelf, even if
24 they're just taking it off the shelf and giving it to me, it
25 has to go into their custody first. In this case I had

AGT JAMIE HALL DIR BY MS. CUENCA

1 requested the evidence and she pulled it off the shelf;
2 therefore, it went to her custody and then she gave it to me.

3 Q. Did she open the box before she gave it to you?

4 A. As far as I know, evidence control does not
5 typically open evidence. In this case she did not.

6 Q. Once she gives it to you on February 19, 2020, did
7 you process it immediately, Ms. Hall?

8 A. I did not. I stored it in a secure location in the
9 trace evidence department. Again, only trace technicians and
10 analysts have access to that evidence. So it was in my custody
11 in the trace evidence department until I did process it.

12 Q. When did you process the jacket?

13 A. I processed it on March 2nd of 2020.

14 Q. We'll go into a little bit more detail in a little
15 bit on the processing. Once you did process, what exactly is
16 the process you would do? You do particle lifts; is that
17 correct?

18 A. Yes, ma'am. For clothing, the process is we first
19 confirm that everything is properly sealed and initialed. In
20 this case it was. I used what we call a clothing collection
21 worksheet.

22 I document pertinent information on there so that
23 when the analyst later gets the item, any information that they
24 might need to know about this garment to render their opinion
25 is on it.

AGT JAMIE HALL DIR BY MS. CUENCA

1 So I documented, again, that it was properly sealed
2 and initialed so that it met the requirements for analysis. I
3 then cleaned my work space. I clean off the table. I place
4 down butcher paper or parchment paper, to once again, just an
5 extra check-and-balance to ensure there's no contamination.

6 Then we also use what's called a clothing blank.
7 So it's just another particle lift that's left out open on the
8 table to be exposed to the elements of the processing area to
9 confirm that there's no contamination possible.

10 Q. Do you also wear personal protective equipment when
11 you do this?

12 A. I do. Anytime we process clothing, we do wear
13 gloves and a lab coat. In this case, there was also a DNA
14 request so I also wore a mask as well.

15 Then I opened the items, and I lay them out on the
16 paper. And then I will do what we call collect the particle
17 lifts from the clothing. So that's just a double-sided
18 adhesive on like an aluminum stub. It may come in these little
19 vinyl-type containers. The double-sided adhesive, it's been
20 dabbed repeatedly across the garment in the areas that would be
21 the closest to the discharge of a firearm.

22 In this case with a jacket, we sampled the right
23 sleeve, the left sleeve, the right chest area and the left
24 chest area.

25 Q. So you did four particle lifts on this jacket?

AGT JAMIE HALL DIR BY MS. CUENCA

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

2 Q. What do you do after you complete those particle
3 lifts?

4 A. Once I'm done with the garment itself, it's been
5 repackaged and resealed and put away. In this case, I put it
6 in just another secure location until I was able to return it
7 downstairs.

8 The particle lifts then are put in a secure
9 location as well in the trace evidence lab until it's time for
10 analysis, for an analyst to take a closer view of them.

11 Q. In fact, once these particles lifts -- were those
12 placed in a secure location you said?

13 A. Yes, ma'am.

14 Q. Are they still then technically under your custody
15 and control?

16 A. We don't technically seal the bags. They're
17 enclosed in their individual capsules in their evidence bag and
18 then they go into a secure drawer. There's a specific location
19 again so the analyst knows exactly where to find them. Each
20 particle lift is labeled with a unique lab number, item number,
21 date and initials so that there's no confusion.

22 We just do that, if we continue to open the
23 packages multiple times, you can see the evidence tape on this
24 one gets a little confusing. It's the same way with the
25 heat-sealed bags.

AGT JAMIE HALL DIR BY MS. CUENCA

1 Q. You're the only one that actually opened the
2 jacket, the evidence; is that correct, from the trace
3 department?

4 A. That's correct.

5 Q. Even when you're giving it to the forensic
6 scientists, they're not looking at the jacket; they're
7 reviewing your particle lifts?

8 A. Yes, ma'am. And then they analyze the particle
9 lifts for any potential GSR.

10 MS. CUENCA: I beg The Court's indulgence.

11 (A pause transpired.)

12 BY MS. CUENCA:

13 Q. Even before you opened the box, was the bag inside,
14 was it sealed?

15 A. So we only actually document the outer most
16 container when it comes to clothing. I'm not 100 percent,
17 without looking at the bag itself, that it was sealed. It did
18 meet the requirements for proper seal and documentation for our
19 department.

20 Q. If it had not, would you have been given notice
21 that it was not properly sealed when SLED received it?

22 A. Yes, ma'am. We would receive notice so we can
23 determine whether or not it was still a candidate for analysis.

24 Q. Again, when you took possession of exhibit 35, the
25 box was sealed, properly sealed?

AGT JAMIE HALL CROSS BY MR. HALL

1 A. Yes, ma'am.

2 MS. CUENCA: Thank you for your indulgence.

3 I have no further questions. Please answer any
4 questions that Mr. Hall might have.

5 CROSS-EXAMINATION

6 BY MR. HALL:

7 Q. I'm understanding correctly, your job is to look
8 for things. You don't do the testing?

9 A. GSR is microscopic. You can't see it, so I
10 processed the areas where GSR would have most likely been
11 deposited. And then, yes, you're correct. I do not do the
12 actual analysis.

13 Q. Who eventually does the analysis?

14 A. A forensic scientist. In this case it was Tyler
15 Sturkie.

16 Q. I guess your job is to look for something and pass
17 it on to someone else?

18 A. Again, we can't actually see the GSR. I do my
19 process and then pass it on.

20 Q. Scientifically process it and pass it on to someone
21 else?

22 A. Yes, sir.

23 MR. HALL: I have no further questions.

24 THE COURT: Any redirect limited to what he went
25 into?

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 MS. CUENCA: No, Your Honor. The State would ask
2 that the witness be excused.

3 THE COURT: Any objection?

4 MR. HALL: No objection.

5 THE COURT: Ma'am, you may be excused. Watch your
6 step as you're stepping down. Thank you for coming.

7 (The witness exited the witness stand.)

8 THE COURT: Is the State ready to call their next
9 witness?

10 MS. CUENCA: Yes, Your Honor. The State would call
11 SLED Agent Tyler Sturkie to the witness stand.

12 THE COURT: Come right up here to the witness
13 stand. Let the clerk of court swear you in.

14 AGENT TYLER STURKIE
15 being first duly sworn, testified as follows:

16 THE COURT: Sir, watch your step as you're stepping
17 up. Have a seat in the chair, pull the chair up to the
18 microphone.

19 DIRECT EXAMINATION

20 BY MS. CUENCA:

21 Q. Good morning, Agent Sturkie.

22 A. Good morning.

23 Q. Please introduce yourself to the jury.

24 A. My name is Tyler Sturkie. I am a forensic
25 scientist in the trace evidence laboratory of the forensic

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 services for South Carolina Law Enforcement Division.

2 Q. How long have you been working for SLED?

3 A. Almost nine years.

4 Q. What specific department do you work in for SLED?

5 A. I work specifically in the trace evidence
6 department. The trace evidence we typically analyze is usually
7 microscopic, often requires a high degree of magnification or
8 special instrumentation to view and characterize the evidence.
9 The trace evidence department at SLED, we analyze evidence
10 pertaining to gunshot residue, fire debris, glass, paint,
11 fibers, explosives, and general unknowns.

12 Q. Have you been working the trace department since
13 you've been in SLED?

14 A. Yes, I have.

15 Q. You kind of described what the department does. Is
16 that what a forensic scientist does?

17 A. Yes, ma'am. Each forensic scientist in the trace
18 evidence department, all the disciplines that I listed, we go
19 through training in order to be competent for the analysis and
20 no specific disciplines.

21 Q. What is your educational background and training,
22 Agent Sturkie?

23 A. I received a bachelor of science degree in
24 chemistry from Newberry College. When I was hired by SLED, I
25 began a year long training program in the analysis of gunshot

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 residue. This training consisted of written and practical
2 examinations on the practice and theory of gunshot residue.

3 I also attended courses at the Hooke College of
4 Applied Sciences titled Gunshot Residue Identification,
5 Scanning Electron Microscopy, and Advanced X-ray Microanalysis.

6 Q. You also participated in ongoing education?

7 A. Yes, ma'am. Each year we must perform proficiency
8 tests to remain competent in the discipline in which we are
9 competent in. And for the prospective gunshot residue, I
10 continue my education and performance proficiency tests as
11 well.

12 Q. How many GSR kits or cases have you analyzed?

13 A. I probably, approximately, case-wise, close to 500
14 cases, which equates to over 2,000 particle lifts themselves.

15 Q. Have you testified in court before?

16 A. Yes, I have.

17 Q. Have you qualified in a court of law as an expert
18 in gunshot residue analysis?

19 A. Yes, ma'am.

20 MS. CUENCA: Your Honor, at this time I would offer
21 Tyler Sturkie as an expert in the field of gunshot residue.

22 MR. HALL: No objection.

23 THE COURT: Ladies and gentlemen, again, normally a
24 person cannot give opinion testimony. Normally when they
25 testify, they must testify as to what either they saw, heard,

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 or sensed by smell or something of that nature. There is an
2 exception when someone is qualified because of education or
3 experience. They are permitted to give their opinion in
4 certain areas if The Court qualifies them that way.

5 This witness will be qualified in the area of
6 gunshot residue analysis to give opinion testimony in that
7 area. That does not mean that you must accept the opinion but
8 it is evidence to use in any way that you see fit.

9 Yes, ma'am.

10 MS. CUENCA: Thank you, Your Honor.

11 BY MS. CUENCA:

12 Q. First, I'll start with the general and then we'll
13 break it down. In this particular case, which is SLED lab
14 number L20-003009, and item two, which was the jacket submitted
15 for the day of shooting, did you find gunshot residue on that
16 jacket?

17 A. So, as Jamie Hall mentioned earlier, she will
18 collect particle lifts from the jacket itself. The particle
19 lifts are what I will examine. She collected four particle
20 lifts from that jacket. It ends up being item 2.1 for our SLED
21 specific numbering system and chain of custody. I did test
22 item 2.1 for gunshot residue.

23 Q. At the time you were testing, were you a forensic
24 scientist in GSR?

25 A. Yes, ma'am, I was.

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 Q. Can you explain to the jury a little bit of what
2 gunshot residue is.

3 A. Gunshot residue is composed of the burn and
4 unburned particles from the primer, the propellant, and a
5 projectile of a firearm that has been discharged. These
6 particles are round or molten in shape, and they contain the
7 elements of lead, barium, and antimony.

8 When a gun is fired and you pull the trigger, the
9 firing pin will strike the primer cap. And that primer cap
10 explodes and creates a chain reaction to eventually propel that
11 bullet forward.

12 The particles we are specifically looking for are
13 in that primer cap. Again, those are either round or molten in
14 shape and contain the elements of lead, barium, and antimony.

15 Q. Gunshot residue is also known as GSR; is that
16 correct?

17 A. Yes, ma'am.

18 Q. How does GSR get on someone or something?

19 A. When that weapon is fired, gunshot residue is
20 created. Any opening in the firearm, gunshot residue has a
21 potential to escape, whether that is the ejection port, the
22 muzzle. Depending on the firearm, there are several other
23 openings that can be present for that gunshot residue to be
24 deposited.

25 Whether it escapes the weapon, it will form a cloud

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 or a plume of smoke, and it will deposit on anything in that
2 general vicinity. It can deposit on the shooter's hands, the
3 clothing, bystanders as well. Any object within that general
4 vicinity, gunshot residue has a potential to land.

5 Q. How long does GSR usually remain on a living
6 person, or in this particular case, an inanimate object.

7 A. Yes, ma'am. Our protocol, we have a specific time
8 frame for gunshot residue on living individuals. Gunshot
9 residue, to give you an idea of its size, you take your hair
10 from your head. The diameter of it is about 100 micrometers.
11 GSR particles are typically one to ten micrometers, one to 10
12 percent of that size. They are very fragile and have the
13 potential to be removed. On a living individual, we have a
14 time frame of six hours.

15 That is because, if GSR is deposited on their
16 hands, that individual could potentially remove it just from
17 their course of daily action. They can swipe it, wipe it away;
18 environmental factors such as rain or wind. Blood can remove
19 any GSR as well. We have that specific time frame for living
20 individuals. Beyond six hours, we can't really identify a time
21 as to when those GSR particles were deposited.

22 For deceased victims and for inanimate objects such
23 as clothing or vehicles, we do not have this time frame only
24 because they are not actively removing it like an individual
25 who is alive would. Gunshot residue can stay on clothing, on

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 vehicles, or deceased individuals as well until it is actively
2 removed by an outside source.

3 Q. How long would that be with the time frame you
4 have?

5 A. For that, there is no time frame that we can
6 establish. Other than that it is either present or absent.

7 Q. Relative to this case, you mentioned that you
8 received the particle lifts; correct?

9 A. Correct.

10 Q. You didn't actually test or even manipulate the
11 jacket itself; correct?

12 A. No, ma'am. I did not analyze or see the jacket at
13 all.

14 Q. Ms. Hall testified that she was the forensic
15 technician who analyzed the jacket. Do you review what
16 Ms. Hall has done?

17 A. Yes, ma'am. Ms. Hall stated she creates a clothing
18 inventory worksheet where she describes the article of clothing
19 and other pertinent information as it applies to gunshot
20 residue.

21 I would review that worksheet, make sure that the
22 chain of custody has been followed up to that point. If it has
23 any other subsequent analyses to be performed, that it has
24 followed that proper chain as well.

25 Q. She also testified that she put the particle lifts

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 in a secure location in the trace evidence department. Did you
2 retrieve those particles? When did you take custody of those
3 particle lifts?

4 A. Yes, ma'am, I would have taken custody of those
5 particle lifts from the trace evidence department. I would
6 have to get my chain of custody to give you an exact date in
7 which I did.

8 Q. Would you have been able to see if it had been
9 tampered with, Agent Sturkie?

10 A. I would have. Since I'm looking at the particle
11 lifts themselves, particle lifts are enclosed in a very small
12 plastic case for each one. I would've been able to see if
13 those had been tampered with. In this case they were not.

14 I would have taken custody of the actual particle
15 lifts on March 26, 2020.

16 Q. You said when you reviewed it, she followed all the
17 proper protocols and procedures, Agent Sturkie?

18 A. Yes, ma'am.

19 Q. Did you follow the proper protocols and procedures
20 as well for this GSR analysis?

21 A. I did, yes. Once I take custody of it, I will set
22 up my analysis on the scanning electron microscope and proper
23 quality assurance is also performed such as using a blank QA
24 and positive QA to ensure that no contamination is done during
25 analysis as well. All of those proper protocols were followed.

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 Q. What exactly does blank QA mean?

2 A. So within the chamber of the scanning electron
3 microscope, we set up multiple particle lifts. In this case
4 there were four from the jacket. We can also set up other
5 items from other cases as well. The blank QA is essentially a
6 blank stub, similar to the particle lifts that were collected
7 from the jacket. And that blank is placed in the chamber as
8 well. Scanning electron microscope is vacuum sealed to ensure
9 the proper procedures are done within the microscope itself.
10 The blank simply just ensures that no contamination is done
11 within that chamber.

12 Q. When you have those particle lifts, what exactly
13 are you looking for, Agent Sturkie?

14 A. We are specifically looking for microscopic
15 particles that are round or molten in shape and contain the
16 elements of lead, barium, and antimony. The scanning electron
17 microscope has the ability to give us a picture of that
18 particle lift or specifically those particles on the particle
19 lift, and it will give us an x-ray acquisition. X-ray
20 acquisition means it can tell us what elements are present in
21 the particle itself.

22 During my analysis, I will set up an automated
23 analysis for that particle lift. It will run the entirety of
24 it. When we collect particle lifts, whether it's from the
25 hands or from any type of clothing or vehicle, several thousand

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 particles have the potential to be on that particle lift. Not
2 necessarily GSR particles, just particles in general; dirt,
3 fiber. All that can also be on those particle lifts.

4 The automated analysis is set up to run and to
5 identify specific particles such as GSR and anything related to
6 GSR. After that automatic analysis is complete, I will perform
7 a manual analysis to confirm any GSR particles that may have
8 been found by the automated analysis.

9 Q. You mentioned that there could be other particles.
10 Are you really looking at things that are nonGSR?

11 A. That's correct. Like I said, our hands at the
12 moment, unless they have been recently washed, will generally
13 have hundreds or more of microscopic particles that contain
14 various elements. These could be in conjunction with GSR
15 particles that may be found on particle lifts. However, a
16 particle that is round or molten and contains lead, barium, and
17 antimony is known and unique to have originated from a firearm
18 that has been discharged.

19 Q. In this particular case, you rule out anything that
20 would not have been GSR?

21 A. I did, yes, ma'am.

22 Q. What were the results of the testing performed on
23 these particle lifts?

24 A. For our item 2.1 was for the particle lift
25 collected from the jacket, particles characteristic of gunshot

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 primer residue were found.

2 Q. What does that mean exactly in lay terms?

3 A. For this being an inanimate object, essentially it
4 just means that gunshot residue was found. It was present on
5 this item.

6 The interpretation of this, I can tell you that
7 gunshot residue was found and it was present. I cannot tell
8 you how it got there. I cannot say the time frame in which it
9 got there; only that gunshot residue was either directly
10 transferred to it from a firearm that was discharged or that
11 gunshot residue came into contact from another object to this
12 jacket.

13 Q. Ms. Hall provided you with four particle lifts;
14 correct?

15 A. That is correct.

16 Q. Was GSR found on all four particle lifts?

17 A. For the report itself, we report a totality of the
18 four particle lifts. When the jacket is submitted, it's
19 usually balled up or folded up. She will analyze the specific
20 areas that are closest to the discharge of a firearm. GSR has
21 the ability to transfer because it's very microscopic and can
22 move very readily.

23 The reason we report as a whole is because,
24 although we may see exactly where the particles were found via
25 the particle lifts, I cannot say whether or not they were

AGENT TYLER STURKIE DIR BY MS. CUENCA

1 originated on one area or the other.

2 In this specific case, for the right sleeve of the
3 jacket, there were zero particles found. On the right chest,
4 there was one. On the left sleeve, there were three. And on
5 the left chest, there were zero. For a total of four particle
6 lifts were found from our testing on this.

7 Q. What did you do with those particle lifts once you
8 completed your analysis?

9 A. Once I completed my analysis, I would have sealed
10 them up and kept them in a secure location in the trace
11 evidence department. Once the case has been reviewed and
12 closed, those particle lifts would have been sent down to our
13 evidence control and awaiting pickup by the submitting agency.

14 Q. Was that the extent of your involvement in this
15 case, Agent Sturkie?

16 A. Yes, ma'am.

17 MS. CUENCA: I beg The Court's indulgence.

18 (A pause transpired.)

19 MS. CUENCA: Nothing further to add. Please answer
20 any that Mr. Hall may have.

21 MR. HALL: Beg The Court's indulgence.

22 THE COURT: Yes, sir.

23 MR. HALL: I have no questions for this witness in
24 this case, Your Honor.

25 THE COURT: Thank you, sir. Watch your step as

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1 you're stepping down. You may step down and be excused, if
2 there's no objection.

3 MS. CUENCA: No objection.

4 THE COURT: Thank you for coming, sir.

5 THE WITNESS: Thank you.

6 (The witness exited the stand).

7 MS. CUENCA: Your Honor, I beg The Court's
8 indulgence a minute.

9 THE COURT: Ladies and gentlemen, we're going to
10 take a short recess. If you would, do not have any discussions
11 among yourselves about anything involving the case. We'll get
12 you back just shortly. You may retire back to the jury
13 deliberation room.

14 (The jury exited the courtroom at 10:19 a.m.)

15 MS. CUENCA: Your Honor, the State has no
16 further witnesses; wanted to just make sure that all the
17 evidence was entered in. A moment with the court reporter.

18 THE COURT: We'll step down for a few minutes.
19 We'll come back and discuss what we're going to do.

20 (A recess transpired from 10:20 a.m. until 11:09
21 a.m.)

22 THE COURT: We've had a conference with the
23 attorneys. Been told that the State has concluded the
24 presentation of their witnesses. And the defense is ready to
25 proceed.

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1 I have discussed with the attorneys what we're
2 going to do at this juncture so to make it run more smoothly
3 before the jury, before we bring them out and not bring them in
4 and out.

5 I'm going to cover and review with Mr. Geter his
6 decision on whether or not he intends to testify as part of
7 this trial. Once that has been placed on the record, then we
8 will come back together, bring the jury in. The State can
9 conclude and rest on the record. Then we can turn the matter
10 over to Mr. Hall to present the defense's case.

11 Mr. Geter, at this juncture I've got to ask you a
12 few questions. We have to do this on the record. I need you
13 to please stand and raise your right hand and let the clerk of
14 court swear you in.

15 RISHARD LEWIS GETER
16 being first duly sworn, testified as follows:

17 THE COURT: Thank you, Mr. Geter. Mr. Geter, just
18 to let you know, as you probably figured out, we are making a
19 recording of everything that happens here. This lady over here
20 to my right is a court reporter. She's taking down everything
21 that's said. I just tell you that because, whenever you
22 respond to my questions, please do so loud enough so both she
23 and I can hear you; okay?

24 MR. GETER: Yes, sir.

25 THE COURT: If ever during this process of me

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1 asking you these questions, if ever you can't hear me or don't
2 understand me, just let me know, and I'll speak up or try to be
3 more clear; okay?

4 MR. GETER: Yes, sir.

5 THE COURT: Thank you, Mr. Geter.

6 Mr. Geter, at this time I'm going to explain to you
7 certain of your rights. If you do not understand anything that
8 I say, just please let me know. If you want me to explain
9 anything in more detail, please let me know that as well. Do
10 you understand that, sir?

11 MR. GETER: Yes, sir.

12 THE COURT: Thank you.

13 Mr. Geter, we have now reached the stage of the
14 trial where you may present a defense. You have the right to
15 claim the protections given to you by the Fifth Amendment to
16 the Constitution of the United States. This Amendment
17 provides, in part: No person shall be compelled in any
18 criminal case to be a witness against himself.

19 This means that you cannot be required to testify
20 in this case. You have the right to testify on your own
21 behalf. However, no one can make you testify. This is a
22 personal right, and no one can waive this right except you.

23 If you decide to testify in this case, you will be
24 subject to the same rules that govern other witnesses. And you
25 may be examined and cross-examined on any relevant issue in

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1 this case.

2 In addition, if you have any convictions involving
3 dishonesty or false statements or for crimes punishable by
4 imprisonment for more than one year and This Court determines
5 that the probative value of admitting this evidence outweighs
6 its prejudicial effect to you, the Solicitor will be able to
7 introduce your record to attack your credibility.

8 If you decide to testify, this decision on your
9 part must be freely, voluntarily, and intellectually made by
10 you with knowledge of the protections given to you by the Fifth
11 Amendment and the consequences of your decision to testify.

12 If you decide not to testify, I will instruct the
13 jurors that they cannot give that fact that you did not testify
14 any consideration whatsoever and that there's to be absolutely
15 no prejudice to you because you did not testify.

16 It is left entirely up to you whether or not you
17 testify.

18 You may talk to your lawyer, you may talk to your
19 family, you may talk to your friends, or anyone else. The
20 final decision will be left entirely up to you.

21 Now, Mr. Geter, do you understand what I've just
22 explained to you?

23 MR. GETER: Yes, sir.

24 THE COURT: Do you have any questions about
25 anything that I've explained to you?

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1 MR. GETER: No, sir.

2 THE COURT: Have you discussed with your lawyer
3 whether you should or should not testify?

4 MR. GETER: Yes, sir.

5 THE COURT: Do you wish to talk to your lawyer any
6 more about this issue of whether to testify or not to testify?

7 MR. GETER: No, sir.

8 THE COURT: Mr. Geter, have you made the decision
9 whether you're going to testify?

10 MR. GETER: I have nothing to testify to. So I'm
11 upholding my rights to the Fifth Amendment to the United States
12 Constitution.

13 THE COURT: Your decision is to not testify?

14 MR. GETER: Yes, sir.

15 THE COURT: Thank you, Mr. Geter.

16 Mr. Geter, this decision that you've made to not
17 testify in this case, has anybody perhaps come to you and
18 threatened you in any way or promised you anything in order to
19 get you to make this decision?

20 MR. GETER: No, sir.

21 THE COURT: Am I correct to conclude that your
22 decision to not testify, that it is a free and voluntary
23 decision by you?

24 MR. GETER: I'm making this decision freely and
25 voluntarily.

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1 THE COURT: Thank you, Mr. Geter.

2 Mr. Geter, thank you for that. I will find that
3 your decision has been made freely, voluntarily, knowingly,
4 intelligently by you to not testify in this case. If by chance
5 you change your mind through the rest of the trial, just let
6 your lawyer know; okay?

7 MR. GETER: Yes, sir.

8 THE COURT: Thank you very much, Mr. Geter.

9 We're agreeable the plan will be we'll bring the
10 jury in. State will rest on the record. And then anything
11 else from the State?

12 MS. CUENCA: Nothing else, Your Honor.

13 MR. HALL: Just for the record, we have -- we're
14 not contesting the chain of custody. So we're not putting in
15 any of those witnesses.

16 THE COURT: Lawyers want to approach a moment.

17 (Off-the-record discussion.)

18 THE COURT: After discussing with the lawyers,
19 agreed for efficiency purposes, we're still going to bring the
20 jury in and let the State rest on the record. Mr. Hall has
21 agreed to go ahead and make his motions related to the State's
22 case at this time. And the State will not present any other
23 witnesses as part of their case and let Mr. Hall proceed with
24 making his motion.

25 MR. HALL: Thank you, Your Honor. At this time the

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1 defense would move for a directed verdict of not guilty. The
2 evidence that's been presented is somewhat confusing and
3 conflicting. We feel that the jury could not find him guilty
4 of any of the charges against him based on that evidence.
5 Thank you, Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. CUENCA: Your Honor, may it please The Court.
8 The standard for a directed verdict is in the light most
9 favorable to the nonmoving party, which in this case is the
10 State. Your Honor, according to the Rules of Civil Procedure,
11 19-A, The Court is only looking at the existence or
12 non-existence of the evidence and not the weight.

13 For that reason, Your Honor, regarding the charges
14 of murder and possession of a weapon during the commission of a
15 violent crime, the State did present evidence of eyewitnesses
16 who said the Defendant was the one who shot Jason Eison that
17 day, Your Honor.

18 We also had another witness who testified
19 essentially describing the Defendant as well. There was
20 evidence that they -- multiple witnesses saw a gun, a handgun,
21 some form of weapon, Your Honor.

22 There is also testimony that the Defendant arrived
23 in a blue truck, shot immediately at the victim, and then fled
24 the scene. Your Honor, there was GSR as well on the jacket.
25 That is the evidence, Your Honor, that the State has presented

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1 to The Court.

2 Regarding the breach of peace of aggravated in
3 nature, Your Honor, there was also evidence that, on the yard
4 of [REDACTED] Amherst Drive is where the shooting happened.
5 Testimony, Your Honor, that there were multiple gunshots that
6 day and there were also several witnesses that day, potentially
7 five or more witnesses that were in the yard as well.

8 Your Honor, the Defendant, in fact, placed these
9 witnesses in grave and serious danger of violent injury or
10 death. Based on that evidence, the State asks to deny the
11 Defendant's motion.

12 THE COURT: Any reply, Mr. Hall?

13 MR. HALL: None, Your Honor.

14 THE COURT: I'll agree with the State's terminology
15 as to the standard that I'll apply. I will say it's under
16 Criminal Rules of Procedure, not the Civil Rules of Procedure.

17 MS. CUENCA: Yes, Your Honor.

18 THE COURT: It is Rule 19. Based upon the standard
19 that The Court has to apply at this juncture under the Criminal
20 Rules, I do have to view the evidence in the light most
21 favorable to the nonmoving party. At this juncture that would
22 be the State.

23 When I take a look at the evidence that has been
24 presented by the State, I would have to deny the motion based
25 on the standard that I have to apply. Thank you very much.

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1 Anything else before we bring the jury in?

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

3 MR. HALL: Nothing further.

4 THE COURT: Let's bring the jury in.

5 (The jury entered the courtroom at 11:20 a.m.)

6 THE COURT: Mr. Foreman, ladies and gentlemen,
7 thank you for your patience while we conducted matters outside
8 of your presence. As I've told you at the start of this case,
9 there are things that I have to do with the lawyers that I have
10 to exclude you out of the courtroom. I cannot explain to you
11 at this time what those are.

12 I can ask for your patience and your understanding
13 while we keep you in the back. There is a reason for us doing
14 that; it's not just that we had forgotten about you sitting
15 back there. I do appreciate your patience while we address
16 some matters outside of your presence.

17 At this time we will turn the matter over to the
18 State.

19 MS. CUENCA: Your Honor, may it please The Court.
20 The State rests its case in chief.

21 THE COURT: Mr. Hall, are you ready with the
22 defense?

23 MR. HALL: We're ready, Your Honor.

24 THE COURT: Yes, sir.

25 MR. HALL: We call Cassandra Walker Vahling,

CASSANDRA VAHLING DIR BY MR. HALL

1 V-A-H-L-I-N-G. Cassandra Vahling.

2 THE COURT: Stand right there and let the clerk of
3 court swear you in.

4 CASSANDRA VAHLING
5 being first duly sworn, testified as follows:

6 THE COURT: Ma'am, watch your step as you're
7 stepping up. Please step up there, have a seat in the chair
8 and pull the chair up to the microphone, if you would.

9 Thank you very much.

10 DIRECT EXAMINATION

11 BY MR. HALL:

12 Q. Please tell the jury your name.

13 A. Cassandra Vahling.

14 Q. In 2019 you were Cassandra Walker?

15 A. Yes, correct.

16 Q. You lived where?

17 A. I lived at [REDACTED] Amherst Drive.

18 THE COURT: Ma'am, if you could, lean a little bit
19 further into the microphone. That lady way on the other side
20 of the courtroom has to hear you. This lady behind you as well
21 has to hear you. Really speak up.

22 BY MR. HALL:

23 Q. You lived on Amherst?

24 A. Yes.

25 Q. I believe you were a student?

CASSANDRA VAHLING DIR BY MR. HALL

1 A. I was.

2 Q. What do you do now?

3 A. I'm a physician assistant.

4 Q. Physician's assistant. You live in -- where do you
5 live?

6 A. Close to Georgia.

7 Q. I'll take you to November 1, 2019, late afternoon.

8 Do you recall where you were and what you were doing?

9 A. I was taking a nap after school.

10 Q. At your home?

11 A. At my home, yes.

12 Q. We've seen a lot of pictures you haven't seen. 331
13 obviously is next to [REDACTED]?

14 A. Correct.

15 Q. Are both of those duplexes?

16 A. No, my house was not a duplex.

17 Q. Your house isn't a duplex. You were taking a nap
18 in what area of the house?

19 A. Towards [REDACTED]. My bedroom is, like, the window would
20 face them.

21 Q. You have a window that face --

22 A. I had a window that faced the street and then two
23 windows that faced them.

24 Q. About 5:30, something woke you up?

25 A. I heard a lot of yelling and screaming.

CASSANDRA VAHLING DIR BY MR. HALL

1 Q. What did you do?

2 A. I got up from my nap and looked out the window and
3 saw two men standing there arguing. One of them had a gun.

4 Q. How many people did you see?

5 A. There was a few people, maybe like two or three.

6 Q. Two or three?

7 A. Extra people besides like...

8 Q. Beg your pardon?

9 A. There was two or three extra people besides like
10 the two men involved.

11 Q. You saw two or three people and two men arguing?

12 A. Correct.

13 Q. What happened next?

14 A. I ducked down from my window. Well, I heard some
15 gunshots and then ducked down from my window. Heard some more
16 gunshots and looked up and saw the guy that shot the victim was
17 kind of getting away in the car, in front of the car.

18 Q. You heard shots. Did you see a shooter?

19 A. Yes.

20 Q. Do you remember what the person looked like?

21 A. He was kind of tall and lanky, had like medium
22 length dreads.

23 Q. Say the last part again.

24 A. Medium length dreadlocks.

25 Q. Do you remember anything about the clothes he was

CASSANDRA VAHLING DIR BY MR. HALL

1 wearing?

2 A. Not really. Not great memory.

3 Q. Since you said not really, do you remember anything
4 about the clothes?

5 A. He was wearing like a light colored T-shirt, I
6 believe.

7 Q. Do you remember what the gun looked like?

8 A. I guess standard handgun. I don't know. I'm not
9 really -- I don't know the types of guns, to be honest.

10 Q. You don't know the difference between a
11 semi-automatic and a revolver?

12 A. Well, it was maybe like this long, more like a
13 handgun (indicating).

14 Q. You ducked down after you saw the shooter?

15 A. Uh-huh.

16 Q. Do you remember how many shots?

17 A. Maybe like two. Two or three.

18 Q. And after you ducked down, did you hear any more
19 shots?

20 A. Yes.

21 Q. Do you remember how many?

22 A. I want to say two, but I'm really not that sure.

23 Q. After the shooting stopped, did you look again?

24 A. Yes.

25 Q. What did you see?

CASSANDRA VAHLING DIR BY MR. HALL

1 A. I saw the guy that shot the guy getting into the
2 vehicle in front of the vehicle that was left there.

3 Q. What vehicles did you see when you looked out?

4 A. I'm assuming the victim's car because it was still
5 there. It was like a dark blue, like mid-size sedan. I think
6 I described it as a Nissan, just like a small kind of sedan
7 car. And then in front of it was also like a mid-size, like
8 sedan car as well.

9 Q. Do you remember how many cars you saw?

10 A. There was a couple cars. Those are really the only
11 ones that I remembered.

12 Q. And the mid-size car, do you remember what color
13 that was?

14 A. Like a dark color.

15 Q. Did you see the shooter get into a vehicle?

16 A. Yes, he got into the one in front of the car, the
17 sedan.

18 Q. Is that the dark mid-size car you're talking about?

19 A. Yes, in front.

20 Q. What did you do after that?

21 A. Well, I initially called my husband who didn't
22 answer. Then I called my dad, who answered, told me to call
23 911, which seems obvious now. And then I called 911.

24 Q. Did you go to the police station?

25 A. Yes. For a long time.

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 Q. You gave them a statement?

2 A. I did.

3 Q. Do you remember when you saw the shooter shooting
4 the first two or three shots, how he was holding the gun, which
5 hand?

6 A. I thought it was the right hand.

7 Q. You were trying to tell them how to get out of the
8 neighborhood. The officer wanted to drive back, basically came
9 from the scene, back to the other side of the scene before you
10 went to the police station; is that correct?

11 A. I don't remember.

12 MR. HALL: Beg The Court's indulgence.

13 (A pause transpired.)

14 BY MR. HALL:

15 Q. Do you recall if the person you saw shooting wore
16 glasses?

17 A. No.

18 Q. Were you far enough away that you couldn't see a
19 lot of details?

20 A. I mean, I was relatively close. I guess I didn't
21 remember a lot of those kinds of details.

22 MR. HALL: I have no further questions. Please
23 answer any questions the State may have.

24 CROSS-EXAMINATION

25 BY MS. CUENCA:

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 Q. Good morning, Ms. Vahling.

2 A. Good morning.

3 Q. Would you consider this a terrifying situation,
4 this experience?

5 A. Yes.

6 Q. In fact, had you ever witnessed a shooting before
7 this, Ms. Vahling?

8 A. I have not.

9 Q. Your testimony, again, from listening to the 911
10 call, in speaking with law enforcement, is that you were woken
11 up by arguing; correct?

12 A. Correct.

13 Q. You didn't get out of bed until you heard the
14 shots; is that correct?

15 A. Correct.

16 Q. When you heard the shots, then you went to your
17 window?

18 A. Correct.

19 Q. You were looking outside. That's when you saw
20 essentially two individuals facing each other?

21 A. Yes.

22 Q. When Mr. Hall was asking you two males with
23 weapons, you only saw one man with a weapon; correct?

24 A. Correct.

25 Q. You didn't tell 911 or law enforcement that you saw

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 the victim, or the one that got shot, with a weapon?

2 A. I did not see that.

3 Q. It was only the shooter that had the weapon?

4 A. Yes.

5 Q. He was pointing to the victim?

6 A. Yes.

7 Q. You saw him shoot the victim?

8 A. Yes.

9 Q. That's when you ducked?

10 A. Yes.

11 Q. Afterwards, did you hear more shots? Is that when
12 you heard about three more shots?

13 A. Two to three.

14 Q. Two to three more shots. When you got up, you
15 looked again out the window; correct?

16 A. Yes.

17 Q. When Mr. Hall was asking you what he was wearing,
18 you told 911 that you don't remember or you couldn't --

19 A. The details are kind of fuzzy. I think it was like
20 a light shirt.

21 Q. When you called 911 right after it happened, you
22 didn't remember even what he looked like or what he wore?

23 A. Correct.

24 Q. You also -- but you did describe him as being
25 African-American; correct?

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 A. Yes.

2 Q. You also described to law enforcement that he was
3 tall and lanky?

4 A. Yes.

5 Q. And then you testified today that he had mid-size
6 dreadlocks?

7 A. Yes.

8 Q. You told 911 as well that you saw that he was
9 carrying a handgun or it was a handgun that he had; correct?

10 A. Yes.

11 Q. You saw him shoot. You saw the victim fall as
12 well; correct?

13 A. Yes.

14 Q. You also told 911 that the victim was still moving;
15 correct?

16 A. Like barely, but yeah.

17 Q. You told rather the investigators when they were
18 asking you what you saw that day, you mentioned that his arms
19 were moving; correct?

20 A. Yeah.

21 Q. Soon after the 911 call is when the police came to
22 the area?

23 A. Correct.

24 Q. And then you spoke with them. And then afterwards
25 you went to the city hall to tell them what you observed; is

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 that correct?

2 A. I thought it was the police station.

3 Q. Or the police station of what you observed.

4 You also mentioned that you saw several people
5 there; correct?

6 A. Yes.

7 Q. It wasn't just the shooter. It was the victim.
8 There were at least three other people; is that correct?

9 A. Yes.

10 Q. And then you saw some cars drive out as well?

11 A. Yes.

12 Q. Again, going back to what you observed at the
13 window when you ducked, how soon after did you then look out
14 the window again?

15 A. Right after those last few shots.

16 Q. Did you stay looking out the window very long?
17 Much longer?

18 A. Yeah. Pretty much. I was looking at it when I was
19 calling the cops.

20 Q. At that point they had already left?

21 A. Correct.

22 Q. It's not as if you saw anything else.

23 When Mr. Hall asked you if he wore glasses that
24 day, you responded no. Is it no that he did not wear them or,
25 no, that you couldn't remember?

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 A. No, I couldn't remember.

2 MS. CUENCA: I beg The Court's indulgence.

3 (A pause transpired).

4 BY MS. CUENCA:

5 Q. Ms. Vahling, when you were looking out the window,
6 did you actually see him shooting or you just saw after the
7 shooting already happened?

8 A. Both.

9 Q. Tell us again what you saw. The shooting, what did
10 you observe?

11 A. I saw the two men standing there. The shooter was,
12 like, facing towards, I think it was Darby Street. He was
13 holding the gun in one hand. He shot the guy. I ducked down
14 and then I heard shots.

15 Q. At that point, what direction was the victim
16 facing?

17 A. The victim was facing towards like 335.

18 Q. 335. Where is that?

19 A. It's like, I was 331, 333, and then 335. So
20 farther down the street.

21 Q. Did the victim have his back towards you?

22 A. No, they both had their profiles.

23 Q. More side facing?

24 A. Yes.

25 Q. You were pretty afraid and shaken up that day,

CASSANDRA VAHLING CROSS BY MS. CUENCA

1 weren't you, Ms. Vahling?

2 A. Yes.

3 Q. In fact, when you called 911 we could hear that you
4 were crying when you were talking to the dispatch person?

5 A. Yes.

6 Q. You were very traumatized by the experience of what
7 you observed?

8 A. Yes.

9 MS. CUENCA: Your Honor, I beg The Court's
10 indulgence.

11 (A pause transpired.)

12 MS. CUENCA: Your Honor, I have no further
13 questions for Ms. Vahling.

14 THE COURT: Any redirect limited to what she went
15 into?

16 MR. HALL: No redirect. We ask that she be
17 excused, Your Honor.

18 MS. CUENCA: No objection, Your Honor.

19 THE COURT: Ma'am, thank you very much. Watch your
20 step as you're stepping down. You may be excused. Thank you
21 for coming.

22 THE WITNESS: Thank you.

23 THE COURT: Yes, sir, Mr. Hall.

24 MR. HALL: Defense rests, Your Honor.

25 THE COURT: Ladies and gentlemen of the jury, this

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1 is one of those times where I have to talk with the lawyers
2 outside of your presence. I need to remind you of the ongoing
3 instructions. Don't have any discussions among yourselves
4 about anything involving the case. Don't do any type of
5 independent investigation or research.

6 I'll let you retire back to the jury deliberation
7 room. We will get you as soon as we can. Thank you very much.

8 (The jury exited the courtroom).

9 THE COURT: Does the State intend to do any reply?

10 MS. CUENCA: No, Your Honor.

11 THE COURT: What I would propose to do is that I'm
12 going to bring the foreperson out and advise the foreperson for
13 the jury that we're done with them today. Let the foreperson
14 remind the jury not to do any type of independent research or
15 investigation, don't talk to anybody about it. Ask them to
16 come back at 10:00 tomorrow. We'll conclude the case at that
17 time.

18 And tell the foreperson that we have things that we
19 need to do outside of their presence. We're not going to hold
20 them hostage.

21 Bring the foreperson in.

22 (The foreperson entered the courtroom at 11:39
23 a.m.)

24 THE COURT: Mr. Foreman, thank you for serving as
25 foreman of the jury. What I'm going to need you to do, we have

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1 more work to do. We also have to take a lunch break for staff.
2 Given what we have to do, I don't want to keep y'all in the
3 back. Tell the jury, remind them don't have any discussions
4 among themselves or with anyone about anything involving the
5 case. Do not do any type of independent research or
6 investigation. Ask them to return at 10:00 in the morning. We
7 will attempt to conclude the case at that time.

8 THE FOREPERSON: 10:00 a.m. tomorrow morning.

9 THE COURT: 10 a.m. Thank you.

10 (The foreperson exited the courtroom at 11:41 a.m.)

11 THE COURT: Now what I have prepared for y'all, I
12 have -- here are my proposed verdict forms and jury charges.
13 What I would say, let's get back together at 2:00. As I
14 mentioned yesterday, take a look at the circumstantial elements
15 charge as well as take a look at the murder charge and the
16 inference in that. You will notice that -- particularly
17 concerned about circumstantial evidence. I want to be sure I
18 have it right.

19 On the murder charge I included the language, left
20 in the language use of deadly weapon. I did not feel like this
21 case fit the case law that says be careful and not charge that.
22 Take a look at it and let me know if you think I need to take
23 it out or rework it some other way. I'll see y'all back at
24 2:00.

25 MS. CUENCA: Thank you, Judge.

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1 THE COURT: Thank you very much. We will stand at
2 ease.

3 Here are the last two pages about the verdict.
4 That I have some flexibility. That's generally what I say.

5 (A luncheon recess transpired from 11:42 p.m. until
6 2:00 p.m.)

7 THE COURT: Thank y'all for getting back together,
8 and thank y'all for taking a look at the proposed jury charges.
9 You will not hurt my feelings if you have major suggestions.
10 Just ask Mr. Smith. He's done it before.

11 I just have the verdict forms first. Do the
12 verdict forms look all right? Want me to make any changes to
13 those?

14 MS. CUENCA: The verdict form for the murder and
15 possession during the commission, there's a minor typo on the
16 name Rishard. It has a C instead of an S.

17 And then add indictment number 908A, which is
18 possession of weapon during violent.

19 THE COURT: The indictment number, it's one
20 indictment. It has two sections to it.

21 That's the reason I didn't put the A on there.

22 Thank you for catching the Rishard thing.

23 S-H-A-R-D, Geter.

24 What about the breach of peace one?

25 MS. CUENCA: It looks good, Judge.

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1 MR. HALL: I have no problems with it.

2 THE COURT: We'll charge on that.

3 What suggest -- instead of going through them piece
4 by piece, does the State have any suggestion on any of the
5 charges?

6 MS. CUENCA: We e-mailed, and I can provide to the
7 judge regarding the murder charge we did propose a different
8 one. If you would like a copy of it, I can give that to you.

9 THE COURT: I didn't get an e-mail on the charge
10 you're asking about.

11 Yes, ma'am.

12 MS. CUENCA: On the murder charge, Your Honor, that
13 you proposed, the last part that you're asking, if there can be
14 inference when the deed is done with a violent weapon.
15 According to the case, Your Honor, State v. Burdette, 427 SC.
16 490, the State would ask that it not be included.

17 THE COURT: You understood why I did include it?

18 MS. CUENCA: Yes, Your Honor.

19 THE COURT: You feel like the fact that I do not
20 see part of this case being that he's offering a defense, in
21 the defense of others or a self-defense, that it should still
22 come out?

23 MS. CUENCA: Yes, based on the case. I do
24 apologize I did not bring copies of that specific case. It
25 does state we cannot include that.

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1 THE COURT: You want it to come out as well?

2 MR. HALL: Yes, Your Honor. I think that's fine.

3 THE COURT: Is it just that part or the whole
4 thing?

5 MS. CUENCA: Your Honor, the State is proposing a
6 whole new murder charge. Specific to your charge, Your Honor,
7 we would ask, based on case law, it ends at: Malice may be
8 inferred from conduct showing total disregard for human life.

9 And everything else after that by law has to be
10 removed.

11 THE COURT: Again, is it the whole thing or is it
12 just that part? I'm hearing you're saying it's just that part
13 that needs to come out.

14 MS. CUENCA: Yes, Judge, from inferred malice.

15 THE COURT: Okay. Just the inference part?

16 MS. CUENCA: Yes, sir.

17 THE COURT: Do you agree, Mr. Hall?

18 (A pause transpired.)

19 THE COURT: Did the State provide you with a copy
20 of their proposed charge?

21 MR. HALL: Yes, sir. They sent an e-mail when I
22 was on my way over here. I haven't put it in front of him to
23 go over it with him.

24 THE COURT: Sure. Take your time.

25 (A pause transpired).

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1 MR. HALL: It looks like taking out the deadly
2 weapon. They're adding some things.

3 THE COURT: Right.

4 MR. HALL: I don't know why we take out the deadly
5 weapon or firearm. Kind of hard to do in a case where there is
6 also that charge. At least the charge is for breach of peace
7 and murder. I think that's a separate amendment to what you
8 have put forward. I don't know, the longer one they have
9 proposed, just adding some more language to it. I think it's
10 covered by your charge if you just take out the deadly weapon.

11 I have not looked at the cases. I was trying to
12 pull up the e-mail, and I couldn't get my e-mail to open.
13 They're sending me a code and all that. I have not reviewed
14 that case. I don't know if there's something that would
15 require more.

16 THE COURT: We'll make a couple copies of the cases
17 and hand you one. I can't say I disagree with your
18 observation. I also can't really see what's wrong with what
19 was proposed other than makes it longer. So far this is not a
20 long jury charge where I'm looking 30 seconds here or 45
21 seconds here to try to keep the jury's attention. I'm not
22 concerned over the length right now.

23 We're going to make copies of the case and give you
24 one to take a look at, State versus Burdette case. We'll let
25 you have it and take a look at it.

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1 Any reason why you dislike what else I did other
2 than the section about the deadly weapon?

3 MS. CUENCA: Not at this time. Just more of a
4 thorough explanation on that charge.

5 THE COURT: I sort of like the State's proposed
6 charge. It reiterates to the jury about the standard of beyond
7 a reasonable doubt. It seems to -- more so than the charge
8 that I proposed. Let's get a copy of the case and let you take
9 a look at it.

10 MR. HALL: Thank you.

11 THE COURT: We'll come back to the murder charge.
12 Does the State have anything else on the other charges, breach
13 of peace or the deadly weapons charge?

14 MS. CUENCA: Yes, Judge. On the breach of peace we
15 did provide a copy to you which is what you used. Again, when
16 we read the State v. Burdette case, that example we provided at
17 the end is similar to it. We are asking to remove that example
18 as well, Judge. That also would be contrary to that case.
19 Starting with an example of aggravating circumstances.

20 THE COURT: Didn't I use the one you gave me?

21 MS. CUENCA: Yes.

22 THE COURT: Mr. Bulsa put that one together.

23 MR. BULSA: Yes, sir, I did. That Burdette came
24 out after.

25 THE COURT: After you retired.

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1 MR. BULSA: Actually it came out in 2019. Burdette
2 says you can't give examples anymore. State is on the facts.
3 That's what our Supreme said.

4 (A pause transpired).

5 THE COURT: The State is proposing on the breach of
6 peace charge, take out the sentence that begins with an example
7 of aggravation?

8 MS. CUENCA: Yes, Your Honor.

9 THE COURT: Take all that out after that?

10 MS. CUENCA: Yes, Your Honor.

11 (A pause transpired).

12 THE COURT: Does the State have possession of
13 weapon? That was okay?

14 MS. CUENCA: That was fine, Your Honor. Thank you.

15 MR. HALL: Your Honor, Mr. Geter's saying that he
16 has actually read the case. They do have access to legal
17 research there. We have no objection to State's proposal.

18 THE COURT: What I'll do, I'm going to give y'all
19 another copy before we leave here. I will transplant, take out
20 the murder charge that I proposed, and I will put in the entire
21 murder charge that the State proposed.

22 MS. CUENCA: Thank you, Judge.

23 THE COURT: Any other suggestion from the State?

24 MS. CUENCA: The State would request expert witness
25 charge. The State did have two experts on the case.

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1 (A pause transpired.)

2 THE COURT: Anything else from the State?

3 MS. CUENCA: Lastly, the State is asking for direct
4 and circumstantial evidence.

5 THE COURT: Did you give him --

6 MS. CUENCA: He has a copy. 327 SC. 79, 458.

7 (A pause transpired).

8 MR. HALL: We don't have any objection to that.
9 Slight changes. It's good.

10 THE COURT: We will take out The Court's proposed
11 direct and circumstantial evidence charge and replace it with
12 the State's.

13 (A pause transpired).

14 THE COURT: Anything else from the State?

15 MS. CUENCA: No, Your Honor.

16 THE COURT: What about from the defense?

17 MR. HALL: We have nothing else.

18 THE COURT: Give us a few moments. We're going to
19 print these and give them back to you.

20 MS. CUENCA: Thank you, Judge.

21 (A pause transpired).

22 THE COURT: Any other changes?

23 MS. CUENCA: No, Your Honor.

24 THE COURT: I have two. Take a look at the
25 possession of weapon during the commission of a violent crime.

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1 On my sheet, four lines from the bottom, instead of it reading
2 attempted murder as a violent crime, I'm going to strike the
3 word attempted and just say murder is a violent crime.

4 On the breach of peace of high and aggravated, I'm
5 going to start the charge by saying the Defendant is also
6 charged with and then read breach of peace, high and aggravated
7 nature, then go into explanation.

8 At the end of that charge I'm going to include the
9 sentence: Again, the State must prove the elements of breach
10 of peace, high and aggravated nature beyond a reasonable doubt.

11 MS. CUENCA: That's correct, Judge.

12 THE COURT: We will reconvene at 10:00. And we
13 agree the arguments are going to be State opens.

14 MR. HALL: Yes, sir. I think that's Rule 21. I
15 actually looked it up. Some of our people were saying it's
16 different. I think it's the same in all cases. Rule 21. When
17 I looked on the Web site, it just says reserved. If you do a
18 search for Rule 21 on the Website, it pulls it up.

19 THE COURT: You're more technology proficient than
20 I am.

21 MR. BULSA: State opens and then defense and State
22 replies.

23 THE COURT: Right. See you-all then at least about
24 9:45, if anything crops up so we can start at 10:00. I'll ask
25 the clerk's office to get their orders for lunch.

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1 (The trial adjourned at 3:06 p.m.)
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1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME IV
4 Plaintiff,

5 vs. CASE NO. 2020-GS-42-00908
6 2023-GS-42-00557

7 RISHARD LEWIS GETER,
8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. MARK HAYES, II
11 DATE: February 16, 2023
12 TIME: 9:55 AM
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:
20 ATTORNEYS FOR THE PLAINTIFF
21 MARESSA CUENCA, ESQ.
 and DERRICK BULSA, ESQ.
22 ATTORNEYS FOR THE DEFENDANT
23 ROBERT B. HALL, ESQ.
24
25

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1 THE COURT: The last juror is juror number 174, Ms.
2 Wilkerson. She was the last one selected to be an alternate;
3 still has not shown up, and we've not received any messages
4 from her. We've reached the hour and the time where I told the
5 jurors to be back. I've informed the parties and everybody
6 that we would proceed. My suggestion is that we go ahead and
7 proceed on. We will exclude Ms. Wilkerson if, in fact, she
8 does show up later.

9 MS. CUENCA: No objection from the State, Your
10 Honor.

11 MR. HALL: We have no objection.

12 THE COURT: Let's bring in the jury.

13 (The jury entered the courtroom at 10:01).

14 THE COURT: Give us one second, please.

15 Ladies and gentlemen, first, I want to apologize
16 for my voice. The lawyers kept me talking so much yesterday,
17 I've lost part of it. Bear with me as I speak today.

18 Ladies and gentlemen, we have reached the point in
19 the trial to where the parties have presented the evidence in
20 this case, and it is now time for the attorneys to make what is
21 known as their closing arguments to you.

22 Now, the arguments from the attorneys are not
23 evidence in this case. Their statements and arguments are
24 meant to help you understand the evidence and apply the law to
25 that evidence. You should disregard any remark, statement, or

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1 argument, which is not supported by the evidence presented
2 during the trial or the law that I will explain to you after
3 their arguments are presented to you.

4 At this time we will receive the closing arguments
5 from the attorneys.

6 MS. CUENCA: May it please The Court, opposing
7 Counsel, ladies and gentlemen of the jury.

8 Over 90 minutes Jason Eison suffered a brutal death
9 until his last dying breath. Over 90 minutes. Because of the
10 malicious acts of Rishard Geter, the Defendant.

11 Now, it is the State's burden to prove the case,
12 the three charges presented before you, beyond a reasonable
13 doubt. And the Judge will explain to you that means you are
14 firmly convinced.

15 And I'm going to give you a brief synopsis of each
16 of the charges that are against Mr. Geter. First of all is
17 murder. Murder is the killing of any person with malice
18 aforethought, either expressed or implied.

19 Malice is then defined as the state of mind,
20 connoting an ill will and having the intent to do harm.

21 Now, aforethought essentially is not requiring that
22 malice must exist at any specific time. It may be conceived at
23 the very moment that the fatal act is committed. There has to
24 be aforethought, and it has to be an ill will or intent.

25 The next charge against Mr. Geter is possession of

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1 a weapon during the commission of a violent crime. That one is
2 possession of a firearm or visibly displayed what appeared to
3 be a firearm during the commission of a violent crime such as
4 murder.

5 Lastly is the breach of peace of high and
6 aggravated nature. It's a violation of the public tranquility
7 accompanied by some circumstance of aggravation.

8 What does aggravation in high mean? Essentially
9 what the law and the judge will explain to you is that high
10 means greater and more to a degree and aggravated means most
11 serious or worse. I present to you that the evidence that is
12 presented by the State is that he is guilty of each of these
13 charges.

14 I want to set up the narrative for you. Let's
15 start off by giving you the evidence that was presented of
16 everything before the shooting. How it points to the fact that
17 it was Rishard Geter that killed Jason Eison.

18 First of all, let's start off with the testimony of
19 Ms. Shaneice Johnson. Now, Ms. Johnson swore under oath and
20 testified that she was in an intimate relationship with the
21 Defendant. She wasn't the girlfriend at that time, but she was
22 in an intimate relationship with him.

23 She described how, on November 1, 2019, they had
24 gotten out of work approximately around 6:30 in the morning.
25 They went home. Took a nap. Then afterwards went to Wal-Mart

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1 to get a cell phone. After that they went to the bank. They
2 had lunch. They also went to the barbershop.

3 What's most important about this is that she stated
4 around 1:00 or 2:00 in the afternoon she dropped off the
5 Defendant at his aunt's house, Ms. Mary. There they went
6 inside the house. He got a phone call, and she knew he was
7 very angry. In fact, so angry that she described that she had
8 never seen him like that before. She heard that it was
9 something to do about someone slapping someone.

10 She left and that was the last time that she saw
11 him before the shooting. She did testify as well that she
12 tried to call the Defendant, but he wouldn't answer.

13 Then we have the testimony of Erica Gray. Now,
14 Ms. Gray did testify that the Defendant had come to her house.
15 She said she got out of work, approximately, at 5:00. Got
16 home. She didn't know exactly what time, but sometime after
17 that.

18 The Defendant, Mr. Geter, was at her house. He was
19 on the phone, and she did describe him as being very loud. She
20 also said that she called Kenya Geter. She says that she calls
21 her frequently, but she did call her right after seeing the
22 Defendant on the phone being very loud.

23 We also have the testimony of Kenya. Kenya Geter,
24 as you well remember, is the aunt of the Defendant. And she
25 did testify as well that Jason had done something to her

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1 before, the day before. She also testified that she told
2 Rodney, who is known as Gizzard -- that is his nickname. She
3 told Gizzard of what happened, so Gizzard knew.

4 She also said that she got a phone call from Erica
5 that day. That's the reason that she then went to Amherst
6 Drive, [REDACTED] Amherst Drive, which was in close proximity, in
7 fact, in the same street as where she lived. So she went over
8 to where the shooting happened.

9 We also have the testimony of her daughter, Harlen
10 Geter, who said that day she had gotten out of school, she
11 remembers her mom getting a phone call and leaving, driving
12 away. And those are the testimonies that were given prior to
13 the shooting.

14 Let's talk now about the time of the shooting,
15 which happened right around 5:30 to 5:35. What was the
16 testimony that was presented to you by the State? First of
17 all, there's testimony that this is, again, 5:35. It is
18 daylight. It's not dark. It's still visible. You can also
19 see from the pictures that it is still bright.

20 We have, first and foremost, generally speaking, we
21 have two people that are identifying Mr. Geter as the shooter.
22 And we also have three corroborating testimonies of three
23 witnesses that describe Mr. Geter even if they couldn't say
24 that he was the one specifically.

25 Let's start off with Mr. Lindsey, Matthew Lindsey.

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1 He is the neighbor that is right across from [REDACTED] Amherst Drive.
2 As you well remember, Mr. Lindsey testified that he heard some
3 arguments outside. He came out of his home, his house. And he
4 can remember seeing -- he was looking from his porch. He could
5 be able to see straight across to [REDACTED] Amherst Drive.

6 He could see it because they were out in the yard.
7 He testified that he saw a guy named Duke. He also saw who he
8 called Gizzard, Mr. Rodney Nash. He saw someone he didn't
9 recognize. He heard the arguments and then he testified as
10 well that he understood an argument to be because of someone
11 hitting someone.

12 He then testified that a truck drove up. The
13 shooter came out, whom he described as tall, about his height.
14 And he testified that his height was 6'4". He was
15 African-American. He remembers him with a gun and starting to
16 shoot. As soon as he got out of the truck he was starting to
17 shoot and aiming towards who he called Rob, which he identifies
18 as Jason Eison.

19 He got out of the truck and started shooting. Got
20 into the yard, started shooting right towards Rob. We have
21 corroborating evidence as well to that testimony.

22 As you all remember from the testimony of Sergeant
23 Smith, who was the forensic investigator of this case, we have
24 State's Exhibit Number 5. That is how she arrived. You saw
25 the cones, the orange cones that were placed there where they

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1 found shell casings, fragments, and projectiles. That is
2 consistent with Mr. Lindsey's testimony that, as soon as he had
3 come out of the truck, he is starting to shoot.

4 The way that you can be able to identify as well is
5 State's Exhibit -- there's a legend, which is State's Exhibit
6 10. That has every number to the placards that are given in
7 State's Exhibit 12. And, again, this is the same picture.
8 This is later at night when Sergeant Smith is putting the
9 placards of where she found each piece of evidence.

10 From where we see the legend as well in number 9,
11 number 8, number 7, number 5, number 6 is consistent with the
12 way that the Defendant, Mr. Geter, is coming out of the truck
13 and starting to shoot. So we have that as corroborating
14 evidence of what Mr. Lindsey was describing to the
15 investigators.

16 He also mentioned that, although he couldn't see
17 exactly how Mr. Geter -- because he was blocked, he couldn't
18 see who he was shooting. He recalls seeing the shooter come up
19 and start shooting towards the ground three times, but it was
20 in the direction of where Mr. Eison was.

21 He couldn't testify that he was shooting at
22 Mr. Eison; he was shooting to the ground.

23 Mr. Lindsey testified that, as soon as he saw that,
24 he saw the shooter go back into the truck and drive away. Soon
25 after everyone dispersed. No one stayed at the scene of the

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1 crime.

2 When law enforcement came and spoke with him, he
3 was the very first that the investigator Chris Taylor spoke to.
4 He was the first witness that he spoke with immediately after
5 the shooting. They could be able to describe it. As you-all
6 know, he also said he didn't want to be involved. At the same
7 time, he was willing to tell the investigators everything that
8 he had just observed.

9 Let's talk about the testimony of his fiancée at
10 that point, Ms. Latonya Parker. Ms. Parker testified that she
11 also went outside, but she went out to smoke. She went outside
12 with her grand baby.

13 When she went outside, she also saw the commotion.
14 She saw different people that were there. She mentioned that
15 she saw a male and a female arguing. She couldn't describe who
16 they were. She saw the argument.

17 Then she saw a truck pull up as well. She saw a
18 man, a black African-American. She's described him as average
19 height, which she thought was six feet, 6'2", also with
20 dreadlocks. She remembers him having a handgun with a large
21 clip on his right hand. And as soon as she saw that, she
22 testified that she grabbed her baby, her granddaughter, took
23 her to the bathroom, into the tub where she was trying to
24 protect her granddaughter. She didn't care about her life; she
25 just wanted to protect her granddaughter.

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1 She also testified that, even though she didn't see
2 more because she went into the house, she heard shots. Even
3 though she can't know the approximate amount, she testified
4 there was about ten or more shots that she heard.

5 The next testimony or witness that we have is
6 Mr. Rodney Lecco Nash, who's also known as Gizzard. He came
7 before you, and he testified under oath that he remembers there
8 were five people that were present that day. He said this was
9 his home, the duplex. That was his front yard, [REDACTED] Amherst
10 Drive. He mentioned that he remembers Kenya being there.
11 LaKia, Crash, Torry Geter, who he calls Big T, as well as Duke.

12 And even though he was not as descriptive because
13 he said everything was happening so fast, there was an
14 argument, he said, about the incident that happened with Kenya.

15 But then he said, when asked specifically who shot
16 Jason, that it was Rishard. Rishard Geter was the one that
17 shot Jason that day. He said soon after, everybody dispersed
18 as well. And he drove away with Kia. The way he described it
19 was that Rishard shot and left the scene.

20 The next witness that testified to you was also
21 Kenya Geter that we've already talked about. She described
22 that, after she got the phone call, she was heading to [REDACTED]
23 Amherst Drive because she wanted to deescalate the situation.
24 When she arrived, there was commotion, there was argument.
25 Jason was there.

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1 She testified that he was initially on the road,
2 that he was arguing with a man named Duke. As he's approaching
3 Duke, he's getting into the yard. That is when she recalls her
4 nephew, whom she identified as Rishard Geter, come from the
5 left side. She knew it was him because this is a nephew. She
6 knows him. He's family. She recognizes him. Coming from the
7 left side.

8 And she testified that, once he had already passed
9 her, he started shooting at Jason. She testified that she saw
10 him fall. Everything, again, was so quick, so fast-paced that
11 it was a blur. She just remembers then getting in the car and
12 driving away.

13 She also mentions that the people that were present
14 that day at the yard outside, in the argument were LaKia,
15 Gizzard, Rodney Nash, who's known as Rodney or Rodney known as
16 Gizzard as well as Duke, Donald Martin. They were there
17 present. She couldn't remember if there were other people.
18 Those are the ones that she recalls seeing.

19 Kenya mentioned that she remembers that he had a
20 handgun and that it had a clip as well. She remembers that day
21 where she testified she recalled the belief that he was wearing
22 State's Exhibit 35, the jacket. When I asked her if this was
23 the jacket that he wore, she believed it was. The one that he
24 wore at the shooting. And if you remember the testimony, she
25 observed this jacket when she testified to it.

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1 She left the scene.

2 The last corroborating witness that we have that it
3 was Mr. Geter is Ms. Cassandra Walker. Now, Ms. Walker
4 Vahling, the witness that the defense puts up. She was the 911
5 caller. She described being terrified. She described it being
6 a very traumatic situation. She had never seen a shooting
7 before. She testified that she had just been woken up from a
8 nap. The argument itself is not what got her to the window, it
9 was the shooting that made her then look out the window.

10 Even Ms. Vahling said it matched the description.
11 He was tall. He was lanky. He was African-American. He had
12 dreadlocks that were about mid-length. That is what she
13 observed. She couldn't remember very much because she was so
14 traumatized by the fear of what she had observed, that she
15 couldn't remember everything.

16 She couldn't remember how many people were there.
17 She couldn't remember what cars were there. She described some
18 of them. She couldn't remember well. Because it was such a
19 traumatizing experience for her.

20 At the shooting, we have two people that are
21 identifying Rishard Geter as the one who shot Jason and three
22 corroborating witnesses that are describing the description of
23 the Defendant being the one who killed Jason.

24 Finally, as far as the narrative of the evidence
25 that we presented to you is, after the shooting, after the

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1 shooting happened, everyone disperses. In fact, you heard
2 testimony from Officer Rolle and Russo that, when they arrived
3 which was soon after they got dispatched, they arrived there
4 within minutes, nobody was there other than the victim on the
5 ground as well as the black car. That was the vehicle that was
6 there.

7 When Kenya Geter testified that she drove away, she
8 testified that she went and picked up her kids. She's so
9 afraid for her life, she went and got her kids and went to her
10 momma's house, which is Gladys Geter.

11 She tells her mom who the shooter is, Rishard
12 Geter. She doesn't go to the police. Why doesn't she go to
13 the police? In fact, when the police and the investigators
14 come to her, she tells them that she doesn't know. She doesn't
15 tell them the truth. It's not until two or three interviews
16 later that she then tells them: I was there, and this is what
17 I observed.

18 Why? Why is that? She testified that she was
19 afraid. There's a saying that snitches get stitches. In a
20 certain community, a snitch can be shot. There's a certain
21 community where there is fear that, if you say anything, if you
22 are involved in any way, that same action could happen to you.
23 It is fear based.

24 How do we know that Kenya is afraid? Because as
25 soon as she sees the shooting, she grabs her kids and takes

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1 them to mom's house. Mom didn't give her permission to come.
2 Mom didn't say: You can be here. Where does Kenya go when
3 she's afraid? To mom's house.

4 Why is she afraid? She's afraid because the man
5 who shot Jason Eison is someone that knows her. He knows where
6 she lives. He knows her family. Why? Because he is family.
7 In fact, he knows where grandma lives as well, Gladys Geter.
8 He knows her children, her eight children. He knows everything
9 about Kenya Geter.

10 That is the reason that she is afraid to say
11 anything. That's the reason that she's afraid to go to the
12 police and tell them what she observed.

13 We also have testimony of Harlen. Harlen
14 testified, after the shooting, that she remembers her mom
15 coming back, picking them up, taking them to grandma's house.

16 What other evidence do we have after the shooting?
17 As we described, law enforcement arrived on the scene. And
18 Officer Rolle was one of the very first that arrived on the
19 scene. He was -- again, no witnesses -- making sure that the
20 victim, that EMS people came and testified, then he went in
21 with him and was transported to see if the victim was going to
22 be able to tell him anything. Anything he may have observed,
23 which he said he didn't. He was still alive. Jason Eison was
24 still alive at that point.

25 Officer Russo maintained the integrity of the crime

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1 scene, canvassing as well.

2 Sergeant Smith was the one that came to investigate
3 the scene, took the photographs and make sure that all of the
4 evidence was gathered that was there that day.

5 We also have the paramedic that described that the
6 victim, Jason Eison, was still alive. She had to resuscitate
7 him on the transport to the hospital, but he was still alive.

8 We have investigator Taylor who arrives on the
9 scene. As he described, he talked with whomever was there. At
10 that point it was just Mr. Matthew Lindsey and Latonya Parker.
11 He talks about his thorough investigation as well. He also
12 describes, because of the situation, that everybody dispersed.
13 Nobody wants to speak.

14 It was very difficult to find people that would
15 talk to him that were there. He had to do interview upon
16 interview to finally find out that it was Rishard Geter who
17 shot Jason Eison.

18 He described as well, there was a search warrant to
19 search his home where they found the jacket. They didn't find
20 a gun. He said that's very common in his years. He said he
21 had been a police officer for 37 years. That is usual; they do
22 not find the gun that was used for the killing.

23 Sergeant Smith also says that they found the
24 jacket. They found ammunition in his home even though it's not
25 the nine millimeter. Still found ammunition.

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1 Sergeant or Officer Norkett found as well two shell
2 casings apart from the ones that Sergeant Smith had found was
3 six. She found two. Two of those were found -- one of them
4 was in the windshield part and the other was the corner of the
5 vehicle where the windshield driver's side is, which is also
6 consistent with the way Matthew Lindsey is describing the
7 shooting, starting from the street by the car into the yard.

8 Sergeant Norkett also describes to you of taking
9 the photographs of Jáson's clothes, the victim's clothes, and
10 finding six holes in the back of the pants, four holes near the
11 upper hip area and a hole in the left pant leg and right
12 backside of the pants. Again, consistent with the testimony of
13 Rishard Geter gunning Jason and then shooting to the ground as
14 well.

15 Let's talk a little bit about a few days after the
16 shooting. What happens? Kenya testifies that she was at her
17 mom's house, Gladys Geter. Somebody comes knocking at her
18 door. It's Rishard Geter. He comes in.

19 Gladys Geter also testifies that he comes in and
20 gives Kenya a hug, essentially saying please don't put me in
21 jail, is what Gladys testified to. Kenya testified that she
22 was shocked: Why was he there?

23 They sat down and Gladys told you how they were
24 seated. She was here in the middle, Rishard and his girlfriend
25 Danielle were to the right. Kenya was to her left. They're

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1 having a conversation.

2 Rishard Geter is wanting to pay Kenya, offering
3 money, telling her that she can plead the Fifth, she does not
4 have to say anything.

5 And Gladys Geter says that she told him to 'go.
6 They're not taking any money. They're not taking any bribes,
7 that he can leave. We have corroborating evidence as well from
8 the children that were there, Zhaylen and Harlen.

9 Remember Harlen sitting right next to her mom,
10 listening to the Defendant try to bribe her mom into silence.
11 And Zhaylen, although he was in the den, he would be able to
12 hear and saw Rishard as well. They heard the same things,
13 bribing the mom, pleading the Fifth.

14 Rishard Geter did not want to go to jail for what
15 he had done. Kenya also testified the same day that he came to
16 bribe her, he is wearing the same jacket from the shooting.
17 This is the one that he wore.

18 And as you recall, Gladys, grandma, as she's
19 grandma to the Defendant Rishard, said on the stand: I love
20 him, but I'm not going to put my hand on this Bible and swear
21 to tell the truth and then lie.

22 You heard testimony yesterday about the jacket and
23 how SLED had done the liftings, the projectile liftings and
24 then they saw there was GSR particles found on the jacket,
25 which is consistent, again, with the testimony of him using the

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1 jacket and shooting the day that he shot Jason Eison.

2 Dr. Dukes testified on the stand that the reason
3 that Jason died was because of multiple gunshot wounds. Seven,
4 in fact. And she said that the time of his death based on the
5 diagram was 7:09, which is, again, over 90 minutes after he was
6 gunned down by Rishard Geter, the Defendant.

7 Ladies and gentlemen, at the beginning of the case
8 I asked you to use your common sense. To use the same life
9 skills that you apply to important decisions in your life
10 because this is a very important case.

11 Part of the common sense and life experiences is
12 remembering that, when something traumatic happens, when
13 something chaotic, disruptive happens, the memory is not
14 capturing everything exactly. You're not seeing everything
15 exactly as somebody else would. You're not recalling certain
16 things that somebody else was able to focus and recall.

17 There are several people at the same place looking
18 at different angles. They're seeing different things that some
19 people might miss and some people might remember. Because it
20 is a traumatic experience of seeing someone being shot seven
21 times. And also, because they are there at the shooting,
22 fearing that they themselves could have been shot.

23 Jason Eison died that day. There could have been
24 more victims due to the numerous rounds, the shooting, the
25 malicious act of Rishard Geter.

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1 For that reason, based on the evidence that the
2 State presented against Mr. Geter on all three charges, because
3 of the malice aforethought in the way that he shot Jason Eison,
4 because of the weapon that he used and because the manner in
5 which he disrupted the public tranquility, specifically the
6 yard of [REDACTED] Amherst Drive, and he put the lives -- not only did
7 kill Jason Eison, he put the lives of multiple people, Kenya,
8 LaKia, Duke, Torry Geter, Gizzard, Cassandra, Matthew, Latonya,
9 and the grand baby in danger, I'm asking that you find Rishard
10 Geter guilty of all three charges. Thank you.

11 MR. HALL: If it please The Court.

12 THE COURT: Yes, sir.

13 MR. HALL: Mr. Foreman, members of the jury, you
14 started your service on Monday with the idea of justice. The
15 Judge brought that out with the pledge of allegiance. That's
16 why we're here, to seek justice, not revenge.

17 We're here to seek justice. I'm not going to
18 contest what she told you about the law. She said that very
19 well. The law is the law.

20 What the State has to do to prove a case is prove
21 that the Defendant is guilty to your satisfaction, beyond a
22 reasonable doubt. That's beyond a doubt that makes you
23 hesitate before you do that.

24 There are a lot of officers in this case. There's
25 a lot of witnesses for a relatively short case. I think there

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1 were 22, 23 witnesses. Several non-law enforcement type. Few
2 law enforcement. Doctors, EMT. The professionals that go out,
3 it's their job serving and protecting, to do their job. They
4 have a way of doing those things. Procedures that are
5 established.

6 We'll start with Kenya. Kenya, her mother, her
7 daughter, her son, and her friend Rodney Gizzard. The only
8 person she told about the assault that happened the night
9 before. Two of them identified him as the shooter. The others
10 kind of corroborated her story.

11 What we know is she wasn't truthful to begin with.
12 I think it was 19 days before she came out and said: I saw my
13 nephew. I saw my nephew. He's the one who did it.

14 Before she said that -- she said: People are
15 starting to think I had something to do with it, that I set
16 this up. So here I'm coming in and straighten this out.

17 Now, we have this loud jacket I would call it.
18 Stood out. I saw it. It's his jacket. I saw it.

19 He came to my car. Get me out of here.

20 Then we have the jacket again a few days later.
21 Just happens to be wearing that same jacket when he comes by
22 and says: Please, don't put me in jail.

23 Nothing in there about why he might be going to
24 jail. Please don't put me in jail. We don't want to hear
25 that.

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1 Now, per Kenya's mother, Gladys, she says, yeah, he
2 came in. He said that. He had on that jacket.

3 Two children came in, testified: Yeah, he said
4 that, he had on that jacket. Those kids talked to authorities
5 not in November of 2019, '20, '21. Here we are 2023. A few
6 weeks ago they finally went and talked to them. They
7 remembered the jacket.

8 We had several people, Zhaylen, Matthew, Tonya,
9 Gizzard, all describe a tall, slender African-American with
10 some kind of dreads. All that. Nobody remembered the jacket,
11 except -- well, Gizzard didn't remember the jacket either. All
12 the people revolve around Kenya, the jacket, the jacket. Don't
13 forget that jacket.

14 Police interviewed them. They can describe the
15 general tall, slender African-American male with dreads. Just
16 forget that jacket.

17 Jason Eison was killed. He was murdered. No doubt
18 of it. A shooter came up in a vehicle, got out, started
19 shooting.

20 Matthew says, he gets out, the car pulls up, he
21 sees the front of the vehicle, shooter gets out, can't remember
22 which side, he's in the street. He starts shooting. And he
23 goes towards Jason. He stands over Jason and shoots him.
24 Turns. Does not go to the Honda Pilot he was in. Goes to the
25 vehicle he came in and vehicle leaves. He said it was a blue

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1 truck. His wife said, blue or green, or fiancée. Shooting
2 from the road.

3 LaKia either was in the car or not in the car. She
4 said definitely the shooting came from the road towards Jason.

5 Their witness. Their star witness. I know my
6 nephew who did it. I'm outside my car, I hear somebody in the
7 leaves to my left when they came up shooting. That's not
8 consistent with the other testimony or where the shell casings
9 are.

10 It might cause you to hesitate. I don't think she
11 was being truthful. At the scene she was the only one that
12 described that jacket of all those people there that talked to
13 the police.

14 It's got to be frustrating for the police in a case
15 like this. There's a crime committed. Wsssp. Everybody
16 disappears. They were scared.

17 Limited access to this area, how you get in there.
18 You feel more safe at your mother's house or with the police?
19 There's police everywhere.

20 Kenya: I don't remember seeing any police.

21 LaKia says: Yes, I saw them. I saw them. Went
22 right by them. They were all over the place within a few
23 minutes.

24 Now we'll get back to times. We have evidence from
25 the experts they took somewhere on the sleeve, they got

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1 something off of it on the left sleeve. Something on the right
2 chest of the jacket. It came back positive for gunshot
3 residue, which is stuff from the primer that makes the gun go
4 off.

5 We were told some other things that were very
6 important. Gunshot residue on a person after a while, it's
7 nothing to do with that; it's probably wore off. It's a human
8 being moving, being washed, up against things. Not only
9 inanimate objects. Unfortunately corpses, it can stay
10 indefinitely until it's brushed off, removed somehow.

11 In fact, gunshot residue doesn't necessarily say
12 that whoever was wearing that jacket at some point that they
13 get it off of a fired gun. It could've come in contact with
14 something that had gunshot residue on it and it came off.

15 We had the forensic people from the scene testify,
16 and then they went on the search warrant. Kenya come in on the
17 20th. She says it's him, he had on this jacket. So they go
18 with an arrest warrant, search, looking for a gun and jacket.
19 They get a jacket. They get ammunition. .45 caliber. .45
20 caliber. .40 caliber. A Glock box. Gun box. Where you buy
21 the gun, two boxes.

22 They tell you that they took the jacket and put it
23 in a box, document everything, seal it up, do all the things
24 for security. What the State's witnesses did not tell you is
25 how they took those objects, bullets, box, and jacket. They

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1 seized them presumably at the same time. They go in there and
2 get it. Could they have been touching the jacket with those
3 things? Residue, gunshot residue coming off of those other
4 things onto that. It doesn't prove who shot him. There's no
5 gunshot residue there.

6 Now, Cassandra says: I'm pretty sure it's his
7 right hand. Anybody in motion with a gun held up the right
8 hand. Maybe they're right-handed. If you're shooting, there's
9 going to be gunshot residue, it goes into a cloud. He told us
10 that. Could be a lot of places. Use your common sense.

11 Going up, shooting, shooting. All this stuff is
12 here and here. It came from that contact with other things.
13 We don't know. We don't know how things were packaged up. Not
14 ready to send it down to SLED.

15 Cassandra said she thought they got into a small
16 vehicle. I think what the other testimony was, it was a
17 Caprice Classic and a Honda Pilot. She thought the shooter got
18 into a car. It could just be from her viewpoint. She couldn't
19 tell car, truck, whatever. Because there were other cars,
20 LaKia's.

21 LaKia's car is parked there. Truck pulls up, back
22 there somewhere, you can barely see it from the carport to the
23 porch, the carport that Matthew is sitting in. And his
24 girlfriend/wife/fiancee gone back in the house. She didn't see
25 that truck pull up. Just see the front of the truck, see a guy

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1 get out, start shooting from the left.

2 I asked: Did y'all ever find that truck? Yeah.
3 Few weeks later it was in York, Rock Hill, somewhere.

4 Did you ever get anything back that links Rishard
5 Geter to that truck that the shooter supposedly got in?

6 No. Didn't get anything. Didn't have anything.
7 Must not be anything.

8 Something that really stood out to me is times.
9 Law enforcement uses military time. 5:30 would be 1730. First
10 responding officer, what time did you get there? Really not
11 sure. You have your report. Oh, yeah. 1773. That can't be
12 right. Is that 5:33 maybe? Maybe.

13 But we have next officer: I got there 5:40. I was
14 dispatched about 5:30, 5:35. Got there within a few minutes.

15 Chris Taylor, he said I got there right at 5:45.
16 He knew his time. Times are very important.

17 The shooting happened. 911 caller. She didn't
18 know what time she called. She knows she called. She woke up
19 hearing that argument. Don't know what it's about. She looks
20 out. She sees a guy shooting a gun. She hears shots going
21 towards who she thought was maybe her neighbor. It was Jason.
22 She ducks down because he's firing. That's common sense.

23 When the firing stops, she looks up. She sees a
24 guy get into the car. She looked at the shooter twice.
25 Nothing stood out. The timing, looked at the shooter, saw the

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1 danger, took the child in the house. Matthew sat there and
2 watched the whole thing. Nothing about this.

3 The 911 call, they keep records on that stuff. We
4 don't know what time the call was. State didn't give you that.
5 We know Rishard was with Erica after 5:00. She said I think
6 5:15, 5:30. We get home. He's there. He's on the phone,
7 being loud. Rishard's loud. No big deal. Doesn't mean he's
8 mad.

9 She's got a phone. Kenya's got a phone. You know
10 what. When people have phones like that, records. Records
11 have times. We would know exactly when they were talking had
12 the State had that. It's not there. We don't have it.

13 It could show that Rishard was over in Duncan Park
14 at 5:30. Erica is on the phone with Kenya. He's on his new
15 phone that he got that day. He's just being on it. That's it.
16 We would've known exactly when that was. They didn't get that.

17 Kenya is there. Her story about seeing him doesn't
18 add up because she has a phone. She identifies a jacket she
19 knows he has that nobody else saw. I know seeing a man get
20 shot has to be traumatic. I think you can remember this.
21 Nobody else did. That's not unusual they say.

22 When you go get a search warrant for a gun after a
23 killing, they got rid of the gun. If someone had shot a man
24 wearing that jacket and he has the thought I got to get rid of
25 this gun, why not get rid of the jacket? We don't have a way

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1 of showing that. State didn't present anything to show the
2 jacket could not have come in contact with that ammunition and
3 that box. Contamination. Gunshot residue. Residue could've
4 been there for a long time. We don't know.

5 Saw a jacket, nobody else saw it but Kenya and
6 those in her circle.

7 I don't think bribe other than to say he had that
8 jacket on a few days later, whatever it was. Certainly didn't
9 get rid of the jacket but nobody else saw it.

10 And the work done about times, we had the answer.
11 Where was Rishard at 5:30, the approximate time of the shooting
12 based on the calls and the police officers responding. It's
13 there. All they have to do is get the records. They didn't do
14 it. It would've answered that question.

15 Hesitate to act. As I said, these cases are tough
16 for officers. People don't want to talk. Obviously, people
17 lie to you. Still don't know whether LaKia was in the car or
18 out of the car. We just know she was there.

19 Ladies and gentlemen of the jury, what we have is
20 good effort, but it's based on someone who thought she was
21 going to get blamed and said Rishard, who denied she was there
22 even though we know you were there. She denied it. Fingers
23 start pointing at her. My nephew. Could be overlap. The rest
24 of her story just doesn't matter.

25 How did the shooting happen? The jacket. Nobody

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1 had saw it. The main question: Where was Rishard Geter
2 approximately 5:30. The answer was easy to get. They didn't
3 bring it.

4 Mr. Foreman, members of the jury, what you have
5 here is suspicion. Maybe strong suspicion. You have
6 reasonable doubt. You have reasons to hesitate to act. The
7 way things were done, the way things were not done, put all
8 that together, look at the evidence involved, find him not
9 guilty. Thank you. Of all the charges. Thank you.

10 MS. CUENCA: As you recall, the Defendant's father,
11 Rishard Means, came and testified. And when he was asked, he
12 said that his son told him the day after he was arrested that
13 he had not been around any guns.

14 And he had, as Mr. Hall was pointing out in his
15 home, he had ammunition. We have an empty case, and we also
16 know that he had been around guns because of GSR found in his
17 jacket and because he was the shooter of Jason Eison.

18 The defense also brought up Ms. Cassandra Walker,
19 Mrs. Vahling. As you recall from her testimony, who are the
20 first people that she called? Did she call 911? No, she
21 called her husband first. Then she called her father. And it
22 was her father that said: Call 911. And even she said:
23 Looking back, it makes sense to call 911.

24 When something is so traumatic, so chaotic, so
25 disruptive, such a malicious action done by someone, you're not

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1 only thinking clearly, you're not remembering things well.

2 Your memory is not capturing everything identically.

3 The defense asked you where was Rishard Geter
4 around 5:30. We know where he was. We have two I.D. witnesses
5 who wasn't just Kenya Geter. It was Gizzard, Rodney Lecco
6 Nash, who said Rishard shot Jason. We know where Rishard Geter
7 was. He was at [REDACTED] Amherst Drive.

8 We have three corroborating witnesses describing
9 the Defendant as well. Lastly, we have his intimate partner,
10 Ms. Shaneice Johnson, saying that she was mad at him that day
11 because he was making her get to work late. She finally had to
12 pick him up -- she picked him up. They finally left around
13 6:20-ish to go to work, and I was running late.

14 Why was he running late? Because he had just been
15 at [REDACTED] Amherst Drive. Had just shot Jason. He was no longer
16 angry the way that she saw him, but he was already calm by the
17 time that she picked him up. Why? Because he had already
18 addressed the issue. He had already killed Jason. That's why
19 he was already calm. That's the reason I ask you to find him
20 guilty on all charges. Thank you.

21 THE COURT: Ladies and gentlemen, if you would,
22 just stand and stretch your legs just a moment. Then I'm going
23 to instruct you on the law applicable to this case. Stand up,
24 get a good stretch. If you would, don't leave the courtroom.

25 (A pause transpired.)

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1 THE COURT: Thank you, ladies and gentlemen. You
2 may be seated.

3 Ladies and gentlemen, the indictments charge the
4 Defendant with murder, possession of a weapon during the
5 commission of a violent crime, and breach of peace of a high
6 and aggravated nature. I remind you that the fact that the
7 Defendant was arrested, charged and indicted in this case is
8 not evidence in the case and cannot be considered by you as
9 evidence of guilt in this case nor does it create any
10 presumption or inference of guilt. These documents are simply
11 the formal written instruments which contains the charges made
12 against the Defendant. They are the formal documents by which
13 this case is brought into court.

14 The Defendant has pled not guilty to the
15 indictments. And that plea puts the burden on the State to
16 prove the Defendant guilty. A person charged with committing a
17 criminal offense in South Carolina is never required to prove
18 himself innocent.

19 I charge you that it is an important rule of law
20 that the Defendant in any criminal trial no matter what the
21 seriousness of the charge may be will always be presumed to be
22 innocent of the crime for which the indictment was issued
23 unless guilt has been proven by evidence satisfying you of that
24 guilt beyond a reasonable doubt.

25 This presumption of innocence does not end when you

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1 begin your deliberations. It accompanies the Defendant
2 throughout the trial until you reach a verdict of guilt based
3 on evidence satisfying you of that guilt beyond a reason doubt.

4 The presumption of innocence is like a robe of
5 righteousness placed about the shoulders of the Defendant,
6 which remains with the Defendant until it has been stripped
7 from the Defendant by evidence satisfying you of the
8 Defendant's guilt beyond a reasonable doubt.

9 The presumption of innocence is not mere legal
10 theory. It is not just a legal phrase. It is a substantial
11 right to which every Defendant is entitled unless you, the
12 jury, are satisfied from the evidence of the Defendant's guilt
13 beyond a reasonable doubt.

14 What is reasonable doubt in the law? A reasonable
15 doubt is the kind of doubt that would cause a reasonable person
16 to hesitate to act. The State has the burden of proving the
17 Defendant guilty beyond a reasonable doubt.

18 Some of you may have served as jurors in a civil
19 case where you were told it is only necessary to prove that a
20 fact that is more likely true than not true such as by greater
21 weight or the preponderance of the evidence.

22 In criminal cases, the State's proof must be more
23 powerful than that. It must be beyond a reasonable doubt.
24 Proof beyond a reasonable doubt is proof that leaves you firmly
25 convinced of the Defendant's guilt. There are very few things

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1 in this world that we know with absolute certainty. In
2 criminal cases, the law does not require proof that overcomes
3 every possible doubt.

4 If, based on your consideration of the evidence,
5 you're firmly convinced that the Defendant is guilty of the
6 crime charged, you must find the Defendant guilty.

7 If, on the other hand, you think there's a real
8 possibility that the Defendant is not guilty, you must give the
9 Defendant the benefit of the doubt and find him not guilty.

10 I remind you that during this trial you and I have
11 certain duties to perform. As the trial judge it is my
12 responsibility to preside over the trial of this case. And I
13 also have the duty to rule on the admissibility of evidence
14 offered during the trial. You are to consider only the
15 competent evidence before you.

16 If there was any testimony stricken in the
17 testimony or is stricken from the record in this case, you must
18 disregard that testimony. You are to consider only the
19 testimony which has been presented from the witness stand and
20 any exhibits which have been made part of the record of this
21 case and also any stipulations that have been made by Counsel.

22 I have the additional duty to charge you the law
23 applicable to this case. As the presiding judge, I am the sole
24 judge of the law of this case. And it is your duty as jurors
25 to accept and apply the law as I now state it to you.

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1 If you already have any idea as to what the law is
2 or what the law ought to be and it does not agree with what I
3 now tell you the law is, you must abandon this idea because you
4 are sworn to accept the law and apply the law exactly as I
5 state it to you.

6 In every case tried in this court before a jury,
7 the jury becomes the sole and exclusive judge of the facts in a
8 case. A trial judge cannot intimate, state, comment on, or
9 make any statement to a jury about the facts in a case.

10 Since you, the jury, are the sole judge of the
11 facts in this case, you are not to infer from what I have said
12 during the progress of this trial in ruling on the
13 admissibility of evidence or otherwise or anything that I say
14 now during the course of this instruction to you that I have
15 any opinion about the facts in this case. The law does not
16 allow me to have an opinion about the facts in this case. This
17 is a matter solely for you, the jury, to determine.

18 As jurors, it is your duty to determine the effect,
19 the value, the weight, and the truth of the evidence that has
20 been presented during this trial.

21 There are two types of evidence which are generally
22 presented during a trial; direct evidence and circumstantial
23 evidence. Now direct evidence is the testimony of a person who
24 asserts or claims to have actual knowledge of a fact such as an
25 eyewitness. Circumstantial evidence is proof of a chain of

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1 facts and circumstances indicating the existence of a fact.

2 The law makes absolutely no distinction between the
3 weight or value to be given either direct or circumstantial
4 evidence. Nor is a greater degree of certainty required of
5 circumstantial evidence than of direct evidence.

6 Ladies and gentlemen, you should weigh all of the
7 evidence in this case. After weighing all the evidence, if you
8 are not convinced of the guilt of the Defendant beyond a
9 reasonable doubt, you must find the Defendant not guilty. The
10 State has the burden of proving the Defendant guilty beyond a
11 reasonable doubt. And this burden rests with the State
12 regardless of whether the State relies on direct,
13 circumstantial evidence, or some combination of the two.

14 Necessarily, ladies and gentlemen, you must
15 determine the credibility of witnesses who have testified in
16 this case. Credibility simply means believability. It becomes
17 your duty as jurors to analyze and to evaluate the evidence and
18 determine which evidence convinces you of its truth. In
19 determining the believability of witnesses who have testified
20 in this case, you may believe one witness over several
21 witnesses or several witnesses over one witness.

22 You may believe a part of the testimony of a
23 witness and reject the remaining part of the testimony of that
24 same witness. You may believe the testimony of a witness in
25 its entirety or reject the testimony of a witness in its

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1 entirety. You may consider whether any witness has exhibited
2 to you any interest, bias, prejudice, or other motive in the
3 case. You may also consider the appearance and the manner of
4 the witness while on the witness stand.

5 Ladies and gentlemen, the rules of evidence
6 ordinarily do not permit witnesses to testify to opinions or
7 conclusions. Exception to this rule exists for witnesses we
8 call expert witnesses. A witness who by education and
9 experience has become expert in some art, science, profession,
10 or calling may state an opinion as to relevant and material
11 matter in which the witness claims to be an expert and may also
12 state the reason for the opinion.

13 You should consider any expert opinion received in
14 evidence in this case and, like any other evidence, give it the
15 weight that you think it deserves. If you decide that the
16 opinion of an expert witness is not based on sufficient
17 education and experience, or if you conclude that the reasons
18 given in support of the opinion are not sound or that the
19 opinion is outweighed by other evidence, you may disregard the
20 opinion entirely.

21 An expert witness' testimony is to be given no
22 greater weight than that of other witness simply because the
23 witness is an expert. Further, you are not required to accept
24 an expert's opinion even though it is not contradicted.

25 Ladies and gentlemen, I instruct you and emphasize

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1 that the fact that the Defendant did not testify is not a
2 factor to be considered by you in any way in your deliberation
3 and in your consideration of the question of the guilt or
4 innocence of the Defendant. It must not be considered by you
5 in any manner whatsoever.

6 A Defendant has the Constitutional right to remain
7 silent. And the assertion of this right must not be considered
8 by you in your deliberations.

9 I repeat. Under your oath, you are to draw no
10 conclusion whatsoever from the fact that the Defendant in this
11 case did not testify. The fact that this Defendant did not
12 testify should not even be discussed in the jury room.

13 The burden of proof, as I have stated to you, is on
14 the State. The Defendant is not required to prove his
15 innocence. The burden of proof remains on the State to prove
16 guilt beyond a reasonable doubt.

17 Ladies and gentlemen, murder is defined in South
18 Carolina law as the killing of any person with malice
19 aforethought, either expressed or implied. Murder is the
20 killing of any person with malice aforethought, either
21 expressed or implied.

22 In order for you to find the Defendant guilty of
23 the crime of murder, it would be necessary that the evidence in
24 this case has established to your satisfaction beyond a
25 reasonable doubt that the Defendant, Rishard Lewis Geter, did

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1 commit some act or acts which proximately caused the death of
2 Jason Eison and that the killing was done with malice
3 aforethought.

4 Malice aforethought is an essential element of the
5 crime of murder. What is malice aforethought? Malice is an
6 essential element of the crime of murder, a state of mind
7 connoting an ill will and having an intent to do harm.

8 Intent refers to the state of a person's mind which
9 directs his actions towards a specific object or goal. And
10 intent would include those consequences which represents the
11 very purpose for which an act is done as well as those
12 consequences which are known to be substantially certain to
13 result whether actually intended or not.

14 Malice is a technical term importing wickedness and
15 excluding just cause or legal excuse. It is something which
16 springs from depravity, from a heart devoid of social duty and
17 fairly bent on mischief. It is a state of mind indicating an
18 extreme disregard for or an extreme indifference to human life.

19 Malice may be likewise defined as a state of mind
20 which indicates a formed purpose and design to do a wrongful
21 act under circumstances that exclude any legal right to do it.

22 The word expressed or implied malice do not mean
23 different kinds of malice, but merely means the manner in which
24 malice may be shown to have existed. That is to say, proof of
25 malice may be by direct evidence or by circumstantial evidence

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1 from which you might imply or infer the existence of malice.

2 Malice may be expressed as where there is an
3 expressed threat to kill or where there is a lying in wait or
4 where the circumstances show directly that an intent to kill
5 was entertained by the killer.

6 Malice may be inferred, though not expressed
7 intent, to kill is proven by direct evidence where the facts
8 and circumstances which have been proven by evidence in the
9 case satisfy you beyond a reasonable doubt that the malice was
10 present in the mind of the killer at the time any killing took
11 place.

12 And, therefore, the existence of malice may be
13 inferred from any acts, declarations, and conduct of the
14 killer, as well as from any other circumstances shown to have
15 existed at the time of the event from which you might
16 reasonably infer the existence of malice as often as the state
17 of a person's mind can only be proven by circumstantial
18 evidence. Let me read that paragraph to you one more time,
19 ladies and gentlemen.

20 And, therefore, the existence of malice may be
21 inferred from any acts, declarations, and conduct of the killer
22 as well as from any other circumstances shown to have existed
23 at the time of the event from which you might reasonably infer
24 the existence of malice as often as the state of a person's
25 mind can only be proven by circumstantial evidence.

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1 The State is required to prove malice just as it
2 must prove any other essential element of the crime charged.
3 And it is for you 12 jurors to determine whether or not the
4 evidence in the case establishes malice beyond a reasonable
5 doubt.

6 It's also essential that there exists not only
7 malice but that malice be aforethought. The law does not
8 require that malice must exist for any appreciable length of
9 time before the commission of an act proximately caused a fatal
10 result. In fact, it may be conceived at the very moment that
11 the fatal act is committed. It is sufficient in law so long as
12 the State has proven beyond a reasonable doubt both the
13 existence of malice and the commission of an act or acts by the
14 Defendant which proximately caused the fatal result.

15 You must determine whether or not malice
16 aforethought existed based upon your consideration of all the
17 evidence introduced during the trial of this case and any
18 reasonable inference that might be derived from the evidence.

19 While the State must prove beyond a reasonable
20 doubt that a killing occurred, and it was accompanied by the
21 element of malice aforethought. In order to establish the
22 crime of murder, it is not necessary that the State prove any
23 motive for the killing, even though there may be evidence of
24 such introduced during the course of the trial.

25 The Defendant is also charged with possession of a

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1 weapon during the commission of or attempt to commit a violent
2 crime. The State must prove beyond a reasonable doubt that the
3 Defendant was in possession of a firearm or visibly displayed
4 what appeared to be a firearm during the commission of a
5 violent crime.

6 A firearm means any machine gun, automatic rifle,
7 revolver, pistol, or any weapon which will, is designed to, or
8 may be readily converted to expel a projectile. In order to
9 find the Defendant guilty of possession of a weapon during the
10 commission of a violent crime, you must first find the
11 Defendant guilty of either committing a violent crime or
12 attempting to commit a violent crime. Murder is a violent
13 crime. The State must prove beyond a reasonable doubt that the
14 weapon furthered, advanced, or helped the commission of the
15 crime.

16 Ladies and gentlemen, the Defendant is also charged
17 with breach of peace by high and aggravated nature. Any person
18 engaged in an unlawful and unjustifiable fray, riot, or other
19 disturbance, or who goes armed offensively to the terror of the
20 people, or who engages in menacing or threatening speech, or
21 otherwise engages in dangerous or disorderly conduct in a
22 public place is guilty of the offense of breach of peace.

23 The term breach of peace is a generic term
24 embracing a great variety of conduct tending to destroy or to
25 menace public order or tranquility. A breach of peace may be

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1 generally defined as such a violation of the public order as to
2 amount to a disturbance of the public tranquility or by act or
3 conduct either directly having this effect or by inciting or
4 tending to incite such a disturbance of public tranquility by
5 violence.

6 The word peace as used in the phrase breach of
7 peace or breach of the peace means the tranquility enjoyed by
8 members of a community where good order reigns.

9 Breach of peace of a high and aggravated nature is
10 a violation of public tranquility accompanied by some
11 circumstance of aggravation.

12 A high and aggravated nature. High meaning greater
13 in relative degree. Aggravated meaning more serious or worse.
14 The State must prove all of the elements of breach of peace of
15 a high and aggravated nature beyond a reasonable doubt.

16 Mr. Foreman, ladies and gentlemen of the jury, I
17 have prepared verdict forms for your use in the jury room when
18 you engage in your deliberations. I've separated them out into
19 two verdict forms, one addressing the charge of murder and the
20 second, if you find the Defendant guilty of murder, then you
21 would consider the charge of possession of a weapon in the
22 commission of a violent crime. The other verdict form deals
23 with the charge of breach of peace of a high and aggravated
24 nature.

25 Mr. Foreman, ladies and gentlemen of the jury, your

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1 verdict must be unanimous. All 12 members of the jury must
2 agree on the verdict. Your verdict must be based solely on the
3 evidence that has been presented during the course of this
4 trial and the law that I have instructed you to apply to that
5 evidence.

6 Your verdict cannot be based on sympathy, passion,
7 prejudice, or other consideration that is not supported by the
8 evidence that has been presented or the law that I have stated
9 to you.

10 Mr. Foreman, in just a moment the jury is going to
11 retire back to the jury deliberation room and start your
12 deliberations. Do not begin your deliberations until I have
13 the bailiff bring you the evidence and inform you to begin your
14 deliberation. I'm told also that your lunch should be here
15 relatively soon so you can start eating your lunch.

16 One other thing, Mr. Foreman. Please let us know
17 when the jury finishes and has reached their verdict. I had a
18 jury one time, I failed to tell them that. They were back
19 there for hours and hours. We were like what's going on there.
20 They said you never told us what to do when we finish.

21 When you do finish, knock on the door and let the
22 jury know the jury has concluded your deliberations and that
23 you have reached a verdict.

24 Mr. Foreman, ladies and gentlemen, I'm going to ask
25 you, if you would at this time, please retire to the jury

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1 deliberation room. Do not begin your deliberations until we
2 tell you to.

3 (The jury exited the courtroom.)

4 THE COURT: Any exceptions to the charge from the
5 State?

6 MS. CUENCA: Your Honor, whether it's significant
7 or not, the State just wanted to point out they were not
8 instructed the order in which the possible verdicts did not
9 matter. That was the only thing.

10 THE COURT: You want me to bring them back out here
11 and redo that?

12 MS. CUENCA: No, Your Honor.

13 MR. HALL: None, Your Honor.

14 THE COURT: Thank you for letting me know that.
15 You're not going to request it, I'm not going to bring them out
16 just to do that. I don't think that's material.

17 MS. CUENCA: Yes, Your Honor.

18 THE COURT: Anything else?

19 MS. CUENCA: No, Your Honor.

20 MR. HALL: No, sir.

21 THE COURT: I need for y'all to be sure that we
22 have the right evidence. Unfortunately, one time I let
23 something go back. We had to do the whole thing over again.
24 Be sure we have the correct evidence.

25 One alternate is already gone because she never

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1 showed up. The other alternate, you want me to put her
2 somewhere or dismiss her?

3 MR. HALL: I think we need to put her somewhere for
4 at least a little while. We've done this before. We don't
5 want to do it again.

6 THE BAILIFF: We can put her in the jury assembly
7 room by herself.

8 (A pause transpired).

9 THE COURT: If you go anywhere out of the building,
10 be sure we have your cell numbers. They might have questions.

11 MR. HALL: Yes, sir.

12 (The trial was in recess from 11:27 a.m. until
13 12:37 p.m.)

14 THE COURT: I have a note from the jury that reads
15 that they would like to hear the testimony of Matthew Lindsey
16 regarding what he observed regarding the appearance of the
17 shooter and what the shooter was wearing at the time.

18 Also, we would like to hear the testimony of Kenya
19 Geter. I've talked with The Court reporter. She has been able
20 to locate the testimony of Mr. Lindsey in regards to those
21 things they asked, and she's also located the testimony of
22 Kenya Geter. I would propose, unless you say otherwise, let me
23 bring the jury back in, let me just sit them down over there
24 and let's just play the testimony.

25 Mr. Lindsey's testimony is about --

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1 THE COURT REPORTER: Not even five minutes.

2 THE COURT: And Kenya Geter, they don't designate
3 what part of her testimony. So her testimony is about 40
4 minutes long. Unless y'all wanted me to ask the foreman is
5 there a particular part of Ms. Geter's testimony.

6 MR. HALL: I don't object to asking if there's a
7 particular part of it.

8 THE COURT: Let's bring Mr. Troyer, he's the
9 foreman, out. If they say the whole thing, that's fine.

10 (The Foreman entered the courtroom.)

11 THE COURT: Mr. Foreman, thank you for your note.
12 What we will do, I've talked to the court reporter. She can
13 locate certain testimony and then she can play the recording
14 back for the jury. We've located the testimony that the jury
15 has asked for Mr. Lindsey.

16 Let me ask you about Ms. Geter. Y'all did not
17 designate that there was a particular part you were looking
18 for. Do you want to hear the whole thing, or is there
19 something particular the jury was looking for?

20 THE FOREMAN: I think they wanted to get a better
21 feel for what she had to say in general.

22 THE COURT: We can just play the whole thing. You
23 can go back to the jury and tell them that we're getting set
24 up. I'm going to bring them out. Ms. Geter's testimony is
25 going to be about 40 minutes long. Mr. Lindsey's testimony is

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1 probably five or so.

2 THE FOREMAN: I would be very happy to ask the
3 individuals who wanted to hear it again, if they have a
4 specific piece. If it can be pared down to specific
5 information, that would probably be beneficial.

6 THE COURT: That's your business back there.

7 THE FOREMAN: You said you can find specific pieces
8 of testimony. I can get from them what testimony they're
9 actually asking about.

10 THE COURT: I'll give you a few minutes to talk to
11 them. If they want the whole thing, we will play the whole
12 thing.

13 THE FOREMAN: I'll be right back.

14 (The Foreman exited the courtroom at 12:41 p.m. and
15 returned at 12:42 p.m.)

16 THE FOREMAN: They would like to hear of
17 Ms. Geter's testimony five minutes before she started crying on
18 the witness stand.

19 THE COURT: Thank you very much. We'll take a look
20 and find it. If we have problems, we'll send for you again.

21 (The foreman exited the courtroom at 12:42 p.m.)

22 (The jury entered the courtroom at 12:51 p.m.)

23 THE COURT: Ladies and gentlemen, thank you for
24 your note. In just a moment I'm going to have the court
25 reporter move from her position over to the witness stand so

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1 that she can use the microphone. That will help her recording
2 of the testimony, that you requested, be louder.

3 At that point, I'm going to ask lawyers, let's not
4 put anything on the record. We want to be sure we have a good
5 record. We will let the court reporter set herself up and play
6 first the testimony of Mr. Lindsey and then the testimony of
7 Ms. Geter.

8 (Audio recording was played from page 174, line 3
9 through page 178 line 3.

10 (The jury exited the courtroom at 1:40 p.m.)

11 THE COURT: The next question from the jury we are
12 attempting to determine Matthew Lindsey as to any description
13 he gave regarding his mentioning of the colorful jacket. We
14 would like to hear any testimony what the shooter was wearing
15 whether on direct or cross-examination. I've shared this note
16 with the court reporter. She's been through her testimony,
17 cannot find any reference from this witness as to a colorful
18 jacket. Also informed me her review of the testimony indicates
19 to her that the description of that was given by this witness
20 of the shooter has been played already to the jury so she
21 wasn't able to find anything else.

22 Do y'all recall anything in the testimony that
23 might answer this question for the jury? That would be in
24 Mr. Lindsey's testimony.

25 MR. BULSA: I think there was a couple questions

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1 where we asked, could you tell what he was wearing. I think
2 his response was, no, I was focused on what else he was doing.

3 THE COURT: You think what he was wearing.

4 (The court reporter read back questions and answers
5 from page 123 line 4 through line 9.)

6 (The Foreman entered the courtroom at 1:43 p.m.)

7 THE COURT: Mr. Foreman, we have -- the court
8 reporter has performed a word search. I've consulted with the
9 lawyers in regards to this last question.

10 THE FOREMAN: Yes, sir.

11 THE COURT: We think we've located the only
12 testimony that's responsive to your last question. It's brief.
13 It is a question and it's a short answer so I just wanted you
14 to know that. I'm going to ask, if you would, we'll bring the
15 jury back out, we'll play this for them, but it's very short.

16 THE FOREMAN: That would be great.

17 THE COURT: Thank you.

18 (The foreman exited the courtroom at 1:43 p.m.)

19 THE COURT: We'll make the notes Court exhibits,
20 and I'll step down. Thank you very much.

21 (The jury entered the courtroom at 1:50 p.m. and
22 the audio recording was played back from page 128 line 19
23 through line 24.)

24 (The jury exited the courtroom at 1:51 p.m.)

25 (The following proceedings were had at 2:28 p.m.)

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1 THE COURT: I'm told that the jury has reached a
2 verdict. Anything from the State before we bring the jury in?

3 MS. CUENCA: Nothing from the State, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. HALL: Nothing from the defense, Your Honor.

6 THE COURT: Let's bring the jury in.

7 (The jury entered the courtroom at 2:30 p.m.)

8 THE COURT: Mr. Foreman, I am informed that the
9 jury has reached a verdict; is that correct?

10 THE FOREMAN: We have.

11 THE COURT: If you will give the verdict form to
12 the bailiff.

13 (The foreman complied.)

14 THE COURT: Madam clerk, if you will, please
15 publish the verdict.

16 THE CLERK: Yes, sir. In the State of South
17 Carolina, in the court of general sessions, in the county of
18 Spartanburg for the Seventh Judicial Circuit, the State of
19 South Carolina versus Rishard Lewis Geter, the Defendant, with
20 indictment number 2020-GS-42-00908, we, the jury, unanimously
21 find the Defendant, Rishard Lewis Geter, guilty of murder.

22 As to Count 2, we, the jury, unanimously find the
23 Defendant, Rishard Lewis Geter, guilty of possession of a
24 deadly weapon during the commission of a violent crime.

25 Indictment number 2023-GS-42-0557, we, the jury,

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1 unanimously find the Defendant, Rishard Lewis Geter, guilty of
2 breach of peace of a high and aggravated nature, signed by the
3 foreperson, February 16, 2023.

4 Ladies and gentlemen of the jury, is this your
5 verdict and still your verdict? If so, please raise your right
6 hand.

7 (Jurors complied.)

8 THE CLERK: So say you-all.

9 THE COURT: Thank you very much. Anything from the
10 State or the Defendant before I dismiss the jury?

11 MS. CUENCA: Nothing from the State, Your Honor.

12 MR. HALL: Nothing from the defense, Your Honor.

13 THE COURT: Thank you. Mr. Foreman, ladies and
14 gentlemen, thank you for your service the last few days as a
15 jury in this case.

16 You may recall, when I first started the week with
17 you, I said this is the greatest justice system ever created.
18 Been doing this job 20 years now. I'm convinced today more
19 strongly than I ever have, that we do have the greatest justice
20 system here in this country.

21 What you have done the last several days is what
22 the justice system asks of all the citizens in this country, in
23 all 50 states is to come in and serve as jurors as you have
24 done.

25 It has frequently been said the hardest service or

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1 sacrifice that a citizen makes for our great country outside of
2 military service is service as a juror as you have just done
3 over the last several days. I make those comments 'cause I
4 don't want you to think anybody that works in the justice
5 system here in this county takes your service and your
6 sacrifices lightly. We thank you very much for that.

7 Ladies and gentlemen, at this time, we don't have
8 any more cases for you to handle this week. Your service and
9 commitment to the county is finished. I'm going to let the
10 bailiff escort you back to the jury deliberation room. They
11 will assist you in getting out of the courthouse.

12 Mr. Foreman, I would ask if you would just stay a
13 little bit longer. We have two documents we need to get your
14 signature on. Again, ladies and gentlemen, thank you very
15 much. If you wish, you may go with the bailiff at this time.

16 (The jury exited the courtroom at 2:33 p.m.)

17 THE COURT: Any objection to just proceeding with
18 the sentencing at this time?

19 MS. CUENCA: No objections from the State, Your
20 Honor.

21 MR. HALL: Your Honor, I would make the mandatory
22 motion for a new trial. Obviously there is issues from the
23 jury dealing with some credibility of the witnesses and be
24 granted a new trial.

25 THE COURT: Didn't hear the last part.

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1 MR. HALL: Based on the discrepancy of the
2 witnesses, obviously the jurors were looking at, we ask for a
3 new trial.

4 THE COURT: Any response from the State to his
5 motion?

6 MS. CUENCA: Your Honor, as far as the discrepancy
7 of the witnesses that were relevant to this case, there is no
8 discrepancy, so we're asking that the motion be denied.

9 THE COURT: Any reply?

10 MR. HALL: No, Your Honor.

11 THE COURT: I've sat and watched this trial from
12 start to the end. And I find no grounds that has been
13 articulated to The Court upon which I can make any changes to
14 the jury's verdict. I will deny the motion.

15 Ready to proceed?

16 MS. CUENCA: Yes, Your Honor.

17 THE COURT: Mr. Hall?

18 MR. HALL: Yes.

19 THE COURT: Mr. Geter, I just need to remind you,
20 you remain under oath. I probably have a couple questions to
21 ask you. At this time, I will -- let me ask you a couple
22 questions. I ask this of everybody. How old are you, Mr.
23 Geter?

24 MR. GETER: Thirty-seven.

25 THE COURT: How far did you go in school?

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1 MR. GETER: Eighth grade.

2 THE COURT: Did you ever obtain a GED?

3 MR. GETER: Yes, sir.

4 THE COURT: Presently, are you married, single,
5 divorced, or widow?

6 MR. GETER: Single.

7 THE COURT: Do you have any children?

8 MR. GETER: I have a daughter.

9 THE COURT: How old is she?

10 MR. GETER: Eighteen.

11 THE COURT: Prior to being arrested, did you have a
12 job outside of the home?

13 MR. GETER: Yes, sir.

14 THE COURT: What were you doing?

15 MR. GETER: Building seats for Magna. I was a
16 master seat builder.

17 THE COURT: Ever serve in the military?

18 MR. GETER: No, sir.

19 THE COURT: Thank you very much for giving me that
20 information.

21 State ready to proceed?

22 MS. CUENCA: Yes, Your Honor.

23 THE COURT: Do you have any prior record?

24 MS. CUENCA: Yes, Your Honor. In 2003, public
25 disorderly conduct.

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1 2004, unlawful carrying of weapon. Trespassing
2 times two and giving false information.

3 In 2006, assault on corrections employee.

4 2007, possession of stolen pistol.

5 2008, public disorderly conduct. Pointing and
6 presenting. Assault with intent to kill. Breach of peace,
7 aggravated in nature. Carrying prohibited weapon. That's a
8 federal charge.

9 In 2019, DV second as well as assault and battery,
10 third. Your Honor, at the time of this charge, he was on
11 probation at the time for DV second.

12 THE COURT: Thank you for that. Is there any
13 information or anybody wish to speak on behalf of the victim?

14 MS. CUENCA: Your Honor, we did ask the victim's
15 family. No one desires to speak at this time.

16 THE COURT: State have any other statements?

17 MS. CUENCA: No, Your Honor. He does have a credit
18 of 1,185 days.

19 THE COURT: Yes, sir, Mr. Hall.

20 MR. HALL: If it please The Court, Your Honor.
21 They got the credit correct. Unfortunately, he has
22 six-month-old grandson he's never been able to meet. He was
23 looking forward to being able to do that and getting back to
24 work. We understand the heavy sentencing on these charges.

25 I would offer to The Court that the breach of peace

STATE OF SOUTH CAROLINA vs. RISHARD L. GETER

1 of a high and aggravated nature, I assume, is charged because
2 someone else had been injured. It's clear the shooter was
3 shooting at one person and no other except for him. And the
4 vehicle he was driving doesn't appear to be any other danger
5 other than to fleeing. While they were fleeing, maybe they
6 weren't paying attention, nobody was injured or hurt. I would
7 ask for concurrent sentencing as much as possible.

8 And that he's in his late 30s, I believe a sentence
9 of mandatory minimum on murder to 30 years with concurrent
10 sentencing would be appropriate. That would put him day for
11 day being in jail until he's age 67. On his behalf, I do ask
12 for that. I think it would be more auspices as a sentence.

13 THE COURT: Mr. Geter, is there anything you would
14 like to say, want me to know or consider?

15 MR. GETER: What can I say? I can't say nothing or
16 change nothing 'cause I don't know nothing. I ain't committed
17 no crime. I was convicted in this court today because of a
18 jacket. A jacket that I own, that I admitted to own. You
19 know, I was nowhere around these events that led up to this
20 man's death. My condolences to his family.

21 At the end of the day I'm not the one responsible
22 because there's ample evidence available to The Court from the
23 forensic technician, that it was no gun powder found on the
24 right sleeve of the jacket. They said the assailant shot with
25 his right hand.

STATE OF SOUTH CAROLINA vs. RISHARD L. GETER

1 The witness that the State was relying on, who
2 supposed to be my aunt, she testified to a lot of things that
3 weren't accurate, you know. I would like The Court to take
4 that into consideration because, you know, the truth somebody
5 know. You know what I mean. I don't know what happened. I
6 can tell you that I wasn't present at no crime scene in that
7 jacket. And the evidence shows that I was not shooting in that
8 jacket because there is no gunpowder traces up the right sleeve
9 because the assailant was right-handed. Everybody testified to
10 that.

11 THE COURT: Thank you, Mr. Geter.

12 (A pause transpired.)

13 THE COURT: On the murder indictment
14 2020-GS-42-00908, the sentence of The Court is that the
15 Defendant will be confined in the State Department of
16 Corrections for a period of 40 years, to run concurrent with
17 other charges. He will get credit for 1,185 days.

18 Breach of peace, high and aggravated nature, that
19 will be a ten-year sentence, run concurrent with the other
20 charge, gets credit for 1,185 days.

21 On the possession of a weapon during the commission
22 of a violent crime, that is a five-year sentence. That runs
23 concurrent with the other charges. He gets credit for 1,185
24 days.

25 Mr. Geter, if you have any questions about any of

STATE OF SOUTH CAROLINA vs. RISHARD L. GETER

1 the sentences, please talk with your lawyer. I'm sure he'll be
2 able to answer those for you. I wish you the best of luck,
3 sir.

4 MR. GETER: I appreciate it, but I'll be back.

5 MR. HALL: Thank you.

6 THE COURT: Yes, sir. We'll step down.

7 (The hearing was concluded at 2:44 p.m.)

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STATE OF SOUTH CAROLINA vs. RISHARD L. GETER

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

I further certify that I am neither related to, nor
counsel for, any party to the cause pending or interested in
the events thereof.

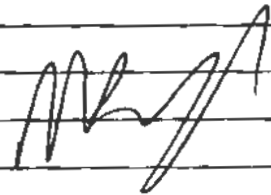
Witness my hand, I have hereunto affixed my official
seal this 16th day of April, 2023 at Spartanburg, Spartanburg
County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

WITNESSES

City of Spartanburg



ARREST WARRANT NUMBER

2019A4210103619 (Count One)

2019A4210103620 (Count Two)

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

FEB 21 2020

VERDICT

Guilty

Foreperson of Petit Jury

Date:

2/16/23

DOCKET NO.

20-GS-42-0908

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 24 2020

TERM

THE STATE

vs.

Richard Lewis Geter

Indictment for

COUNT ONE-MURDER, COUNT TWO-
POSSESSION OF WEAPON DURING
VIOLENT CRIME

SC Code 16-03-0010, 0020, 16-23-490

CDR Code 116, 549

Class FEL-EXM

FILED

2020 FEB 27 11:12:02

CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

SCL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 21 2020, the
 Grand Jurors of Spartanburg County present upon their oath:

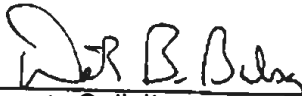
COUNT ONE-MURDER

The Defendant, Rishard Lewis Geter did in Spartanburg County on or about November 1, 2019, feloniously, willfully, and with malice aforethought, kill one Jason Eison, by shooting him and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

COUNT TWO- POSSESSION OF WEAPON DURING VIOLENT CRIME

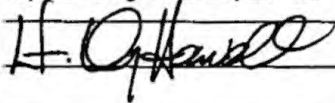
That the defendant, Rishard Lewis Geter, did in Spartanburg County on or about November 1, 2019, visibly display a firearm during the commission or attempted commission of a violent crime, to-wit: Murder, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Deputy Solicitor

WITNESSES

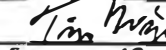
Spartanburg Police Department



ARREST WARRANT NUMBER

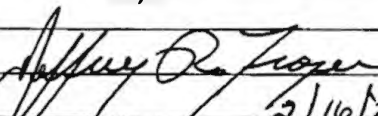
Direct Indictment

ACTION OF GRAND JURY

 JAN 18 2023
Foreperson of Grand Jury
Date:

VERDICT

Guilty


Foreperson of Petit Jury
Date: 2/16/23DOCKET NO **23-GS-42-0557**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 23 2023

TERMTHE STATE
vs.

Rishard Lewis Geter

Indictment for

BREACH OF PEACE OF A
HIGH AND AGGRAVATED NATURESC Code: 17-25-30, 22-5-150
CDR Code: 0955
Class MIS/JUN

FILED

2023 JAN 26 PM 3:59

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

JAN 18 2023

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

BREACH OF PEACE OF A HIGH AND AGGRAVATED NATURE

That the defendant, Rishard Lewis Geter, did in Spartanburg County on or about November 1, 2019, disturb and break the peace and/or tranquility of the general public in the front yard of [REDACTED] Amhurst Drive, Spartanburg, South Carolina, in a high and aggravated nature in that he went armed offensively, fired a pistol or firearm at such location at a time while persons were in and near the front yard, placing these persons in grave and serious danger of violent injury or death, in violation of the common law of the State of South Carolina, Section 22-5-150, and Section 17-25-0030, of THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR M. M. Cuenca

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Richard Lewis Geter

AKA

Race: BLACK Sex: M Age: 37DOB: [REDACTED] SS#: [REDACTED]Address: Briarwood Rd.City, State, Zip: Spartanburg, SC 29301DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 42 - 00908AW#: 2019A4210103619Date of Offense: 11/1/2019S.C. Code § 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Murder / Murder (30 years - life)in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

CUENCA, MARESSA
MOMOYE

SCB103502

SC Bar #

Defendant

SCB02596

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 40 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 11/1/2019 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Rishard Lewis Geter INDICTMENT/CASE#: 2020 - GS - 42 - 00908**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$12875

Clerk of Court/ Deputy Clerk:
Court Reporter:Camp McDowellPresiding Judge:
Judge Code:
Sentence Date:216/23

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Rishard Lewis Geter

AKA:

Race: BLACK Sex: M Age: 37DOB: [REDACTED] SS#: [REDACTED]Address: Briarwood Rd.City, State, Zip: Spartanburg, SC 29301DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 42 - 0908AA/V#: 2019A4210103620Date of Offense: 11/1/2019S.C. Code § 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 054 9
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Marela
 CUENCA MARESA
 MOMOYE

SCB103502

SC Bar #

Defendant

Robert B. Hall
 Hall, Robert B.

SCB02596

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
 SCDoc. 1185 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.
 Pursuant to 18 U.S.C. § 922 and § 18-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
 § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Rishard Lewis Geter INDICTMENT/CASE#: 2020 - GS - 42 - 0908A**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of			
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114(BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500		\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
TOTAL			\$ <u>128.75</u>

 Clerk of Court/ Deputy Clerk:
 Court Reporter:

Camp McDaniel

 Presiding Judge:
 Judge Code:
 Sentence Date:

2132
2/16/23

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Rishard Lewis Geter

AKA:

Race: BLACK Sex: M Age: 37DOB: [REDACTED] SS#: [REDACTED]Address: BRIARWOOD RDCity, State, Zip: Spartanburg, SC 29303DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 42 - 00557A/W#: 2023GS4200557Date of Offense: 11/1/2019S.C. Code § 00-00-0000CDR Code #: 0955

SENTENCESHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Breach of peace, aggravated in nature (0-10 yrs)in violation of § 00-00-0000 of the S.C. Code of Laws, bearing CDR Code # 0955☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

CUENCA, MARESSA
MOMOYESCB103502
SC Bar #

Defendant

Hall, Robert B.

SCB02596
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. 1185 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Rishard Lewis Geter INDICTMENT/CASE#: 2023 - GS - 42 - 00557**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____

_____☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-288 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
Beginning	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-288 (DUI Breath Test)	\$25
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	TBD
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD
TOTAL	\$ 128.75

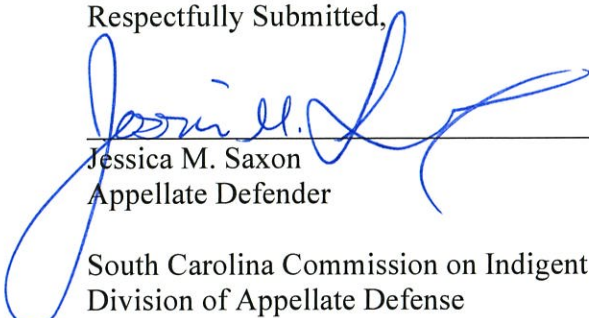
Clerk of Court/ Deputy Clerk:
Court Reporter:Camp McDanielPresiding Judge:
Judge Code:
Sentence Date:2/16/23

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Sep 22 2023****SC Court of Appeals**

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of September, 2023.

RECEIVED

Sep 22 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

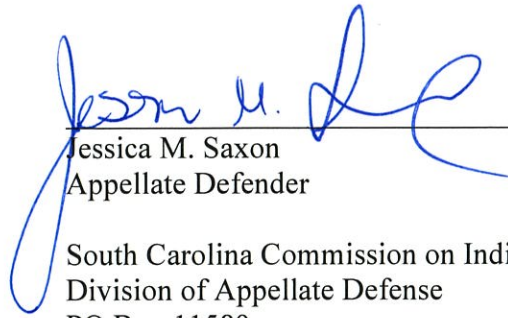
RISHARD LEWIS GETER,

APPELLANT

APPELLATE CASE NO. 2023-000255

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 22nd day of September, 2023.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT