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May 13 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMION SHANTELL MAYERS,

APPELLANT

APPELLATE CASE NO. 2021-000927

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[STATE'S EXHIBIT #27 (AUDIO DISC) IS ON FILE WITH THIS COURT]

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF ORANGEBURG) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs.) CASE NO. 2019-GS-38-1832
8 DAMION SHANTELL MAYERS,) 2019-GS-38-1986
9 Defendant.)

10
11 AUGUST 16-17, 2021
12 ORANGEBURG, SOUTH CAROLINA
13

14 HONORABLE EDGAR W. DICKSON, JUDGE

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23 KATHERINE A. SPIRES

24 REGISTERED PROFESSIONAL REPORTER
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1 THE COURT: All right. Good morning,
2 ladies and gentlemen. Can everybody hear me in the
3 back? If you cannot hear me, I need for you to
4 raise your hand. Of course, if you can't hear me,
5 you didn't know what I said; right?

6 Ladies and gentlemen, we have a week of
7 general sessions. General sessions is criminal
8 court. My name is Ed Dickson. I am the -- one of
9 two resident court judges for the First Judicial
10 Circuit. First Judicial Circuit is made up of
11 Orangeburg, Calhoun, and Dorchester counties. And
12 what we're going to do now is, the clerk is going
13 to call each one of y'all's names. I'd ask y'all
14 to stand, speak very loudly. I think if it becomes
15 necessary, we can -- there we go.

16 But I need for y'all to speak very
17 loudly when you're telling us what kind of work you
18 do, whether you're married, you know, things like
19 that that the clerk went over with you. And so
20 without any further introduction.

21 We have to swear y'all in first. I
22 don't want y'all to be telling me what your name is
23 without being sworn in. Okay. All right. The
24 clerk's going to swear you in and I need for you to
25 stand and raise your right hands if you don't mind

1 and the clerk will swear you in.

2 (WHEREUPON, the jury panel was sworn
3 in)

4 THE CLERK: When your juror number and
5 name is called, please stand and state your name,
6 your employer, if you're retired, your former
7 employer, your marital status, if you're married,
8 where your spouse is employed.

9 Juror Number 1, Huriyah Abdussalam.

10 MS. ABDUSSALAM: I'm unemployed. I
11 used to work at Amazon and I'm single.

12 THE CLERK: Thank you. Juror Number 2
13 --

14 MS. SPIRES: Judge, I couldn't hear.

15 THE COURT: Ma'am, do you feel
16 comfortable pulling your mask down?

17 MS. ABDUSSALAM: Yeah, okay.

18 THE COURT: Okay. Thank you.

19 MS. ABDUSSALAM: I'm unemployed.

20 Single. I used to work at Amazon.

21 THE CLERK: Thank you.

22 THE COURT: Thank you, ma'am.

23 THE CLERK: If you're on my left side,
24 when your name and juror number is called, may you
25 please come to the mic. My right side, the mic

1 will be brought to you.

2 Juror Number 2, Bessie

3 Abraham-Gourdine.

4 MS. ABRAHAM: I'm retired.

5 THE CLERK: Can you state your name for
6 me, please?

7 MS. ABRAHAM: Oh, Bessie
8 Abraham-Gourdine. And I am retired from the
9 Department of Mental Health.

10 THE CLERK: Your marital status?

11 MS. ABRAHAM: I'm married and my
12 husband is a minister and he's also retired.

13 THE COURT: Ms. Abraham, do you mind
14 saying again what your husband did or use to do?

15 MS. ABRAHAM: He's a retired pastor.

16 THE COURT: Retired pastor. Okay.
17 Thank you, ma'am.

18 THE CLERK: Juror Number 5, Donnie
19 Axson.

20 MR. AXSON: My name is Donnie Axson.
21 I'm disabled. Married.

22 THE CLERK: Your spouse's employer?

23 MR. AXSON: No, ma'am. She's disabled
24 too. She was a nurse.

25 THE CLERK: Thank you. Juror Number 7,

1 Harold Barfield.

2 THE COURT: And, Mr. Barfield, I hate
3 -- I need for you to pull your mask down if you
4 feel comfortable doing that.

5 MR. AXSON: Pull my mask?

6 THE COURT: Yes, sir.

7 MR. AXSON: Okay.

8 THE COURT: And I need for you to speak
9 real loudly if you don't mind.

10 MR. AXSON: Yes, sir.

11 THE COURT: We're getting close.

12 MR. AXSON: I'm currently unemployed.

13 I use to do construction work, but I can't work
14 anymore because I have heart trouble. I'm not
15 married and I'm on disability sort of right now.
16 I've had five conversions in the last year. One
17 heart ablation. I've got another one scheduled for
18 the 26th of this month.

19 THE CLERK: May you state your name for
20 me, please?

21 MR. AXSON: Excuse me.

22 THE CLERK: May you state your name for
23 me, please?

24 MR. AXSON: Harold R. Barfield.

25 THE COURT: Thank you, sir.

1 THE CLERK: Thank you. Juror Number
2 16, Derrick Bowman.

3 MR. BOWMAN: My name is Derrick Bowman.
4 I work at DAK America. My wife, she works at Dover
5 Elementary in North, South Carolina.

6 THE CLERK: Thank you. Juror Number
7 26, Kristen Byrd.

8 MS. BYRD: I'm Kristen Byrd. I work
9 for Westbury's Ace Hardware as an office assistant.
10 Single.

11 THE COURT: Tell me again what you do.

12 MS. BYRD: I'm an office assistant.

13 THE COURT: Okay. And who do you work
14 for, Ms. Byrd?

15 MS. BYRD: Westbury's Ace Hardware.

16 THE COURT: Okay. Thank you, ma'am.

17 THE CLERK: Juror Number 28, Barbara
18 Calhoun.

19 MS. CALHOUN: My name is Barbara
20 Calhoun. I was married to Leroy Calhoun. Now I'm
21 a widower as of this past April. He was disabled
22 and I'm disabled.

23 THE CLERK: Thank you. Juror Number
24 30, Stephanie Castelloe.

25 MS. CASTELLOE: My name is Stephanie

1 | Castelloe. I have two jobs, but my first employer
2 | is Carrie Dukes. I work at Wonder World Nursery
3 | School. My second one is Jack Zing. I work at New
4 | China Kitchen and I'm not married.

5 | THE CLERK: Thank you. Juror Number
6 | 32, Sharon Cheek.

7 | MS. CHEEK: Sharon Cheek. I am retired
8 | from Orangeburg Calhoun Technical College, but I
9 | work part-time now for Chick-Fil-A of Summerville.
10 | I am married. My husband is retired. He worked
11 | for Smith Trucking as a safety supervisor.

12 | THE CLERK: Thank you. Juror Number
13 | 37, Gail Council.

14 | MS. COUNCIL: My name is Gail Elaine
15 | Council. I work at Husqvarna. And I'm a part
16 | assembly line and I'm not married.

17 | THE CLERK: Thank you. Juror Number
18 | 38, Tara Croft.

19 | MS. CROFT: I'm Tara Croft. I work for
20 | Simply Clean and I'm single.

21 | THE CLERK: Thank you. Juror Number
22 | 41, Debbie Darby.

23 | MS. DARBY: I'm Debbie Darby. I work
24 | at South Carolina State University for 30 years and
25 | I'm a widow.

1 THE CLERK: Thank you. Juror Number
2 50, Sarah Elmore.

3 MS. ELMORE: My name is Sarah Elmore.
4 I'm employed at Dorchester District Two
5 Summerville. I'm a custodial manager and my
6 husband's name is Eugene Elmore. He work at
7 WestRock paper mill and he's a shift supervisor.

8 THE CLERK: Thank you. Juror Number
9 59, David Fields.

10 MR. FIELDS: My name is David Fields.
11 I'm self-employed. I'm a truck driver. My wife is
12 a stay-at-home mother.

13 THE CLERK: Thank you. Juror Number
14 61, Aeolain Funderburg.

15 MS. FUNDERBURG: My name is Aeolain
16 Funderburg. I work for Ocab as a LIHEAP
17 coordinator. I'm married and my husband's name is
18 Andre. He works at the Boeing Company in
19 Compliance.

20 THE CLERK: May you state your
21 husband's full name for me, please?

22 MS. FUNDERBURG: Andre Funderburg.

23 THE CLERK: Thank you. Juror Number
24 62, Andre Funderburg.

25 MR. FUNDERBURG: My name is Andre

1 Funderburg. I work at Boeing in North Charleston.
2 My job title is Compliance. My wife's name is
3 Aeolain Funderburg. I'm married to her. She work
4 at Ocab.

5 THE CLERK: Thank you. Juror Number
6 71, Tony Gray.

7 MR. GRAY: My name is Tony Gray. I
8 work with Zeus Incorporated. I am currently on
9 medical leave due to heart issues and I'm single.

10 THE CLERK: Thank you. Juror Number
11 73, Ebony Green.

12 MS. GREEN: My name is Ebony Green. I
13 am employed at St. Matthews Convalescent Center. I
14 work in the laundry department. I'm am single.

15 THE CLERK: Thank you. Juror Number
16 74, Deborah Greene.

17 MS. GREENE: Deborah Greene. The
18 Methodist Oaks. I'm a CNA and I'm single.

19 THE CLERK: Thank you. Juror Number
20 76, Ilene Hackelman.

21 MS. HACKELMAN: My name is Ilean
22 Hackelman. I'm retired. I used to work for Dollar
23 Trees, GM. My husband is retired too. He used to
24 worked for Beoing.

25 THE CLERK: May you state your

1 husband's name for me, please?

2 MS. HACKELMAN: Chris Hackelman.

3 THE CLERK: Thank you. Juror Number
4 77, Glenn Halter.

5 MR. HALTER: I'm Glenn Halter Jr. I'm
6 an unemployed machinist and I'm single.

7 THE CLERK: Thank you. Juror Number
8 84, Jimmeka Hill.

9 MS. HILL: My name is Jimmeka Hill.
10 I'm unemployed and I'm single.

11 THE CLERK: Thank you. Juror Number
12 86, Darryl Holman.

13 MR. HOLMAN: My name is Darryl Holman.
14 I'm employed with Mixon Seed. I'm a manager and
15 I'm single.

16 THE CLERK: Thank you. Juror Number
17 88, Tokumbo Howell.

18 MR. HOWELL: My name is Tokumbo Howell
19 and I'm self-employed.

20 THE COURT: A little louder, Mr.
21 Howell.

22 MR. HOWELL: My name is Tokumbo Howell
23 and I'm self-employed at Howell's (inaudible) and
24 I'm single.

25 THE CLERK: Thank you. Juror Number

1 89, Cory Huff.

2 MR. HUFF: My name is Cory Huff. I'm
3 self-employed. I'm a farrier or a blacksmith. I'm
4 single.

5 THE CLERK: Thank you. Juror Number
6 90, John Huger.

7 MR. HUGER: My name is John Huger. I
8 work at Cummings Trooper Technician. I'm an
9 associate there. My wife -- I'm married. My wife
10 name is Cathy Huger. She's a guidance counselor at
11 Holly Hill-Roberts High School.

12 THE CLERK: Thank you. Juror Number
13 92, Jesse Hughes.

14 MR. HUGHES: My name is Jesse Hughes.
15 I'm a machinist at Koyo Bearings in Richland
16 County. My wife's name is Brittany Hughes. She's
17 unemployed.

18 THE CLERK: Thank you. Juror Number
19 95, Nantce Jameson.

20 MS. JAMESON: I'm Nantce Jameson. I'm
21 a retired nurse from Regional Medical Center. My
22 husband is Tommy Jameson IV.

23 THE CLERK: Thank you. Juror Number
24 100, Minnie Jenkins.

25 MS. JENKINS: My name is Minnie

1 Jenkins. I'm retired from Amerada Hess
2 Incorporation out of New Jersey. I am separated.

3 THE CLERK: Thank you. Juror Number
4 113, Kent Kizer.

5 MR. KIZER: My name is Kent Kizer. I
6 work at Walgreens in Walterboro as customer service
7 associate. I'm married. My wife's name is Renee
8 Kizer. She works for Simmons Irrigation Company in
9 Walterboro.

10 THE CLERK: Thank you. Juror Number
11 114, Darrell Klauck.

12 MR. KLAUCK: My name is Darrell Clark.
13 I'm retired. My wife is Christine Clark and she
14 doesn't work.

15 THE CLERK: Thank you. Juror Number
16 118, Dewayne Logan.

17 MR. LOGAN: I'm Dewayne Logan. I'm an
18 automotive technician at Family Chervolet-GMC in
19 St. George, South Carolina. My wife is April Logan
20 and she is a LPN at Family Health Centers here in
21 Orangeburg.

22 THE CLERK: Thank you. Juror Number
23 121, Jennifer McAlhany.

24 MS. MCALHANY: My name is Jennifer
25 McAlhany. I work for the United States Postal

1 Service as a customer service in retail. And also
2 I'm a passport agent. My husband's name is Wayne
3 McAlhany Jr. He's self-employed with McAlhany
4 Insurance Agency.

5 THE CLERK: Thank you. Juror Number
6 122, Travis Meinders.

7 MR. MEINDERS: I'm Travis Meinders and
8 I work at Orangeburg County Public Works as
9 equipment operator and I'm single.

10 THE CLERK: Thank you. Juror Number
11 123, Ronald Milhouse.

12 MR. MILHOUSE: My name is Ronald
13 Milhouse. I work for the City of Orangeburg, DPU
14 Water Plant and I'm single.

15 THE CLERK: Thank you. Juror Number
16 127, Burnice Mobley.

17 MS. MOBLEY: I'm Burnice Mobley. I'm
18 unemployed. I'm married to Randy Mobley. He works
19 at Dillon Supply as a store manager.

20 THE CLERK: Thank you. Juror Number
21 132, Jana Nunez.

22 MS. NUNEZ: My name is Jana Nunez. I
23 work for Home Builders Supply Company in IT. I'm
24 married to Franco Nunez. He works for the US Fish
25 and Wildlife in maintenance.

1 THE CLERK: Thank you. Juror Number
2 146, Takiria Prophet.

3 MS. PROPHET: My name is Takiria
4 Prophet. I work for Family Dollar as a cashier and
5 I'm single.

6 THE CLERK: Thank you. Juror Number
7 148, Mary Rhodes.

8 MS. RHODES: My name is Mary Rhodes. I
9 work at O.C. Tech as a testing director. I also
10 pastor in AME church. I am married and my husband
11 is disabled.

12 THE CLERK: May I have your husband's
13 name, please?

14 MS. RHODES: Larry Rhodes.

15 THE CLERK: Thank you. Juror Number
16 152, Otha Roberts.

17 MR. ROBERTS: My name is Otha Roberts.
18 I'm a retired laboratory manager. I worked at UT
19 Southwestern Medical Center in Dallas. My wife's
20 name is Cammillia Roberts. She's a retired
21 secretary.

22 THE CLERK: Thank you. Juror Number
23 161, Crystal Sharpton.

24 MS. SHARPTON: My name is Crystal
25 Sharpton. I work at Williston Healthcare & Rehab

1 in Williston, South Carolina. I'm a CNA and I'm a
2 medical records. Single.

3 THE CLERK: Thank you. Juror Number
4 167, Gene Spires.

5 MR. SPIRES: My name is Gene Spires. I
6 work as an electrician at JW Aluminum. Wife is a
7 LPN at Regional Medical Center.

8 THE CLERK: Your wife's name?

9 MR. SPIRES: Ashley Spires.

10 THE CLERK: Thank you. Juror Number
11 175, Brittany Sumpter.

12 MS. SUMPTER: My name is Brittany
13 Sumpter. I work at the Town of Orangeburg as an
14 attendant and I'm single.

15 THE CLERK: Thank you. Juror Number
16 179, Evan Thompson.

17 MR. THOMPSON: Evan Thompson. I work
18 at Koyo Bearing. My wife is Lavern Thompson. Work
19 at PruittHealth, CNA.

20 THE CLERK: Thank you. Juror Number
21 185, Caroline Turnblad.

22 MS. TURNBLAD: I'm Caroline Turnblad.
23 I work at First Baptist Church of Orangeburg and
24 I'm an administrative assistant for all the
25 ministers and I'm single.

1 THE CLERK: Thank you. Juror Number
2 186, Tiasia Vogt.

3 MS. VOGT: My name is Tiasia Vogt and
4 I'm unemployed and single.

5 THE CLERK: Thank you. Juror Number
6 189, George Walters.

7 MR. WALTERS: My name is George
8 Walters. I retired from Zeus as a maintenance
9 technician. My wife is a retired school teacher.

10 THE CLERK: Your wife's name?

11 MR. WALTERS: Ida Walters.

12 THE CLERK: Thank you.

13 MR. WALTERS: I have a doctor's
14 appointment on Wednesday the 18th of this month.
15 Just thought I'd let you know.

16 THE CLERK: Okay. Thank you. Juror
17 Number 192, Tracy Washington.

18 MS. WASHINGTON: I'm Tracy Washington.
19 Unemployed, but stay-at-home mom. And what else
20 was it? Single.

21 THE CLERK: Thank you. Juror Number
22 193, Bobby Watson.

23 MR. WATSON: My name is Bobby Watson.
24 I'm a retiree. I worked for Orangeburg County
25 School District for 30 years. I'm married. My

1 wife is Vertelle Watson. She also teach with
2 Orangeburg County.

3 THE CLERK: Thank you. Juror Number
4 195, Ruthie Williams.

5 MS. WILLIAMS: My name is Ruthie
6 Williams. I work at the Highway Department as a
7 clerk. My husband works at TRMC in engineering,
8 Kenneth Williams.

9 THE CLERK: Thank you. Did I omit
10 anyone's name?

11 (No response)

12 THE CLERK: Thank you.

13 THE COURT: All right. Ladies and
14 gentlemen, I've got some additional questions that
15 I need to ask to see if you are qualified. If you
16 pass the test to be qualified as jurors. When --
17 if you need to respond to any of these questions,
18 I'll ask you again to stand and speak very loudly.
19 If you can do like the lady's in the back did and
20 speak loudly enough so that we can hear you up
21 here, you won't have to get to a microphone. I
22 don't mind you yelling because we got to be able to
23 get the information straight.

24 The other thing I would ask you to do
25 and remind you to do is, when I ask you a question,

1 I just need for you to respond just to that
2 question. And if I feel like I need to get any
3 follow-up information, I will ask that question
4 regarding the follow-up.

5 The first question that I always ask,
6 is there any member of the jury panel who is unable
7 to read, write, speak, or understand the English
8 language? If so, please stand at this time.

9 No one is standing.

10 Is any member of the jury panel not a
11 citizen of the United States? If so, please stand.

12 No one is standing.

13 Is any member of the jury panel not a
14 resident and citizen of Orangeburg County? If so,
15 please stand.

16 No one is standing.

17 Does any member of the jury panel have
18 less than a sixth grade education or its
19 equivalent? If you have been working all your
20 life, raising a family, paying bills and like that,
21 you have the equivalent of a sixth grade education.
22 But if you believe you do not, please stand at this
23 time.

24 No one is standing.

25 Is any member of the jury panel unable

1 | because of mental or physical infirmities to render
2 | efficient jury service? For example, does any
3 | member of the jury panel have a medical condition
4 | that would prevent you from serving on a jury this
5 | week? Normally it's a 9 to 5 job. We take a break
6 | for lunch. We'll take a break at sometime in the
7 | morning and in the afternoon. The only time we'll
8 | work later than 5 is if the case has gone to y'all
9 | for a decision. At that -- in that situation, we
10 | will be here until you make a decision.

11 | But if anybody has any medical
12 | condition that would prevent you from serving on a
13 | jury this week, we need for you to stand at this
14 | time. All right.

15 | MS. DARBY: Yes, sir, I have a doctor
16 | excuse.

17 | THE COURT: Your name, please, ma'am?

18 | MS. DARBY: Debbie Darby.

19 | THE COURT: All right. Hold on a
20 | second, Ms. Darby. And, Ms. Darby, I'm going to
21 | ask you to -- you said you have a doctor's excuse?

22 | MS. DARBY: Yes, sir.

23 | THE COURT: I thought you told me you
24 | worked?

25 | MS. DARBY: Yeah, I work, but I still

1 have a doctor excuse too.

2 THE COURT: Okay. Is that a doctor's
3 excuse not to work?

4 MS. DARBY: Yeah, the doctor's excuse
5 that he wrote out I have problem with my leg.

6 THE COURT: Okay. Well, Ms. Darby,
7 what I'm going to do is after I go through all
8 these questions, I'm going to get you to come down
9 here and I -- in front -- well, not in front of the
10 microphone. Probably right over here where Ms. D
11 is, but not now; okay?

12 MS. DARBY: Okay.

13 THE COURT: Okay. Thank you, ma'am.
14 And you'll have some explaining to do; okay?

15 MS. DARBY: (Laughing)

16 THE COURT: Thank you, ma'am. Anybody
17 else?

18 No one else is standing.

19 Has any member of the jury panel been
20 convicted by a guilty plea or trial in a state or
21 federal court of a crime punishable by imprisonment
22 for more than one year and your civil rights have
23 not been restored by pardon or amnesty? Punishable
24 by more than one year means that you could have
25 received a sentence of more than one year

1 | regardless of what sentence you may have actually
2 | received. If this applies to you, please stand at
3 | this time.

4 | All right. No one is standing.

5 | Is any member of the jury panel a
6 | clerk, a deputy clerk of court, a constable,
7 | sheriff or other commission law enforcement
8 | officer, probate judge, county commissioner,
9 | magistrate or other county officer or employed
10 | within the walls of any courthouse? If so, please
11 | stand.

12 | No one is standing.

13 | Has any member of the jury panel
14 | previously served on jury duty in circuit court?
15 | That is this court. Not city court, magistrate's
16 | court, or federal court during this calendar year?
17 | If so, please stand.

18 | No one is standing.

19 | Has any member of the jury panel served
20 | as a member of the Orangeburg County grand jury
21 | during the past several years? If so, please stand
22 | at this time.

23 | No one is standing.

24 | All right. Ladies and gentlemen, I've
25 | got another set of questions that provide

1 | exemptions. Normally with some of these exemptions
2 | you get to decide you don't want to serve as a
3 | juror and other exemptions you will be transferred
4 | to another week if you can't serve this week.

5 | All right. Those of you who are 65
6 | years of age or older may be exempted from jury
7 | service. However, those of you who are 65 years of
8 | age or older represent a pool of tremendous talent
9 | for jury service and I urge to serve this week if
10 | you are inclined to do so.

11 | I'm working. I'm over 65 and I think
12 | you will enjoy this week. However, if you wish to
13 | be exempted and you're over 65, please stand at
14 | this time.

15 | All right. No one is standing.

16 | Another exemption concerns prior jury
17 | service. No person is required to serve as a juror
18 | more often than once every three calendar years.
19 | Therefore, if any member of the jury panel has
20 | served on jury duty during the last two calendar
21 | years, 2020 and 2019, you may be exempt from jury
22 | service this week if you choose to be exempted.

23 | Please note this exemption does not
24 | apply if your jury service was in magistrate's
25 | court, city court, or a federal court. If this

1 exemption applies to any member of the jury panel
2 and you wish to be exempted, please stand at this
3 time.

4 All right. No one is standing.

5 Person's who have served as grand
6 jurors in the last five calendar years may also be
7 exempt from jury service. If any member of the
8 jury panel has served on a grand jury during the
9 last five calendar years you may be exempt from
10 jury service this week if you choose to be
11 exempted. If this exemption applies and you wish
12 to be exempted, please stand at this time.

13 No one is standing.

14 The next exemption deals with those of
15 you who have small children. Please listen
16 carefully to this exemption it has several parts,
17 all of which must apply for you to be exempted on
18 this basis.

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

1 performing jury duty. If all of these requirements
2 apply to you then you may be exempted on this
3 basis. If this exemption applies and you wish to
4 be exempted, please stand at this time.

5 All right. No one is standing.

6 The next exemption involves those of
7 you who may be attending school at this time or
8 working in some capacity with a school. If this
9 exemption applies to you and you wish to be
10 exempted, we will transfer your service to another
11 term of court at a time which will not conflict
12 with your school responsibilities. That is your
13 vacation time.

14 Is there any member of the jury panel
15 who is a full-time student, school teacher, school
16 crossing guard, school bus driver or who serves in
17 any other school related function who is unable to
18 serve on jury duty this week as a result of that
19 school involvement? If so, please stand.

20 No one is standing.

21 Is there any member of the jury panel
22 who's employed with the Department of Corrections
23 at a penitentiary. If so and you would like to be
24 exempted, please stand. I didn't think we had
25 anybody.

1 All right. No one is standing.

2 Is there any member of the jury panel
3 who perform services for a business, commercial or
4 agricultural enterprise which are so essential to
5 the operation of the enterprise that if you were
6 required to perform jury duty, the enterprise would
7 have to close or stop functioning? Normally I will
8 transfer you to a slow time of year if this is one
9 of your issues. But if you wish to be exempted and
10 this applies to you, please stand at this time.

11 No one is standing.

12 Is there any juror who is the primary
13 caretaker of a severely disabled person who is
14 unable to care for himself and cannot be left
15 unattended? If so and you wish to be exempted,
16 please stand.

17 No one is standing.

18 And, finally, is there any juror who is
19 the primary caretaker of a person age 65 or older?
20 If so, please stand.

21 No one is standing.

22 All right. I know I have at least one
23 person, there were a number of questions that were
24 very personal in nature, you may not have felt
25 comfortable standing up and speaking loudly to

1 everybody, but I'm going to talk to anybody that
2 needs to talk to me. Like, ma'am, Ms. Darby, you
3 got that medical excuse. I need for you to come
4 down here where Ms. D is and we'll talk it over.
5 If there's anybody else that has a problem serving
6 this week, I need for you to line up behind her and
7 I will talk to y'all about that one at a time.

8 THE COURT: Can I see the doctor's
9 note. Ms. Darby, what kind of work to you do?

10 MS. DARBY: In the kitchen utility.

11 THE COURT: If you are working in the
12 kitchen, how do you work?

13 MS. DARBY: Okay. I work one day this
14 week, the doctor had me in the emergency room, they
15 had me off on Monday and Tuesday. I went back
16 Wednesday. The doctor had me off Thursday and
17 Friday. And then when I went in this morning, my
18 supervisor had me off today because I have a sprang
19 ankle.

20 THE COURT: Okay. All right. Juror
21 number 41 is excused. Okay. Thank you, ma'am.

22 MS. DARBY: You're welcome. Thank you.

23 THE COURT: Your name?

24 MS. WASHINGTON: Tracy Washington.

25 THE COURT: And, Ms. Washington, you

1 indicated that -- you indicated that you were a
2 stay-at-home mom?

3 MS. WASHINGTON: Yes, sir.

4 THE COURT: Okay. Who's taking care of
5 your kids today?

6 MS. WASHINGTON: Their father had took
7 off work and he's watching them. Because they do
8 online school, virtual school, at K12 on South
9 Carolina Virtual Charter. It's their first day and
10 stuff, so they had orientation and things like that
11 this morning, assemblies and stuff.

12 THE COURT: How old is your youngest
13 child?

14 MS. WASHINGTON: The youngest is 13.

15 THE COURT: Thirteen?

16 MS. WASHINGTON: Yeah.

17 THE COURT: Okay. I can only -- the
18 excuse is only good for children seven and younger.

19 MS. WASHINGTON: Well, they do virtual,
20 but they still need to be attended.

21 THE COURT: Yes, ma'am, I understand
22 that, but that's just not -- you remember it said
23 there were four things that you had to meet. One
24 of them was children younger than seven. Okay?

25 MS. WASHINGTON: So, I mean, somebody

1 got to take off work. They work and they're not on
2 jury duty.

3 THE COURT: I'm just saying I can't do
4 that excuse. I'm going to note this. I'm going to
5 think about it, but right now I'm going to have to
6 ask you to stay. Okay?

7 MS. WASHINGTON: When will I get a
8 decision? After or when?

9 THE COURT: Yes, ma'am. You'll get a
10 decision a little bit later.

11 MS. WASHINGTON: Okay.

12 THE COURT: Okay. Right now -- Juror
13 Number 192. Thank you, Ms. Washington. Just go
14 sit back down. Okay.

15 Yes, ma'am. Your name?

16 MS. BYRD: Kristen Byrd. Juror 26.

17 THE COURT: Thank you for doing that.
18 Now, Ms. Byrd, you work as an office assistant?

19 MS. BYRD: Yes, sir.

20 THE COURT: Yes, ma'am. What's your
21 issue?

22 MS. BYRD: I just need to see if
23 there's anyway I can be moved to a different week.
24 We have conventions coming up that he goes to every
25 year and I'm the only woman that can actually help

1 | him with it, my manager. He has one coming up next
2 | week and then he has another one in the beginning
3 | of September. I told him I would at least ask.

4 | THE COURT: Ms. Byrd, right now with
5 | the way the jury panel is looking, I'm not going to
6 | be able to accommodate you with that. But we'll
7 | see what we can do just like I told Ms. Washington.
8 | Okay?

9 | MS. BYRD: Okay. Yes, sir.

10 | THE COURT: Thank you, ma'am. Yes,
11 | sir.

12 | MR. WALTERS: George Walters.

13 | THE COURT: Mr. Walters, Juror Number
14 | 189.

15 | MR. WALTERS: I have a doctor's
16 | appointment Wednesday at the Heart Center in
17 | Columbia. It's 10:30 and I tried to get it
18 | changed, but I couldn't get it changed.

19 | THE COURT: Who's your heart doctor?

20 | MR. WALTERS: Dr. Norma Khoury.

21 | THE COURT: Doctor who?

22 | MR. WALTERS: Norma Khoury.

23 | THE COURT: Okay. You didn't bring a
24 | note or anything from her, did you?

25 | MR. WALTERS: No, but I can get one

1 | probably. I can probably try to get one today.

2 | THE COURT: Okay. It's not going to be
3 | easy for you to reschedule it?

4 | MR. WALTERS: No, I tried. But I was
5 | willing to try, you know, if you want me to come on
6 | a different schedule, I'll come back and do it
7 | another time. I'm willing to serve.

8 | THE COURT: Yes, sir. And, listen, let
9 | me just tell you, I'm very -- I mean, I've had
10 | heart surgery four years ago. Okay. So you're not
11 | going there for heart surgery scheduling or
12 | anything like that?

13 | MR. WALTERS: No.

14 | THE COURT: Okay. If you don't mind
15 | staying with us. I really -- I've got a small jury
16 | panel here, I really need people, you know, like
17 | you on this jury. So if you don't mind staying,
18 | I'd appreciate it.

19 | MR. WALTERS: I'll try and reschedule
20 | it.

21 | THE COURT: Okay. Thank you, sir.
22 | Juror Number 189 is going to stay with us. Yes,
23 | ma'am.

24 | MS. CROFT: I'm Tara Croft and I just
25 | wanted to make sure you understood I was convicted

1 | in 2002. I was on probation for five years. I was
2 | convicted in 2002. I turned myself in. (She
3 | started whispering and I couldn't hear her)

4 | THE COURT: Ms. Croft, you are excused.
5 | Thank you for telling me. Juror Number 38 is
6 | excused. Yes, ma'am. Your name?

7 | MS. CALHOUN: Barbara Calhoun.

8 | THE COURT: Ms. Calhoun, I know you
9 | told me you were disabled; is that correct?

10 | MS. CALHOUN: Yes.

11 | THE COURT: Okay. What's the issue?

12 | MS. CALHOUN: I take my grandkids to
13 | school and I pick them up.

14 | MS. SPIRES: I can't hear her.

15 | THE COURT: She said she takes her
16 | grand --

17 | MS. CALHOUN: Grandchildren. Two
18 | girls.

19 | THE COURT: Two girls --

20 | MS. CALHOUN: To school.

21 | THE COURT: -- and picks them up.

22 | MS. CALHOUN: In Bowman.

23 | THE COURT: In Bowman?

24 | MS. CALHOUN: Uh-huh. I just want to
25 | know the timeframe.

1 THE COURT: As a general rule, we'll
2 start about 9, 9:30. Okay. And as a general rule,
3 we won't get off until 5 or afterwards. Okay.

4 MS. CALHOUN: And I need to pick them
5 up at 2:45.

6 THE COURT: And I can't help you with
7 that. Okay. I'm sorry. I'm sorry. I know I
8 finally got to be a granddaddy about two years ago
9 and I appreciate what you're doing and trying to
10 help the kids out, but I've got to keep you here.
11 Okay.

12 MS. CALHOUN: I know I'll be 65 in
13 December.

14 THE COURT: Well, see, you know, I
15 can't help you there either. (Laughter)

16 MS. CALHOUN: Okay.

17 THE COURT: Okay. Thank you, ma'am.
18 Juror Number 28 is going to be with us. Thank you.
19 Yes, sir.

20 MR. BARFIELD: Juror Number 7.

21 THE COURT: Yes, sir, Mr. Barfield.

22 MR. BARFIELD: I don't think I can give
23 you 100 percent because of my ongoing heart trouble
24 I've been having for the last year. And I'm
25 scheduled on the 26th for another heart ablation

1 | which I've already had one and it didn't work. And
2 | while I stand for too long or anything, I get shaky
3 | and this AFib I have keeps coming and going. And I
4 | tried to get an excuse from my doctor on my last
5 | visit, he told me I wasn't in AFib at that time and
6 | he couldn't write me an excuse.

7 | THE COURT: Okay. All right. And,
8 | Mr. Barfield, you know, I hate to tell you this,
9 | I've had major heart surgery and I'm still doing
10 | this and another gentleman here has a heart
11 | condition. You're not going to be standing up that
12 | much. If you need to stand up, you can. If you
13 | need to sit down, you can. But I can't excuse you
14 | for that reason at this time. Okay.

15 | MR. BARFIELD: Okay.

16 | THE COURT: Okay. Thank you, sir. Can
17 | I see Juror Number 88 for a second. Juror Number
18 | 88, Mr. Howell.

19 | (Mr. Howell complies)

20 | THE COURT: Can you see this picture?

21 | MR. HOWELL: Uh-huh.

22 | THE COURT: Do you have a conviction
23 | for failure to stop for a blue light?

24 | MR. HOWELL: Yes, sir.

25 | THE COURT: Okay. You haven't done

1 anything -- I mean, you haven't gotten it expunged
2 or anything?

3 MR. HOWELL: No.

4 THE COURT: All right. Mr. Howell, I
5 hate to tell you this, but I'm going to have to
6 excuse you. Okay. All right. Juror Number 88 is
7 excused.

8 Can I see Juror Number 84, Jimmeka
9 Hill?

10 (Ms. Hill complies)

11 THE COURT: I have to ask you a
12 question, please, ma'am. Do you -- have you been
13 convicted of assault and battery, contributing to
14 the delinquency of a minor?

15 MS. HILL: Uh-huh.

16 THE COURT: That's you?

17 MS. HILL: Yeah, but I thought it was
18 like a --

19 THE COURT: Probation?

20 MS. HILL: Yes.

21 THE COURT: Yes, ma'am. You got put on
22 probation, but the charges last longer than that.
23 You haven't done --

24 MS. HILL: How long does that last
25 before I can get that expunged off my record?

1 THE COURT: Well, I can't see. You can
2 probably apply for a pardon. Okay.

3 MS. HILL: Okay.

4 THE COURT: But you need to go talk to
5 an attorney about that.

6 MS. HILL: Okay.

7 THE COURT: All right. And, Ms. Hill,
8 what I'm going to have to do is I'm going to have
9 to excuse you. Okay?

10 MS. HILL: Okay.

11 THE COURT: Okay. Thank you, ma'am.
12 Juror Number 84 is excused.

13 Is there anybody else?

14 MR. SCOTT: That's it.

15 THE COURT: All right. Ladies and
16 gentlemen, can everybody hear me okay? All right.
17 Y'all have been sitting patiently for a while. I'm
18 going to give y'all a few minute break if anybody
19 needs to go to the restroom, get up and stretch
20 your legs, we'll do that now. When we come back in
21 here, we'll start picking the jury for the case
22 that we have a hearing for, okay. All right.
23 Thank you. If y'all be back in about ten minutes,
24 I would appreciate it.

25 (WHEREUPON, there was a short break

1 taken)

2 THE COURT: Is everyone back?

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: All right. Ladies and
5 gentlemen, we are now getting ready to call the
6 case that we're going to pick the jury on.

7 Mr. Solicitor, you want to call the case?

8 MR. SCOTT: May it please the Court,
9 Your Honor.

10 THE COURT: Yes, sir.

11 MR. SCOTT: Your Honor, at this time
12 the State calls the case of State verses Damion
13 Mayers charged on Indictment Number 2019-GS-38-1832
14 with murder. Also, 2019-GS-38-1986, possession of
15 a handgun by a person convicted of a crime of
16 violence.

17 THE COURT: Thank you, sir. All right.
18 And I should have asked you, Mr. Scott, would you
19 mind introducing yourself and Ms. Glover and if
20 you'll give a little background about who else is
21 in the office, things like that.

22 MR. SCOTT: So, my name is Tommy Scott.
23 I'm the deputy solicitor here in Orangeburg. We
24 have about 20 so employees in our Orangeburg office
25 including four or five other prosecutors. Seated

1 next to me is Chelsey Glover. She is an assistant
2 solicitor here. She is trying this case with me.

3 Seated behind me is Tammy Craven. She
4 is kind of a jack-of-all-trades. She is my victim
5 advocate. She helps us in the courtroom. Those
6 sort of things.

7 THE COURT: Thank you, sir.

8 MR. SCOTT: We all work for Solicitor
9 David Pascoe.

10 THE COURT: All right. Is any member
11 of the jury panel related by blood or marriage or
12 close personal friend of Mr. Scott, Ms. Glover,
13 Ms. Craven, or anyone who works with the
14 solicitor's office? If so, please stand at this
15 time.

16 No one is standing.

17 Has any member of the jury panel or a
18 member of your immediate family ever been
19 represented by someone from the solicitor's office?
20 If so, please stand at this time.

21 No one is standing.

22 Has any member of the jury panel or a
23 member of your immediate family ever been involved
24 in a criminal case where the solicitor's office
25 represented the other side? If so, please stand at

1 this time.

2 No one is standing.

3 Mr. Sims, would you mind introducing
4 yourself and your client?

5 MR. SIMS: Yes, sir.

6 THE COURT: Thank you.

7 MR. SIMS: This is my client Damion
8 Mayers. My name is Thomas Sims. I have a law
9 practice here in Orangeburg, South Carolina.

10 THE COURT: Thank you, sir. All right.
11 Any member of the jury panel related by blood or
12 marriage or a close personal friend of Mr. Sims?
13 If so, please stand at this time.

14 MR. SCOTT: Your Honor, he also has
15 Belinda who will be trying this case with him.

16 THE COURT: Oh, yeah. I'm sorry. Is
17 Belinda --

18 MR. SIMS: Oh, I'm sorry. Belinda
19 Branch will also be representing and be seated at
20 the table with us. She is an attorney here in
21 Orangeburg.

22 THE COURT: She goes by Branch Davis?
23 Or Davis Branch?

24 MR. SIMS: Davis Branch.

25 THE COURT: Okay. Any member of the

1 jury panel related by blood or marriage or a close
2 personal friend of Belinda Davis Branch who
3 practices law here in Orangeburg as well? If so,
4 please stand.

5 No one is standing.

6 Has any member of the jury panel or a
7 member of your immediate family ever been
8 represented by Mr. Sims or Ms. Davis Branch? If
9 so, please stand at this time.

10 No one is standing.

11 Has any member of the jury panel or a
12 member of your immediate family ever been involved
13 in a lawsuit where Mr. Sims or Ms. Davis Branch
14 represented the other side? If so, please stand at
15 this time.

16 No one is standing.

17 Ladies and gentlemen, I have a long
18 list of people who have -- who may be called as
19 witnesses or may have some personal connection with
20 this case. I am going to read all of those names.
21 And if I read out a name and someone that you know,
22 close personal friend of or something like that, I
23 need for you to stand when I call out the name of
24 that person so I'll stop at that time when I'm
25 reading out the list.

1 Do not be alarmed. It's a long list,
2 but they may not all be called as witnesses. Okay.
3 Some of them are just family friends that I want to
4 make sure there are no connections with the jury
5 about. All right.

6 If any member of the jury panel is
7 related by blood or marriage, close personal
8 friends, works with, goes to church with any of
9 these people, I would ask you to stand when I call
10 out their names.

11 Jeremiah Davis, Orangeburg County
12 Sheriff's Office.

13 Kim Pugh, Orangeburg County Sheriff's
14 Office.

15 Wanneeshia Perry.

16 Abraham Williams.

17 John Waymer.

18 Dequan Goodwin, Orangeburg County
19 Sheriff's Office.

20 Aaron Pugh, Orangeburg Department of
21 Public Safety.

22 Jana Weaver, SLED.

23 Demarcus Fields.

24 John Stuke, Orangeburg County Sheriff's
25 Office.

1 Marty Carrigg, Orangeburg County
2 Sheriff's Office.

3 Darren Monroe, MD.

4 Cody McCormack, Orangeburg County
5 Sheriff's Office.

6 Charles Govan, Orangeburg County
7 Department of Corrections -- OCDC,
8 Orangeburg/Calhoun Detention Center, excuse me.

9 You know, do y'all ever get tired of
10 looking at all these letters and you're suppose to
11 know what they mean. I should know that one.
12 Okay.

13 Leonard Cain, Orangeburg County
14 Sheriff's Office.

15 John Stokes, Orangeburg County
16 Sheriff's Office.

17 Kyle Hardison, Orangeburg County
18 Sheriff's Office -- oh, yes, ma'am. Your name,
19 please, ma'am.

20 MS. TURNBLAD: Caroline Turnblad.

21 THE COURT: And you are juror number?

22 MS. TURNBLAD: 185.

23 THE COURT: 185. And Kyle Hardison, is
24 that someone you know?

25 MS. TURNBLAD: Yeah, he's a family

1 friend.

2 THE COURT: Okay. Family friend. I
3 need for you to speak up loudly.

4 MS. TURNBLAD: Caroline Turnblad, Juror
5 185.

6 THE COURT: And Kyle Hardison is a
7 family friend?

8 MS. TURNBLAD: Yeah. And his parents
9 go to First Baptist Church.

10 THE COURT: And he goes to First
11 Baptist Church with you?

12 MS. TURNBLAD: That's where I work.

13 THE COURT: Oh, that's where you work.
14 Okay. All right. Ms. Turnblad, the fact that you
15 know Kyle Hardison, would that affect your ability
16 to listen to the evidence in this case and render a
17 fair and impartial verdict?

18 MS. TURNBLAD: No.

19 THE COURT: It would not?

20 MS. TURNBLAD: No.

21 THE COURT: Okay. If you'd stay with
22 me, please, ma'am. Thank you. All right. Yes,
23 ma'am, your name?

24 MS. JAMESON: Nantce Jameson, Number
25 95. I also go to church --

1 THE COURT: Just one second. Okay.
2 Ms. Jameson, you said you go to church with
3 Mr. Hardison as well?

4 MS. JAMESON: (Nodded)

5 THE COURT: The fact that you go to
6 church with Mr. Hardison, would that affect your
7 ability to listen to the evidence in this case,
8 render a fair and impartial verdict?

9 MS. JAMESON: It could.

10 THE COURT: I'm sorry.

11 MS. JAMESON: It could. Yeah, it
12 could.

13 THE COURT: It could?

14 MS. JAMESON: I would think. Yeah.

15 THE COURT: All right. All right.

16 Ms. Jameson, I'm going to excuse you. Okay.

17 MS. JAMESON: Okay.

18 THE COURT: Thank you, ma'am. All
19 right. I don't see anyone else standing. I'm
20 going to continue with the list of names.

21 Teronica Conerly.

22 Darrieus Lott.

23 Quanisha Thompson, Orangeburg County
24 Clerk of Court's Office. Did we have somebody
25 stand up? Yes, sir, your name?

1 MR. THOMPSON: Evan Thompson.

2 THE COURT: Hold on one second.

3 Mr. Thompson, Juror 179?

4 MR. THOMPSON: Yes, sir.

5 THE COURT: Are you related to

6 Ms. Thompson?

7 MR. THOMPSON: Yes, that's my niece.

8 THE COURT: That's your niece?

9 MR. THOMPSON: Yes, sir.

10 THE COURT: All right. The fact that
11 your niece works at the clerk's office and may be
12 called as a witness in this case, would that affect
13 your ability to listen to the evidence in this case
14 and render a fair and impartial verdict?

15 MR. THOMPSON: Yes.

16 THE COURT: You believe it would?

17 MR. THOMPSON: Yes.

18 THE COURT: All right. Mr. Thompson,
19 you are excused.

20 MR. THOMPSON: Okay. Thank you.

21 THE COURT: Nobody else is standing.
22 Picking up.

23 Ricky Johnson, Richland County
24 Sheriff's Office.

25 Ashanti Fields.

1 Alfreda Lott.

2 Tiffany Hamilton.

3 Vanita Williams.

4 Tara Dantler.

5 Vivian Maynard.

6 Chandra Miller.

7 Denise Timmones. And that's

8 T-I-M-M-O-N-E-S.

9 And Markae Frazier.

10 All right. No one else is standing.

11 All right, ladies and gentlemen.

12 Ladies and gentlemen, these charges arise at an

13 event that occurred on June 30, 2019 and the

14 incident location was [REDACTED] Baugh Street in

15 Orangeburg, South Carolina.

16 Does any member of the jury panel have

17 any knowledge of this event or talked with anyone

18 about this event? If so, please stand at this

19 time.

20 No one is standing.

21 All right. Has any member of the jury

22 panel or a member of your immediate family ever

23 been the victim of a violent crime? If so, please

24 stand at this time.

25 No one is standing.

1 Has any member of the jury panel or a
2 member of your immediate family ever been charged
3 with a commission of a violent crime? If so,
4 please stand at this time.

5 No one is standing -- oh, wait a
6 minute. I'm sorry. Yes, ma'am. Your name,
7 please, ma'am?

8 MS. CALHOUN: Barbara Calhoun.

9 THE COURT: 28, Ms. Calhoun?

10 MS. CALHOUN: Yes.

11 THE COURT: Ms. Calhoun, you or a
12 member of your immediate family has been charged
13 with the commission of a violent crime; is that
14 correct?

15 MS. CALHOUN: My brother.

16 THE COURT: Your brother was charged
17 with the commission of a violent crime?

18 MS. CALHOUN: Yes.

19 THE COURT: Okay. Here in Orangeburg
20 County?

21 MS. CALHOUN: Yes.

22 THE COURT: Okay. Do you mind telling
23 me what he was charged with?

24 MS. CALHOUN: Killing a man.

25 THE COURT: Okay. Ms. Calhoun, the

1 fact that your brother was charged with a violent
2 crime, would that affect your ability to listen to
3 the evidence in this case and render a fair and
4 impartial judgement?

5 MS. CALHOUN: Yes.

6 THE COURT: I can't hear you.

7 MS. CALHOUN: Yes, sir.

8 THE COURT: It would? All right.

9 Ms. Calhoun, I'm going to excuse you. Thank you,
10 ma'am.

11 No one else is standing.

12 Okay. All right. Does any member of
13 the jury panel know of any reason whatsoever why he
14 or she cannot be a fair and impartial juror in this
15 case? If so, please stand.

16 All right. No one is standing.

17 Is any member of the jury panel a
18 member of or contributed to a group which has as
19 its primary concern the promotion of law
20 enforcement or victim's rights, these groups would
21 include, but not be limited to MADD, SADD, CAVE, or
22 other similar organizations? If this applies to
23 you, please stand at this time.

24 All right. No one is standing.

25 Has any member of the jury panel formed

1 or expressed an opinion about any issue or matter
2 involved in this case? If so, please stand at this
3 time.

4 (No response)

5 THE COURT: All right. Mr. Scott, any
6 other questions the State would request?

7 MR. SCOTT: I think I do have one, Your
8 Honor. Thomas.

9 (Bench conference)

10 THE COURT: Ladies and gentlemen, is
11 there any member of the jury panel who is morally
12 opposed to gambling? If so, please stand at this
13 time.

14 All right. No one is standing.

15 Mr. Sims, any other questions that the
16 Defense would ask?

17 MR. SIMS: Not at this time, Your
18 Honor.

19 THE COURT: All right. Ladies and
20 gentlemen, the good news is y'all are all qualified
21 to serve as jurors. We're going to take just a
22 minute while we get organized to call you to pick a
23 jury. And what we would do, just so y'all will
24 know, when your name is called, I'll ask y'all to
25 -- I'd ask y'all to come and stand in front of this

1 microphone right there and then the attorneys will
2 tell me whether they wish you to be seated or not
3 seated in this case. Okay.

4 What we're doing also is we're
5 re-randomizing your names. All your names have
6 gone into the computer -- have y'all done that?

7 THE CLERK: Not yet.

8 THE COURT: And so you will be called
9 up in a whole different order than the way you were
10 numbered. So bear with me for a second and we'll
11 get started.

12 (Off the record)

13 THE COURT: Is the State ready to
14 proceed?

15 MR. SCOTT: Yes, Your Honor.

16 THE COURT: Is the Defense ready to
17 proceed?

18 MR. SIMS: Yes, sir.

19 THE COURT: Ladies and gentlemen,
20 again, when I call your name, I'd ask you to come
21 forward. The strikes are five and ten.

22 Deborah Greene, Jury Number 74. And,
23 Ms. Greene, actually you're fine. Can y'all see
24 her okay?

25 MR. SCOTT: Yes, Your Honor.

1 THE COURT: Okay. You can just stand
2 right there. That will be good. What says the
3 State?

4 MR. SCOTT: Please present Ms. Greene.

5 THE COURT: What says the Defense?

6 MR. SIMS: Seat the juror.

7 THE COURT: Ms. Greene, that lady right
8 there is going to show you where to sit. And
9 congratulations, you're number one.

10 Okay. Gail Counsel, Juror Number 37.
11 What says the State?

12 MR. SCOTT: Please present Ms. Counsel.

13 THE COURT: What says the Defense?

14 MR. SIMS: Seat the juror.

15 THE COURT: Ms. Counsel, if you'd go
16 over there.

17 Stephanie Castelloe, Juror Number 30.

18 And, again, Ms. Castelloe, you can just stand right
19 there where the attorneys can see you.

20 What says the State?

21 MR. SCOTT: Please present
22 Ms. Castelloe.

23 THE COURT: What says the Defense?

24 MR. SIMS: Seat the juror.

25 THE COURT: Thank you, sir. Caroline

1 Turnblad, Juror Number 185.

2 What says the State?

3 MR. SCOTT: Please present

4 Ms. Turnblad.

5 THE COURT: What says the Defense?

6 MR. SIMS: Excuse the juror.

7 THE COURT: All right. Ms. Turnblad,
8 if you would have a seat, please, ma'am.

9 Burnice Mobley, Juror Number 127.

10 What says the State?

11 MR. SCOTT: Please present Ms. Mobley.

12 THE COURT: What says the Defense?

13 MR. SIMS: Seat the juror.

14 THE COURT: Ms. Mobley, if you would
15 please be seated, ma'am.

16 Ilene Hackelman, Juror Number 76.

17 What says the State?

18 MR. SCOTT: Please present

19 Ms. Hackelman.

20 THE COURT: What says the Defense?

21 MR. SIMS: Seat the juror.

22 THE COURT: Ms. Hackelman, if you would
23 go over there.

24 Darryl Holman, Juror Number 86.

25 What says the State?

1 MR. SCOTT: Please present Mr. Holman.

2 THE COURT: What says the Defense?

3 MR. SIMS: Seat the juror.

4 THE COURT: Mr. Holman, please sit over
5 there, please, sir.

6 Darryl Klauck, Juror Number 114.

7 What says the State?

8 MR. SCOTT: Please present the juror.

9 THE COURT: What says the Defense?

10 MR. SIMS: Excuse the juror, please.

11 THE COURT: Go back to your seat.

12 Thank you, sir.

13 Aeolain Funderburg, Juror Number 61.

14 And, Ms. Funderburg, I apologize if I didn't say
15 your first name correctly.

16 MS. FUNDERBURG: It's okay.

17 THE COURT: Okay. Thank you, ma'am.

18 What says the State?

19 MR. SCOTT: Please present

20 Ms. Funderburg.

21 THE COURT: What says the Defense?

22 MR. SIMS: Seat the juror.

23 THE COURT: Ms. Funderburg, if you'd go
24 over there, please, ma'am.

25 Gene Spires, Jury Number 167.

1 What says the State?

2 MR. SCOTT: Please excuse Mr. Spires.

3 THE COURT: All right. Mr. Spires, you
4 can go be seated.

5 Otha Roberts, Juror Number 152.

6 What says the State?

7 MR. SCOTT: Please present Mr. Roberts.

8 THE COURT: What says the Defense?

9 MR. SIMS: Seat the juror.

10 THE COURT: Mr. Roberts, if you'd go
11 over there and please be seated. Thank you, sir.

12 Kristen Byrd, Juror Number 26.

13 What says the State?

14 MR. SCOTT: Please present the juror.

15 THE COURT: What says the Defense?

16 MR. SIMS: Seat the juror.

17 THE COURT: Ms. Byrd, thank you, ma'am.

18 Kent Kizer, Juror Number 113.

19 What says the State?

20 MR. SCOTT: Please present the juror.

21 THE COURT: What says the Defense?

22 MR. SIMS: Seat the juror.

23 THE COURT: Mr. Kizer, if you'd please
24 be seated.

25 Cory Huff, Juror Number 89.

1 What says the State?

2 MR. SCOTT: Please present the juror.

3 THE COURT: What says the Defense?

4 MR. SIMS: Seat the juror.

5 THE COURT: All right. That's our jury
6 panel.

7 MR. SCOTT: I got 11.

8 THE COURT: Oh, I see what I did.

9 Okay. We'll keep on going then.

10 Sharon Cheek, Juror Number 32.

11 What says the State?

12 MR. SCOTT: Please present the juror.

13 THE COURT: What says the Defense?

14 MR. SIMS: Excuse the juror.

15 THE COURT: You can return to your
16 seat, please, ma'am.

17 Sarah Elmore, Juror Number 50.

18 What says the State?

19 MR. SCOTT: Please present Ms. Elmore.

20 THE COURT: What says the Defense?

21 MR. SIMS: Seat the juror.

22 THE COURT: All right. Is that 12 now?

23 MR. SCOTT: Yes, sir.

24 THE COURT: Okay. We're going to pick
25 at least one alternate. Strikes are one and two.

1 Bobby Watson, Juror Number 193.

2 What says the State?

3 MR. SCOTT: Please present Mr. Watson.

4 THE COURT: What says the Defense?

5 MR. SIMS: Seat the juror.

6 THE COURT: All right. Does the State
7 have any issues regarding jury selection.

8 MR. SCOTT: No, Your Honor.

9 THE COURT: Mr. Sims, does the Defense
10 have any issues regarding jury selection.

11 MR. SIMS: None, Your Honor.

12 THE COURT: All right. Thank y'all.

13 All right. Ladies and gentlemen, those of you who
14 were not chosen, I'm sorry you didn't get a chance
15 to serve. The good news is you can still get a
16 chance to serve sometime in the future, it just
17 won't be this week. Okay.

18 I'm going to ask y'all to quitely be
19 excused. And I will -- if you need an excuse -- if
20 you need an excuse, the table in the back, they
21 will be giving out excuses. Okay. Thank y'all.

22 (WHEREUPON, the remaining jurors left
23 the courtroom)

24 THE COURT: All right. Ladies and
25 gentlemen, can y'all hear me okay?

1 THE JURY: Yes, sir.

2 THE COURT: All right. Ladies and
3 gentlemen, we're going to start the trial at 2
4 o'clock this afternoon at the courthouse. Okay.
5 Ms. D is going to tell y'all about how to get there
6 and all like that. When you get to the courthouse,
7 when the 12 of you and the alternate get to the
8 courthouse, 12 of y'all that are picked on the
9 jury, I'm asking y'all to pick a foreperson, you
10 know, as the first thing y'all do when you get
11 there.

12 The foreperson's duty is to fill out
13 the verdict form at the end of the trial. The
14 foreperson has the duty of making sure when you
15 begin your deliberations that everybody in the jury
16 has a say-so before you finalize your decision.
17 And the foreperson also is charged with the duty if
18 you should have any questions, the foreperson will
19 write out those questions and give them to the
20 bailiff when you begin your deliberations so that
21 we can see whether they can be addressed or not.
22 All of your questions may not need to be addressed.
23 Okay. You just need to know that ahead of time.

24 Now, you've been picked for this jury.
25 You know a little bit about the case and it is a

1 murder case and you know when it happened. Let me
2 tell you a couple of things that you need to
3 remember the whole time until I tell you you can
4 begin your deliberations.

5 Number one is, you cannot talk among
6 yourselves about this case until I tell you you can
7 begin your deliberations. Number two, you can't
8 talk with anybody else about this case until I tell
9 you you can begin your deliberations.

10 You cannot do any independent research.
11 I know I spend a lot of time when -- of looking at
12 my smartphone when I can't remember a name or I
13 want to look up something and like that, you cannot
14 to that. I don't know that they'll be any articles
15 about this in the T&D, but you cannot read any of
16 those articles. Basically everything you need to
17 know about this case, you are going to learn while
18 you're sitting in court. And that's the only place
19 you can learn anything about this case.

20 So no independent research. No talking
21 with anybody. If somebody comes up to you and
22 tries to talk to you about this case, I need to
23 know who they are and you don't need to be talking
24 to them because I need to make sure that I take
25 care of those conversations.

1 Also as a general rule, the attorneys
2 in this case are not going to speak to you.
3 They're not being rude, they are just not allowed
4 to speak to you either. Okay. For the time being
5 until you make a decision in this case, your duty,
6 your job is to listen to the evidence that you hear
7 in the courtroom and make a decision based solely
8 on the evidence that you hear in the courtroom.

9 Right now, we are going to take a lunch
10 break. I'm going to ask y'all to be in the
11 courthouse and in the jury room at 2 o'clock.
12 Ms. D, anything else I need to cover with them?

13 THE BAILIFF: You're good.

14 THE COURT: All right. Ladies and
15 gentlemen, I will see y'all at 2 o'clock in the
16 courtroom. I appreciate your being willing to
17 serve. And y'all have a good lunch. Okay. Thank
18 you.

19 (WHEREUPON, Court was adjourned for
20 lunch until 2 o'clock)

21 (WHEREUPON, State's Exhibit Numbers
22 1-25 and 27 were marked and entered)

23 THE COURT: I understand the jury is
24 all here. All right. Mr. Scott, you indicated
25 before the jury came out you wanted to...

1 MR. SCOTT: Yes, Your Honor. I have
2 spoken with Mr. Sims, we've gone through the -- the
3 State has premarked 27 exhibits. It's my
4 understanding that the Defense only objects to
5 Exhibit Number 26 which is the stock photo of a
6 Draco. So we're asking that Your Honor admit
7 Exhibits 1 through 25 and 27 at this time.

8 THE COURT: All right. And, Mr. Sims,
9 is that correct?

10 MR. SIMS: That's correct, Your Honor.
11 That is the issue that we raised the other day and
12 we'll raise it again today that stock picture of
13 the Draco.

14 THE COURT: Okay.

15 MR. SCOTT: And I would also put on the
16 record that Exhibit Number 27 is an audio recording
17 from the body worn camera. It's the first three
18 minutes of Deputy Hardison's body worn camera.
19 Just the audio version.

20 THE COURT: And you have gone over
21 that?

22 MR. SIMS: Yes, I've heard it.

23 THE COURT: All right. Do we need to
24 put my ruling on the record again about the
25 photograph?

1 MR. SCOTT: I think when I offer it to
2 the witness, if he just objects, then you can say.

3 MR. SIMS: That would be the one that I
4 object to because the other we've already
5 stipulated.

6 THE COURT: What I will do is, we need
7 to -- I'll note your objection to preserve it on
8 the record and refer to my decision pretrial.

9 MR. SIMS: Your Honor, there was one
10 other thing that we had raised in regards to the
11 previous --

12 THE COURT: That was the expo facto
13 thing?

14 MR. SIMS: Yeah. I reviewed the
15 statute and there are two statutes that are offered
16 to it. One deals with 16-23-30 and then there's
17 another one that deals with 16-23-500. There are
18 two different statutes, but they deal with both the
19 same thing 16-23-30(b) is what they indicted him
20 under. And under that statute it does not break
21 down burglary first, second or third. It does not.
22 It just said burglary under the 15-23-500
23 (verbatim) the statute which is the most recent, it
24 does break down the issue of burglary first,
25 burglary second, but not burglary third is a

1 violent crime.

2 THE COURT: Okay. What was he
3 convicted of?

4 MR. SCOTT: He was convicted of
5 burglary third which is a crime of violence. It's
6 not a violent crime, but it is a crime of violence
7 as defined by 16-23-10.

8 MR. SIMS: 16-23-10 based upon
9 16-23-30(b). And the one -- the issue that I was
10 raising was 16-23-500. And 16-23-500 which is the
11 later one I believe in time says that burglary
12 first and burglary second, but not burglary third.

13 MR. SCOTT: They are two different
14 crimes. I mean, possession -- a violent crime and
15 a crime of violence even though say sound similar,
16 they're two different things. I have not indicted
17 him for possession of a weapon by a person
18 convicted of a violent crime. Because I concur, he
19 does not have a violent crime on his record. But
20 he does have a crime of violence on his record.
21 And he's been indicted under that statute.

22 MR. SIMS: I understand this, but I
23 wanted to just make the distinction in that that's
24 what my issue was initially in terms of the -- in
25 terms of the definition of what constitutes --

1 THE COURT: Right. Okay. Well, as far
2 as I can see, it's still -- we're still going
3 forward with him being in unlawful possession of a
4 firearm by a person convicted of a violent offense.
5 Okay.

6 MR. SIMS: I understand that.

7 THE COURT: And I will note --

8 MR. SCOTT: By a crime of violence.

9 MR. SIMS: By a crime of violence. Not
10 a violent crime.

11 THE COURT: Okay.

12 MR. SIMS: And I want the other one on
13 the record so that whatever happens, we may make
14 some law.

15 THE COURT: Okay. Yeah, that's right.
16 Thank you, sir. All right. Anything else we need
17 to put on the record, Mr. Sims or Mr. Scott?

18 MR. SCOTT: No, Your Honor.

19 THE COURT: Okay.

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

22 THE BAILIFF: Your Honor, may I
23 approach?

24 THE COURT: Yes, ma'am. Thank you.

25 THE BAILIFF: You're welcome.

1 THE COURT: All right. For the record,
2 Juror Number 61 has been made the foreman of the
3 jury. Juror Number 61 is the forelady.

4 (WHEREUPON, Court's Exhibit Number 1
5 marked and entered)

6 THE COURT: Thank y'all for all getting
7 back here after lunch. Okay. First thing we need
8 to do is now that y'all are the jury in this case
9 and we're getting ready to begin the trial of this
10 case, the clerk is going to swear you in as jurors
11 and so I need for y'all to stand.

12 (WHEREUPON, the jury was sworn in)

13 THE COURT: Thank you. All right.
14 Madam forelady, ladies and gentlemen of the jury,
15 the case we are about to try is the case of the
16 State of South Carolina verses Damion Shantell
17 Mayers who is the Defendant.

18 This trial like all trials -- this
19 trial like all trials may be different from what
20 you might expect. Many people do not have a chance
21 to attend actual court sessions as you are doing
22 now and may think from watching television or
23 movies or reading books that trials are always full
24 of high drama, intense action, and riveting
25 circumstances. While all of these things may be

1 true at times, this trial is not for entertainment.
2 It is a fundamental part of our democracy that
3 ensures that justice is being done between the
4 parties before the court.

5 Making sure that justice is done is
6 often slow, deliberate, and repetitive. The
7 opposite of what you may have seen on television or
8 in movies or read in books. This courtroom is a
9 place of honor dedicated to the protection and
10 preservation of citizen's rights through what many
11 have called the greatest justice system ever
12 created.

13 The attorneys appearing before you are
14 advocates for the parties they represent. But
15 first and foremost, they are officers of the court
16 sworn to uphold the integrity and fairness of our
17 judicial system. You will find them to be
18 professional, competent, and ethical in their
19 representation of their client's interest.

20 Remember that you have taken an oath to
21 try this case and reach a verdict. And you are
22 also expected to be professional, reasonable, and
23 ethical. Thank you for accepting this important
24 responsibility of jury service and for your
25 contribution today to our justice system.

1 These instructions are remarks are an
2 introduction to the trial and are not a charge on
3 the law. I will instruct you on the applicable law
4 at the end of the trial before you retire to
5 consider your verdict. This is merely an
6 explanation of the procedure that we will follow
7 during the trial to help you to better understand
8 what is happening.

9 The Defendant is charged by warrants
10 and a subsequent indictment filed in this court
11 with the crimes of murder and possession of a
12 handgun by a person convicted of a crime of
13 violence. The elements of these crimes will be
14 explained to you later. The warrants and
15 indictments are simply the charges by which this
16 case is brought into court and it is not in any
17 sense evidence of any of the allegations it
18 contains.

19 The Defendant has pled not guilty to
20 these indictments. Therefore, the State has the
21 burden of proving each of the elements of the
22 crimes beyond a reasonable doubt. And it is your
23 duty, ladies and gentlemen, to decide whether the
24 State has met that burden. Your purpose as jurors
25 is to find and determine the facts. You are the

1 sole judges of the facts. If at any time I make
2 any comment regarding the facts, you must disregard
3 it. You are to determine the facts from the
4 testimony you hear and other evidence introduced in
5 court. It is up to you to determine the inferences
6 which you feel may properly be drawn from this
7 evidence. It is especially important that you
8 perform your duty of determining the facts
9 diligently and conscientiously because ordinarily
10 there's no way to correct an erroneous
11 determination of the facts by a jury.

12 On the other hand and with equal
13 emphasis, the same law that makes you the judges of
14 the facts, makes me the judge of the law. The law
15 is given by this court is the only law you may
16 consider. You must accept and follow it even
17 though you may disagree with it. I cannot tell you
18 what the facts are and you cannot disagree with me
19 about what the law is or should be. Your job is to
20 take the law as I give it to you and apply it to
21 the facts as you find them from the testimony of
22 the witnesses and other evidence that is
23 introduced. After doing that, you will consider
24 your verdict under the solemn oath that you just
25 took as jurors.

1 Until I advise you to begin your
2 deliberations, you cannot discuss this case with
3 anyone including your fellow jurors, friends,
4 family members, and anyone involved in this case.
5 You must decide this case based solely on the
6 evidence presented here in this courtroom. This
7 means that during the trial, you must not conduct
8 any independent research about this case. The
9 facts of the case, the evidence presented, or the
10 people or organizations involved in anyway in this
11 case.

12 Please do not try to find out
13 information from any source outside this courtroom.
14 In other words, you must not look at dictionaries
15 or other reference materials. Search the internet,
16 website or blogs or use any other electronic tool
17 to get information about the case or to help you
18 decide the case. You may not use computers,
19 telephones, cell phones, smartphones or watches,
20 tablets, the internet, or any tools of technology
21 with communication capabilities at anytime while
22 you're in the courtroom or during your
23 deliberations.

24 During your breaks for meals or
25 overnight, you may use these devices. However, you

1 must not use these devices to communicate with
2 anyone about the case until the case is over. This
3 means you must not use cell phones -- not use phone
4 calls, emails, text messages, instant messages,
5 Twitter, Instagram, Facebook, Snapchat, Google
6 Plus, LinkedIn, YouTube or any blog or chat room
7 for -- or any other website or social media
8 platform to send or receive information about this
9 case. This includes information about a party, a
10 witness, an attorney or court officers. You may
11 not research any news accounts about this case, any
12 topics raised, any testimony presented by a witness
13 or any topic you may think would be helpful in
14 deciding this case.

15 During the trial, do not read, listen
16 to or watch any news reports about this case. This
17 includes anything that may be in the newspapers or
18 on the internet, radio or television. You must not
19 consider anything you have -- may have read or
20 heard about the case outside the courtroom whether
21 before or during the trial. Information on
22 television, radio, the internet and from other
23 sources might be wrong or incomplete.

24 In our judicial system, it is important
25 that you are not influenced by anything or anyone

1 outside of this courtroom. If you become aware of
2 another jurors violation of these instructions you
3 must inform me immediately. After the case is
4 submitted to you, you must discuss the case only in
5 the jury room with your fellow jurors. The
6 attorneys and parties in this case have been
7 advised that they are not to talk to you at all.
8 So if you see anyone involved in this case and they
9 do not even say hello that are not being
10 unfriendly, they are following my instructions.

11 It is important that you keep an open
12 mind and not decide any issue in the case until all
13 of the evidence has been presented, the parties
14 have made their closing arguments and I have
15 instructed you on the law.

16 It is your solemn responsibility to
17 determine the guilt or innocence of the Defendant.
18 And your verdict must be based solely on the
19 evidence presented to you in this courtroom during
20 this trial and on the law as I instruct you during
21 and at the close of the trial.

22 In just a moment, the Solicitor will
23 make what is called an opening statement in which
24 the Solicitor will explain to you the issues in
25 this case or at least what the Solicitor believes

1 the issues are in this case. The attorney for the
2 Defendant may also make an opening statement
3 although he is not required to do so. What the
4 attorneys tell you during their opening statements
5 is not evidence. It is only their contention as to
6 what the issues are.

7 The evidence in this case will be
8 presented to you by the testimony of sworn
9 witnesses from the witness stand and/or by exhibits
10 that may be introduced into evidence. From time to
11 time during the trial, you may hear one of the
12 lawyers say something like, Your Honor, I believe
13 we have a question of law or matter of law to
14 discuss with you. Or, Your Honor, may we approach
15 the bench. Or sometimes I myself might find it
16 necessary to excuse you from the courtroom for a
17 short while so the attorneys and I can discuss a
18 matter of law.

19 You are excused because you are the
20 judges of the facts and sometimes when I am
21 discussing matters of law with the attorneys, it
22 may be necessary for me to make some comment as to
23 the facts in connection with ruling on whether or
24 not a particular law applies. I am not allowed to
25 tell you what I think the facts are so I will

1 | excuse you from the courtroom while these
2 | discussions take place. Doing so ensures that you
3 | will in no way be influenced by anything that I
4 | might say or do in connection with these facts.

5 | In determining what the true facts are
6 | in this case, you must decide whether or not the
7 | testimony of a witness is believable. It is my
8 | responsibility to rule as a matter of law as to
9 | whether certain testimony is admissible, but once
10 | the testimony is admitted, it is solely for you to
11 | determine the believability of the witness's
12 | testimony.

13 | In deciding whether to believe a
14 | witness, you have the right to consider the
15 | interest of any witness, the bias of any witness,
16 | the prejudice of any witness, the opportunity for
17 | the witness to have seen the matters and things
18 | about which the witness may testify and the way the
19 | witness acts on the witness stand.

20 | You have a right to consider anything
21 | that is in the record that will help you evaluate
22 | the testimony of witnesses. This means that you
23 | must pay close attention to the witnesses. Observe
24 | them. Listen to them and pay close attention to
25 | the attorneys and to the Court. Do not let your

1 | thoughts wonder. Give strict attention to the
2 | testimony in this case so that at the end of all
3 | the testimony, after the arguments of counsel, and
4 | my charge on the law, you will be in a position to
5 | determine the facts and to apply the law to those
6 | facts and render your verdict.

7 | Ladies and gentlemen, we are now
8 | getting ready to present, begin with the opening
9 | statements. And, Mr. Scott, are you prepared to
10 | go?

11 | MR. SCOTT: Ms. Glover is, Your Honor.

12 | THE COURT: Oh, okay. All right. Ms.
13 | Glover, are you prepared to go?

14 | MS. GLOVER: Yes, Your Honor.

15 | THE COURT: All right. Thank you,
16 | ma'am.

17 | MS. GLOVER: May it please the Court.

18 | THE COURT: Yes, ma'am.

19 | OPENING STATEMENT BY MS. GLOVER:

20 | MS. GLOVER: Depraved heart matters.
21 | Elements necessary to commit a murder. And that's
22 | exactly what Damion Mayers did on the night of June
23 | 30, 2019. The evidence will show that Wanneeshia
24 | Perry had an apartment at [REDACTED] Baugh Street. She
25 | invited some friends over to shoot dice. But on

1 June 30th of 2019, what happened is something that
2 Harold Langley did not anticipate. After they shot
3 dice for about an hour or two, he ended up dead.

4 My name is Chelsea Glover. I'm an
5 assistant solicitor here in Orangeburg County.
6 I'll be trying this case along with my boss, Deputy
7 Solicitor Tommy Scott. Sitting with us at our
8 table is the lead investigator on this case,
9 Mr. John Stokes.

10 And today you all have one of the most
11 important jobs. And all we ask for you to do is to
12 be patient with us. This trial will be short, but
13 it will be important. Listen to the evidence.
14 Take mental notes. They'll be a lot of people that
15 come up here and they sit and they testify before
16 you. No one person will tell you everything that
17 happened on the night of June 30, 2019. But
18 together each individual person will give you a
19 piece of the story until you're able to come to a
20 conclusion.

21 I want to get into the charges that the
22 Defendant is charged with. You heard Judge Dickson
23 mention them a few minutes ago. One charge is
24 murder. Murder simply put is the unlawful killing
25 of another with malice afterthought. The unlawful

1 killing of another with malice afterthought.
2 Malice can be defined in a number of ways. A
3 depraved heart. Void of social responsibility.
4 Reckless disregard.

5 The second charge that the Defendant is
6 facing is possession of a handgun by a person
7 convicted of a crime of violence. You'll hear more
8 about that charge later in this trial.

9 I want to turn your attention to the
10 facts briefly and we're going to talk about what
11 happened on the night of June 30th. On Baugh
12 Street, [REDACTED] Baugh Street to be exact, if you're
13 familiar with Orangeburg that's off of Columbia
14 Road. Not too far from the Piggy Wiggly. Not too
15 far from that convenient store on the corner.
16 Wanneeshia invited some friends over to shoot dice
17 with her. Abraham Williams, the Defendant Damion
18 Myers, and the dearly departed, Harold Langley.

19 You heard me say earlier they shot dice
20 for about an hour or two. They smoked a little bit
21 while they did it. Having a good time. Harold is
22 lucky. Harold was winning. Harold was beating
23 everyone in this game of dice. At some point in
24 time, Damion decided that he's going to go outside
25 and announces that he's going to go get some more

1 money.

2 Wanneeshia walks over to her room in
3 her apartment and Abraham and Harold are in the
4 living room still chilling, still relaxing. Except
5 when Damion came back in, he came back in with a
6 Draco. Demanded his money and then shot Harold
7 Langley not once, but two times. Harold Langley
8 stumbled out of that apartment with two bullets in
9 his body. While Wanneeshia and Abraham feared for
10 their life and hid in her bedroom.

11 Moments later, Damion Mayers hops into
12 his Cadillac and he drives off. He leaves the
13 scene while Mr. Langley is in his neighborhood with
14 his neighbors while they try to do as much
15 assistance as they can until the police get there.
16 Abraham comes out a few minutes later, mind you, he
17 just heard gunshots. He's still trying to figure
18 out what happened, so he leaves. But a few days
19 later -- a few -- in that day he makes contact with
20 the law enforcement officers and he let's them know
21 what happened. Wanneeshia tells her side of the
22 story and she let's them know what happened.

23 On July 11th of 2019, Damion Mayers is
24 arrested and he's charged with the murder of Harold
25 Langley. As I said earlier, you're going to see a

1 lot of people come and take the stand. They're
2 going to testify as to what happened. No one
3 person is going to be able to tell you what took
4 place on that evening, but collectively, every
5 person that sits here is going to add something to
6 the story until all those pieces are put together
7 in a way where it makes sense and it's
8 comprehensive.

9 All we ask is that you pay attention.
10 That you bear with us. That you listen to
11 everything that's going on. That you use your best
12 judgement in that at the end of this trial you're
13 sent back into the jury room and you're able to
14 deliberate and you're able to talk against each
15 other, we ask that you use your solemn judgement
16 and you return a verdict based on what you believe
17 took place in this case.

18 Now, let's talk briefly about the
19 burden of proof. The burden of proof that lies on
20 the State and that burden is proof beyond a
21 reasonable doubt. Proof beyond a reasonable doubt.
22 And what that means is that at the conclusion of
23 this trial, if you are firmly convinced that Damion
24 Mayers killed Harold Langley, you must return a
25 verdict of guilty. At the end of this trial if

1 | you're not firmly convinced then you have the same
2 | responsibility to return a verdict of not guilty.

3 | At the conclusion of this trial, it is
4 | my hope that after everyone has come up here and
5 | they've given their testimony and when Deputy
6 | Solicitor Thomas Scott comes back and he gives his
7 | closing statement, there will be no doubts in your
8 | mind that Mr. Mayers is guilty of murder.

9 | And, ladies and gentlemen of the jury,
10 | we know that there's no classes that you can take
11 | that prepare you for jury service. But jury
12 | service is one of the most sacred and one of the
13 | most important things that you can do for your
14 | country. Outside of Judge Dickson on the bench,
15 | your service here today is most important because
16 | you all will be making a very important decision
17 | after hearing a lot of very important -- and
18 | evidence regarding what took place.

19 | So we ask that you use your solemn
20 | servant, that you pay attention, that you give us
21 | your undivided attention over the next couple of
22 | days and that at the conclusion of this trial, you
23 | find Mr. Mayers guilty of the murder of Harold
24 | Langley. Thank you.

25 | THE COURT: Thank you, Ms. Glover.

1 Mr. Sims.

2 MR. SIMS: May it please the Court.

3 THE COURT: Yes, sir.

4 OPENING STATEMENT BY MR. SIMS:

5 MR. SIMS: There's one thing that Ms.
6 Glover and I do agree on and that is that you are
7 with the exception of Judge Dickson, the most
8 important people in this court today. When the
9 State, any State, decides that they're going to
10 charge a person with a crime, they are required to
11 prove beyond a reasonable doubt that that person
12 committed the crime. And just think about the
13 power of the state being brought against one of
14 it's citizen. You have the money, the wherefore,
15 you have the equipment, you have everything going
16 for them and their burden is -- because they have
17 all that, their burden is to prove beyond a
18 reasonable doubt that Damion Mayers committed this
19 murder.

20 Now, Ms. Glover says that Ms. Perry
21 invited a couple of friends over. What she did
22 was, she invited a couple of friends over to do and
23 get involved in illegal activity. Gambling.
24 Shooting craps. What she did was, see Mr. Mayers,
25 called Harold, called another person, and they came

1 to her place to gamble, shoot craps.

2 One of the things that you're going to
3 find out is that after this event happened, Ms.
4 Perry gives two different statements. Mr. Abraham
5 Williams gives three different statements. And she
6 said they're going to put all of these -- they have
7 to put it altogether. When you got people who --
8 there were four people there, Harold, Wanneeshia,
9 Abraham, or basically those people. Three or four
10 people there. The evidence should be
11 uncontrovertible as to who did what.

12 But you're going to find that on one
13 day they give one statement, on another day they
14 give another statement. You're going to find that
15 one day, he -- Abraham will talk on the phone to
16 Detective Stokes, who's sitting there. The next
17 day he gives two different statements. So they do
18 not give you the story as it unfolds in what
19 happened. And even to tell you, I believe that
20 even the detective is going to tell you that he
21 didn't believe some of the things that they were
22 saying because they were lying.

23 But they come in here with liars.
24 People who were giving different kinds of statement
25 and asking you to hopefully overlook all that other

1 stuff. Overlook the lies. Overlook the different
2 statements. Overlook who was doing what and why to
3 find my client guilty.

4 I always tell jurors when I have the
5 opportunity to come before a jury, and like I said,
6 there's no higher responsibility that we have as
7 American citizens when we sit in judgement of
8 another person. When the State brings a charge
9 against him and we sit in judgement, I always liken
10 that to being a judge. Because you are the judges
11 of the facts. And I could put a robe on all of
12 you, you'd be the judges of the facts. Judge
13 Dickson in his role is the judge of the law. He
14 will tell you what the law is and what he tells you
15 what the law that's the law. But the facts, only
16 you judge those.

17 As he said earlier, I can't tell you
18 about the facts, but I can tell you the law. And
19 that's what it is. They are to give you the facts.
20 The State has to give you the facts.

21 There's another thing that I say to
22 jurors, when you walk through those doors back
23 there, there was no requirement that you leave your
24 common sense at home. You bring your common sense
25 into this courtroom. You bring your common sense

1 | into this jury panel. You will bring your common
2 | sense into the jury room. When the judge tells you
3 | that you have the opportunity now to get together,
4 | talk about what you heard, what you've seen, what
5 | has been presented to you, you have your common
6 | sense.

7 | This isn't television. Nobody is going
8 | to get up in the news and say, I did it! I did it!
9 | Those of us who are old enough to know Perry Mason,
10 | younger people may not know him, that's not going
11 | to happen here. It's not going to be a Perry Mason
12 | moment. You're going to have to hear every one of
13 | the witnesses. And the most important witness --
14 | they got fact witnesses and they have medical
15 | witnesses. They have someone who may be a
16 | professional in a different area, but I ask you to
17 | listen to the people who were there. Wanneeshia
18 | Perry, Abraham Williams, listen to them and listen
19 | to the inconsistencies in their stories.

20 | Ladies and gentlemen, I'm not going to
21 | belabor this point. I'm going to simply put it in
22 | your hands because truly it is in your hand now.
23 | You will listen to each and every person who takes
24 | that stand. Your decision must be based upon what
25 | you hear, what you see. And because our judicial

1 system requires the power and the authority of the
2 state to find beyond a reasonable doubt, you must
3 be convinced beyond a reasonable doubt that, Damion
4 Mayers committed murder. And I say to you, he
5 didn't. Thank you.

6 THE COURT: Thank you, Mr. Sims. Is
7 the State prepared to call it's first witness?

8 MR. SCOTT: We are, Your Honor.

9 THE COURT: Okay.

10 MR. SCOTT: State calls Wanneeshia
11 Perry.

12 WANNEESHIA PERRY,
13 being first duly sworn, was examined and testified
14 as follows:

15 THE CLERK: State your full name for
16 the Court.

17 MR. SCOTT: State your full name for
18 the Court.

19 MS. PERRY: Wanneeshia Perry.

20 MR. SCOTT: You can pull your mask
21 down.

22 THE COURT: Thank you. If you'd get
23 seated, please. You can sit down now. Okay. Now,
24 say something so I can make sure you're being
25 picked up.

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 MS. PERRY: Yes.

2 THE COURT: That's good. If you'll do
3 like that I'll appreciate it. Okay. Thank you.
4 Go ahead, Mr. Scott.

5 MR. SCOTT: Thank you, Your Honor.

6 DIRECT EXAMINATION BY MR. SCOTT:

7 Q. Good afternoon, Ms. Perry.

8 A. Good afternoon.

9 Q. Tell the jury where you're from.

10 A. Orangeburg, South Carolina.

11 Q. And where did you go to high school?

12 A. Orangeburg-Wilkinson High School.

13 Q. And back in June of 2019, where were
14 you living?

15 A. [REDACTED] Baugh Street.

16 Q. And was that a house or an apartment?

17 A. Apartment.

18 Q. And who were you living there with?

19 A. My roommate.

20 Q. And back in June of 2019, where were
21 you working?

22 A. At Allied Air Enterprises.

23 Q. Do you know the Defendant, Damion
24 Mayers?

25 A. Yes.

1 Q. And what name do you know him by?

2 A. Dame.

3 Q. Dame, D-A-M-E?

4 A. Yes.

5 Q. And back on June 30th of 2019, did you
6 know his last name?

7 A. No.

8 Q. Did you know any of his relatives and
9 maybe what their last name was?

10 A. Yes.

11 Q. And what last name did you know some of
12 his relatives have?

13 A. Lott.

14 Q. Lott, L-O-T-T?

15 A. Yes.

16 Q. How long have you known Mr. Mayers?

17 A. I'm going to just say I know him from
18 around school.

19 Q. From around school?

20 A. Uh-huh.

21 Q. And that would be Orangeburg-Wilkinson?

22 A. Yes.

23 Q. Were y'all in the same grade or class?

24 A. No, sir.

25 Q. Who's older?

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 A. He is.

2 Q. By a year? Two years? What?

3 A. Maybe a year or two.

4 Q. Okay. Did you know the victim in this
5 case, Harold Langley?

6 A. Yes.

7 Q. And how did you know Mr. Langley?

8 A. From staying across the street with me.

9 Q. And were y'all friends?

10 A. Yes.

11 Q. And what kind of things would y'all do
12 together?

13 A. Gamble, watch supports, talk.

14 Q. Okay. How long do you think you had
15 known Mr. Langley before this happened in June of
16 2019?

17 A. Maybe a year and a half.

18 Q. And where did Mr. Langley live in
19 relationship to where you lived?

20 A. Across the street from me.

21 Q. Okay. In a house or an apartment or
22 what?

23 A. Apartment.

24 Q. Who did Mr. Langley live with?

25 A. Hissself.

1 Q. Do you know where Mr. Langley was from?

2 A. I'm not sure, but I think they said St.
3 Andrews.

4 Q. Okay. Could it possibly be Andrews,
5 South Carolina?

6 A. Yes.

7 Q. Did Mr. Langley have any children to
8 your knowledge?

9 A. Yes, a little girl.

10 Q. Did she live with him?

11 A. No.

12 Q. You said sometimes y'all would gamble,
13 does that mean shoot dice?

14 A. Yes.

15 Q. And how often would y'all get together
16 and shoot dice?

17 A. Every other day.

18 Q. Every other day?

19 A. Uh-huh.

20 Q. I'm sorry, you've got to say, yes or
21 no, so she can take it down. It's hard for her to
22 write uh-huh or huh-uh.

23 To your knowledge, did the Defendant,
24 Mr. Mayers and the victim, Mr. Langley, know each
25 other?

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 A. No, sir.

2 Q. All right. And, finally, do you know
3 Mr. Abraham Williams?

4 A. Yes.

5 Q. And how do you know Abraham Williams?

6 A. We hung around each other. Went to
7 school with each other and all.

8 Q. Okay. And when you say y'all to went
9 to school with each other, he went to
10 Orangeburg-Wilkinson too?

11 A. Yes.

12 Q. And is he older or younger than you?

13 A. He younger than me. Maybe a year or
14 two.

15 Q. Okay. Where was Abraham Williams
16 living back in 2019?

17 A. I believe Columbia.

18 Q. Okay. But you say he's from
19 Orangeburg?

20 A. Yes.

21 Q. So even though he was living in
22 Columbia you would still see him?

23 A. Yes.

24 Q. All right. Let's talk about Sunday,
25 June 30th of 2019. Did you have plans that day

1 that included Abraham Williams and Harold Langley?

2 A. Yes.

3 Q. And what were those plans?

4 A. To gamble at my house.

5 Q. Okay. And when you say, gamble, can
6 you be more specific?

7 A. Yeah, shoot dice.

8 Q. Okay. And what time did the three of
9 y'all plan to shoot dice?

10 A. Maybe around five or six.

11 Q. And had the three of you established a
12 location as to where you wanted to shoot dice?

13 A. Yes, sir, my house.

14 Q. Your house. Prior to you getting
15 together with Abraham and Harold, did you see the
16 Defendant, Damion Mayers?

17 A. Yes.

18 Q. Where did you see Mr. Mayers?

19 A. At the convenient store across from
20 Baugh Street.

21 Q. Okay. And when you say, the convenient
22 store across from Baugh Street, tell the jury where
23 Baugh Street is.

24 A. It's right -- a minute from across the
25 street from where I used to stay.

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 Q. Baugh Street is off Columbia Road; is
2 that right?

3 A. Yes.

4 Q. Is it close to the Piggly Wiggly that's
5 located at Chestnut and Columbia Road?

6 A. Yes, on Wingate.

7 Q. Okay. So that convenient store is near
8 that Piggly Wiggly?

9 A. Yes, sir.

10 Q. And you say that's where you saw
11 Mr. Mayers?

12 A. Yes.

13 Q. When you saw Mr. Mayers, what kind of
14 car was he driving?

15 A. A gray Cadillac.

16 MR. SCOTT: Your Honor, at this time,
17 I'd offer that stipulation that -- regarding the
18 gray Cadillac.

19 THE COURT: The parties have stipulated
20 and you may take as fact that the Defendant drives
21 a silver or gray Cadillac.

22 A. Yes.

23 THE COURT: Okay.

24 MR. SCOTT: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 Q. So how far was this convenient store
2 from Baugh Street?

3 A. Maybe a minute.

4 Q. Okay. So you saw Mr. Mayers at that
5 convenient store driving his silver Cadillac, did
6 y'all speak?

7 A. Yes.

8 Q. And what did y'all discuss?

9 A. I told him we was gambling at my spot
10 and he asked where at and I told him right here. I
11 told him to follow me after I leave out the
12 convenient store. So he followed me to my spot
13 after we left the convenient store.

14 Q. Okay. So he was interested in gambling
15 with y'all?

16 A. Yes.

17 Q. And he followed you to your house?

18 A. Yes.

19 Q. Had Mr. Mayers ever been to your house
20 before?

21 A. No, sir.

22 Q. What kind of car were you driving that
23 day?

24 A. A two door green Camry.

25 Q. A Camry?

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 A. Uh-huh.

2 Q. Kind of older or newer?

3 A. An older model.

4 Q. So Mr. Mayers followed you back to your
5 apartment, did Abraham and Harold come over as
6 well?

7 A. Yes.

8 Q. And how did Abraham get there?

9 A. He drove.

10 Q. And what kind of car was Abraham
11 driving?

12 A. A up-to-date white car. I'm not sure
13 what it's called.

14 Q. Okay, a newer white car?

15 A. Yes.

16 Q. And how did Harold get to your
17 apartment?

18 A. Walk across the street from his
19 apartment.

20 Q. So when the four of you get to your
21 apartment, did you introduce Harold to Mr. Mayers?

22 A. Yes.

23 Q. Because they didn't know each other
24 like you testified earlier?

25 A. Yes.

1 Q. When you introduced them, did they act
2 like they knew each other?

3 A. No.

4 Q. Do you recall where you parked,
5 Mr. Mayers parked, and Mr. Williams all parked?

6 A. Yes. I parked on the left-hand side of
7 my door. Abe was behind me in his white car. And
8 Dame car was on the side of my green door Camry.

9 Q. I want to show you four exhibits.
10 State's Exhibits 2, 3 -- sorry. Five exhibits. 2,
11 3, 4, 5 and 6.

12 MR. SCOTT: Which have already been
13 admitted into evidence, Your Honor. But I'll ask
14 the witness --

15 Q. -- if you recognize those photos. You
16 can flip through them real fast.

17 THE COURT: All right. Ladies and
18 gentlemen of the jury, while she's doing that, the
19 parties have agreed that State's Exhibits 1 through
20 25 which are photographs are admitted into evidence
21 without objection. And State's Exhibit Number 27
22 which is an audio recording has also been admitted
23 into evidence without objection.

24 MR. SCOTT: I would clarify that some
25 of the exhibits are not photographs, but...

1 THE COURT: Oh, okay.

2 Q. You recognize those photos?

3 A. Yes.

4 Q. Okay. You can hold on to those photos.

5 Can you tell the jury what's depicted in State's

6 Exhibit 2 -- hang on one second. What do you see

7 -- you've got number 2 in front of you?

8 A. Yes.

9 Q. So can you point out point -- the truck
10 that you kind of see in the middle, who's truck is
11 that?

12 A. My next door neighbor.

13 Q. Your next door neighbor. So where
14 would your apartment be in relationship to that
15 truck? To the right or the left?

16 A. Right here to my left.

17 Q. To the left. Okay. And in State's
18 Exhibit 2, can you just barely see the front of
19 your car behind those trees?

20 A. Yeah.

21 Q. Okay. And in fact, if we skip to
22 State's Exhibit Number 3, can you see your car a
23 little bit better in State's Exhibit Number 3?

24 A. Yes.

25 Q. Okay. And I don't think I can reach.

1 But that's your green Camry kind of in the middle?

2 A. Yes.

3 Q. And skip one to number 5. Is that your
4 car?

5 A. Yes.

6 Q. And that door that is open, is that
7 your apartment?

8 A. Yes, sir.

9 Q. Okay. And using State's Exhibit Number
10 5, where did Abraham Williams park?

11 A. A little behind me right here by the
12 tree.

13 Q. So behind you by those trees?

14 A. Yes.

15 Q. Okay. If we go back to Number 2, can
16 you tell the jury where Mr. Mayers parked?

17 A. Right here on the right-hand side in
18 front of the door.

19 Q. Okay. So kind of to the left of your
20 neighbor's truck, but to the right of your car?

21 A. Yes.

22 Q. That sort of empty driveway right
23 there?

24 A. Yes, sir.

25 Q. All right. And you said Harold just

1 walked there?

2 A. Yes.

3 Q. Okay. Go ahead and look at State's
4 Exhibit Number 3 for me. And tell the jury what's
5 depicted in State's Exhibit Number 3 -- I'm sorry.
6 Number 4.

7 A. The shell car across the street. My
8 car in front of the door.

9 Q. So this angle is more from your
10 apartment out?

11 A. Yes.

12 Q. Okay. And where did Mr. Mayers park on
13 this photo? Where would he have been parked?

14 A. Right here.

15 Q. Kind of pointing towards the middle?

16 A. Yeah, right here. Beside my car on the
17 other side.

18 Q. All right. I'll take those back from
19 you. So did the four of you at some point end up
20 inside your apartment shooting dice?

21 A. Yes, sir.

22 Q. And where inside of your apartment were
23 y'all shooting dice?

24 A. Right there aside from the door when
25 you walk in.

1 Q. Okay. And what if anything did y'all
2 put down on the floor while you're shooting dice?

3 A. A board.

4 Q. A board?

5 A. Yes, sir.

6 Q. And what's the purpose of the board?

7 A. So the numbers could roll on the board
8 because there was carpet on the floor.

9 Q. Okay. How many bedrooms did your
10 apartment have?

11 A. One.

12 Q. All right. Let's go through a few more
13 pictures. I'm going to show you State's Exhibit 7
14 through 17 which have been admitted into evidence
15 and ask if you recognize those. Just take a second
16 and flip through them. Do you recognize all those?

17 A. Yes.

18 Q. Tell the jury what's depicted in
19 State's Exhibit Number 7.

20 A. My house door open.

21 Q. Your house door open?

22 A. Yes.

23 Q. Okay. And if you look to the right
24 kind of at the bottom coming through your door
25 what's that on the ground there?

1 A. My kitchen table and the board we was
2 playing on.

3 Q. That's the board that y'all were
4 playing on?

5 A. Yes.

6 Q. Okay. What's depicted in State's
7 Exhibit Number 8?

8 A. The living room couch to the left. My
9 bedroom door straight to the back and the kitchen
10 on the right.

11 Q. Okay. So this is coming through the
12 front door?

13 A. Yes, sir.

14 Q. And you say to the left is like a
15 living room?

16 A. Yes.

17 Q. To the right is your kitchen area?

18 A. Yes.

19 Q. And you said straight ahead is your
20 bedroom?

21 A. Yes, sir.

22 Q. How many bedrooms did your apartment
23 have?

24 A. One.

25 Q. And where's the bathroom?

1 A. In the bedroom to the right.

2 Q. Okay. What do you see in State's
3 Exhibit Number 9?

4 A. The kitchen table on the floor with the
5 door open.

6 Q. Okay. And that's the living room in
7 the background?

8 A. Yes.

9 Q. State's Exhibit Number 10. What's
10 depicted in State's Exhibit Number 10?

11 A. The living room.

12 Q. Which is kind of panning to the right;
13 is that right?

14 A. Yes.

15 Q. Okay. State's Exhibit Number 12. What
16 do you see in State's Exhibit Number 12?

17 A. The kitchen. Where the kitchen table
18 was at, fall over.

19 Q. Okay. State's Exhibit 13?

20 A. Everything thrown over in the kitchen.
21 Blood on the floor.

22 Q. State's Exhibit 14?

23 A. A bedroom.

24 Q. That's your bedroom?

25 A. Yes.

1 Q. If you come through the door, is this
2 to the left or the right from where this picture is
3 taken?

4 A. I think this is to the left.

5 Q. To the left. State's Exhibit 16, is
6 that still your bedroom?

7 A. Uh-huh. Yes, sir.

8 Q. Okay. And that's the door to the
9 bedroom on the right?

10 A. Yes. That's the bedroom door and
11 that's the bathroom to the right.

12 Q. Okay. So this would be if you came
13 straight in through your bedroom?

14 A. Yes.

15 Q. And then the last one, that's your
16 bathroom?

17 A. Yes.

18 Q. How long do you think y'all shot dice
19 for?

20 A. I'd say maybe an hour and a half max.

21 Q. And after shooting dice for an hour and
22 a half, who was winning?

23 A. Harold.

24 Q. Who was losing?

25 A. All three of us. We was shooting

1 | against Harold.

2 | Q. Okay. Who was losing the most?

3 | A. All of us was losing, but I think Dame
4 | was losing the most though.

5 | Q. Okay. Why do you think Dame was losing
6 | the most?

7 | A. Because he started pulling out
8 | hundreds.

9 | Q. How much do you think Mr. Mayers had
10 | lost that day?

11 | A. Maybe four or five.

12 | Q. Four or five what?

13 | A. Hundred dollars.

14 | Q. Okay. During this hour and a half
15 | while y'all are shooting dice, is anybody drinking?

16 | A. We all was drinking and smoking.

17 | Q. When you say, all of us, all four of
18 | you?

19 | A. All four of us. Well, Abe don't smoke
20 | though. Abe drink.

21 | Q. Abe drinks. Okay. Can you describe
22 | the nature of the game? I mean, was it friendly?
23 | Was there a lot of animosity? Describe the nature
24 | of the game.

25 | A. It was a friendly game. It wasn't no

1 animosity or anything.

2 Q. Was anyone upset?

3 A. No.

4 Q. Were there any words exchanged?

5 A. No, sir.

6 Q. What if anything did Mr. Mayers say or
7 do after y'all had been shooting dice for an hour
8 and a half?

9 A. He stopped and he said let him get some
10 more money out the car and he was coming back in.

11 Q. And did he leave your apartment?

12 A. He went out the door. He didn't left.

13 Q. Okay. But he exited outside?

14 A. Yes.

15 Q. And when he exited outside, where did
16 you go?

17 A. My bedroom.

18 Q. Where -- when you went to your bedroom,
19 where were Harold and Abe?

20 A. In the living room.

21 Q. When you say, the living room, that's

22 --

23 A. Where we was playing at still.

24 Q. Okay. And so you're in your bedroom,
25 tell the jury what happened next.

1 A. Okay. As I exited the living room and
2 went into the bedroom, I don't know what reason I
3 went into the bedroom for, but I went to get
4 something. But I know I heard the door open and I
5 heard ring shots -- rings coming out -- gunshot
6 ring out and I heard Harold say, you got me! Or
7 you got it!

8 Q. How much time had elapsed from when
9 Mr. Mayers said, I got to go to my car and get more
10 money until you heard gunshots?

11 A. Maybe a minute or two.

12 Q. How many gunshots did you hear
13 initially?

14 A. Maybe about three or four.

15 Q. What did you do after you heard
16 gunshots?

17 A. I was underneath -- I was almost under
18 my bed. I was on the side of the bed.

19 Q. And after you heard a couple of
20 gunshots and you heard Harold say -- what did you
21 say he said?

22 A. You got me! Or you got it!

23 Q. Either you got me or you got it?

24 A. Uh-huh.

25 Q. What happened next?

1 A. Abraham came in the room where I was.

2 Q. Abraham came into the room?

3 A. Yes.

4 Q. Can you describe his demeanor? Like
5 did he walk in? Did he run in?

6 A. He just like walk in.

7 Q. Okay. And what did Abraham do when he
8 got into your bedroom?

9 A. Well, he was looking out the door. I
10 don't know what he was looking at, but I told him
11 to shut the door behind him because the gunshots
12 was still going off.

13 Q. Other than gunshots, did you hear
14 anything else?

15 A. I heard a car alarm go off and that was
16 it.

17 Q. Did you hear anything else from Harold?

18 A. No. No, sir.

19 Q. While you and Abe are in your bedroom,
20 did anybody else try to come into your bedroom?

21 A. No, sir.

22 Q. How long did you and Abe stay in your
23 bedroom after the shooting stopped?

24 A. After we heard the gunshot stop.

25 Q. How long did y'all stay in there after

1 | you heard the gunshots stop?

2 | A. Maybe a minute.

3 | Q. So the gunshots have stopped and you
4 | come out of your bedroom, what do you see at that
5 | point?

6 | A. Blood everywhere. The table broken.
7 | Everything was all over the place. Blood was on
8 | the wall.

9 | Q. Where was Mr. Mayers?

10 | A. Gone.

11 | Q. Where was his car?

12 | A. Gone.

13 | Q. Where was Harold?

14 | A. On the outside.

15 | Q. So Harold had made it out of your
16 | apartment?

17 | A. Yes.

18 | Q. And when you say, he was on the
19 | outside, do you remember where outside he was?

20 | A. Across the street.

21 | Q. Across the street. Was he standing up?
22 | Sitting down?

23 | A. No, he was sitting down.

24 | Q. Were there neighbors around him?

25 | A. Yes.

1 Q. In State's Exhibit Number 4, can you
2 kind of explain to the jury where you saw Harold?

3 A. Right over there.

4 Q. Kind of straight in the middle?

5 A. Yes.

6 Q. Maybe in front of that -- where that
7 patrol car is?

8 A. Yes, sir.

9 Q. Okay. I want to show you -- I'll take
10 those back from you. I want to show you State's
11 Exhibits 23, 24, and 25. Do you recognize those?

12 A. Yes, sir.

13 Q. Do you recognize those?

14 A. Yes.

15 Q. And they're already in evidence. Can
16 you tell the jury what you see in, let's start with
17 23?

18 A. I see a blood print on the wall. The
19 kitchen table turned over. The chair broke down on
20 the floor.

21 Q. All right. When you came out of your
22 apartment and you see it in a disarray, did you see
23 a couple of items in your house that usually aren't
24 in there?

25 A. Yes.

1 Q. What did you see?

2 A. Cell phone.

3 Q. You saw two cell phones?

4 A. Yes.

5 Q. And did you recognize either of those
6 cell phones?

7 A. Yes. I recognized Harold's phone.

8 Q. Why did you recognize Harold's phone?

9 A. Because I have been around him long
10 enough to know what kind of phone he had.

11 Q. And what color was that?

12 A. A gray iPhone.

13 Q. A gray iPhone?

14 A. Yes.

15 Q. Okay. Where did you see that phone?

16 A. Right there on the couch.

17 Q. Okay. And that's depicted in State's
18 Exhibit 25?

19 A. Yes.

20 Q. Okay. And do you see the other cell
21 phone that you saw when you came out of your
22 apartment in State's Exhibit Number 24?

23 A. Yes.

24 Q. And where is it?

25 A. Right here on the table to the right

1 | when you come in the house door.

2 | Q. Okay. Near that number three placard?

3 | A. Yes.

4 | Q. Okay. You said you recognized the one
5 | on the sofa as your friend Harold's phone?

6 | A. Yes.

7 | Q. Did you know whose phone that was?

8 | A. No, sir.

9 | Q. Did you talk to Abraham later that
10 | night on his cell phone?

11 | A. Yes.

12 | Q. So you knew it wasn't Harold's and you
13 | knew it was Abraham's and you knew it wasn't yours?

14 | A. Yes.

15 | Q. Okay.

16 | MR. SCOTT: Your Honor, at this time,
17 | I'd offer the second stipulation that that phone
18 | depicted in that photo is the Defendant's cell
19 | phone.

20 | THE COURT: Marked by 3?

21 | MR. SCOTT: Yes, Your Honor.

22 | THE COURT: Ladies and gentlemen of the
23 | jury, the parties have stipulated and you can
24 | determine as fact that the cell phone as Number 3
25 | is the Defendant's cell phone.

1 A. Yes, sir.

2 MR. SCOTT: Thank you, Your Honor.

3 Q. All right. So you and Abe come out of
4 your apartment, you see your table knocked over,
5 you see the chairs knocked over, you see blood on
6 the wall, you see these two cell phones, what did
7 Abe do at that point?

8 A. He was still in state of shock with me.

9 Q. Okay. Did he stay there?

10 A. No, he left.

11 Q. He left?

12 A. Yes.

13 Q. What did you do?

14 A. I was still in the house pacing back
15 and forth. Everything happened so fast and...

16 Q. Did you go outside?

17 A. Yes. I looked out the side and saw
18 Harold across the street.

19 Q. Okay. How quickly did law enforcement
20 arrive on your street?

21 A. I'd say maybe three to four minutes
22 when they got on the street and maybe took them a
23 minute or two to come to my house door.

24 Q. Okay. When they came to your house,
25 did you let them look around?

WANNEESHIA PERRY - DIRECT EXAMINATION BY MR. SCOTT

1 A. Yes, sir.

2 Q. Did you speak with deputies that night?

3 A. Yes, sir.

4 Q. Did you tell them who all was at your
5 house that evening?

6 A. Yes, sir.

7 Q. Who did you tell them was at your house
8 that night?

9 A. Me, Abraham Williams, Harold and Dame.

10 Q. Did you know Dame's last name?

11 A. Not at the time.

12 Q. Okay. Did you tell them the last name
13 of some of his relatives?

14 A. Yes.

15 Q. Did you give them a phone number for
16 Dame?

17 A. No.

18 Q. Why not?

19 A. I didn't know a number.

20 Q. Did you give them a phone number for
21 Abraham Williams?

22 A. Yes.

23 Q. Did you tell the police about the cell
24 phones you saw in your apartment?

25 A. Yes.

1 Q. How long did the police stay at your
2 apartment and on your street that night?

3 A. I'd say -- they came out around seven,
4 eight. We probably stayed out there maybe one or
5 two in the morning.

6 Q. Okay. Did you give a written statement
7 on scene that night?

8 A. Yes, sir.

9 Q. And where were you when you wrote this
10 statement?

11 A. On the hood of a deputy car writing it.

12 Q. Was it light or dark outside?

13 A. It was getting dark.

14 Q. Did EMS come and get Harold?

15 A. Yes.

16 Q. When did you find out Harold had died?

17 A. The next day.

18 Q. Did you go to work the next day?

19 A. Yes.

20 Q. And you testified earlier that was at
21 Allied Air?

22 A. Yes.

23 Q. While you were at work, did an
24 investigator come see you?

25 A. Yes, sir.

1 Q. And did he show you a photo lineup?

2 A. Yes.

3 Q. I want to show you what's been marked
4 and admitted into evidence as State's Exhibit 18.
5 Do you recognize that?

6 A. Yes.

7 Q. And what is that?

8 A. A photo lineup.

9 Q. Okay. Is that the same photo line up
10 that an investigator showed to you the next day?

11 A. Yes.

12 Q. While you were at work at Allied Air?

13 A. Yes, sir.

14 Q. And when you were presented with this
15 photo lineup, were you able to make a selection?

16 A. Yes, sir.

17 Q. And which photograph did you select?

18 A. Number 4.

19 Q. And did you place your initials on it?

20 A. Yes.

21 Q. Did you circle Number 4?

22 A. Yes.

23 Q. And you wrote the date?

24 A. Yes, sir.

25 Q. July 1, 2019?

1 A. Yes, sir.

2 Q. And what's the time that you wrote
3 down? What does that say?

4 A. Ten a.m.

5 Q. Ten a.m. How long did it take you to
6 pick out photo Number 4?

7 A. It ain't took me long.

8 Q. When you say, not long, like seconds?
9 Minutes?

10 A. A couple of seconds.

11 Q. How certain were you when you picked
12 out photo Number 4?

13 A. A hundred percent certain.

14 Q. Did the investigator suggest to you who
15 to pick?

16 A. No, sir.

17 Q. I want to show you what's been marked
18 as State's Exhibit Number 19. Do you recognize
19 that?

20 A. Yes.

21 Q. And what is that?

22 A. A statement.

23 Q. Statement form you filled out?

24 A. Yes.

25 Q. And is this a form that you filled out

1 in conjunction with that photo lineup?

2 A. Yes, sir.

3 Q. And it says you picked Number 4. And
4 then whose handwriting is that after it says,
5 Number 4 as being the person who? Whose
6 handwriting is that?

7 A. My handwriting.

8 Q. And can you read what that says?

9 A. Yes. It says, Number 4 as being the
10 person who went outside to get money from his car.
11 Next thing I know I heard gunshots.

12 Q. Okay. I'll take that back. After
13 meeting with an investigator at Allied Air looking
14 at that photo lineup at ten something in the
15 morning, did you have the opportunity to later that
16 day to sit down with Investigator John Stokes?

17 A. Yes.

18 Q. And where did y'all met?

19 A. He came and got me from my job and we
20 went up to his office and talked and he took me
21 back to work.

22 Q. Okay. And you say, his office, you
23 mean the sheriff's office?

24 A. Yes.

25 Q. When you met with Investigator Stokes

1 at the sheriff's office, did you give a more
2 detailed statement about what had happened the
3 night before?

4 A. Yeah, I think I wrote another
5 statement.

6 Q. All right. Just a few more questions.
7 Have you been convicted of breach of trust less
8 than 2,000; is that correct?

9 A. Yes.

10 Q. Between the -- do you know when the
11 Defendant was arrested, Mr. Mayers?

12 A. No, sir.

13 Q. Let me ask you this. Between the date
14 of June 30, 2019 when this incident happened and
15 the time that he was arrested, whenever it was, did
16 he ever attempt to contact you?

17 A. No, sir.

18 Q. Did he ever attempt to come see you?

19 A. No, sir.

20 Q. Did he try to contact you indirectly?

21 A. No, sir.

22 Q. All right. Finally, Ms. Perry, the
23 person that was in your apartment who you said had
24 to go to his car and get more money just minutes
25 before the gunshots, is he in the courtroom today?

WANNEESHIA PERRY - CROSS EXAMINATION BY MR. SIMS

1 | Let me slide back. Is he in the courtroom today?

2 | A. Yes.

3 | Q. Can you identify him for the jury?

4 | What color shirt is he wearing?

5 | A. Light blue.

6 | Q. Thank you, Ms. Perry. Answer any
7 | questions Mr. Sims has for you.

8 | THE COURT: Mr. Sims, any questions on
9 | cross examination?

10 | MR. SIMS: Yes.

11 | THE COURT: Okay. She's your witness.

12 | CROSS EXAMINATION BY MR. SIMS:

13 | Q. Good afternoon, Ms. Perry.

14 | A. Hey, how are you doing?

15 | Q. First of all, you on that night, you
16 | just told -- you told the police when they talked
17 | to you on that night that you don't know what
18 | happened; isn't that correct?

19 | A. I don't -- I didn't tell the police I
20 | didn't know what happened. I explained to them
21 | what happened on my statement that night.

22 | Q. You wrote a statement out that night,
23 | didn't you?

24 | A. Yes.

25 | Q. And in your statement, didn't you say,

1 I really don't know what happened?

2 A. Yes, because I was in the bedroom, so I
3 can't say what happened that went on in the living
4 room.

5 Q. Well, that's what I just said. You
6 said you really don't know what happened. You said
7 you went into the bedroom and all of a sudden --

8 MR. SCOTT: Objection, Your Honor.
9 That's not proper impeachment. He can't just read
10 her statement.

11 Q. Well, let me ask you. What did you
12 tell them?

13 A. Told who?

14 Q. The officers when they got there.

15 A. Oh, I told them what happened. They
16 asked me who was all there playing. I told them
17 who was all in there.

18 Q. And, I believe in your -- you gave that
19 statement that night; right?

20 A. Yes.

21 Q. You said you jumped under your bed and
22 your homeboy ran into the room with you?

23 A. Yes.

24 Q. And your homeboy was Abraham?

25 A. Yes, sir.

WANNEESHIA PERRY - CROSS EXAMINATION BY MR. SIMS

1 Q. And you came out of the room and you
2 saw blood and everybody was gone?

3 A. Yes.

4 Q. This is what you said; right?

5 A. Yes.

6 Q. Did you call the sheriff's department
7 that night?

8 A. No, sir.

9 Q. There were people in your house that
10 had been fighting, there had been gunshots, blood
11 was on the floor, and you never called the
12 sheriff's department?

13 A. No, sir.

14 Q. As a matter of fact, when the sheriff's
15 department came to your home, your door was locked
16 --

17 A. No, sir.

18 Q. -- or closed? They came in with guns,
19 didn't they?

20 A. Yes.

21 Q. Because they didn't know who was in
22 there?

23 A. Uh-huh.

24 Q. Now, I believe you also -- you said you
25 saw Damion at the gas station?

1 A. Yes.

2 Q. And you told him that you all were
3 going to gamble?

4 A. Yes.

5 Q. Okay. And you asked him to follow you
6 home?

7 A. Yes.

8 Q. Okay. And when you got to your home,
9 Abraham was there also; is that correct?

10 A. No, Abraham came probably seconds after
11 that.

12 Q. About a second after that?

13 A. Maybe a minute or so.

14 Q. So, basically, all of you got there
15 together?

16 A. Yes.

17 Q. Okay. So it was -- then you said, I
18 believe, you hit up on --

19 A. Harold.

20 Q. -- Harold? And there was you, Abraham,
21 Harold, and Damion shooting dice?

22 A. Yes.

23 Q. And you -- at that point, you said that
24 at some point during that, that Damion got up and
25 said he had to go get some more money?

WANNEESHIA PERRY - CROSS EXAMINATION BY MR. SIMS

1 A. Yes, sir.

2 Q. Okay. Do you remember a conversation
3 you had with Detective Stokes when you were on
4 video?

5 A. Yes.

6 Q. Now, in that statement or in your
7 talking with him, do you remember saying that at
8 first Damion was winning all the money?

9 A. No, I didn't say that.

10 Q. Do you remember saying that you had to
11 go get money from the ATM machine?

12 A. Yes.

13 Q. And do you recall or if you recall that
14 Harold had to go get money?

15 A. No.

16 Q. You didn't say that?

17 A. No, sir.

18 MR. SIMS: Could I see Exhibit Number
19 24? That's not the one.

20 Q. Is Exhibit 14, is this your bedroom?

21 A. Yes, sir.

22 Q. Okay. And Exhibit 16, is this your --

23 A. Yes, sir.

24 Q. Okay. Now, Exhibit 15?

25 A. Yes.

1 Q. Now, you told them on that day that you
2 got under your bed?

3 A. Yes.

4 Q. I'm going to ask you to look at this.

5 A. I was on the right side over here.

6 Q. That's not under, that's beside?

7 A. Yes, that's beside.

8 Q. But you said on that night that you got
9 under the bed. Isn't that what you told them?

10 A. Yes.

11 Q. Did you not or do you recall telling
12 Investigator Stokes that Abe and Damion were
13 homeboys?

14 A. No, I don't recall saying that.

15 Q. Okay. So that was during the video
16 conversation that you had with Investigator Stokes
17 when he came and got you the next day?

18 A. Uh-huh.

19 THE COURT: Is that a, yes?

20 A. No, I don't recall saying that they was
21 homeboys, no.

22 Q. And during the time that you all were
23 there, is it true that another person came to the
24 house to gamble?

25 A. No.

WANNEESHIA PERRY - CROSS EXAMINATION BY MR. SIMS

1 Q. Nobody named William or Will?

2 A. William or Will? That had to been -- I
3 don't know who called Will over there. It had to
4 of been Dame.

5 Q. Okay. Let me get this straight. You
6 were there and do you not recall saying that he
7 came to shoot -- to play cards?

8 A. Yes.

9 Q. And you told him you weren't going to
10 play, you all were gambling?

11 A. Yeah, we was shooting dice.

12 Q. Okay. So he was there at the house for
13 awhile?

14 A. Yes.

15 Q. And you don't recall leaving the house
16 to go to your ATM?

17 A. Yes. It was just us three in there at
18 the time.

19 Q. Okay. What us, who you talking about
20 now?

21 A. Abraham, Harold, and Abe.

22 Q. Abraham, Harold and Abe and you left
23 the house while William was there?

24 A. Yes.

25 Q. Okay. So now at the house it was

1 Abraham, Harold, Damion?

2 A. Yes.

3 Q. So about four people still there?

4 A. It was three. I went to the ATM.

5 Q. And you went to the ATM?

6 A. Yes.

7 Q. Because you lost your money?

8 A. Yes. I went and got more money.

9 Q. And you went and got more money. And
10 at some point, William left the house; right?

11 A. No.

12 Q. He never left?

13 A. No.

14 Q. William never left, so he was there
15 when you all were gambling?

16 A. Abraham Williams only left after the
17 incident happened. He never left while we was all
18 there.

19 Q. I'm talking about William?

20 A. That's who I'm talking about.

21 Q. Okay. But then I'm talking about the
22 other party who came in to gamble -- to shoot -- to
23 play cards?

24 A. Play cards. Yeah, he was gone.

25 Q. Okay. But that's what I said. That's

1 the William -- that's the William I'm talking
2 about. His name is Will or William?

3 A. I'm talking about Abraham Williams.

4 Q. Okay. I was asking you about Will, the
5 person who came in --

6 A. Oh, yeah.

7 Q. Okay.

8 A. Yeah, he came to the door, he wanted to
9 play cards, but we was shooting dice.

10 Q. So you told him that you all were
11 playing -- shooting dice?

12 A. Yes.

13 Q. Did you not tell -- did you tell
14 Investigator Stokes that Harold had had problems
15 before about a girl?

16 A. Yeah. A girl tried to take his money
17 from him across the street, but I only seen it from
18 across the street. I wasn't there to witness it.

19 Q. But that's not what I asked you whether
20 you saw it. I asked you did you tell Investigator
21 Stokes that?

22 A. Yes.

23 MR. SCOTT: Your Honor, I'm going to
24 objection. It would be hearsay.

25 MR. SIMS: I'm asking her what she said

1 to Investigator Stokes. That's first hand
2 knowledge of what she said.

3 MR. SCOTT: Not if she learned it
4 through hearsay.

5 THE COURT: Okay. You asked, did she
6 say that to Stokes?

7 MR. SIMS: Yes, that's what I asked.
8 Did she say that to Stokes.

9 THE COURT: And, Ms. Perry, you told
10 Investigator Stokes that?

11 A. Yes.

12 THE COURT: Okay.

13 MR. SCOTT: I would also object it's
14 not relevant.

15 THE COURT: Well, I understand the not
16 relevant part, but it's already been asked and
17 answered. I'm going to -- I will note your
18 objection. But, Mr. Sims, I don't know what that
19 has to do with anything, so if you can move on.

20 Q. On that conversation -- now, and on
21 that day, Investigator Stokes asked you to write
22 another statement; is that correct?

23 A. Yes.

24 Q. And the second statement you wrote and
25 you signed that second statement; is that correct?

1 A. Yes.

2 Q. And so your second statement was more
3 in-depth than the one that you gave on the night in
4 question?

5 A. Yes.

6 Q. Did you clean up anything after the
7 police came or before the police came?

8 A. No, sir.

9 Q. Did you see the dice still on the floor
10 or where were the dice?

11 A. I think it was two dice still on the
12 board.

13 Q. On the board. I believe you were shown
14 a picture, I'm trying -- I don't remember which one
15 it was, a long shot of your door being opened and
16 you said that was the board on the side. Is that
17 the one when you said that the board was on the
18 floor?

19 A. Yes.

20 Q. And can you identify the board for us,
21 please?

22 A. Yes. Right here. (Pointing)

23 MR. SCOTT: Can she point it out on the
24 front TV?

25 MR. SIMS: Yes, that's fine.

1 MR. SCOTT: And this is State's Exhibit
2 Number 7 for the record.

3 THE COURT: State's 7?

4 MR. SCOTT: Yeah, that's what's being
5 shown. Can you lean forward and point out what Mr.
6 Sims just had you point out for the jury? No, I'm
7 sorry, on that front TV.

8 (Ms. Perry complies)

9 MR. SCOTT: Thank you.

10 THE COURT: And just -- I think so it
11 will be clear on the record, Ms. Perry, you
12 identified the -- I guess I'm going to say the
13 board on the floor, but it looks like it's divided
14 into different segments?

15 A. Yes.

16 THE COURT: Colors? Okay. All right.
17 Thank you.

18 Q. How many other people knew that you all
19 were gambling that day?

20 A. Nothing but the four of us.

21 Q. How did Will find out that you were
22 gambling?

23 A. And that what I think, I think maybe
24 through Dame.

25 Q. Through Damion. So you don't know who

1 | called Will?

2 | A. Yeah, I don't know.

3 | Q. So the shooting you heard, you were in
4 | the bedroom already; is that correct?

5 | A. Yes.

6 | Q. And you don't know who came in the
7 | house to shoot -- to just start shooting?

8 | A. No, I don't know.

9 | Q. Okay. You did not hear any voices?
10 | You did not hear any voices that you could
11 | recognize?

12 | A. I only heard Harold voice.

13 | Q. You only knew Harold voice?

14 | A. Yes.

15 | Q. You and Damion had gambled before,
16 | haven't you?

17 | A. Yes.

18 | Q. Okay. So you know him and you know his
19 | voice?

20 | A. No, I don't -- what I'm saying is, I
21 | only was gambling with Dame through people that we
22 | was affiliated with. We never had gambled on a
23 | daily basis. He never was to my house.

24 | Q. How many times did you gamble?

25 | A. Maybe one or two time. We was playing

1 around people that we was affiliated with that he
2 knew.

3 Q. So you -- you all had, I think you said
4 in your statement that you all started gambling
5 about five or six?

6 A. Yes.

7 Q. And you had been gambling for about two
8 hours?

9 A. Yes.

10 Q. And that was nonstop?

11 A. Yes.

12 Q. And when you were gambling for two
13 hours, I know you talking back and forth --

14 A. We just talking about shooting dice. I
15 mean, just playing.

16 Q. You say that just shooting dice and you
17 weren't talking?

18 A. We was just shooting. It's people just
19 trying to win money. Just gambling.

20 Q. Evening shooting and gambling and
21 trying to win money, you don't say anything to the
22 people whom you're shooting with?

23 A. Yeah, we saying stuff, but it's nothing
24 like we trying to beat your number. I'm trying to
25 beat your number in shooting dice. That's just

1 | gamble wise, not like -- that was basically it.

2 | Q. Explain how this game go then. Explain
3 | to us how this game goes.

4 | A. Okay. Harold had the bank. So when
5 | Harold had the bank, Harold could put how much
6 | money he want in the bank. Me, Abraham, and Dame
7 | is on the outside, so we can drop how much money we
8 | want to bet against Harold.

9 | Q. And you roll the dice?

10 | A. Yes. Harold roll first and we got to
11 | beat Harold number. If we don't beat Harold
12 | number, he win.

13 | Q. Okay. So you don't talk -- you don't
14 | talk about that, okay, I'm going to put \$500 down?
15 | I'm going to put \$100 down?

16 | A. Yeah, we telling each other what we
17 | putting down. You got to let Harold know what you
18 | putting down so he can know how much you bet.

19 | Q. And then you have to answer him?

20 | A. Yeah.

21 | Q. So you would hear the voice of the
22 | people who are talking to you?

23 | A. Yeah, but when the incident happened,
24 | the voice I only heard was Harold voice when I was
25 | in the bedroom. I can't describe it. It wasn't

1 nobody else talking. All I heard was Harold say,
2 you got me or you got it. That was it.

3 Q. And so nobody else said a word?

4 A. No, sir.

5 Q. Abraham didn't say a word while he was
6 out there?

7 A. No, sir.

8 Q. When he came into the room, did he say
9 anything?

10 A. He told me Harold was trying to use him
11 as a shield to getaway.

12 Q. So nobody was screaming, nobody was
13 hollering, and all this fighting and stuff that's
14 going on out there?

15 A. It was just a bunch of bumbling going
16 around and all I heard was Harold said, you got it
17 or you got me.

18 Q. You got it or you got me?

19 A. That was it.

20 Q. And Abraham standing there or --

21 A. I'm not sure what Abraham is doing
22 around there. I can't recall what was going around
23 there because I'm not in the living room.

24 Q. When you all came out of the room after
25 the gunshots, what if anything did you all discuss?

WANNEESHIA PERRY - CROSS EXAMINATION BY MR. SIMS

1 A. That was it. I asked him what
2 happened. Did he see who shot who.

3 Q. And what if anything did he say?

4 A. Abe said it was Dame who shot Harold.

5 Q. Abe said it was Damion who shot Harold?

6 A. Yes.

7 Q. In your second statement when you were
8 on the video, did you tell Detective Stokes that?

9 A. No, sir.

10 Q. So you never told Detective Stokes that
11 Abraham said it was Damion?

12 A. No, sir.

13 Q. You had the opportunity with him there
14 and on the video to tell him who shot, but you did
15 not?

16 A. No, I was just in a state of shock. It
17 was just -- it was just a lot. I had to write
18 statements. I had to talk to this police. I had
19 to talk to that police. I don't -- I was the only
20 one left there. So, I mean, I was worrying about
21 keeping my apartment at the time and being kicked
22 out for something I didn't do.

23 Q. I'm talking about the next day, you're
24 at work.

25 A. Yes.

1 Q. You obviously went to work the next day
2 so you weren't that excited that you didn't go to
3 work?

4 A. I just had started my job at Allied Air
5 and I wasn't trying to lose it.

6 Q. I'm sorry. Your mask is kind of --

7 A. I said I just started at Allied Air and
8 I did want to lose my job being that I was already
9 about to lose my apartment.

10 Q. Why were you about to lose your
11 apartment?

12 A. Over something that I didn't do.

13 Q. Okay. Beyond that, you were upset
14 about what had happened, you were upset by what you
15 saw in your bedroom, you were upset about your
16 furniture being all tumbled over, fighting in your
17 house, gunshots in your house?

18 A. Uh-huh.

19 Q. And, first of all, you never called the
20 police?

21 A. No.

22 Q. All right. You were in the house by
23 yourself?

24 A. Yes.

25 Q. You did not say to the police when they

1 | came that Damion -- that's Harold had told you that
2 | Damion shot him, did you?

3 | A. No, Harold didn't told me that. Abe
4 | told me that.

5 | Q. Okay. I mean, Abe told you that?

6 | A. Yes.

7 | Q. You didn't tell the police on that
8 | night that Abe told you that Damion shot Harold?

9 | A. No, sir.

10 | Q. You didn't say anything to anybody
11 | about that on that night?

12 | A. No, sir.

13 | Q. It's fresh in your mind. All this
14 | stuff in your house, you've just seen it, it is
15 | fresh in your mind and you never said that?

16 | A. I didn't see anything.

17 | Q. I didn't ask if you seen it. I said
18 | you said that Abraham told you --

19 | A. Yes.

20 | Q. -- and you told no police officers
21 | after the incident happened in your house on June
22 | 30th of 2019, you never said to that police officer
23 | --

24 | A. I wrote it on the statement though.

25 | Q. I'm talking about the night when it

1 | happened.

2 | A. No, but I wrote it on the statement
3 | though.

4 | Q. You wrote it on the statement?

5 | A. Yes.

6 | Q. Which statement was that?

7 | A. I'm not sure which statement.

8 | Q. I'm going to let you look at this and
9 | then I'm going to ask you again if you would just
10 | refresh your recollection. That's a statement that
11 | you wrote?

12 | A. Yes.

13 | THE COURT: This is both statements?

14 | MR. SIMS: Huh?

15 | MR. SCOTT: Actually, I'm going to
16 | object because she hasn't asked to have her memory
17 | refreshed.

18 | Q. Do you remember what you put on your
19 | statement?

20 | A. Yes.

21 | Q. Okay. Would you look on that statement
22 | and see if that statement is on there?

23 | MR. SCOTT: I'm confused as to what the
24 | question is.

25 | MR. SIMS: The question was whether or

1 not she put the fact that Abraham told her that
2 Damion shot Harold.

3 THE COURT: Okay.

4 A. No, sir.

5 Q. So that statement is not on there?

6 A. No, sir.

7 Q. What was Will, the guy who came to
8 shoot -- to play cards, what was he wearing that
9 night?

10 A. I'm not sure.

11 Q. How long was he in your house?

12 A. Not that long.

13 MR. SIMS: One moment, Your Honor.

14 Q. Let me ask you. You said that you and
15 Damion had gambled before. Had he ever gambled at
16 your house?

17 A. No, sir.

18 MR. SIMS: That's all I have right now,
19 Your Honor.

20 THE COURT: Anything on redirect?

21 MR. SCOTT: Just briefly.

22 REDIRECT EXAMINATION BY MR. SCOTT:

23 Q. You said this person Will who came to
24 your house, I think the first time he asked you
25 about him, you said he came to the door?

1 A. Yes.

2 Q. Did he actually come inside?

3 A. No, he just stepped foot in the door.
4 He saw that we was shooting dice and then he wanted
5 to play cards, but then he left.

6 Q. Okay. So he wanted to play cards?

7 A. Yes.

8 Q. And when did he come by your apartment?
9 Was it early on? Was it later on? Was it in the
10 middle?

11 A. No, that was maybe during the time we
12 was shooting. We wasn't shooting for that long
13 yet.

14 Q. You weren't shooting for that long yet?

15 A. No, sir.

16 Q. So if y'all shot dice for an hour and a
17 half it was within the first --

18 A. It maybe been 30 minutes.

19 Q. Okay. Did he come on foot or did he
20 drive there?

21 A. I'm not sure. He just came to the
22 door.

23 Q. Does he live near you?

24 A. No.

25 Q. Okay. And Mr. Sims asked you a

WANNEESHIA PERRY - REDIRECT EXAMINATION BY MR. SCOTT

1 question and your response was, Abe told you that
2 Harold tried to use him, Abe, as a shield?

3 A. Yes.

4 Q. To keep from getting shot?

5 A. Yes.

6 Q. Did you talk to Abe on the phone after
7 he left?

8 A. He told me to call him if Officer
9 Stokes had needed to talk to him.

10 Q. Okay.

11 MR. SCOTT: That's all I have, Your
12 Honor.

13 THE COURT: Anything on recross?

14 MR. SIMS: Nothing, Your Honor.

15 THE COURT: Okay. You may step down.
16 Thank you, ma'am. All right. Mr. Scott, before
17 you call the next witness, I think we can take a
18 midafternoon break.

19 MR. SCOTT: Yes, sir. Can she be
20 excused?

21 THE COURT: Yeah. Any objection to her
22 being excused? Hold on one second.

23 MR. SIMS: Your Honor, I may have to --
24 I would ask that she stay for a few moments and
25 then I'll let you know in a minute.

1 THE COURT: Do you mind waiting out in
2 the hall for a few minutes? Okay. Thank you,
3 ma'am.

4 All right. We're going to take about a
5 ten minute break and then we'll get right back.
6 All right. Ladies and gentlemen, we're going to
7 take a ten minute break. This is something I'm
8 going to say over and over. You cannot talk among
9 yourselves about any of the testimony you've heard
10 so far. You're going to get tired of hearing that,
11 but I'm going to try and repeat it all the time.
12 Okay. Thank y'all.

13 (WHEREUPON, the jury left the courtroom
14 at 3:49 p.m.)

15 THE COURT: We'll break for about ten
16 minutes. Okay. Thank y'all.

17 (Break time)

18 THE COURT: All right. We're going to
19 back to about whether Ms. Perry can leave?

20 MR. SCOTT: So I think we kind of
21 reached a compromise.

22 THE COURT: Okay.

23 MR. SCOTT: She can go for today, but
24 she's still under subpoena. And then if we need
25 her back, we can call her and get her back up here.

WANNEESHIA PERRY - REDIRECT EXAMINATION BY MR. SCOTT

1 THE COURT: Okay. And, Ms. Perry, do
2 you understand that?

3 MS. PERRY: Yes, sir.

4 THE COURT: Okay. I believe -- I guess
5 the solicitor's office has your cell phone and like
6 that? If you get the phone call from them, you
7 understand you're still under subpoena and you'll
8 need to come back, if necessary?

9 MS. PERRY: Yes, sir.

10 THE COURT: Okay. All right. Then
11 with that stipulation, you're free to go. Okay.
12 Thank you, ma'am.

13 (WHEREUPON, Ms. Perry left the
14 courtroom)

15 THE COURT: Tell them to bring the jury
16 on back down.

17 MR. SCOTT: Yes, sir.

18 (WHEREUPON, the jury entered the
19 courtroom at 4:06 p.m.)

20 THE COURT: We're getting ready to
21 continue with the State's case right now. All
22 right. Is the State ready to call it's next
23 witness?

24 MR. SCOTT: Yes, Your Honor.

25 THE COURT: Okay.

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 MR. SCOTT: State calls Kyle Hardison.

2 KYLE HARDISON,

3 being first duly sworn, was examined and testified
4 as follows:

5 THE CLERK: State your full name for
6 the Court, please.

7 MR. HARDISON: William Hardison.

8 THE COURT: He's your witness.

9 MR. SCOTT: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MR. SCOTT:

11 Q. I apologize. What's your full name?

12 A. William Kyle Hardison.

13 Q. Sorry. I know it was Kyle. I think
14 that's what I put on the witness list. I
15 apologize. Deputy Hardison, where are you
16 employed?

17 A. Orangeburg County Sheriff's Office.

18 Q. And how long have you worked in law
19 enforcement?

20 A. Since June of 2018.

21 Q. And back in June of 2019, were you
22 working at the sheriff's office?

23 A. That's correct.

24 Q. And what was your position with the
25 sheriff's office back in June of 2019?

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 A. Deputy sheriff.

2 Q. And what were your duties as a deputy?

3 A. Respond to calls for service and first
4 responder.

5 Q. On June 30, 2019, did you respond to a
6 shooting incident?

7 A. That's correct.

8 Q. And where did you respond?

9 A. [REDACTED] Baugh Street in Orangeburg County.

10 Q. You said [REDACTED] Baugh Street?

11 A. That's correct.

12 Q. And that's in Orangeburg County?

13 A. Yes, sir.

14 Q. Do you recall approximately what time
15 you received the call?

16 A. 8:26, 8:27, somewhere around there in
17 the evening time.

18 Q. Okay. And how long did it take you to
19 get to Baugh Street from wherever you were?

20 A. Less than five minutes.

21 Q. And can you tell the jury where Baugh
22 Street is?

23 A. Baugh Street is off the Columbia Road.
24 If you're coming from Orangeburg heading towards
25 Columbia it's on the left-hand side. It's an

1 apartment duplex subdivision.

2 Q. And what did you observe when you got
3 to Baugh Street?

4 A. What I observed on Baugh Street, I
5 observed the victim, he was sitting on the
6 concrete. His clothes was saturated in blood. His
7 eyes were extremely large. He seemed to be gasping
8 for his last few breaths.

9 Q. And you said he was sitting on the
10 concrete, can you tell us where?

11 A. Sitting on the concrete in -- the
12 actual road is paved, but the parking lot portion
13 is concrete and he was sitting on it.

14 Q. Okay. I want to show you what's been
15 marked as State's Exhibit Number 1. Do you
16 recognize this?

17 A. Yes.

18 Q. And what is that?

19 A. This is the Columbia Road and that's
20 Baugh Street.

21 Q. Okay. If I hold this up, can you --
22 you can stand up if you need to. Can you point out
23 where Columbia Road is?

24 A. (Witness complies)

25 Q. Okay. And where's Baugh Street?

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 A. Right here. (Indicating)

2 Q. And when you turned on to Baugh Street,
3 can you point out kind of where the victim was
4 sitting on the concrete?

5 A. Right in this general area.
6 (Indicating)

7 Q. Right in this general area?

8 A. Yes, sir.

9 Q. And Ms. Perry's apartment that you
10 ultimately ended up at, where is that?

11 A. Right there. (Indicating)

12 Q. Okay. Right across the street?

13 A. Yes, sir.

14 Q. You can sit down. Can you describe
15 like the residences that are on Baugh Street?

16 A. They're apartment style duplexes. It's
17 a large number of them.

18 Q. Does Baugh Street, is it actually like
19 a dead end?

20 A. Correct.

21 Q. When you arrived on scene even before
22 you exited your patrol car or patrol vehicle, did
23 you make any radio calls?

24 A. Yes.

25 Q. Why did you do that?

1 A. When I'm usually in my patrol vehicle I
2 did so because of I could see the victim sitting on
3 the ground and a large amount of blood. I knew it
4 was crucial to get EMS there.

5 Q. Okay. So before you even got out of
6 your vehicle you summoned EMS?

7 A. Yes, sir, I requested EMS.

8 Q. Did you tell them anything else when
9 you summoned them?

10 A. The initial radio transmission I told
11 them we needed EMS and then about 30 seconds later
12 I asked them to step it up.

13 Q. Step it up. Were you wearing a body
14 worn camera when you approached the victim?

15 A. Yes.

16 Q. And is that camera issued by the
17 Orangeburg County Sheriff's Office?

18 A. Yes.

19 Q. And when you arrived on scene, did you
20 activate it?

21 A. Yes.

22 Q. Did other deputies respond to the
23 incident location as well?

24 A. Yes.

25 Q. And were some of them wearing body cam

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 video or body cam -- I'm sorry. Body worn camera
2 as well?

3 A. Yes.

4 Q. When you made contact with the victim,
5 was he conscious?

6 A. Yes.

7 Q. Were there other people around him?

8 A. There was a crowd.

9 Q. And you testified he was in a parking
10 lot. Was he standing up? Laying down? Sitting
11 down?

12 A. No, sir, he was sitting flat on his
13 behind with his back up against someone's leg.

14 Q. Like a bystander's leg?

15 A. Yes.

16 Q. Did you ask him his name? Or do you
17 remember?

18 A. No, not at the time I didn't ask him
19 his name.

20 Q. Okay. Were any of the bystanders
21 trying to give Mr. Langley assistance?

22 A. Everybody was there -- all the
23 bystanders were talking to him. There was one
24 particular, I believe. Someone offered a knee to
25 him to lean his back against.

1 Q. Okay. Was anybody putting pressure on
2 his wound?

3 A. Not that I recall.

4 Q. Okay. Could you tell where he was
5 shot? Or could you tell if he was shot?

6 A. At that point in time, I didn't know
7 that he -- they initially told us our 911 call was
8 a gunshot wound, but I didn't know at that exact
9 time if it was in fact a gunshot wound.

10 Q. How much blood did you see?

11 A. A large. A lot.

12 Q. Where was the blood?

13 A. It started from -- there was, of
14 course, all over his clothes and then it was from
15 him to the apartment complex.

16 Q. How would you describe his breathing?

17 A. It was very faint, very short.

18 Q. How long before EMS arrived after you
19 arrived on scene?

20 A. Less than three or four minutes.

21 Q. I want to show you what's been marked
22 as State's Exhibit Number 27. Do you recognize
23 that?

24 A. Yes, sir.

25 Q. And how are you able to recognize this

1 disk?

2 A. My initials.

3 Q. You placed your initials on it?

4 A. Yes, sir.

5 Q. After you listened to it?

6 A. Yes.

7 MR. SCOTT: Your Honor, I believe 27
8 has already been admitted into evidence.

9 Q. Well, let me ask you. Is this a audio
10 recording of your body cam?

11 A. That's correct.

12 Q. So it's audio only; is that correct?

13 A. Yes, sir.

14 Q. Okay.

15 MR. SCOTT: Your Honor, at this time,
16 we'd ask to play State's Exhibit Number 27.

17 THE COURT: All right. State's Number
18 27 has already been admitted into evidence without
19 objection. And now you're going to play it?

20 MR. SCOTT: Yes, Your Honor, we can
21 publish it.

22 THE COURT: Okay.

23 (WHEREUPON, playing the audio)

24 Q. So that was 2 minutes and 54 seconds
25 long. Is that just a snippet of your body cam from

1 | that day?

2 | A. Yes, sir.

3 | Q. From when you first arrived?

4 | A. Yes, sir.

5 | Q. Did you remain with Mr. Langley until
6 | the ambulance arrived?

7 | A. Yes.

8 | Q. After the EMT's arrived on scene, did
9 | you have an opportunity to go look and see what the
10 | victim was trying to direct you towards, like a
11 | green car and apartment?

12 | A. Yes.

13 | Q. And what did you notice when you went
14 | over there?

15 | A. A green four door Sedan as well as
16 | blood.

17 | Q. Okay. At some point, you know, after
18 | the EMT's get there and you decide to walk across
19 | the street to see what you can see, did you receive
20 | a radio transmission about the suspect vehicle?

21 | A. Yes.

22 | Q. And what was that description?

23 | A. Dispatch was advising me there was a
24 | gray in color Cadillac.

25 | Q. And how long had you been on scene

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 before you were notified that the suspect vehicle
2 was a gray Cadillac?

3 A. Less than four minutes.

4 Q. So you walk across the street and did
5 you go towards that green car?

6 A. Yes.

7 Q. And what did you notice when you
8 approached this area?

9 A. I initially noticed blood on the
10 ground. And then after further investigating it,
11 we observed that the apartment door was partially
12 cracked open.

13 Q. When you say, "we," who else was with
14 you?

15 A. At this time after we had secured the
16 victim in the ambulance, it was Lieutenant Jeremiah
17 Davis and Deputy Ralph Crapps.

18 Q. So when y'all approached this door, the
19 door was cracked open, were you able to see inside?

20 A. We could see inside partially. Not to
21 the back of the residence. All we could see was a
22 little bit on the floor right at the entrance.

23 Q. Did you see anybody inside the
24 apartment?

25 A. After we opened the door to do a

1 protective sweep, we found Ms. Perry in the
2 residence.

3 Q. Okay. And so when you open the door
4 and you see Ms. Perry, where is she?

5 A. She was inside the -- I'm trying to
6 recall. She was inside the apartment. I can't
7 remember the exact location.

8 Q. Was she in the back?

9 A. I believe so.

10 Q. I mean, was in the bedroom? Was she in
11 the bathroom? Or was she there in the front room?

12 A. She was in that front room by the door
13 frame to the bedroom.

14 Q. Point is, she wasn't hiding from you,
15 was she?

16 A. No, sir.

17 Q. What did y'all do with Ms. Perry?

18 A. We immediately -- once we opened the
19 door, we gave her a command, said, let us see your
20 hands. And once we saw that she didn't have a
21 weapon on her, we brought her outside and sat her
22 in a patrol car.

23 Q. Was she handcuffed?

24 A. No, sir.

25 Q. Okay. And why did y'all set her inside

1 of a patrol car?

2 A. Because she was inside the house where
3 we knew that the incident had taken place.

4 Q. Okay. When you went inside the
5 apartment, what did you observe?

6 A. As soon as we opened the door to the
7 apartment, we noticed a large area to the
8 right-hand side, it looked like some type of
9 altercation with tables, chairs knocked over.
10 Blood stains on the wall. A little bit of blood on
11 the ground. Some dice as well as some money. And
12 the disarray on the right-hand side.

13 Q. Did y'all clear the residence?

14 A. Correct.

15 Q. Okay. I think there's actually one
16 picture where a -- let me find it real fast. I'm
17 showing you State's Exhibit Number 17. What's that
18 a picture of?

19 A. That's a picture of the closet door.

20 Q. In what room?

21 A. In the bathroom.

22 Q. Okay. How did that closet door fall
23 over?

24 A. I knocked it over when I opened up the
25 closet door to look in there and make sure nobody

1 was inside.

2 Q. Okay. So you knocked that door over?

3 A. Correct.

4 Q. Okay. And that's on your body cam;
5 correct?

6 A. Yes, sir.

7 Q. There was no altercation in that
8 bathroom?

9 A. Just me and a door.

10 Q. Gotcha. All right. So you mention
11 when you came in you saw the disarray to the
12 right-hand side. I want to show you State's
13 Exhibit Number 24. Do you recognize that?

14 A. Yes.

15 Q. And what do you see in State's 24?

16 A. I see the chair. I see the legs of the
17 table. I see a large caliber shell casing.

18 Q. Where is that? Where is the large
19 caliber shell casing?

20 A. It's on Number 2.

21 Q. That little placard that says 2?

22 A. Yes, sir, right in front of it.

23 Q. Okay.

24 A. I also see a cell phone and several
25 hundred dollar bills.

KYLE HARDISON - DIRECT EXAMINATION BY MR. SCOTT

1 Q. And where are those hundred dollar
2 bills?

3 A. One is underneath the table by the drop
4 cord.

5 Q. Right. Where is the other one?

6 A. The other one is by the Vicks Vapor box
7 right at the bottom of it.

8 Q. Front left leg of that table?

9 A. Correct. And dice.

10 Q. After clearing this residence, did
11 y'all meet with Wanneeshia Perry?

12 A. Correct.

13 Q. And did investigators also respond that
14 night?

15 A. Yes.

16 Q. Did a crime scene investigator respond
17 that night?

18 A. Yes.

19 Q. Prior to the arrival of the crime scene
20 investigator, had the crime scene been secured?

21 A. Yes.

22 Q. Did y'all also have a deputy respond to
23 the hospital to check on Mr. Langley?

24 A. Yes.

25 Q. When did you learn that Mr. Langley had

1 died from his injuries?

2 A. A few days later.

3 Q. So you didn't know about it until
4 later?

5 A. No, sir.

6 Q. Okay. Please answer any questions
7 Mr. Sims has for you.

8 THE COURT: Any questions on cross
9 examination?

10 MR. SIMS: Just a few questions.

11 CROSS EXAMINATION BY MR. SIMS:

12 Q. Officer, just a few questions for you.
13 When you arrived on the scene, I believe you said
14 that you saw Harold Langley, he was sitting up or
15 was somebody propping him up?

16 A. Yes, sir, someone was propping him up.

17 Q. You had the opportunity to talk with
18 him at that time; is that correct?

19 A. Yes.

20 Q. And he was cogent, you could understand
21 what he was saying?

22 A. Very vaguely.

23 Q. Okay. And he kept pointing towards a
24 green car? He kept saying about the green car?

25 A. Yes, sir.

KYLE HARDISON - CROSS EXAMINATION BY MR. SIMS

1 Q. But I believe I heard on there that you
2 asked him, did the people or someone shot at you
3 was in the green car?

4 A. Yes, sir.

5 Q. Okay. And I believe on there you asked
6 him, did he know who shot him?

7 A. Yes, sir.

8 Q. And what was his response?

9 A. At that time he said, no, he didn't.

10 Q. Okay. But he kept telling you about a
11 green car?

12 A. Yes, sir.

13 Q. And when you went over in the direction
14 where there was a green car, you said it was a late
15 model car or something like that?

16 A. I don't remember what model or year or
17 anything.

18 Q. But you did -- but you then at that
19 time saw the door to the apartment open?

20 A. Yes, sir.

21 Q. Was there a blood trail from where you
22 were -- from where you went to back to that
23 apartment?

24 A. Yes, not directly though.

25 Q. Not directly. What do you mean in

1 terms of not directly?

2 A. The blood tracks led from the apartment
3 -- from the apartment in which the incident
4 occurred around the backside of another apartment
5 and then to Mr. Langley.

6 Q. Okay. So it went around another one
7 and then came back?

8 A. Yes, sir.

9 Q. Okay. So it wasn't a direct trail from
10 where he was straight into the house?

11 A. It wasn't a straight line trail.

12 Q. And you say you found Ms. Perry inside
13 the apartment?

14 A. Yes, sir.

15 Q. Did you knock on the door?

16 A. I don't recall.

17 Q. And when you got in the apartment, you
18 -- I think you characterized it as you observed
19 that some kind of altercation had occurred?

20 A. Yes, sir.

21 Q. You saw blood stains on the wall, you
22 saw dice, and blood on the floor. Where were these
23 dice?

24 A. They were on the floor.

25 Q. How many?

KYLE HARDISON - REDIRECT EXAMINATION BY MR. SCOTT

1 A. I don't recall the exact number.

2 Q. Okay. So you did not seize them, but
3 you secured the scene for the investigating officer
4 to come; is that correct?

5 A. Correct.

6 Q. Okay. And that was basically the
7 extent of your involvement once you got -- you were
8 the first one on the scene, you and another deputy
9 were the first ones on the scene, you had the
10 opportunity to talk with the victim at that time
11 and that victim indicated he didn't know who shot
12 him, but he told you about a green car?

13 A. Yes, sir.

14 Q. Okay. And after that I believe you
15 said a couple of days later you learned that he had
16 passed?

17 A. Yes, sir.

18 MR. SIMS: That's all I have, Your
19 Honor.

20 THE COURT: Anything on redirect?

21 MR. SCOTT: Yes, Your Honor, just
22 briefly.

23 REDIRECT EXAMINATION BY MR. SCOTT:

24 Q. Did you have an opportunity to meet
25 with the victim as he's being loaded into the

1 ambulance?

2 A. Correct.

3 Q. And that's not on that audio that we've
4 already heard; correct?

5 A. No, sir.

6 Q. So when you're speaking with the victim
7 on the audio that we've heard and he's mentioning
8 that apartment, that green car; as the victim's
9 being loaded into the ambulance, were you able to
10 clarify what he was trying to tell you about the
11 green car?

12 A. Yes, sir.

13 Q. And what did he tell you?

14 A. When we were loading him in the back of
15 the ambulance, he told myself and Lieutenant Davis,
16 somebody over there.

17 Q. Okay. And you said this area is full
18 of apartments?

19 A. Correct.

20 Q. And he's pointing, he's telling you
21 it's the apartment where the green car is?

22 A. Yes, sir.

23 Q. I gotcha. Mr. Sims asked you about
24 that statement where the victim you said, do you
25 know who the guy is that shot you and he said, no,

KYLE HARDISON - RECROSS EXAMINATION BY MR. SIMS

1 I don't was his response?

2 A. Correct.

3 Q. When you asked him earlier, have you
4 ever seen him before, what was his response?

5 A. I believe at that time it was he was
6 pointing back towards the apartment and said,
7 somebody over there, please help me.

8 Q. Okay.

9 MR. SCOTT: That's all I have.

10 THE COURT: Anything on recross?

11 MR. SIMS: Yes, sir.

12 RECROSS EXAMINATION BY MR. SIMS:

13 Q. When you said somebody over there, he
14 was pointing in the direction just somebody over
15 there, no individual, he didn't say somebody I was
16 gambling with, somebody I was hanging with,
17 somebody whom I knew or anything like that,
18 somebody over in that area?

19 A. Correct.

20 Q. Okay.

21 MR. SIMS: That's all.

22 THE COURT: All right. You may step
23 down. Thank you, sir. State ready to call its
24 next witness?

25 MR. SCOTT: Yes, Your Honor.

1 THE COURT: Can he be excused?

2 MR. SIMS: Yes.

3 MR. SCOTT: Yes.

4 THE COURT: Okay.

5 MR. SCOTT: State calls Abraham
6 Williams.

7 THE COURT: Come on around. Before you
8 sit down, there's a bible right up there?

9 MR. SCOTT: Yes, Your Honor.

10 THE COURT: Okay. If you'd put his
11 left hand on the bible. And I know it's going to
12 be hard for you to raise your right hand, but if
13 you'd just -- the clerk's going to swear you in,
14 okay?

15 MR. WILLIAMS: Uh-huh.

16 ABRAHAM WILLIAMS,
17 being first duly sworn, was examined and testified
18 as follows:

19 THE CLERK: Thank you. Please state
20 your name for the Court.

21 MR. WILLIAMS: Abraham Williams.

22 THE COURT: Thank you, Mr. Williams.

23 And, Mr. Williams, if you need to pull up to make
24 sure we can hear you that would be great. Okay.
25 Thank you, sir.

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 DIRECT EXAMINATION BY MR. SCOTT:

2 Q. Would you say your name again into the
3 microphone?

4 A. Abraham Williams.

5 Q. How old are you, Mr. Williams?

6 A. Thirty.

7 Q. And where are you from?

8 A. Orangeburg.

9 Q. And where did you go to high school?

10 A. Orangeburg Wilkerson.

11 Q. And what year did you graduate?

12 A. 2009.

13 Q. And what city do you currently live?

14 A. Columbia.

15 Q. And you still have family and friends
16 in Orangeburg?

17 A. Yes.

18 Q. And what do you do for a living?

19 A. Drive trucks.

20 Q. Make sure you speak into the
21 microphone, okay. And you're obviously dressed in
22 jail clothes today, can you tell the jury why
23 you're in custody?

24 A. Witness to a crime.

25 Q. You're a witness to a crime? Did you

1 miss court at some point?

2 A. Yes.

3 Q. Back in May?

4 A. Yes, sir.

5 Q. You're going to have to talk into the
6 microphone a little bit more, okay. We can move
7 the microphone, you can move your chair.

8 THE COURT: Can y'all move the
9 microphone closer to him.

10 Q. You were served with a subpoena back in
11 May; is that correct?

12 A. Yes, sir.

13 Q. And you missed court?

14 A. Yes, sir.

15 Q. Is it fair to say you don't want to be
16 here today?

17 A. Yes, sir.

18 THE COURT: Hold on, let me just see if
19 the microphone's on. I hate to interrupt you.

20 MR. SCOTT: It's on.

21 THE COURT: Okay. Try that.

22 Q. Is it fair to say you don't want to be
23 here today?

24 A. Yes, sir.

25 Q. Do you know Wanneeshia Perry?

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 A. Yes.

2 Q. How long have you known Ms. Perry?

3 A. Over ten years.

4 Q. And do you know her from high school?

5 A. Yes.

6 Q. Were y'all in the same class?

7 A. No.

8 Q. Who's older?

9 A. She is.

10 Q. Back in June of 2019, where was Ms.
11 Perry living?

12 A. Off of Columbia Road.

13 Q. And prior to June 30, 2019, how many
14 times do you think you had been to her place on
15 Baugh Street?

16 A. Quite a few times.

17 Q. Okay. And back in June of 2019, did
18 you know the victim Harold Langley?

19 A. Yes.

20 Q. How did you know Mr. Langley?

21 A. From rolling dice.

22 Q. From rolling dice?

23 A. Yes.

24 Q. And where did Harold live in relation
25 to Ms. Perry?

1 A. Across the street.

2 Q. Did you know any of Ms. Perry's
3 neighbors other than Harold at that time?

4 A. No, sir.

5 Q. Prior to June 30, 2019, did you know
6 the Defendant, Damion Mayers?

7 A. No.

8 Q. On Sunday, June 30, 2019, did you go to
9 Ms. Perry's apartment?

10 A. Yes, sir.

11 Q. And why did you go there?

12 A. To roll dice.

13 Q. How did you get there?

14 A. I drove.

15 Q. Was anyone with you?

16 A. No, sir.

17 Q. And what kind of car were you driving?

18 A. A white Ford Fusion.

19 Q. What year, do you remember?

20 A. 2014.

21 Q. Where did you park when you got to Ms.
22 Perry's apartment?

23 A. In front of the door like behind the
24 tree.

25 Q. Okay. Kind of near those bushes?

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 A. Yeah.

2 Q. And, ultimately, who all ended up at
3 Ms. Perry's apartment that evening to shoot dice?

4 A. Me, Wanneeshia, Harold, and Dame.

5 Q. Okay. And you say, Dame, did you know
6 his name back then?

7 A. No, sir.

8 Q. Do you recall what kind of car -- do
9 you recall what kind of car Dame was driving?

10 A. It was a silver Cadillac.

11 Q. Okay. Did the four of you end up
12 shooting dice?

13 A. Yes.

14 Q. Was anyone else there at the apartment
15 other than you, Wanneeshia, Harold, and Dame?

16 A. No, sir.

17 Q. How long did y'all shoot dice for?

18 A. A few hours.

19 Q. And where were y'all shooting dice?

20 A. By the front door.

21 Q. After shooting dice for some hours, who
22 was winning and who was losing?

23 A. I couldn't tell that first, but I know
24 Harold ended up winning at the end.

25 Q. Okay. So while y'all are shooting

1 | dice, what if anything did the Defendant do or say?

2 | A. While we was rolling dice, nothing
3 | really.

4 | Q. Okay.

5 | THE COURT: I hate to interrupt.
6 | Mr. Williams, you're going to need to speak up or
7 | either get closer to the microphone.

8 | A. All right.

9 | THE COURT: Go ahead. Sorry,
10 | Mr. Scott.

11 | Q. Did -- at some point did the Defendant
12 | say he needed to go to his car?

13 | A. Yes.

14 | Q. Why?

15 | A. Get some more money.

16 | Q. Did he walk out?

17 | A. Yes.

18 | Q. And when he walked out, where were you?

19 | A. At the counter.

20 | Q. At the counter?

21 | A. Yes, sir.

22 | MR. SCOTT: Beg the Court's indulgence.

23 | Q. I'm going to show you State's Exhibit
24 | Number 12. Do you recognize that?

25 | A. Yes.

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 Q. And what is that a picture of?

2 A. The counter I was standing at and the
3 table.

4 MR. SIMS: I'm sorry. What was that?
5 I couldn't hear either.

6 MR. SCOTT: He said that was the
7 counter he was standing at.

8 MR. SIMS: Oh, okay.

9 Q. So you're standing that the counter --

10 A. At the edge of the counter.

11 Q. And Abe's at the counter too? Is that
12 what you said? I'm sorry.

13 A. No. I said the edge. I'm Abe.

14 Q. I'm sorry. What did you say?

15 A. I said I was at the edge of the
16 counter.

17 Q. Oh, the edge of the counter. I got
18 you. Did the Defendant walk out?

19 A. Yes.

20 Q. And where was Harold?

21 A. Still in front of the door like over
22 where we was rolling dice at.

23 Q. Okay. Where was Wanneeshia?

24 A. In the room.

25 Q. Tell the jury what happened next.

1 A. Next that's when he came back in with a
2 gun and he told him to give him his money back.
3 Harold dropped the money and next thing I know he
4 shot him.

5 Q. Who came back in?

6 A. The Defendant.

7 Q. And when he came back in, what if
8 anything was he brandishing? What was he holding?

9 A. A gun.

10 Q. What kind of gun?

11 A. A Draco.

12 Q. Okay. What is a Draco?

13 A. It's like a mini AK, I believe. I
14 ain't sure.

15 Q. Okay. How did you know what a Draco
16 was?

17 A. I seen it around. TV. Internet.

18 Q. Okay. I want to show you what's been
19 marked as State's Exhibit Number 26. Do you
20 recognize that?

21 A. Yes.

22 Q. And what is that?

23 A. A Draco.

24 MR. SCOTT: Your Honor, at this time
25 we'd offer State's 26 into evidence.

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 MR. SIMS: Of course, we enter our
2 objection as regards to that picture.

3 THE COURT: Yeah. I'm going to note
4 your objection on the record. We talked about it
5 previously and I am going to let it in over your
6 objection. Okay.

7 MR. SCOTT: Thank you, Your Honor.

8 (WHEREUPON, State's Exhibit Number 26
9 was entered)

10 Q. So State's 26, that's what a Draco
11 looks like to you?

12 A. Yes, sir.

13 Q. Okay. So the Defendant came back in
14 with a Draco. What did he say to the victim?

15 A. He wanted his money back.

16 Q. Do you remember what he said
17 specifically?

18 A. Not specifically, no.

19 Q. Okay. And what did Harold say?

20 A. He like, you can have it.

21 Q. And what did he do?

22 A. He dropped the money.

23 Q. And what happened next?

24 A. After he shot him, me and Harold like
25 end up towards like knocking over the table trying

1 to get away pretty much.

2 Q. You and Harold were both trying to get
3 away?

4 A. Yes.

5 Q. Were you shot during this incident?

6 A. No, sir.

7 Q. Okay. Where did you and Harold end up
8 trying to get away?

9 A. Like in the corner. Like we done
10 knocked over like the table and everything.

11 Q. I want to show you State's Exhibit
12 Number 13. You said you and Harold ended up in the
13 corner, is that the corner you're referring to?

14 A. Yes, sir.

15 Q. Are y'all standing up or y'all on the
16 ground or what?

17 A. We was standing up, but we knocked over
18 the table and fell down when we knocked over the
19 table.

20 Q. So both of you are on the floor in that
21 corner?

22 A. Yes, pretty much.

23 Q. Okay. What if anything did Harold do
24 to you while y'all are in that corner?

25 A. He was holding me kind of like using me

1 as a shield, I guess, from not getting shot again.

2 And then I had broke loose and ran into the room.

3 Q. Ran into what room?

4 A. Wanneeshia's room.

5 Q. What do you remember hearing or seeing

6 once you got into Wanneeshia's room?

7 A. She was -- Wanneeshia was telling me to
8 shut the door.

9 Q. What were you doing?

10 A. I really don't recall. I know I just
11 standing there.

12 Q. Okay. How many gunshots do you think
13 you heard in total?

14 A. Two.

15 Q. Two?

16 A. Yes.

17 Q. This was before going into Wanneeshia's
18 room?

19 A. Yes.

20 Q. Did you hear anything else?

21 A. No, sir.

22 Q. Did you hear Harold saying anything?

23 A. No, not until he got off the ground.

24 Q. Okay. Did you ever observe the

25 Defendant pick up any money?

1 A. No.

2 Q. You didn't observe him pick it up?

3 A. No, sir.

4 Q. Okay. Is it possible he picked up
5 money and you just didn't see it?

6 A. It's possible, yes.

7 Q. Okay. When you ran into the bedroom
8 with Wanneeshia, did Mr. Mayers ever come into the
9 bedroom and try to --

10 A. No.

11 Q. -- and confront you and Wanneeshia?

12 A. No, sir.

13 Q. So this was purely about Harold?

14 A. Yes, sir.

15 Q. So after you run into the bedroom,
16 you've heard these gunshots, you know -- I mean,
17 tell the jury what happened next.

18 A. After that, Harold got up, he was
19 screaming he needed to go to the hospital. Then he
20 ran out the door. Then Wanneeshia was telling me
21 the shut the front door too. And then maybe a
22 couple of seconds later I end up like running
23 behind him, where Harold was going -- well, he was
24 already across the street by the time I got out the
25 door. Then I hopped in my car and left.

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 Q. Where did you go?

2 A. Home.

3 Q. Home where?

4 A. Columbia.

5 Q. Why didn't you stick around?

6 A. Scared. Nervous.

7 Q. While on the way to Columbia, did you
8 call anybody?

9 A. Yes.

10 Q. Who did you call?

11 A. Wanneeshia.

12 Q. Did you tell her that Harold tried to
13 use you as a shield?

14 A. Yes.

15 Q. Who is Teronica Conerly?

16 A. That's Harold best friend from what I
17 know of.

18 Q. Okay. Did you talk to her that night?

19 A. Yes.

20 Q. Did you tell her what happened?

21 A. Yes.

22 Q. Later that night, did you speak with
23 law enforcement after you left the scene?

24 A. Yes, sir.

25 Q. On your cell phone?

1 A. Yes.

2 Q. Do you recall who you spoke with?

3 A. Officer Stokes.

4 Q. The guy sitting next to you or near
5 you?

6 A. Yes, sir.

7 Q. Did you agree to come in the next
8 morning and speak with him?

9 A. Yes, sir.

10 Q. And did you go to the sheriff's office
11 the next morning?

12 A. Yes, sir.

13 Q. And did you go to -- let me ask you
14 this. When you went to the sheriff's office were
15 you prepared to tell Investigator Stokes the truth
16 about what happened?

17 A. No, sir.

18 Q. Why not?

19 A. Because I really didn't want to be
20 involved with it.

21 Q. Prior to being interviewed, did an
22 officer show you a photo lineup?

23 A. Yes.

24 Q. I want to show you what's been marked
25 as State's Exhibit 20. Do you recognize that?

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 A. Yes, sir.

2 Q. That's already in evidence. Tell the
3 jury what that is.

4 A. The picture of who shot Harold.

5 Q. Okay. Is that the photo lineup the
6 police showed you?

7 A. Yes, sir.

8 Q. Does that have your initials on it?

9 A. Yes, sir.

10 Q. And did you circle the picture?

11 A. Yes, sir.

12 Q. As well as the number?

13 A. Yes.

14 Q. And I believe that says July 1, 2019;
15 is that correct?

16 A. Yes, sir.

17 Q. After picking Mr. -- after picking out
18 photo number four, did you also do a form that went
19 along with that photo lineup? I'm showing you
20 State's Exhibit Number 21.

21 A. Yes.

22 Q. And is some of this in your
23 handwriting?

24 A. Yes.

25 Q. And after picking out number four, who

1 did you tell the investigator number four was?

2 A. This one of the person that I was
3 gambling with.

4 Q. Why did you only tell him he was
5 somebody who was there gambling?

6 A. So I wouldn't be a witness pretty much.

7 Q. After being shown this photo lineup,
8 did you then meet with Investigator Stokes?

9 A. Yes.

10 Q. How long did y'all meet for?

11 A. A few hours.

12 Q. A few hours?

13 A. Yes.

14 Q. Why did y'all have to meet for a few
15 hours?

16 A. Because I basically didn't want to tell
17 him the truth.

18 Q. You didn't want to tell the truth?

19 A. Yeah.

20 Q. While you're being interviewed by
21 Investigator Stokes, did he actually get somebody
22 else on the cell phone to talk to you?

23 A. Yes.

24 Q. Who was that?

25 A. Teronica.

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 Q. Teronica?

2 A. Yeah.

3 Q. The same girl you had called the night

4 --

5 A. The night of, yeah.

6 Q. And told her what happened?

7 A. Yes, sir.

8 Q. So basically Investigator Stokes knew
9 you were holding back; is that correct?

10 A. Yes, sir.

11 Q. Did you ever come clean during that
12 interview and tell Investigator Stokes the entire
13 truth?

14 A. Yes, sir.

15 Q. During that interview?

16 A. Oh, no, not during that interview.

17 Q. Not during that interview. Okay. Did
18 he ask you to write a statement that day?

19 A. Yeah, he did.

20 Q. Okay. And you actually kind of gave
21 two statements, didn't you?

22 A. Yes.

23 Q. Did you eventually leave from that
24 interview that you said was a couple of hours -- a
25 few hours?

1 A. Yes.

2 Q. Sometime after you left, did

3 Investigator Stokes reach out to you?

4 A. Yes, sir.

5 Q. Did he ask you come back in again the

6 next day?

7 A. Yes, sir.

8 Q. And did you do that?

9 A. Yes.

10 Q. Did he threaten you or coerce you in

11 anyway to come back in?

12 A. No, sir.

13 Q. Did you in fact meet with him again the

14 next morning?

15 A. Yes, sir.

16 Q. Same place you had met with him the day

17 before?

18 A. Yes.

19 Q. And what did you tell him the second

20 time you met with him?

21 A. The truth.

22 Q. That you saw who shot Harold Langley?

23 A. Yes.

24 Q. Did he have to threaten you or coerce

25 you in anyway to get you to tell you that?

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 A. No, sir.

2 Q. Did he ask you to write another
3 statement?

4 A. Yes.

5 Q. Did they ask you to fill out another
6 one of these photo lineup forms?

7 A. Yes, sir.

8 Q. I'm showing you State's Exhibit Number
9 22. Do you recognize that?

10 A. Yes.

11 Q. And that's already in evidence, I'll
12 publish it right here. What did you write -- first
13 of all, is that your handwriting after it says,
14 photograph number four?

15 A. Yes.

16 Q. And what did you write on State's
17 Exhibit Number 22?

18 A. That that was the guy that shot Harold.

19 Q. Just read it.

20 A. "Came in the house and shot Harold with
21 a Draco."

22 Q. With a Draco?

23 A. Yes.

24 Q. You've been convicted of burglary
25 second before; is that correct?

1 A. Yes, sir.

2 Q. Mr. Williams, the person that you saw
3 come to the apartment armed with a Draco and shoot
4 Harold, is he in the courtroom today?

5 A. Yes, sir.

6 Q. Can you identify him for the jury?

7 A. Over there in the blue suit.

8 Q. Blue suit?

9 A. Yes.

10 THE COURT: All right. The record --
11 just to make the record clear, he's identified the
12 Defendant.

13 MR. SCOTT: Thank you, Your Honor.

14 Q. Mr. Williams, over the last two years,
15 have you received any phone calls from any of the
16 Defendant's friends or family members?

17 MR. SIMS: Your Honor, at this time,
18 there's a matter we need to take up.

19 THE COURT: Okay. Ladies and
20 gentlemen, let you go into the jury room while I
21 take up this matter with the attorneys. And we're
22 just going to go in the jury room in here. If
23 y'all will come this way. We don't plan to be very
24 long.

25 (WHEREUPON, the jury left the courtroom

1 | at 4:56 p.m.)

2 | THE COURT: All right.

3 | MR. SIMS: Your Honor, we had a brief
4 | discussion about this prior to beginning this
5 | afternoon session. The State is now, I believe,
6 | trying to put in evidence of telephone calls that
7 | were made and he phrased in the last two years have
8 | you received any, I guess and I kind of cut him
9 | off, but I know what it was about. Have you
10 | received any telephone calls from anybody on his
11 | behalf?

12 | Your Honor this happened on June 30th
13 | of 2019. On that day, he indicated on that day
14 | that he was afraid there was no premise or nothing
15 | else going. He said he left because his family was
16 | here in Orangeburg and he left because he was
17 | afraid. Anything that happened over the last two
18 | years after that, he gave these three statements
19 | and is going to show that the three statements that
20 | he gave were well before anyone from anywhere else
21 | had tried to talk with him in regards to what he
22 | would say or what he did say in regards to this
23 | matter. So we think it's highly prejudicial and
24 | the probative values is not -- is outweighed by its
25 | prejudicial effect upon the jury hearing this about

1 something that happened over two years it happens.
2 A significant time after the incident occurred.

3 This is not like he was called on the
4 day of. It's not like he was called on the day
5 after. It's not like he was called on the week
6 after or the month after. These calls that I
7 understand are -- we're talking about maybe a year
8 or so after the situation occurred. Then there's
9 an allegation that there were people who were
10 trying to call Mr. -- call Mr. Williams in regards
11 to this matter. And that was not within the first
12 month, two months, three months, or four months.
13 This is like a year later. And that just does not
14 have any bearing on what was said. What he said,
15 he gave three statements in the beginning. So
16 these calls had nothing to do with what he said in
17 the beginning.

18 MR. SCOTT: I haven't asked him about
19 any specific phone calls. My only -- this is my
20 last question. My last question is, have you
21 received any phone calls about your participation
22 in this trial? He is sitting here in a jumpsuit
23 and shackles because he doesn't want to be here.
24 And I think it's fair to ask him if he's received
25 any phone calls from the Defendant or from the

ABRAHAM WILLIAMS - DIRECT EXAMINATION BY MR. SCOTT

1 Defendant's family or friends.

2 THE COURT: But at this time you're not
3 asking him --

4 MR. SCOTT: I'm not going to play
5 anything. I'm not asking ask him anything else.
6 I'm just going to ask him that one question. It's
7 literally my last question.

8 MR. SIMS: Your Honor, I still think
9 that -- he would ask that question at this point in
10 just a general conversation is inappropriate. If
11 you say on the day in question, the day after in
12 question, or the day after this event happened if
13 you called anyone -- if you received any calls.
14 That in my mind would be appropriate. But at this
15 point, this -- just leave it open like that I think
16 it's very prejudicial.

17 MR. SCOTT: What's inappropriate is
18 trying to contact a witness.

19 THE COURT: And that's the point. And
20 --

21 MR. SIMS: And there are remedies for
22 that. They have other remedies for that for those
23 people who did that. But in this trial, I do not
24 think it's appropriate to bring that in at this
25 trial.

1 THE COURT: Well, I'm going to note
2 your objection. I'm going to let him ask that
3 question because that explains to the jury why the
4 witness is in here, essentially locked down. He
5 doesn't want to be here. And your objection is
6 going to be preserved for the record, but he's not
7 going into anything else right now. He's just
8 asking that.

9 MR. SCOTT: Thank you, Your Honor.

10 THE COURT: Okay. Thank you, Mr. Sims.
11 Bring the jury on back out.

12 (WHEREUPON, the jury entered the
13 courtroom at 4:55 p.m.)

14 THE COURT: All right. Ladies and
15 gentlemen, I hope y'all are as pleased as I am that
16 it really didn't take that long. Okay. Mr. Scott,
17 will you continue with your questions?

18 MR. SCOTT: Thank you, Your Honor.

19 CONTINUED DIRECT EXAMINATION BY MR. SCOTT:

20 Q. Mr. Williams, during the last two
21 years, have you received any phone calls from any
22 of the Defendant's friends or family regarding your
23 participation in this jury trial?

24 A. Yes.

25 MR. SCOTT: That's all I have, Your

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 Honor.

2 THE COURT: All right. Anything on
3 cross examination?

4 MR. SIMS: Yes, sir.

5 CROSS EXAMINATION BY MR. SIMS:

6 Q. Mr. Williams, let's go back to when
7 this happened. I believe you gave several
8 different statements; is that correct?

9 A. Yes.

10 Q. I believe one of them was on July 1
11 about 9:58. Do you recall what you said on that
12 day?

13 A. Kind of, yes.

14 Q. If I can show you your statement, would
15 that be appropriate for you to refresh your
16 recollection?

17 A. (Witness nodded)

18 MR. SCOTT: Your Honor, I think he
19 should ask him a question. If he wants to -- if he
20 doesn't like the answer and wants to impeach him,
21 but he can ask him about his prior statement.

22 THE COURT: I mean, it might go
23 quicker, Mr. Sims, if you just want to ask him.
24 And then if it's -- if you believe it's inaccurate,
25 you can point it out to him.

1 MR. SIMS: Okay.

2 THE COURT: Okay.

3 Q. On this statement that you gave that
4 morning, you said we were gambling and you went to
5 -- and I went to the kitchen and the guy, Harold
6 and Damion kept rolling dice; is that what you
7 said?

8 A. I said the guy?

9 Q. The guy Harold and Damion kept --

10 A. Oh, yeah. Yes, sir.

11 Q. You said you heard a shot and ran for
12 cover in the back room; is that correct?

13 A. I don't remember saying, but, no,
14 that's not what happened.

15 Q. But this is what you said on that day?

16 A. Oh, okay.

17 Q. You just had an opportunity to look.
18 This is what you said on that day.

19 A. Okay.

20 Q. And the guy came through -- had a white
21 shirt on.

22 MR. SCOTT: Your Honor --

23 A. Yes, sir.

24 MR. SCOTT: -- I'm going to objection
25 if he's just going to read his statement. He needs

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 to ask him a question. He can answer it. And if
2 he doesn't like the answer, he can impeach him with
3 it.

4 MR. SIMS: That's what he was doing.
5 This is the one that he had read. And when I read
6 it, I asked him a question and he said he was
7 saying something altogether different.

8 THE COURT: All right. Why don't we
9 try it this way, Mr. Sims. Ask him, did you say at
10 that time the man in the white shirt came in and
11 shot him or something like that. And then if he
12 says that's not true, then you can show it to him
13 -- then you can show him the document.

14 MR. SIMS: I'll do it that way.

15 THE COURT: Okay. I'm sorry.

16 Q. Did you say a guy in a white shirt came
17 in was the one who was shooting?

18 A. Yes.

19 Q. And did you say that you heard another
20 gunshot?

21 A. Yes.

22 Q. Had you heard a gunshot before -- when
23 did you hear the first gunshot?

24 A. At the door.

25 Q. At the door?

1 A. Yes.

2 Q. So are you saying that when the person
3 came in, he immediately began shooting?

4 A. No, maybe a couple of seconds later
5 though.

6 Q. I'm sorry.

7 A. A couple of seconds later, yes.

8 Q. I couldn't hear you.

9 A. A couple of seconds later.

10 Q. A couple of seconds later he shot?

11 A. Yes.

12 Q. No -- nothing asked, nothing said, he
13 just walked in and a couple of seconds and shot --

14 A. No, something was said from both of
15 them.

16 Q. What was said?

17 A. Give me my money back. And Harold
18 like, here, you can have it. It ain't worth it.

19 Q. Let me ask you. On that night, did
20 Wanneeshia leave the house?

21 A. No.

22 Q. Did Harold ever leave the house?

23 A. No.

24 Q. Did you -- and you said you heard --
25 did Harold scream?

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 A. Yes.

2 Q. What happened then?

3 A. That's when he was saying somebody take
4 me to the hospital or call the ambulance.

5 Q. And you gave another statement to --
6 about -- on July 1st also you gave another
7 statement on that day, did you not?

8 A. Yes.

9 Q. Okay. And how many guys did you say
10 were rolling dice?

11 A. Guys, it was just three guys.

12 Q. Two guys?

13 A. Well, Harold and Dame.

14 Q. And when the guy with the white shirt
15 came through the door, what did you do?

16 A. Sat there and looked.

17 Q. You sat there and looked?

18 A. Yes.

19 Q. When did you run into the bedroom?

20 A. I ran to the bedroom -- after the first
21 shot, after we done hit the table, after I done
22 crawled away, then I ran into the room.

23 Q. When you -- when you said the guy with
24 the white shirt went out and came back in, did
25 Officer Stokes ask you was that the same guy that

1 | you were shooting -- that was shooting dice with
2 | before?

3 | A. Yes.

4 | Q. And did you not say that you didn't
5 | think so, you couldn't be sure?

6 | A. That statement, yes.

7 | Q. And then on the third statement, do you
8 | recall what Damion was wearing that day?

9 | A. A white shirt.

10 | Q. Now, in your statement on the 7/2, did
11 | you -- do you remember telling the officer that the
12 | guy in the white tank top and Harold were gambling?

13 | A. Yes.

14 | Q. So the white tank top -- the guy in the
15 | white tank top that was Damion?

16 | A. In the white tank top? I don't recall.

17 | Q. Well, my point is, you have given two
18 | statement -- you've given two different description
19 | of the person who was in the house. And this
20 | statement, if you want to read it, I can, but I
21 | just asked you a question in regards to whether or
22 | not you recall that Damion had on a white tank top?

23 | A. A white shirt, a white tank top is
24 | pretty much saying the same thing.

25 | Q. In your opinion they are the same?

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 A. Yes.

2 Q. And I believe you said that Harold was
3 trying to use you as a shield?

4 A. Yes.

5 Q. And you broke loose and went into the
6 bedroom?

7 A. Yes.

8 Q. Was there a fight going on outside in
9 that -- in the front room?

10 A. A fight?

11 Q. Yeah.

12 A. No, not that I know of.

13 Q. They were wrestling -- well, the table
14 was turned over, wasn't it?

15 A. Yes.

16 Q. And the board was all mixed up and
17 chairs and everything were turned over?

18 A. Yes, sir.

19 Q. So somebody was scuffling out there; is
20 that correct?

21 A. I guess you could say so. Well, we
22 just knock over the table like we was trying to get
23 away. If that what you call it scuffling then,
24 yes.

25 Q. Point you have given three different

1 statement by your own admission which were not
2 true?

3 A. No.

4 Q. Is that correct?

5 A. You say three of them was what?

6 Q. You gave three separate statements by
7 your own admission which were not true?

8 A. No, two.

9 Q. Two?

10 A. Yes.

11 Q. Your first statement on July 1 of 9:58,
12 you gave that statement?

13 A. Yes.

14 Q. The second statement of July 1, 10:52,
15 you gave that statement?

16 A. Yes.

17 Q. Your third statement, July 2, 9:22
18 a.m., you gave that statement?

19 A. Yes.

20 Q. All three of those were lies?

21 A. No.

22 Q. Which one was true?

23 A. The last one.

24 Q. What did you say in the last one?

25 A. I told him who I seen shot Harold.

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 Q. Now, when you were in there, is this
2 when you were talking with Investigator Stokes, the
3 last statement?

4 A. Yes.

5 Q. Okay. And that's the one he asked you
6 to write; is that correct?

7 A. Yes.

8 Q. And when you were there going through
9 that statement, did not Detective Shumpert come in?

10 A. I don't recall.

11 Q. He did not come in and talk with
12 Investigator Stokes?

13 A. I don't know who he was.

14 Q. But an officer came in; is that
15 correct?

16 A. Yes.

17 Q. And did he not say --

18 MR. SCOTT: Objection.

19 Q. What was said, do you recall?

20 MR. SCOTT: I would objection to
21 anything somebody else said.

22 THE COURT: You can ask -- you can ask
23 that attorney, but -- I mean, that officer if he
24 testifies or you can call him, you know. But
25 otherwise it's hearsay.

1 Q. Let me ask you this then. Let me ask
2 you this way. In any way were you threatened by
3 the police?

4 A. No, sir.

5 Q. No one ever threatened you?

6 A. No, sir.

7 Q. And on the night in question, you
8 didn't call the police?

9 A. No.

10 Q. You didn't wait for the police?

11 A. No.

12 Q. Even though you were in the house and
13 you saw blood on the floor, tables turned over,
14 chairs turned over, and you never called the
15 police?

16 A. No.

17 Q. You never waited for the police to
18 come?

19 A. No, sir.

20 Q. Did you know Harold before?

21 A. Yes.

22 Q. And you saw -- you heard Harold say,
23 I'm shot; is that correct?

24 A. Yes.

25 Q. And you saw the blood from your friend

ABRAHAM WILLIAMS - CROSS EXAMINATION BY MR. SIMS

1 in the house; is that correct?

2 A. Yes.

3 Q. And you chose rather than call the
4 police to leave?

5 A. Yes.

6 Q. So Wanneeshia was not in the room when
7 the guy who came in with the Draco was there, she
8 was not in the room, was she -- or was she?

9 A. She was.

10 Q. She was in the room?

11 A. (Witness nodded)

12 Q. And when she was in the room --

13 MR. SCOTT: Can you clarify as to which
14 room?

15 Q. Which room was she in -- let me
16 clarify. Was she in there with you all?

17 A. When he came through the door?

18 Q. Yeah.

19 A. No, I don't believe so.

20 Q. How often had you gambled with
21 Wanneeshia and Harold?

22 A. Quite a few times.

23 Q. Okay. So there was a regular ongoing
24 gambling between you all; is that correct?

25 A. You could say that.

1 Q. So you all had formed a bond, you knew
2 each other?

3 A. Me and Wanneeshia, yes, but I didn't
4 know Harold that well.

5 Q. You didn't know Harold that well, but I
6 just asked you a few seconds ago whether or not you
7 all gambled together?

8 A. We have before, but maybe a few times.

9 Q. And in those statements, you kept
10 referring to the guy who came in and you did not
11 say Damion. You knew Damion, didn't you?

12 A. No, I didn't know him until afterwards.

13 Q. You didn't know Damion until
14 afterwards?

15 A. (Witness nodded)

16 Q. I thought you said that you all had
17 gambled together also?

18 A. No.

19 Q. You all had never gambled together?

20 A. No, just that day. That was it. That
21 was the first time I ever seen him.

22 Q. That's the first time you've ever seen
23 him?

24 A. Yes.

25 Q. You never knew him at school?

ABRAHAM WILLIAMS - REDIRECT EXAMINATION BY MR. SCOTT

1 A. No, sir.

2 Q. You never knew his brother or any of
3 his family?

4 A. I knew of his -- I think younger
5 brother, but I found that out later on.

6 Q. Later on like when?

7 A. Like maybe a couple of weeks after the
8 incident.

9 Q. And in your first three statements --
10 first two statements you said you never told anyone
11 that the guy who came in was Damion?

12 A. Yes.

13 Q. And you had gone to Columbia on the
14 night in question?

15 A. Yes.

16 MR. SIMS: That's all I have at this
17 point, Your Honor.

18 THE COURT: Anything on redirect?

19 REDIRECT EXAMINATION BY MR. SCOTT:

20 Q. Did you even sign your first statement?

21 A. No, sir.

22 Q. You and Investigator Stokes basically
23 just started over with the second statement?

24 A. Yes.

25 Q. And that was the day after this

1 incident?

2 A. Yes.

3 Q. Okay. And Mr. Sims asked you, isn't it
4 true that you told Investigator Stokes that you're
5 not positive, but you don't think the person who
6 came back through was the person you were gambling
7 with. Do you remember him asking you that question
8 just now?

9 A. Yes.

10 Q. But in fact that's not what you told
11 Investigator Stokes, is it?

12 A. No, sir.

13 Q. When he asked you, was the guy that
14 left out the same person that came back inside with
15 the gun. Do you recall your response?

16 A. I recall I told him, yes, I know who it
17 was.

18 MR. SCOTT: That's all I have.

19 THE COURT: Anything on recross?

20 MR. SIMS: Nothing on recross, Your
21 Honor, at this point. But I would like him to
22 still be under subpoena if that's okay. Not if
23 that's okay, but I would like for him to still be
24 there. We may have some rebuttal testimony
25 tomorrow.

1 THE COURT: You want to do the same
2 thing you did -- okay.

3 MR. SCOTT: Can we approach?

4 THE COURT: Sure.

5 MR. SCOTT: Can we just recess and then
6 discuss --

7 THE COURT: Okay. All right. Do we
8 need to keep the jury here while we do that?

9 MR. SCOTT: No.

10 THE COURT: Okay. Y'all want to be
11 back at 9:30?

12 MR. SCOTT: Yes.

13 MR. SIMS: Yes.

14 THE COURT: All right. Ladies and
15 gentlemen, y'all need to listen up for a second
16 before y'all get up. I know you're anxious to
17 leave, but let me just go back over.

18 Number one, you can't talk with anybody
19 about anything you've heard. You can't do any
20 research on the case or anything like that. Y'all
21 have been doing very good listening. I will see
22 you back here in the jury room at 9:30 and we'll be
23 ready to go. Okay. All right. Thank you.

24 (WHEREUPON, the jury left the courtroom
25 at 5:18 p.m.)

1 THE COURT: All right. Do we need to
2 talk on the record?

3 MR. SCOTT: Well, I think the issue is
4 his status.

5 THE COURT: Well, my problem is he's
6 testified, he's complied with his subpoena.

7 MR. SCOTT: I agree.

8 THE COURT: Okay. And I'm not going to
9 hold him.

10 MR. SCOTT: I agree.

11 THE COURT: Okay. So, Mr. Sims?
12 Mr. Sims?

13 MR. SIMS: Yes, sir, I'm sorry.

14 THE COURT: Here's what I, you know,
15 Mr. Williams has now complied with his subpoena.
16 And he has -- I don't know if he's got a job or he
17 had a job or something like that, but we've been
18 holding him. I'm not going to hold him in jail any
19 longer just on the chance that he could be
20 recalled. Now, if you want to, I will have -- you
21 can ask -- you can get another subpoena and serve
22 it on him for him to come back if you decide to put
23 up -- if you decide to recall him. Okay. But I'm
24 not inclined to hold him. He has done against his
25 wishes what he was subpoenaed to do. Okay.

1 I mean, I just don't think it's fair to
2 him to keep him in jail after he's testified
3 because you've had the opportunity to cross examine
4 him.

5 MR. SIMS: Your Honor, well, I
6 understand what you're saying, but I do at this
7 point and I'll make a decision with my client
8 tonight, we may have to play a video -- that video
9 of him talking with Lieutenant -- Investigator
10 Stokes. And that question that I asked him about
11 Shumpert coming in is very important because it
12 implies that he had been threatened by the police.

13 THE COURT: Well, we can deal -- I
14 mean, you get a subpoena for him, I'm releasing
15 him. There are other ways I would think we could
16 get that -- you could arguably get the video in.

17 MR. SCOTT: If he wants to call
18 Investigator Shumpert and if he denies it and he
19 wants to play the video, I don't have a problem
20 with that.

21 THE COURT: Okay. If that's the issue.

22 MR. SCOTT: If he wants to call
23 Investigator Shumpert, Investigator Shumpert denies
24 it, and he wants to recall Mr. Williams, I'm
25 positive Mr. Williams will show up tomorrow if we

1 tell him to.

2 THE COURT: Okay. But I think it's
3 time for him to be released. He's been in jail for
4 a while. For about a week or two?

5 MR. SCOTT: Two Friday's ago.

6 THE COURT: Two Friday's ago. And, you
7 know, I disrupted his life enough for him not
8 complying with the subpoena.

9 MR. SIMS: Okay, Your Honor.

10 THE COURT: But I'll do everything to
11 get him back if you need him.

12 MR. SIMS: Yes, sir.

13 THE COURT: But you said it was
14 Shumpert that you think came in there?

15 MR. SIMS: Uh-huh.

16 THE COURT: Okay. And he's not on the
17 list. If you decide to call him --

18 MR. SIMS: If I decide to call him,
19 we'll subpoena him tomorrow morning.

20 THE COURT: And if he denies it, we'll
21 deal with it that way. Okay.

22 MR. SCOTT: He wasn't on my witness
23 list.

24 THE COURT: No.

25 MR. SCOTT: He should have been on

1 Thomas Sims' witness list and his name should have
2 been asked of the jurors if anybody knows
3 Investigator Shumpert. So I hope he's waving any
4 objection if one of the jurors knows Investigator
5 Shumpert.

6 THE COURT: Again, that would be -- I
7 always like to use my Ted Kennedy excuse, we'll
8 drive off that bridge when we get to it. Okay.
9 All right. So we're down for the day until 9:30?

10 MR. SCOTT: Yes, Your Honor.

11 THE COURT: 9:30 in the morning. Okay.

12 MR. SCOTT: Thank you, Your Honor.

13 MR. SIMS: Yes, sir.

14 THE COURT: Mr. Williams, good luck to
15 you. Thank you. Appreciate it.

16 (Court was adjourned at 5:30 p.m.)
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1 (WHEREUPON, State's Exhibit Numbers
2 28-32, 37-48 were marked and entered. State's
3 Exhibit Number 33-36 were marked for
4 identification)

5 MR. SCOTT: Just a few housekeeping
6 matters.

7 THE COURT: Does the Defendant need to
8 be in here?

9 MR. SCOTT: He's in here.

10 THE COURT: I'm sorry, Mr. Mayers.
11 Yes, sir.

12 MR. SCOTT: Yes, Your Honor. One of
13 the witnesses who's testifying this morning, his
14 name is Demarcus Fields. He's 15 years of age.
15 His only prior run-in with the law was a
16 trespassing from family court that he completed
17 arbitration on. So it would be the State's
18 position, I don't think the Defense disagrees that
19 that could not be used to impeach him.

20 THE COURT: Okay. Is that correct?

21 MR. SIMS: That is correct, Your Honor.
22 That's the law.

23 THE COURT: Yes, sir, it is. It's nice
24 that all three of us recognize that. (Laughter)

25 What else?

1 MR. SCOTT: I intended on calling madam
2 assistant clerk Quanisha Thompson to put in a
3 certified conviction of the Defendant's burglary
4 third to prove our, you know, possession of a
5 handgun by a person convicted of a crime of
6 violence. It's my understand the Defense would
7 stipulate that he has a prior burglary third
8 conviction. And that way we don't need to send
9 that previous conviction back to the jury room.

10 THE COURT: Okay.

11 MR. SCOTT: So he's not waiving his --

12 THE COURT: His argument.

13 MR. SIMS: I'm not waiving my argument,
14 Your Honor, but just to keep it here and she
15 doesn't have to testify. The note does not get
16 sent back there in the jury room with the jurors.

17 THE COURT: And we're going to maintain
18 your objection to my ruling, so that's preserved?

19 MR. SIMS: Yes, sir.

20 THE COURT: Okay. All right.

21 MR. SIMS: We're going to maintain that
22 ruling. For my objection, not your ruling. My
23 objection.

24 THE COURT: Your objection to my
25 ruling. Yeah, thank you, Mr. Sims.

1 MR. SCOTT: And then we premarked some
2 additional exhibits. 28 is a crime scene sketch.
3 It's my understanding there's no objection to that.
4 29 through 30 are two photographs. It's my
5 understanding there's no objection to those.

6 31 through 32 are the actual cell
7 phones that were seized. One of which the
8 Defendant stipulated was his. There's no objection
9 to those.

10 33 through 36 are four cartridge
11 casings that were collected at the scene. We're
12 prepared to offer those into evidence. I'm not
13 sure if there's if there's any objection to those
14 or not. Mr. Sims?

15 MR. SIMS: No. I mean, these are crime
16 scene photos and they were there.

17 MR. SCOTT: These are the actual
18 casings.

19 MR. SIMS: The actual casings when you
20 bring in your witness from SLED.

21 THE COURT: But you're still asking the
22 witness from SLED is going to testify?

23 MR. SCOTT: She is.

24 THE COURT: Okay. Fine.

25 MR. SCOTT: 37 through 48 are

1 additional photographs.

2 49 is a 911 call. And 50 is one last
3 photograph.

4 THE COURT: Okay. And, Mr. Sims,
5 there's no objection to any of these?

6 MR. SIMS: We have not objected to the
7 crime scene photographs, Your Honor. Of course, as
8 it relates to the casings that were found, they
9 have to be shown, but what they were and what
10 caliber and all of that, that's what we would
11 reserve. That's the only thing we'd reserve on
12 that.

13 THE COURT: Okay.

14 MR. SCOTT: Do you want us to call the
15 chain witness to put these in? The person who just
16 drove them from Orangeburg to Columbia?

17 MR. SIMS: Just for the clean record.

18 MR. SCOTT: I'll do it. That's fine.
19 Thank you.

20 THE COURT: Anything else?

21 MR. SCOTT: I think that's it.

22 THE COURT: All right. Anything from
23 Defense?

24 MR. SIMS: Nothing, Your Honor.

25 THE COURT: Thank you, Mr. Sims. All

1 right. State's ready to proceed?

2 MR. SCOTT: Yes, Your Honor.

3 THE COURT: Okay. And Defense is ready
4 to proceed?

5 MR. SIMS: Yes, sir.

6 THE COURT: Can you get the jury?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Thank you, ma'am.

9 MR. SCOTT: Can I just clarify real
10 fast? So the diagram and the photographs are in
11 evidence.

12 THE COURT: Right.

13 MR. SCOTT: We'll prove the chain on
14 the casings.

15 THE COURT: Right.

16 MR. SCOTT: We'll move the phone in
17 through a certain witness and we'll move the 911
18 call in through a certain witness, that's fine.

19 THE COURT: Okay. All right. Thank
20 you, sir.

21 (WHEREUPON, the jury entered the
22 courtroom at 9:51 a.m.)

23 THE COURT: All right. Good morning,
24 ladies and gentlemen. I hope y'all had a good
25 evening. We're getting ready to start or continue

1 with the State's case. Before we start, I just
2 want to make sure nobody tried to contact y'all or
3 talk to y'all about this case; is that correct?
4 Has anybody been contacted by anyone trying to
5 influence you outside of this courtroom? Anybody?

6 All right. Let the record reflect
7 everybody is shaking their heads. So, Mr. Scott,
8 are you ready to call your next witness?

9 MR. SCOTT: Ms. Glover is, Your Honor.

10 THE COURT: You know, y'all did that to
11 me yesterday too. It makes the jury think I don't
12 know what's going on, you know. Ms. Glover, so
13 glad to have you doing this again starting off the
14 morning with you. Okay.

15 MS. GLOVER: Thank you, Your Honor.

16 THE COURT: Are you prepared to call
17 your next witness?

18 MS. GLOVER: Yes, Your Honor, I am.

19 THE COURT: Who is it?

20 MS. GLOVER: The State would like to
21 call DeAnquan Goodwin.

22 THE COURT: Okay.

23 MS. GLOVER: And he may be on the
24 witness list as Dequan Goodwin, Your Honor. His
25 full name is DeAnquan, just for the record.

DEANQUAN GOODWIN - DIRECT BY CHELSEA GLOVER

1 THE COURT: All right. Thank you.

2 MS. GLOVER: Thank you, Your Honor.

3 DEANQUAN GOODWIN,

4 being first duly sworn, was examined and testified
5 as follows:

6 THE CLERK: State your full name for
7 the Court, please.

8 MR. GOODWIN: DeAnquan Goodwin.

9 DIRECT EXAMINATION BY MS. GLOVER:

10 Q. Mr. Goodwin, where are you currently
11 employed?

12 A. Orangeburg County Sheriff's Office.

13 Q. How long have you worked for Orangeburg
14 County Sheriff's Office?

15 A. Nineteen years.

16 Q. What is your position with Orangeburg
17 County Sheriff's Office?

18 A. Communication specialist with dispatch
19 supervisor.

20 Q. What are your duties and
21 responsibilities as dispatch supervisor?

22 A. I Oversee the daily ends and out of
23 dispatch as well as maintain records for such
24 cases.

25 Q. What kind of records do you maintain?

DEANQUAN GOODWIN - DIRECT EXAMINATION BY MS. GLOVER

1 A. Audio.

2 Q. How often do you create these records?

3 A. Weekly.

4 Q. Are these records kept in the ordinary
5 course of business?

6 A. Yes.

7 Q. Were you working on the night of June
8 30th of 2019?

9 A. Yes.

10 Q. Did you receive a call in reference to
11 a shooting?

12 A. Yes.

13 Q. Do you recall approximately what time
14 you received that call?

15 A. Yes. It was around 12. 11, 12,
16 something like that. I can't remember.

17 THE COURT: And Mr. -- Officer Goodwin,
18 do you mind speaking up a little bit, a little
19 louder?

20 MR. GOODWIN: Yes, sir. Sorry about
21 that.

22 THE COURT: That's okay. Thank you.

23 Q. Do you recall where the shooting took
24 place?

25 A. Baugh Street. It was a Baugh Street

1 address.

2 Q. I'm showing you now what's been marked
3 as State's Exhibit 49. Do you recognize that?

4 A. Yes.

5 Q. What is it?

6 A. This is one of the medias that we use
7 to burn audio.

8 Q. Does this record fairly and accurately
9 depict the recording of the phone conversation you
10 had on June 30th of 2019?

11 A. Yes, ma'am.

12 Q. How do you know this disk contains an
13 accurate copy of that 911 call?

14 A. Because myself or the assistant
15 supervisor, Jamie Abraham, this is the media that
16 we use.

17 Q. What if anything did you do after
18 listening to this disk in preparation for court?

19 A. Just forwarded back to the investigator
20 that requested it.

21 Q. Is there anything on that disk that
22 would indicate that you've seen it in preparation
23 for trial?

24 A. Yes.

25 Q. What would that be?

DEANQUAN GOODWIN - DIRECT EXAMINATION BY MS. GLOVER

1 A. My initials.

2 MS. GLOVER: Your Honor, at this point
3 in time the State would like to move to have
4 Exhibit 49 placed into evidence.

5 THE COURT: As I understand it, Mr.
6 Sims, there's no objection to that?

7 MR. SIMS: Yes, sir.

8 THE COURT: Okay. State's 49 is in
9 evidence without objection.

10 (WHEREUPON, State's Exhibit Number 49
11 was entered)

12 MS. GLOVER: Thank you, Your Honor.

13 Q. Mr. Goodwin, upon the termination of
14 this call, did you have any further involvement
15 with this case?

16 A. No.

17 MS. GLOVER: Beg the Court's
18 indulgence.

19 THE COURT: Okay.

20 Q. Please answer any questions the Defense
21 may have.

22 A. All right.

23 THE COURT: Anything on cross, Mr.
24 Sims?

25 MR. SIMS: None, Your Honor.

1 THE COURT: Okay. All right. Thank
2 you Mr. -- Officer Goodwin, you can step down.
3 Thank you, sir.

4 Is the State prepared to call its next
5 witness?

6 MS. GLOVER: Yes, Your Honor, we are.

7 THE COURT: All right. Ms. Glover, who
8 are you calling?

9 MS. GLOVER: At this point in time the
10 State would like the call Demarcus Fields, Your
11 Honor.

12 DEMARCUS FIELDS,
13 being first duly sworn, was examined and testified
14 as follows:

15 THE CLERK: Thank you. State your full
16 name for the Court, please.

17 THE COURT: Mr. Fields, do you feel
18 comfortable pulling your mask down under your chin
19 so we can hear you and see you better?

20 (Mr. Fields complies)

21 THE COURT: Thank you, sir. Now, if
22 you'd sit down and get comfortable in the seat.
23 All right. And pull the microphone to where you
24 need it. All right. And if you'd state your full
25 name for the record, please, sir.

DEMARCUS FIELDS - DIRECT EXAMINATION BY MS. GLOVER

1 MR. FIELDS: Full name?

2 THE COURT: Yeah.

3 MR. FIELDS: Demarcus Fields.

4 THE COURT: Very good, Mr. Fields.

5 That's the way I want you to keep on doing it.

6 Okay. Thank you, sir. Ms. Glover, he's all yours.

7 MS. GLOVER: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MS. GLOVER:

9 Q. Mr. Fields, what name do you typically
10 go by?

11 A. Key.

12 Q. And how old are you Key?

13 A. Eighteen.

14 Q. And where were you living back in June
15 of 2019?

16 A. [REDACTED] Baugh Street.

17 Q. Who lived there with you?

18 A. My aunt.

19 Q. Who else?

20 A. And my sister and my cousins.

21 Q. Okay. I'm showing you now what has
22 been marked as State's Exhibit 50.

23 A. Yes, ma'am.

24 Q. Do you recognize this photo?

25 A. Yes, ma'am.

DEMARCUS FIELDS - DIRECT EXAMINATION BY MS. GLOVER

1 Q. What is it?

2 A. The address.

3 Q. Okay. What else do you see on that
4 photo? Is that your door?

5 A. Yes, ma'am.

6 Q. Does it accurately depict the outside
7 of your home on Baugh Street? Is that what it
8 looked like when you came home each day?

9 A. Yes, ma'am.

10 MS. GLOVER: Your Honor, at this point
11 in time, I would like to move to have State's
12 Exhibit 50 admitted into evidence.

13 THE COURT: As I understand it,
14 Mr. Sims, there's no objection to that?

15 MR. SIMS: None, Your Honor.

16 THE COURT: Okay. State's 50 is in
17 without objection.

18 (WHEREUPON, State's Exhibit Number 50
19 was entered)

20 MS. GLOVER: Thank you, Your Honor.

21 Q. Demarcus, let's talk about the evening
22 of June 30, 2019. What were you doing that night?

23 A. Out the door on the phone.

24 Q. Okay. What if anything happened that
25 night?

DEMARCUS FIELDS - DIRECT EXAMINATION BY MS. GLOVER

1 A. Ma'am?

2 Q. Do you recall something happening that
3 night? Did you see anything?

4 A. Oh, yes, ma'am.

5 Q. What did you see?

6 A. A guy went to the trunk and got a baby
7 Draco.

8 Q. Okay. And you were about 13 at the
9 time. How did you know what a baby Draco was?

10 A. Because I seen it on YouTube.

11 Q. Okay. Now, let's talk about the car
12 that that guy went to. Do you remember what kind
13 of car it was?

14 A. I think it was like a Cadillac.

15 Q. Do you remember what color that
16 Cadillac was?

17 A. Gray or white.

18 Q. That person that grabbed that Draco
19 from the back of that gray or white Cadillac, was
20 that a male or a female?

21 A. A male.

22 Q. Was that male black or white?

23 A. Black.

24 Q. Did you see that man's face?

25 A. No.

1 Q. Do you know who that man is?

2 A. No.

3 Q. After grabbing that Draco from the
4 inside of the Cadillac, what did he do next?

5 A. Went back inside.

6 Q. Did you hear anything?

7 A. Chill and I heard shots.

8 Q. How many gunshots did you hear?

9 A. Three or four.

10 Q. Did someone in your home call 911?

11 A. My sister.

12 Q. Were you nearby when your sister made
13 that call to 911?

14 A. Yes, ma'am.

15 Q. Were you able to help your sister
16 answer dispatch's questions?

17 A. Yes, ma'am.

18 Q. I'm showing you what has been marked as
19 State's Exhibit 49. Do you recognize this?

20 A. Yes, ma'am.

21 Q. What is it?

22 A. (No response)

23 Q. Do you remember hearing this in
24 preparation for trial?

25 A. Oh, yes, ma'am.

DEMARCUS FIELDS - DIRECT EXAMINATION BY MS. GLOVER

1 MS. GLOVER: Your Honor, at this point
2 in, we'd like to publish State's Exhibit 49 for the
3 jury.

4 THE COURT: All right. You may.

5 (WHEREUPON, playing the 911 call)

6 Q. Is that your sister's voice, Key?

7 A. Yes, ma'am.

8 Q. And when she talks about her brother,
9 is that you?

10 A. Yes, ma'am.

11 Q. All right. Where in relation to the
12 Cadillac were you standing? Do you remember where
13 you were? How close you were to that Cadillac? Do
14 you remember that night?

15 A. Not really. I know it was far though.

16 Q. Okay. And you heard gunshots, what
17 happened after that?

18 A. I ran inside the house.

19 Q. Did you see anything after that?

20 A. No, ma'am.

21 Q. Did you hear anything after that?

22 A. No, ma'am.

23 Q. Okay. And the only car you remember
24 seeing with that baby Draco was the gray Cadillac?

25 A. Yes, ma'am.

DEMARCUS FIELDS - CROSS EXAMINATION BY MR. SIMS

1 Q. Please answer any questions the Defense
2 may have.

3 THE COURT: All right. Mr. Sims, he's
4 your witness.

5 CROSS EXAMINATION BY MR. SIMS:

6 Q. Let me ask you, young man. I believe
7 you said it was a gray or white car initially; is
8 that correct?

9 A. Yes, sir.

10 Q. You got to speak up.

11 A. Sir?

12 Q. Yeah, I said initially you were --
13 there was some confusion whether it was a gray or a
14 white car?

15 A. Yes, sir.

16 Q. Okay. And how far away were you from
17 the car?

18 A. My aunt stayed across the street from
19 it.

20 Q. Look around the courtroom, can you give
21 us an idea of how far away you were?

22 A. You see that window back there and
23 where I'm at right now.

24 Q. Okay. And what was the light like?
25 How light or dark was it?

DEMARCUS FIELDS - REDIRECT EXAMINATION BY MS. GLOVER

1 A. It was daytime.

2 Q. It was still daytime?

3 A. (Nodded)

4 Q. Okay. And so you was -- there was some
5 confusion about white or gray car?

6 A. Yes, sir.

7 Q. And you said, I believe, you were kind
8 of far off?

9 A. Yes, sir.

10 Q. But you did notice that there was a gun
11 that was taken out?

12 A. Yes, sir.

13 Q. Okay. Thank you.

14 THE COURT: Thank you, Mr. Sims.
15 Anything on redirect?

16 MS. GLOVER: Yes, Your Honor, just
17 briefly.

18 REDIRECT EXAMINATION BY MS. GLOVER:

19 Q. Key, in the 911 call that you just
20 listened to, did you make mention of a white or
21 gray Cadillac or did your sister? Was that your
22 sister that made mention to it?

23 A. I think that was me.

24 Q. Okay. How certain are you that that
25 car was gray?

1 A. I can't remember. I think it was gray
2 or white.

3 Q. Okay.

4 MS. GLOVER: No further questions, Your
5 Honor.

6 THE COURT: All right. Anything on
7 recross? Mr. Sims, anything on recross?

8 MR. SIMS: Nothing, Your Honor.

9 THE COURT: All right. Thank you,
10 Mr. Fields. You may step down. Is the State
11 prepared to call its next witness?

12 MS. GLOVER: Your Honor, may we excuse
13 Mr. Fields?

14 THE COURT: Any objection to that?

15 MR. SIMS: I have no objection, Your
16 Honor.

17 THE COURT: Mr. Fields, you're excused
18 from your subpoena. Thank you, sir. Okay.

19 MS. GLOVER: Your Honor, at this point
20 in time, the State would like the call William
21 McCormack. He may be on the witness list as Cody.

22 THE COURT: Okay. William Cody
23 McCormack?

24 MS. GLOVER: Yes, sir.

25 WILLIAM CODY MCCORMACK,

WILLIAM MCCORMACK - DIRECT EXAMINATION BY MS. GLOVER

1 | being first duly sworn, was examined and testified
2 | as follows:

3 | THE CLERK: State your full name for
4 | the Court, please.

5 | MR. MCCORMACK: It's William Cody
6 | McCormack.

7 | THE COURT: Ms. Glover, he's your
8 | witness.

9 | MS. GLOVER: Thank you.

10 | DIRECT EXAMINATION BY MS. GLOVER:

11 | Q. Mr. McCormack, where are you currently
12 | employed?

13 | A. With the Orangeburg County Sheriff's
14 | Office.

15 | Q. How long have you been employed there?

16 | A. Six years.

17 | Q. What is your position with the
18 | Orangeburg County Sheriff's Office?

19 | A. I'm a forensic service investigator.

20 | Q. How long have you worked as a forensic
21 | service investigator?

22 | A. Three years.

23 | Q. Can you tell the jury about any special
24 | trainings you have received?

25 | A. I have been through is the FCO process

1 at the sheriff's office which consists of learning
2 how to document scenes properly and to collect
3 evidence to potentially identify victims and
4 suspects.

5 Q. Did you respond to a call on June 30th
6 of 2019?

7 A. I did.

8 Q. Where did you respond?

9 A. May I refer to my notes?

10 Q. Yes.

11 A. I responded to [REDACTED] Baugh Street in
12 Orangeburg, South Carolina.

13 Q. And while you have your notes in front
14 of you, approximately what time did you arrive at
15 [REDACTED] Baugh Street?

16 A. I arrived at 22:32 hours which is 10:32
17 at night.

18 Q. When you arrived, were other officers
19 already on site?

20 A. Yes.

21 Q. How many?

22 A. I believe my recollection there was
23 five. There's three that I can name.

24 Q. Which three can you name?

25 A. It was Sergeant John Stokes, Lieutenant

1 | Jeremiah Davis and Sergeant Jared Kittrell.

2 | Q. Was the crime scene secured?

3 | A. Yes, it was.

4 | Q. How was it secured?

5 | A. Barrier tape and officer presence.

6 | Q. Was the victim Harold Langley on scene
7 | when you arrived?

8 | A. No, he was not.

9 | Q. Where was he to your knowledge?

10 | A. To my knowledge, he had been
11 | transported by EMS to the Regional Medical Center.

12 | Q. How did you go about processing the
13 | scene?

14 | A. I started with taking digital
15 | photography at the scene consisting of general
16 | midrange and close-up photography.

17 | Q. At some point did you also have an
18 | opportunity to prepare a sketch?

19 | A. Yes, I did.

20 | Q. Okay. I'm showing you what has been
21 | marked as State's Exhibit 28. Do you recognize
22 | this photo?

23 | A. Yes, I do.

24 | Q. What is it?

25 | A. It is a crime scene sketch of the

1 scene.

2 Q. Is this an accurate copy of the diagram
3 that you prepared for this case?

4 A. Yes, it is.

5 Q. And would it assist you in your
6 testimony today?

7 A. Yes, it would.

8 Q. Okay. And, Mr. McCormack, using
9 State's Exhibit 28 and we may have you step around
10 and use this copy so the jury can see. But make
11 sure you speak loud enough where Ms. Kat can hear
12 you.

13 THE COURT: And just for the record,
14 State's Exhibit 28 is in evidence without
15 objection; is that correct, Mr. Sims?

16 MR. SIMS: Yes, sir, that's correct.

17 THE COURT: All right. Thank you. Go
18 ahead.

19 MS. GLOVER: Thank you, Your Honor.

20 Q. Could you point to Baugh Street on this
21 diagram?

22 A. Baugh Street would be running up and
23 down the screen right here.

24 Q. And do you know about where  Baugh
25 Street would have been?

1 A. This is the general location of [REDACTED]
2 Baugh Street. It was close to the intersection of
3 Baugh Street and Gopal Drive.

4 Q. Okay. You can have a seat,
5 Mr. McCormack. At this point in time, I'm showing
6 you what has already been admitted into evidence,
7 this is State's Exhibit 5 and State's Exhibit 6.

8 A. State's Exhibit 5 would be considered a
9 general photo of the front of [REDACTED] Baugh Street
10 shooting from Baugh Street down the driveway.

11 Q. Okay. And I'm showing you now what has
12 been marked as State's Exhibit 7 and 9.

13 A. State's Exhibit 7 is the front door of
14 [REDACTED] Baugh Street. You can see the address on the
15 door. And you can start to see a little bit of
16 inside the apartment.

17 Q. Who took these photos, Mr. McCormack?

18 A. I did. State's Exhibit 9 is an initial
19 shot as you enter the doorway kind of back towards
20 where the living room area of the apartment complex
21 be.

22 Q. You testified earlier that the victim
23 was not on scene upon arrival because he had
24 already been transported to the hospital?

25 A. Yes.

1 Q. Did you observe any blood when you
2 arrived on the scene?

3 A. Initially, I observed some blood in the
4 driveway leading up to [REDACTED] Baugh Street.

5 Q. Okay. I'm showing you now what has
6 been marked as State's Exhibit Number 29, 30, 43,
7 44, and 45. Do you recognize these photos?

8 A. Yes, I do.

9 Q. Is this an accurate depiction of what
10 you saw as you walked into [REDACTED] Baugh Street?

11 A. Yes, it is.

12 MS. GLOVER: Your Honor, at this point
13 in time, I would move to have State's Exhibit 29,
14 30, 43, 44, and 45 into evidence. And I'll show a
15 copy to Mr. Sims too.

16 THE COURT: They weren't already in
17 evidence?

18 MR. SIMS: Your Honor, we have already
19 seen those. We have no objection to them. I
20 believe they're already into evidence, Your Honor.

21 THE COURT: I believe so too. Those
22 are already in evidence?

23 MS. GLOVER: Thank you, Your Honor.

24 THE COURT: Okay. Thank you, ma'am.

25 Q. We have 29 on the board. Is that an

1 | accurate depiction of what you saw?

2 | A. Yes, it is.

3 | Q. All right. Next we have 30. Is that
4 | also an accurate depiction of what you saw that
5 | night?

6 | A. Yes, it is.

7 | Q. And could you point to where blood
8 | would have been in the apartment?

9 | A. You can start to see a little bit of
10 | what we would consider to be a blood trail. Starts
11 | right here around this one chair that's knocked
12 | over. Kind of in between where this crock pot and
13 | the lid for it is and it starts to head back
14 | towards the living room area from the dining room.

15 | Q. Okay. Moving now to State's Exhibit
16 | 43. Could you tell us where you saw blood in this
17 | picture?

18 | A. As you see this chair that is kind of
19 | facing forward as it's knocked over, right here in
20 | the center of the picture on the living room floor.

21 | Q. Okay. Next is 44. Could you tell us
22 | where you saw blood in this picture?

23 | A. Again, in the same area. Kind of the
24 | center of what I would consider the dining room
25 | area of the apartment.

1 Q. And, lastly, is 45. Could you explain
2 where you would have seen blood in this photo?

3 A. It is towards the left frame of the
4 picture, but it's in the same general area of the
5 center of the dining room area.

6 Q. Did you have an opportunity to collect
7 any cell phones from this scene?

8 A. Yes, I did.

9 Q. How many?

10 A. Two.

11 Q. Okay. I'm showing you now what has
12 been marked as State's Exhibit 31 and 32. And you
13 can pull those cell phones out if you need to. Do
14 you recognize these?

15 A. Yes, ma'am.

16 Q. Are these the phones you collected on
17 scene?

18 A. Yes, ma'am.

19 Q. Are they in the condition in which you
20 retrieved them from the crime scene?

21 A. Yes, ma'am. Both are in the condition
22 that were collected at the scene.

23 Q. Could you hold them up for the jury to
24 see.

25 A. (Witness complies)

WILLIAM MCCORMACK - DIRECT EXAMINATION BY MS. GLOVER

1 THE COURT: Officer McCormack, which
2 one is that you're holding up, what number?

3 A. This will be my number 4, Your Honor.

4 THE COURT: Your number 4?

5 A. It's State's Exhibit Number 31.

6 THE COURT: State's 31. Okay. And,
7 ladies and gentlemen, these phones are already into
8 evidence.

9 MS. GLOVER: Beg the Court's
10 indulgence.

11 THE COURT: Take your time.

12 Q. I'm showing you now what has been
13 marked as State's Exhibit Number 25.

14 A. Yes, ma'am.

15 Q. And I'm also showing you what has been
16 marked as State's Exhibit 44.

17 A. Yes, ma'am.

18 Q. Do those cell phones appear in State's
19 Exhibit 25 and State's Exhibit 44?

20 A. They do.

21 Q. Okay. We have 44 on the board. Could
22 you tell us where that cell phone would have been
23 in this picture?

24 A. That is in the dining room area. There
25 was -- as you can see a table that was up against

1 the window which is on the front wall of the house
2 facing back towards Baugh Street.

3 Q. And now we're pulling up State's
4 Exhibit 25.

5 A. That would be on a -- you see a black
6 couch which would have been in the living room
7 area. And it had been on the side of the couch
8 facing the front wall of the residence.

9 Q. Okay. Let's talk about cartridge cases
10 and bullets. What is a cartridge?

11 A. A cartridge is basically a casing with
12 the bullet and powder and primer is basically
13 unfired.

14 Q. What is a cartridge casing?

15 A. A cartridge casing is what is ejected
16 from a firearm after it's been fired.

17 Q. What is a bullet?

18 A. A bullet is the projectile that is
19 inside the casing and once it's fired it travels
20 down the barrel.

21 Q. Did you locate and collect any spent
22 cartridge casings?

23 A. Yes, I did.

24 Q. How many?

25 A. Four.

1 Q. How did you identify casings?

2 A. By looking at the headstamp.

3 Q. And did you mark them?

4 A. Yes, I did.

5 Q. Once you marked them, how did you
6 document your findings?

7 A. By taking digital photography of the
8 items.

9 Q. What type or types of cartridge cases
10 did you collect?

11 A. Can I refer to my notes real quick?

12 Q. Yes.

13 A. All four casings were TulAmmo 7.62x39.

14 Q. Do you know what type of gun typically
15 shoots these types of casings?

16 A. Typically you can find it in AK type
17 rifles and also SKS type rifles.

18 Q. Would that be similar to a Draco?

19 A. Yes, it would.

20 Q. Upon collecting these casings, how were
21 they packaged?

22 A. After you take your digital photography
23 of course you want to make sure you're wearing
24 gloves. We pick up the casings and we identify the
25 headstamp on it and write it on the packaging and

1 then we place it in either a coin envelope or at
2 what we call a matchbox.

3 Q. I'm showing you what has been marked as
4 State's Exhibits 33 through 36 for identification
5 purposes only.

6 MR. SIMS: Excuse me. What number were
7 those again?

8 MS. GLOVER: 33 through 36. And that's
9 just for identification purposes.

10 Q. Do you recognize these?

11 A. Yes, I do.

12 Q. What are they?

13 A. These are all cartridge casings
14 collected at the scene.

15 Q. How do you know?

16 A. I see my initials and the case number
17 on the box.

18 Q. Do they appear to be altered or
19 tampered in any manner?

20 A. No, they do not.

21 Q. Did you take pictures of these
22 cartridge casings and their locations?

23 A. Yes, I did.

24 Q. Let's discuss each of these cartridges.
25 Do you remember around about where they were

1 | located? And just around about, just the vicinity
2 | of where you found them. We'll get more specific
3 | in a second?

4 | A. I remember 1 and 2 which would be
5 | State's Exhibit 33 and 34 were located in the
6 | center of the dining room area generally.

7 | Q. I'm showing you now what's been marked
8 | as State's Exhibit 37 through 47. Now, at this
9 | point, we're just going to talk about State's
10 | Exhibit 37 through 42. Do you recognize these
11 | photos?

12 | A. Yes, I do.

13 | Q. Do they fairly and accurately depict
14 | where you located these cartridges?

15 | A. Yes, they do.

16 | Q. Okay. Using the State's exhibits
17 | numbers, could you tell the jury how each casing
18 | matches with the markers you used while collecting?
19 | I think 33 -- State's Exhibit 33 would be mile
20 | marker 1.

21 | A. Yes, ma'am. As previously as State's
22 | Exhibit 33 would be my number 1. State's Exhibit
23 | Number 34 would be my number 2. State's Exhibit 35
24 | would be my number 6. And State's Exhibit Number
25 | 36 would be my number 9.

1 Q. Let's look at State's Exhibit 37. That
2 should be a photograph. Do you see one of the
3 cartridge casings here?

4 A. Yes, I do.

5 Q. Okay. Could you point it out for the
6 jury?

7 A. It is in the center of the frame by
8 marker number 1.

9 Q. Okay. Now, looking at State's Exhibit
10 38. Could you explain where that casing is?

11 A. That casing is in the same general area
12 of the center of the living room.

13 Q. Okay. 39?

14 A. 39 would be a midrange shot where you
15 can see my number 1 and also number 2 in the same
16 frame, more of the center area of the living room.

17 Q. 40?

18 A. 40 would be my number 6 which is
19 located along the edge of the wall of the dining
20 room.

21 Q. 41?

22 A. 41 would be my number 9 located in a
23 open box of sunflower seeds on that table by the
24 window.

25 Q. And 42?

WILLIAM MCCORMACK - DIRECT EXAMINATION BY MS. GLOVER

1 A. 42 is just a close-up shot of number 9
2 in that area that I previously described.

3 Q. And do you see the casing in that
4 photo? Could you point it out for the jury?

5 A. Yes, I do. It's right -- right here.

6 Q. How many bullets did you find?

7 A. I recovered no bullets from the scene.

8 Q. How many bullet impacts did you
9 observe?

10 A. There were two perforating bullet
11 impacts to the walls of the interior of the
12 residence.

13 Q. Okay.

14 MS. GLOVER: Beg the Court's
15 indulgence.

16 Q. I'm showing you what has been marked as
17 State's Exhibit 48. I'm also showing you what has
18 been marked as State's Exhibit 46. Could you
19 describe 48 to the jury?

20 A. Yes, ma'am. State's Exhibit 48 is a
21 midrange picture of a perforating bullet impact
22 which would be on the Columbia Road side interior
23 wall of the apartment.

24 Q. Could you explain and I'm handing you
25 now what is State's Exhibit 47. Could you explain

1 | what that is to the jury?

2 | A. This is a close-up photography of the
3 | bullet impact labeled as number 8 which is State's
4 | Exhibit 47.

5 | Q. And 46?

6 | A. 46 is a close-up photo of my item
7 | number 7 which is a bullet impact around the
8 | baseboard which would be on the interior wall on
9 | the front side of the residence closer to Baugh
10 | Street.

11 | Q. Okay. Did you have a chance to attend
12 | the autopsy?

13 | A. Yes, I did.

14 | Q. Did you collect any items from the
15 | autopsy?

16 | A. I collected the autopsy packet and some
17 | personal belongs.

18 | Q. What did you do with the items
19 | collected from the autopsy?

20 | A. They were submitted into evidence at
21 | the Orangeburg County Sheriff's Office.

22 | Q. Did you collect any bullets from the
23 | autopsy coming from the victim's body?

24 | A. No, I did not.

25 | MS. GLOVER: I beg the Court's

1 | indulgence.

2 | Q. Please answer any questions the Defense
3 | may have.

4 | A. Yes, ma'am.

5 | THE COURT: Mr. Sims, anything on
6 | cross?

7 | MR. SIMS: Just one or two questions.

8 | THE COURT: Okay.

9 | CROSS EXAMINATION BY MR. SIMS:

10 | Q. I know that you're qualified to do
11 | crime scene, so it's not even an issue. The
12 | question is, you said this was on the bullets, give
13 | me this model or the caliber again.

14 | A. Of the cartridge casings?

15 | Q. Yes, cartridge casings?

16 | A. They were TulAmmo 7.62x39.

17 | Q. And you said that was basically an AK?

18 | A. It can be found -- you can find AK's
19 | and SKS's chambered in that caliber.

20 | Q. Now, you said there was a Draco, but
21 | Draco makes different models also; is that correct?
22 | That will accommodate different caliber of bullets?

23 | A. I believe they will.

24 | Q. Okay. So that the bullets or the
25 | casings that you found, that would be for a

1 particular gun, but there are other Dracos that
2 would shoot or contain a different caliber of
3 weapon -- a different caliber --

4 A. It is possible to have different
5 manufacturers chamber weapons in different
6 calibers.

7 MR. SIMS: One moment.

8 Q. And you don't take samples of the blood
9 or anything like that, you just take pictures of
10 what you find when you get there; is that correct?

11 A. We take pictures. We can also take
12 samples as well.

13 Q. Did anyone take samples of this blood?

14 A. No, sir, I did not.

15 Q. Okay. Did anyone else from the
16 sheriff's department take samples of the blood?

17 A. No, sir. I was the only crime scene
18 investigator on the scene.

19 Q. Okay. You're the only one on the scene
20 so you did not do -- take any of the blood then
21 that blood would have been able to -- you would
22 have been able to take that blood and I don't know
23 what they call them, a doctor who would deal with
24 that would have been able to identify the type of
25 -- the blood type and everything else; is that

1 correct?

2 A. If we would have taken a sample through
3 DNA testing they could have matched it to a victim.

4 Q. They could have matched it to a victim.
5 Thank you.

6 THE COURT: All right. Anything on
7 redirect?

8 MS. GLOVER: Yes, Your Honor. Briefly.
9 REDIRECT EXAMINATION BY MS. GLOVER:

10 Q. Was there -- did you already identify a
11 victim upon arriving?

12 A. I was told the victim was Harold Lamont
13 Langley.

14 Q. So the sheriff's department had already
15 identified Mr. Langley as the victim?

16 A. Yes. He was the only victim that we
17 were aware of at that time.

18 Q. Is it uncommon to not collect blood
19 when you already know who the victim in the case
20 is?

21 A. It is not.

22 MS. GLOVER: No further questions, Your
23 Honor.

24 MR. SIMS: One other question.

25 RECROSS EXAMINATION BY MR. SIMS:

1 Q. So you said it's not uncommon to --
2 when you know the victim, but you don't know
3 whether anyone else was hurt during the altercation
4 during what was going on?

5 A. At the time that I arrived on scene, we
6 were only told of one victim. And I arrived
7 actually several hours after the incident occurred.

8 Q. I understand that. But you don't know
9 based upon -- you -- based upon your limited crime
10 scene investigation, you don't know whether or not
11 there was someone else who was bleeding in the
12 house?

13 A. That is correct.

14 Q. Thank you.

15 THE COURT: All right. Thank you,
16 Officer McCormack. You may step down. May he be
17 excused?

18 MS. GLOVER: Yes, Your Honor.

19 THE COURT: Any objection?

20 MR. SIMS: None.

21 THE COURT: Thank you, sir. You are
22 released from your subpoena. State ready to call
23 its next witness?

24 MR. SCOTT: Yes, Your Honor. State
25 calls Kim Pugh.

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. SCOTT

1 KIMBERLY PUGH,
2 being first duly sworn, was examined and testified
3 as follows:

4 THE CLERK: Please state your full name
5 for the Court, please.

6 MS. PUGH: It's Kimberly Wohnig-Pugh.

7 THE COURT: And, Ms. Pugh, please keep
8 speaking like you're doing in that microphone. You
9 did really good.

10 MS. PUGH: Yes, sir.

11 THE COURT: All right. Mr. Scott.

12 MR. SCOTT: Thank you, Your Honor.

13 DIRECT EXAMINATION BY MR. SCOTT:

14 Q. Ms. Pugh, where are you employed?

15 A. At the Orangeburg County Sheriff's
16 Office.

17 Q. How long have you worked at the
18 sheriff's office?

19 A. Twenty years.

20 Q. And what's your position with the
21 sheriff's office?

22 A. I'm the evidence room custodian.

23 Q. And what are your duties and
24 responsibilities as an evidence custodian?

25 A. I accept all the evidence that's

1 collected by the investigators and officers of the
2 sheriff's office. I keep it safe. I transport it
3 to state labs and maintain it for court.

4 Q. Did you have the opportunity in this
5 case to receive into evidence four cartridge
6 casings?

7 A. I did.

8 Q. And who did you receive these items
9 from?

10 A. Investigator McCormack.

11 Q. And were these items sealed in
12 packaging when you received them?

13 A. They were sealed in matchboxes, white
14 matchboxes with sealed tape around them.

15 Q. Okay. Did you open these items or
16 tamper with them in any way?

17 A. No, sir.

18 Q. Did you eventually have the opportunity
19 to transport these items to SLED for a forensic
20 analysis?

21 A. I did.

22 Q. And, again, when you transported these
23 items to SLED, did you tamper with them at all?

24 A. No, sir.

25 Q. Did anyone else have the opportunity to

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. SCOTT

1 | tamper with them?

2 | A. No, sir.

3 | Q. And just so we're clear, I want to show
4 | you State's Exhibits 33, 34, 35 and 36. Do you
5 | recognize those?

6 | A. I do.

7 | Q. And are those the four cartridge
8 | casings that you received into evidence and
9 | transported to SLED?

10 | A. Can I touch them?

11 | Q. Sure.

12 | A. They are.

13 | MR. SCOTT: No further questions.

14 | A. Thank you.

15 | THE COURT: Anything on cross
16 | examination?

17 | MR. SIMS: No questions, Your Honor.

18 | THE COURT: Thank you, Ms. Pugh. You
19 | may step down. Is the State prepared to call its
20 | next witness?

21 | MR. SCOTT: Yes, Your Honor. At this
22 | time, the State would ask to publish a stipulation
23 | that the parties reached this morning.

24 | THE COURT: Okay.

25 | MR. SCOTT: That the Defendant,

1 Mr. Damion Mayers, has a prior conviction for
2 burglary in the third degree.

3 THE COURT: All right. And, Mr. Sims,
4 that is -- has been stipulated to by you and your
5 client?

6 MR. SIMS: Yes, that has been, Your
7 Honor.

8 THE COURT: All right. Ladies and
9 gentlemen of the jury, the stipulation is that
10 Mr. Mayers has a prior conviction of burglary --

11 MR. SIMS: Third.

12 THE COURT: -- burglary third. Okay.
13 You may take that as a fact. Thank you. Go ahead.

14 MR. SCOTT: Thank you, Your Honor. Can
15 I call my next witness?

16 THE COURT: And just one other thing.
17 Even though it's stipulated, we're still preserving
18 his objection as to the charge.

19 MR. SIMS: Yes. Yes, sir.

20 THE COURT: Okay.

21 MR. SCOTT: May it please the Court?

22 THE COURT: Yes, sir.

23 MR. SCOTT: The State calls Leonard
24 Cain.

25 LEONARD CAIN,

LEONARD CAIN - DIRECT EXAMINATION BY MR. SCOTT

1 | being first duly sworn, was examined and testified
2 | as follows:

3 | THE CLERK: Thank you. Please state
4 | your full name for the Court, please.

5 | MR. CAIN: Leonard Joel Cain.

6 | DIRECT EXAMINATION BY MR. SCOTT:

7 | Q. You said Leonard Joe Cain?

8 | A. Joel, J-O-E-L.

9 | Q. Okay. Good morning.

10 | A. Good morning.

11 | Q. Where are you employed?

12 | A. With the Orangeburg County Sheriff's
13 | Office.

14 | Q. Can you scoot up more?

15 | A. (Witness complies)

16 | Q. And how long have you worked for the
17 | Orangeburg County Sheriff's Office?

18 | A. Around 13 and a half years.

19 | Q. Okay. And is that the extent of your
20 | law enforcement experience or have you worked
21 | anywhere else?

22 | A. I work at probation and patrol here in
23 | Orangeburg County in 2008.

24 | Q. And what is your current position with
25 | the Orangeburg County Sheriff's Office?

1 A. I'm a sergeant in the warrant division
2 and I'm also assigned to the US Marshals Fugitive
3 Task Force.

4 Q. And are you assigned like a particular
5 team on the US Marshals Fugitive Task Force?

6 A. Yes. I'm assigned to a team and I'm
7 also the assistant team leader for that team.

8 Q. And what are your duties and
9 responsibilities with the Fugitive Task Force?

10 A. To locate and apprehend violent
11 fugitives.

12 Q. And back in the early part of July of
13 2019, were you and your team asked to assist in the
14 apprehension of Defendant, Damion Mayers?

15 A. Yes, sir.

16 Q. Do you recall when you were requested
17 to assist in locating Mr. Mayers?

18 A. It was the date the warrant was issued.

19 Q. Okay. Is that around July 2, 2019?

20 A. Yes.

21 Q. And when you and your team are asked to
22 apprehend a person who's wanted for murder, what
23 kind of priority does that take with your team?

24 A. Top priority.

25 Q. And is it fair to say you and your team

LEONARD CAIN - DIRECT EXAMINATION BY MR. SCOTT

1 | would have went to work fairly quickly on this
2 | assignment?

3 | A. Yes, we did.

4 | Q. Did you use all the resources at your
5 | disposal?

6 | A. Yes, sir.

7 | Q. I assume the US Marshals has quite a
8 | few resources?

9 | A. Yes, sir, they do.

10 | Q. And were you able to locate Damion
11 | Mayers on July 2nd?

12 | A. No, sir.

13 | Q. Were you able to locate Damion Mayers
14 | on July 3rd?

15 | A. No, sir.

16 | Q. When were you able to locate
17 | Mr. Mayers?

18 | A. It was July 11th.

19 | Q. 2019?

20 | A. Correct.

21 | Q. And where was he located?

22 | A. Can I refer to my notes?

23 | Q. Yes. Do you need a copy of your
24 | report?

25 | A. Correct.

1 Q. The let me show it to Mr. Sims first.
2 Is that your supplemental?

3 A. It is.

4 Q. Does that refresh your memory as to
5 where Mr. Mayers was located?

6 A. Yes. It was 742 Burke Road in St.
7 Matthews, South Carolina.

8 Q. Okay. And what time did you and your
9 team arrive at 742 Burke Road in St. Matthews?

10 A. It was around 5:30ish, 5:40ish that
11 morning.

12 Q. That morning?

13 A. Yes.

14 Q. And when you arrived at that residence,
15 were there any vehicles parked outside of the
16 residence?

17 A. No, sir.

18 Q. What did law enforcement do once y'all
19 arrived at that residence?

20 A. Once we arrived to the residence, we
21 establish a perimeter around the residence for our
22 safety and whoever's in the house. Then we knocked
23 on the front door numerous times.

24 Q. And just to be clear, is this a
25 residence that was assigned or that you thought

LEONARD CAIN - DIRECT EXAMINATION BY MR. SCOTT

1 Mr. Mayers maybe lived at?

2 A. Correct.

3 Q. Okay. And did anyone come to the door
4 initially?

5 A. No, sir.

6 Q. Did you use any other methods to try to
7 get the attention of anyone else inside?

8 A. We used our vehicle patrol lights and
9 air horns.

10 Q. Okay. And how long did this go on for?

11 A. Almost two hours.

12 Q. And who eventually came out of the
13 house?

14 A. Mr. Damion Mayers with a child in his
15 arm.

16 Q. He had a child in his arms?

17 A. Correct.

18 Q. Do you recall how old the child was?

19 A. Under two years old.

20 Q. Okay. Was Mr. Mayers taken into
21 custody and served with the warrants in this case?

22 A. Yes, sir.

23 Q. And was that pretty much the extent of
24 your involvement in this case?

25 A. Yes, sir.

LEONARD CAIN - CROSS EXAMINATION BY MR. SIMS

1 Q. And just to be clear, is this an
2 address that y'all had listed as Mr. Mayers' home
3 address?

4 A. No, sir.

5 Q. Okay. Please answer any questions
6 Mr. Sims has for you.

7 THE COURT: Anything on cross
8 examination?

9 CROSS EXAMINATION BY MR. SIMS:

10 Q. Mr. Cain, how many people were with you
11 on that morning?

12 A. Six at that residence.

13 Q. I'm sorry.

14 A. Six at that residence.

15 Q. Six at that residence. Okay. And how
16 long did you say you waited?

17 A. Almost two hours at the residence.

18 Q. And during that two hours, Mr. Mayers
19 never made any aggressive moves toward you or
20 anyone on the team?

21 A. No.

22 Q. Okay. Basically, he's in the house and
23 when he came out, he came out with a child in his
24 arms?

25 A. Yes, sir.

LEONARD CAIN - CROSS EXAMINATION BY MR. SIMS

1 Q. And how old was that child? If you
2 know.

3 A. It was a small child.

4 Q. A small child. Okay. Thank you.

5 MR. SIMS: That's all.

6 THE COURT: Anything on redirect?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: Sergeant Cain, you may step
9 down. May he be excused?

10 MR. SCOTT: It's fine with the State.

11 THE COURT: Any objection?

12 MR. SIMS: No objection, Your Honor.

13 THE COURT: Sergeant Cain, you are
14 released from your subpoena.

15 MR. CAIN: Thank you.

16 THE COURT: Is the State prepared to
17 call its next witness?

18 MR. SCOTT: We are, Your Honor.

19 THE COURT: Okay.

20 MR. SCOTT: State calls John Stokes.

21 THE COURT: Mr. Scott, is he going to
22 be a long witness? You want to take a break or...

23 MR. SCOTT: I would not say he's short
24 as the others.

25 THE COURT: Okay. What we'll probably

1 do is take a mid-morning break now. All right.

2 Ladies and gentlemen, we're going to take a
3 mid-morning break now. Again, let me remind you,
4 you cannot talk about any of the testimony you've
5 heard in the jury room or anything like that.

6 Okay. So we'll take a short break, we'll get back
7 in here and we will continue with the testimony of
8 the State's case. Okay. Thank y'all.

9 (WHEREUPON, the jury left the courtroom
10 at 10:42 a.m.)

11 (Break time)

12 THE COURT: All right.

13 MR. SCOTT: Just, I have Investigator
14 Stokes here. He'll be my next witness. And then I
15 anticipate calling two more witnesses who are both
16 in Columbia and I told them 2 o'clock. I can ask
17 them to come closer to 1 or something. But I
18 figure on the lunch hour you can advise him of his
19 rights. We can talk -- maybe take a longer lunch,
20 you can advise him of his rights and we can talk
21 about jury charges.

22 THE COURT: I don't mind doing that.
23 But -- you mean --

24 MR. SCOTT: I mean, we ended up
25 stipulating to one or two witnesses and these

1 witnesses just went up. I think we just went
2 through six witnesses in an hour and five minutes.

3 THE COURT: Yeah, I know. I'm not
4 complaining about it. I don't -- but I'm reluctant
5 to ask him about testifying until after we've --

6 MR. SCOTT: Rested?

7 THE COURT: Until after you rested, if
8 you don't mind. I think that could create some
9 issues.

10 MR. SCOTT: Okay.

11 THE COURT: Do you think there's any
12 possibility you could get -- I mean -- well, let's
13 just leave it at 2 and we'll --

14 MR. SCOTT: I can see if they can come
15 closer to 1 and we can break from 11:30 to 1 or
16 something.

17 THE COURT: Yeah, if they can do that.
18 If they can't, that's fine because we can use the
19 time in between to go over the charges and things
20 like that. We still have things we can do.

21 MR. SCOTT: Yes, sir.

22 THE COURT: Mr. Sims, anything from you
23 that we need to talk about?

24 MR. SIMS: Not at this point right now.

25 THE COURT: All right. We'll take a

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 break. Thank y'all.

2 (Break time)

3 THE COURT: Are y'all ready?

4 MR. SCOTT: Yes, Your Honor.

5 THE COURT: Bring the jury on in,
6 please.

7 (WHEREUPON, the jury entered the
8 courtroom at 11:07 a.m.)

9 THE COURT: Ladies and gentlemen, we
10 are going to continue with the State's case right
11 now. Mr. Scott, who's your next witness?

12 MR. SCOTT: State calls John Stokes.

13 JOHN STOKES,
14 being first duly sworn, was examined and testified
15 as follows:

16 THE COURT: State your name for the
17 Court, please.

18 MR. STOKES: John C. Stokes.

19 THE COURT: All right. He's your
20 witness.

21 MR. SCOTT: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. SCOTT:

23 Q. Good morning.

24 A. Morning.

25 Q. Where are you currently employed?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. I'm currently employed at the First
2 Circuit Solicitor's Office.

3 Q. And how long have you worked at the
4 First Circuit Solicitor's Office?

5 A. Since December of last year.

6 Q. And where did you work prior to the
7 solicitor's office?

8 A. Orangeburg County Sheriff's Office.

9 Q. And how long did you work there?

10 A. I worked at the sheriff's office for 18
11 years.

12 Q. What was your position with the
13 sheriff's office back in June of 2019?

14 A. I was the sergeant over criminal
15 investigations.

16 Q. And what were your duties and
17 responsibilities as the sergeant over
18 investigations?

19 A. I supervised approximately probably
20 seven to eight other investigators under me. We
21 investigated any case from fraud, financial card
22 fraud to our murders.

23 Q. Did you -- in addition to supervising
24 other investigators, did you also investigate cases
25 yourself?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. I did.

2 Q. And let me turn your attention to June
3 30, 2019. Did you respond to Baugh Street in
4 reference to a shooting?

5 A. I did.

6 Q. Is that in Orangeburg County?

7 A. It is.

8 Q. And when you arrived, were other law
9 enforcement officers on scene?

10 A. They were.

11 Q. And was the scene secured?

12 A. It was.

13 Q. Was the victim Harold Langley, was he
14 still on scene when you arrived?

15 A. No. Upon my arrival, he was already
16 transported to the hospital by EMS.

17 Q. Okay. What hospital did he go to?

18 A. TRMC here in Orangeburg.

19 Q. All right. While you're on scene, did
20 y'all identify any other victims in this case?

21 A. No.

22 Q. Anybody else approach with gunshot
23 wounds?

24 A. No.

25 Q. What did you observe when you arrived

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 on scene?

2 A. When I arrived on scene, I observed a
3 lot of blood. It was inside the residence and also
4 outside. And inside the apartment was like
5 disarray with some tables and chairs turned over.

6 Q. And who lived at that apartment when
7 the incident occurred?

8 A. It was Wanneeshia Perry and her
9 roommate.

10 Q. Okay. And was Ms. Perry on scene when
11 you got there?

12 A. She was.

13 Q. Did you have the opportunity to speak
14 with her?

15 A. I did.

16 Q. And based on your conversations with
17 Ms. Perry, were you able to identify a possible
18 suspect?

19 A. Yes. Ms. Perry was able to advise that
20 a -- that it was a Abraham Williams also Harold
21 Langley which is the victim and a subject that went
22 by the name Dame. A --

23 Q. I'm sorry. I didn't mean to cut you
24 off.

25 A. Oh, he went by the name Dame and she

1 | wasn't sure what his last name was, but she knew
2 | his brothers last name were Lott.

3 | Q. Lott?

4 | A. Yes.

5 | Q. And who were you able to identify as a
6 | possible suspect in this case?

7 | A. Through some -- through the course of
8 | the investigation, I was able to use several law
9 | enforcement resources and I was able to identify
10 | Damion Mayers as being a son of a Freda Lott.

11 | Q. Freda Lott?

12 | A. Freda Lott, yes, sir.

13 | Q. Okay. Once you identified Mr. Mayers
14 | as a suspect, did you have photo lineups generated?

15 | A. I did.

16 | Q. And who prepares those photo lineups?

17 | A. SLED.

18 | Q. When you say SLED, what is that?

19 | A. South Carolina Law Enforcement
20 | Division.

21 | Q. In Columbia?

22 | A. In Columbia, yes.

23 | Q. And while you're on scene with
24 | Ms. Perry, did you identify Abraham Williams as a
25 | possible witness?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. I did.

2 Q. And was Mr. Williams still on scene?

3 A. He wasn't.

4 Q. Was not?

5 A. He was not, no.

6 Q. And were you able to contact him?

7 A. I was.

8 Q. And how did you get his phone number?

9 A. Ms. Perry give me his phone number.

10 Q. And what if anything did you ask
11 Mr. Williams to do?

12 A. Once I got him on the phone that night,
13 I asked him would he be willing to meet with me the
14 next day at my office in Orangeburg.

15 Q. What time do you think you actually
16 left the scene that night?

17 A. Probably left around 10:30, 11 o'clock
18 p.m.

19 Q. And when did you learn Mr. Langley had
20 succumb to his injuries?

21 A. Probably around -- I want to say about
22 2 or 3 a.m. that Monday morning.

23 Q. Let me back up one second. While you
24 were on scene or sometime that night, did you speak
25 with a female by the name of Teronica Conerly?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. I did.

2 Q. And did she call you or did you call
3 her?

4 A. She called me.

5 Q. And how did she get your number?

6 A. Ms. Conerly, she was at the hospital
7 actually checking on Mr. Langley. One of the -- at
8 the time, the sheriff's office was actually doing
9 security at the -- extra security at the hospital,
10 so she spoke to one of the deputies that was
11 actually working there. He called me and I gave --
12 I told him to give her my number so she could call.

13 Q. And you spoke with her that night?

14 A. Yes, sir.

15 Q. Had she spoken with Abraham Williams?

16 A. Yes.

17 Q. So did Abraham Williams show up to meet
18 with you the next morning on July 1, 2019?

19 A. He did.

20 Q. And so this would -- do you recall what
21 time he showed up?

22 A. If I'm not mistaken it was between 8:30
23 and 9.

24 Q. Okay. So this would have been about 12
25 hours after the shooting?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. Correct.

2 Q. And maybe only six, seven hours after
3 Mr. Langley had passed away?

4 A. Correct.

5 Q. Prior to interviewing Mr. Williams was
6 Mr. Williams shown a photo lineup?

7 A. He was.

8 Q. And who showed him that photo lineup?

9 A. Investigator Stuke.

10 Q. Stuke?

11 A. Yes.

12 Q. S-T-U-K-E?

13 A. Yes.

14 Q. And why did you have Investigator Stuke
15 show Mr. Williams the lineup?

16 A. Basically being that I'm the case
17 agent, lead investigator in the case, I would have
18 knowledge of who was inside the photo lineup.
19 Investigator Stuke didn't have any knowledge of the
20 case. He didn't have any knowledge of the suspect
21 that was located inside the lineup at all, so he
22 was a unbiased party at the time.

23 Q. So he wouldn't have been able to
24 suggest who to pick out?

25 A. No.

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 Q. After Investigator Stuke showed this
2 lineup to Mr. Williams, did you interview
3 Mr. Williams?

4 A. I did.

5 Q. And this interview was recorded?

6 A. It was.

7 Q. On video?

8 A. It was.

9 Q. And how long did you interview
10 Mr. Williams?

11 A. I think the interview lasted between
12 two and a half hours and three hours.

13 Q. Why did the interview last so long?

14 A. Because basically I knew that
15 Mr. Williams was not telling me the whole truth
16 about the incident that took place.

17 Q. And why did you -- who had you spoken
18 with that led you to believe he wasn't telling you
19 the whole truth?

20 A. Teronica Conerly.

21 Q. While speaking with Abraham Williams --
22 where was this interview with Abraham Williams?

23 A. It was located at the CID, Criminal
24 Investigations Office which is located at 1032
25 Chestnut here in Orangeburg.

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 Q. Behind Popeyes?

2 A. Behind Popeyes in the plaza behind
3 Popeyes.

4 Q. And so while you're speaking with Mr.
5 Williams at CID, did you actually get Teronica
6 Conerly on the phone?

7 A. Yes.

8 Q. Did you put her on speaker phone?

9 A. I did.

10 Q. In front of Mr. Williams?

11 A. I did.

12 Q. Did that have any effect on
13 Mr. Williams?

14 A. No, not at that time. He kind of stuck
15 to what he was saying earlier and didn't really
16 tell the exact truth at that time.

17 Q. All right. So you interviewed
18 Mr. Williams that morning, you said he was there
19 about two and a half, three hours and then I guess
20 he left at some point; correct?

21 A. He did.

22 Q. Okay. Later that day, did you have the
23 opportunity to meet with Wanneeshia Perry again?

24 A. I did.

25 Q. And you had met with her on scene the

1 night before?

2 A. Correct.

3 Q. But then you meet with her again that
4 day?

5 A. I did.

6 Q. And do you remember what time you met
7 with her?

8 A. I want to say around 2 or 3 p.m.

9 Q. Okay. Do you recall how she got to
10 your office?

11 A. We actually went and picked her up.

12 Q. From where?

13 A. Allied Air where she was working.

14 Q. Did you take a more detailed statement
15 from her that second day?

16 A. I did.

17 Q. And that was in your conference room?

18 A. Yes.

19 Q. At CID?

20 A. Correct.

21 Q. Not on the hood of a deputy's vehicle?

22 A. Correct.

23 Q. Not in the middle of the night?

24 A. No.

25 Q. No neighbors standing around?

JOHN STOKES - DIRECT EXAMINATION BY MR. SCOTT

1 A. No.

2 Q. After you met with Ms. Perry that
3 afternoon, what did you decide you needed to do
4 next?

5 A. After the interview with Ms. Perry, I
6 decided that I needed to call Abraham Williams
7 again to re-interview him based on some other
8 statements that I learned from Ms. Perry.

9 Q. And did you contact Abraham Williams?

10 A. I did.

11 Q. Did he agree to come in and meet with
12 you again?

13 A. He did.

14 Q. And when did he come in?

15 A. He came in the next morning which would
16 have been that Tuesday. He probably was there like
17 8:30. 8:30 a.m. 8:30, 9:00.

18 Q. So that would have been July 2, 2019?

19 A. Yes.

20 Q. And did he give you another statement
21 at that time?

22 A. He did.

23 Q. He did?

24 A. Yes.

25 Q. Did you have to threaten him or coerce

1 him in any way to give you another statement?

2 A. No, I didn't.

3 Q. Did you even have to tell him, hey,
4 man, I've spoken with these other people, you need
5 to be honest with me?

6 A. No.

7 Q. What did you say to him?

8 A. Basically when I started the interview,
9 I just basically asked him to just give me some
10 details of the incidents that occurred on that
11 Sunday.

12 Q. And that was it?

13 A. That was it.

14 Q. How long did that interview last?

15 A. The second interview lasted about 45
16 minutes.

17 Q. How many written statements did you
18 have to take from him this time?

19 A. Just one.

20 Q. Let me ask you. In your 18 plus years
21 of law enforcement experience, is it uncommon for
22 witnesses to not want to be involved in criminal
23 investigations?

24 A. Not at all. Especially for cases like
25 homicides and murder. A lot of people do not want

JOHN STOKES - CROSS EXAMINATION BY MR. SIMS

1 to be involved in those type cases. So it's not
2 uncommon to have to interview witnesses one, two,
3 three, four times in the course of an
4 investigation.

5 Q. What if anything could you tell about
6 Abraham Williams' demeanor when you met with him
7 the first time the morning after the incident?

8 A. Well, one of my major concerns with
9 Abraham was that he was afraid. On the first
10 interview on that Monday, he was really -- appeared
11 really afraid. Didn't really want to talk. He
12 talked about his family being in danger for him
13 cooperating with me regarding this case.

14 Q. That's all I have. Please answer any
15 questions Mr. Sims has.

16 THE COURT: Anything on cross
17 examination?

18 MR. SIMS: Yes.

19 THE COURT: Okay. He's your witness.

20 CROSS EXAMINATION BY MR. SIMS:

21 Q. Let me see now. Detective Stokes, you
22 had the opportunity to -- you were the chief
23 investigator at that time with the sheriff's
24 department for this case; is that correct?

25 A. Correct, yes.

1 Q. And you had the opportunity on that
2 night to talk with Ms. Perry?

3 A. I did.

4 Q. And she basically gave you a statement
5 that night?

6 A. She did.

7 Q. And that was the statement where she
8 said she didn't know what happened; is that
9 correct?

10 A. Basically it was kind of a short
11 statement. She was stating -- the most thing she
12 was stating, she was in a room at the time the
13 incident took place, yes.

14 Q. That's what I'm saying. She didn't
15 know what happened and she was in the room?

16 A. Correct.

17 Q. Then you called her in again the next
18 day; is that correct -- or you went and picked her
19 up?

20 A. Correct.

21 Q. And you got an in-depth conversation --
22 an in-depth statement from her at that time?

23 A. Correct.

24 Q. Okay. She verified those things that
25 you talked about, about she being in the room?

JOHN STOKES - CROSS EXAMINATION BY MR. SIMS

1 A. Yes.

2 Q. The gambling, what person going out,
3 another one -- and she was in the room when someone
4 else came in; is that correct?

5 A. Well, what she verified was the fact
6 that they were gambling and at some point your
7 client -- Mr. Mayers left and went outside and
8 stated he had to get some more money out of the car
9 and she went in her bedroom and then she heard
10 gunfire, yes, sir.

11 Q. Did she leave the house before that?

12 A. I'm not one hundred percent sure.

13 Q. To go get some money from an ATM card?

14 A. I'm not a hundred percent sure.

15 Q. You're not a hundred percent sure?

16 A. Yes, sir.

17 Q. Okay. Was there another person who
18 came into the home?

19 A. I'm not --

20 MR. SCOTT: Your Honor, I'm going to
21 object. He wasn't there.

22 THE COURT: I mean, he can -- I'll note
23 your objection. I'm going to let you ask the
24 question. But if he doesn't know, he doesn't know.

25 MR. SIMS: If he doesn't know, he

1 | doesn't know.

2 | THE COURT: Right.

3 | Q. You don't know whether another person
4 | came in?

5 | A. I'm not sure.

6 | Q. Now, you say after that, how many --
7 | you talked with Abraham Williams; is that correct?

8 | A. Correct.

9 | Q. And how many times did you talk with
10 | Abraham?

11 | A. How many times I talked to him?

12 | Q. Yeah.

13 | A. Well, I talked to him on the phone that
14 | Sunday night. He came in my office that Monday
15 | morning and I got a statement from him. And I
16 | called him that Monday afternoon for him to come
17 | back in Tuesday morning, so I would say three
18 | times.

19 | Q. Did you call Ms. Perry in to because of
20 | -- to say -- to straighten out some things because
21 | you did not believe Abraham?

22 | A. Well, basically it's just the fact of
23 | the -- Ms. Perry was called in in fact to kind of
24 | corroborate the fact that Abraham was saying that
25 | Harold used him as a shield, yes.

JOHN STOKES - CROSS EXAMINATION BY MR. SIMS

1 Q. I believe when you talked to her, you
2 -- did you not say or if you did, if you recall you
3 said that you called her in because Abraham was all
4 over the place?

5 A. I'm not one hundred percent sure.

6 Q. Okay. Now, that -- how many times did
7 you show Mr. Williams the photo lineup?

8 A. Once.

9 Q. You only showed him once?

10 A. Correct.

11 Q. Okay. During your conversation with
12 him, did someone else come in and show him the
13 photo lineup?

14 A. The photo lineup was shown on that
15 Monday and that was before I even interviewed him.
16 Investigator Stuke actually showed the lineup
17 before the interview took place.

18 Q. Okay. So you did not -- he did not
19 come in during the time that you all were talking
20 to show him the lineup again?

21 A. Not the first one, no.

22 Q. Not the first one, the second one?

23 A. On the second time when I interviewed
24 him on that Tuesday, he came in just to verify the
25 fact that the person he identified on the first day

1 | was actually the person that did the shooting.

2 | Q. So he was shown that same lineup again?

3 | A. No, he wasn't shown the lineup. He
4 | just clarified it on the photo lineup pick out
5 | sheet that the person that he identified the day
6 | prior wasn't just the person that was shooting dice
7 | when it was actually the person that did the
8 | shooting. He identified the person, I believe in
9 | photograph number four as being the person that
10 | shot Harold with the Draco.

11 | Q. And what did he say on the first
12 | lineup?

13 | A. That was the person that was shooting
14 | dice with him.

15 | Q. The first time he said number four was
16 | the person who was shooting dice with them?

17 | A. Correct.

18 | Q. And then after you talked with him
19 | again that's when he said something else?

20 | A. Correct. That's when he told the
21 | truth.

22 | Q. What other functions did you perform in
23 | regards to your duties in investigating this case?

24 | A. As far as what now?

25 | Q. Did you talk with anyone else?

JOHN STOKES - CROSS EXAMINATION BY MR. SIMS

1 A. As any other witnesses?

2 Q. Yeah.

3 A. Just the ones that were there.

4 Q. Just the ones that was there?

5 A. Correct.

6 Q. Now, you, I believe you testified that
7 Abraham said he did not want to be involved; right?

8 A. Correct.

9 Q. And you made a statement that in your
10 history as a police officer that people usually
11 don't want to get involved with murders?

12 A. Correct.

13 Q. But there's a difference in people not
14 wanting to get involved and people lying?

15 A. No. I mean, in your opinion maybe.
16 But in my years that I've done, you have more cases
17 where people fail to cooperate than you do with
18 them cooperating.

19 Q. Failed to cooperate and with them to
20 cooperate, but even those who failed to cooperate
21 there is a difference between somebody lying and
22 saying -- and then rather than just not giving you
23 all the facts and somebody lying about what
24 happened?

25 A. Well, I just call it failing to

1 cooperate, not lying. I'm not sure about that.

2 Q. It's just a different form, a different
3 term we use. It wasn't the truth, was it?

4 A. It wasn't the total truth; correct.

5 Q. But it wasn't the truth that he gave
6 you. You call it being uncooperative and I just
7 used the term lying.

8 A. Yeah. I call it uncooperative, you
9 call it lying, yes.

10 Q. And so when you talked to him on the
11 phone that night, you called him on the phone, I
12 believe, that night; right?

13 A. Which night?

14 Q. On the night of the incident?

15 A. Yes.

16 Q. And then you talked to him again the
17 next day on the 1st?

18 A. Correct. Yes.

19 Q. Okay. And then you talked to him twice
20 on the 2nd; is that correct? I want to be sure I
21 got it right --

22 A. No.

23 Q. -- one time?

24 A. I just called him on the 1st. I called
25 him on the afternoon for him to come in. He came

JOHN STOKES - CROSS EXAMINATION BY MR. SIMS

1 | in on the 2nd. So that's the only time I talked to
2 | him on the 2nd.

3 | Q. On the 2nd?

4 | A. Yes.

5 | Q. But on the 1st you talked with him that
6 | morning and then that afternoon?

7 | A. Yes. I actually interviewed him that
8 | morning and then I called him that Monday
9 | afternoon, yes, sir.

10 | Q. Okay. How many people were in the --
11 | from your investigation, how many people was there
12 | when Harold left from the house, if you know?

13 | A. When he left?

14 | Q. Yeah. Did he tell you how many -- did
15 | he tell you about anybody who was there at the
16 | house when he left from the home?

17 | A. Did who tell me now?

18 | Q. Did Harold tell you -- not Harold, I'm
19 | sorry. Abraham, did Abraham tell you that there
20 | was other people in the home when he left?

21 | A. After the incident took place?

22 | Q. Uh-huh.

23 | A. He just said Wanneeshia.

24 | Q. Just Wanneeshia?

25 | A. Yes.

1 Q. Okay. Thank you.

2 THE COURT: Anything on redirect?

3 MR. SCOTT: Just briefly.

4 REDIRECT EXAMINATION BY MR. SCOTT:

5 Q. Mr. Sims asked you about the statements
6 Abraham Williams gave to you during that first
7 interview the day after the murder?

8 A. Correct.

9 Q. And you characterized it as lying?

10 A. Correct.

11 Q. Did you ask Abraham, was the guy that
12 left out the same person that came back inside with
13 the gun?

14 A. I believe, can I look at my notes?

15 Q. Sure.

16 MR. SIMS: I'm sorry, I didn't hear the
17 answer, Your Honor.

18 THE COURT: You said you couldn't hear
19 him?

20 MR. SIMS: Yeah, I couldn't hear him.

21 THE COURT: Would you mind repeating
22 what you said?

23 A. I asked Mr. Scott could I refer back to
24 my statement, my notes with Abraham.

25 Yes, on the statement that I took from

1 --

2 Q. I'm just asking you, when you spoke
3 with Abraham Williams the day after the murder, did
4 you ask him, is the person who said he had to go
5 out to his car and get more money, is that the
6 person who came back in with a gun and what did he
7 tell you?

8 A. He said he wasn't positive, but he
9 believed it was.

10 MR. SCOTT: That's all I have.

11 THE COURT: Anything on recross?

12 MR. SIMS: Nothing, Your Honor.

13 THE COURT: All right. You may step
14 down. Thank you, sir. Is the State prepared to
15 call its next witness?

16 MR. SCOTT: Your Honor, I believe we
17 have two witnesses left who are both coming from
18 Columbia. They should be quick witnesses. I think
19 they're going to be here at 1.

20 THE COURT: They will be here at 1?

21 MR. SCOTT: Yes, Your Honor.

22 THE COURT: Okay. All right. Ladies
23 and gentlemen, you heard Mr. Scott say they had two
24 more witnesses in the State's case, they're coming
25 from Columbia. I am -- he thinks they will be here

1 at 1, but I'm going to give them another 15 minutes
2 so we won't be waiting. So I'm going to let y'all
3 go and have lunch. Be back in the jury room at
4 1:15.

5 What am I going to remind you of right
6 now? You cannot talk among yourselves or with
7 anybody else about the case, about the testimony
8 you've heard. You can't do anymore -- you can't do
9 any additional research on it or anything like
10 that. And you know now that we're getting to the
11 end of the State's case and then so we'll see how
12 we go after that. Okay.

13 Go to lunch. Have a good lunch and
14 come on back. Stay safe. Thank you.

15 (WHEREUPON, the jury left the courtroom
16 at 11:31 a.m.)

17 THE COURT: Thank you. Okay. Anything
18 from the State?

19 MR. SCOTT: No, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. SIMS: No, Your Honor.

22 THE COURT: Okay. All right. If y'all
23 will get back here at -- if y'all want to get back
24 here about 1, we can start talking about anything
25 we need to talk about. Anything that's come up

1 during lunch or anything like that. Okay. We'll
2 see y'all at 1.

3 (Lunch break)

4 THE COURT: For the record, let me just
5 go one thing. We had a conversation back in there
6 about the charges. I had mentioned that I might
7 charge mere presence. I'm not charging mere
8 presence because that's a situation I believe where
9 somebody else is involved and is not actively
10 charged with being the shooter. Is the way I look
11 at it, so. Just so you'll know, I'm not charging
12 mere presence. Okay.

13 MR. SIMS: Yes, sir.

14 THE COURT: Okay. Thank y'all.

15 MR. SCOTT: There's also an objection
16 to not charging voluntary manslaughter --

17 THE COURT: Right.

18 MR. SCOTT: -- that the Defense wanted
19 to make if we could put that on the record.

20 THE COURT: Well, at this time. Yeah,
21 I mean, we'll bring it up again after --

22 MR. SIMS: Yes, sir.

23 THE COURT: -- you either do or do not
24 present a case. Okay. All right. Is the State
25 ready to go?

1 MR. SCOTT: Yes, Your Honor.

2 THE COURT: Is the Defense ready?

3 MR. SIMS: Yes, sir.

4 THE COURT: If you'd get the jury out.

5 Thank you.

6 (WHEREUPON, the jury entered the
7 courtroom at 1:30 p.m.)

8 THE COURT: All right. Good afternoon,
9 ladies and gentlemen. We're now going to continue
10 with the State's case. Mr. Scott?

11 MR. SCOTT: May it please the Court?

12 THE COURT: Yes, sir.

13 MR. SCOTT: State calls Jana Weaver.

14 JANA WEAVER,
15 being first duly sworn, was examined and testified
16 as follows:

17 THE COURT: Please state your full name
18 for the Court, please.

19 MS. WEAVER: Jana Weaver.

20 THE COURT: Ma'am, do you mind pulling
21 your mask down, please, ma'am. And how do you
22 spell your last name?

23 MS. WEAVER: W-E-A-V-E-R.

24 THE COURT: All right. She's your
25 witness.

JANA WEAVER - DIRECT EXAMINATION BY MR. SCOTT

1 MR. SCOTT: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MR. SCOTT:

3 Q. Ms. Weaver, where are you employed?

4 A. I'm employed at the South Carolina Law
5 Enforcement Division, also known as SLED.

6 Q. And how long have you worked at SLED?

7 A. I've been there seven and a half years.

8 Q. And what is your position with SLED?

9 A. I am a forensic firearms examiner.

10 Q. And how many years have you worked as a
11 firearms examiner?

12 A. Just about five and a half years.

13 Q. And can you tell the jury a little bit
14 about your educational background and the training
15 you have received in the area of firearms
16 identification?

17 MR. SIMS: Excuse me, Your Honor. I
18 would stipulate that she's qualified.

19 THE COURT: She's qualified as a
20 forensic firearm examiner or investigator?

21 MR. SCOTT: We'd ask that she be
22 qualified as an expert in the field of firearms
23 identification.

24 THE COURT: Firearms identification?

25 MR. SCOTT: Yes, Your Honor.

1 MR. SIMS: Yes.

2 THE COURT: All right. Ladies and
3 gentlemen of the jury, normally a person cannot
4 give opinion testimony. Normally when a person
5 testifies, they must testify as to what they either
6 saw, heard, or sense by smell or something of that
7 nature. However, there's an exception when someone
8 is qualified because of education or experience,
9 they are permitted to give their opinions in
10 certain areas if the Court qualifies them that way.

11 The witness has been qualified in the
12 area of firearm identification. As such, she may
13 give opinion testimony in that area. That does not
14 mean that you must accept the opinion. You should
15 consider any expert's opinion like any other
16 evidence and give it the weight you believe it
17 deserves. It is evidence for you to use in any way
18 you see fit.

19 All right. Mr. Scott.

20 MR. SCOTT: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 Q. Ms. Weaver, can you explain to the jury
23 what is firearms identification?

24 A. Firearms identification is an area in
25 which we can try to determine whether fired

JANA WEAVER - DIRECT EXAMINATION BY MR. SCOTT

1 | ammunition components are fired by the same
2 | firearm, by a particular firearm by the markings
3 | that are left behind when the gun is fired.

4 | Q. And what kind of items can you examine?
5 | Obviously, you can examine firearms. Are there
6 | other -- can you examine anything else?

7 | A. Yes. The fired ammunition components,
8 | the cartridge cases, bullets. When a bullet is
9 | inside of the cartridge case and the primer hasn't
10 | been fired yet, we call that an entire cartridge.
11 | We're able to look at those as well.

12 | Q. And I want to show you what's been
13 | marked as State's Exhibits 33, 34, 35 and 36 and
14 | ask you if you recognize those.

15 | A. We may examine evidence, we'll mark it
16 | with our lab number, item number, and initials.
17 | And I'm just checking to make sure these are all of
18 | these cartridge cases. Yes, I do.

19 | Q. So you actually mark the cartridge
20 | casing itself?

21 | A. Yes.

22 | Q. Okay. Were these items, were they
23 | sealed when you received them?

24 | A. They were.

25 | Q. And did you tamper with them in any

1 way?

2 A. No, sir.

3 MR. SCOTT: Your Honor, we'd ask that
4 these items be admitted 36, 35, 34, and 33, I
5 believe.

6 THE COURT: Okay. Any objection?

7 MR. SIMS: None, Your Honor.

8 THE COURT: Okay. The State's -- this
9 evidence is admitted without objection. Okay. Go
10 ahead.

11 (WHEREUPON, State's Exhibit Numbers 33,
12 34, 35, and 36 were entered)

13 Q. Can you tell the jury specifically what
14 these items are?

15 A. These are four fired 7.62x39mm caliber
16 cartridge cases.

17 Q. And when you say 7.62x39mm, I mean,
18 what do you mean by that? Like a lot of people
19 might be familiar with terms like 9mm or .40
20 caliber. What is 7.62x39mm?

21 A. It's just a caliber designation given
22 to this specific cartridge. The 7.62 is the metric
23 designation given to the diameter of the bullet
24 which is comparable to like a .30 caliber bullet.
25 And the 39mm at the end of the 7.62x39 is the

JANA WEAVER - DIRECT EXAMINATION BY MR. SCOTT

1 length of the cartridge casing, the metric
2 measurements.

3 Q. And what type of firearms typically
4 fire these types of cartridges?

5 A. Usually high powered rifles and/or
6 pistols.

7 Q. Can you tell the jury what a Draco is?

8 A. A Draco is a model of a Century Arms
9 firearm. Typically in the pistol, like
10 calibration. It's a shorter firearm that fires
11 7.62x39mm caliber cartridges.

12 Q. Did you have the opportunity to examine
13 State's Exhibits 36, 35, 34, and 33?

14 A. I did.

15 Q. And what were the results of your
16 examination?

17 A. May I look at my notes, Your Honor?

18 Q. Of course.

19 A. Through my examinations, I was able to
20 say that in my opinion, I was -- found that all
21 four of these cartridge cases were fired by the
22 same firearm.

23 Q. And when you say that, you're basing
24 that off what? What are you looking at with
25 regards to these cartridge cases that make you

1 | determine they were fired by the same firearm?

2 | A. We look at the microscopic striations
3 | or markings that are left behind on a cartridge
4 | case. Typically the primer is the main area we
5 | look at for fired cartridge cases. We look at them
6 | under a comparison microscope and we're able to
7 | look at two of them together under different
8 | magnifications to see the different imperfections,
9 | if you will, that are left behind after firing.

10 | Q. That's all the questions I have.
11 | Please answer any questions Mr. Sims has for you.

12 | THE COURT: Any questions on cross?

13 | CROSS EXAMINATION BY MR. SIMS:

14 | Q. Ms. Weaver, good evening -- afternoon,
15 | not evening. Let me ask you just a few questions.
16 | Usually in your process at SLED, you usually have a
17 | gun that you would fire and then you would take the
18 | gun or take the shell or cartridge from that gun
19 | that you fired and compare it to a cartridge that
20 | you -- that you had received; is that correct?

21 | A. If we get a case that has a firearm in
22 | it, we'll test fire it and use those tests to
23 | compare with evidence, yes.

24 | Q. And so you would use that to compare,
25 | if I had a gun and fired it and you had some

JANA WEAVER - CROSS EXAMINATION BY MR. SIMS

1 | cartridges or you would take the cartridges that
2 | you have, you would then take the cartridge from
3 | the gun that I just fired and you would compare
4 | them to see if the cartridges that you have came
5 | from the gun that I just fired?

6 | A. Well, typically, we would fire
7 | ourselves in the lab. But, yes, we use the test
8 | fires to compare with the evidence.

9 | Q. Now, in this case you don't have that?

10 | A. That is correct.

11 | Q. So the only thing that you can say is
12 | that those cartridges that you have or the empty
13 | cartridges that you have would come from or would
14 | be used in a certain model gun or a certain kind of
15 | gun?

16 | A. Just the firearm that's chambered in
17 | that caliber.

18 | Q. The firearm that's chambered. You got
19 | to break it down for us because we're laymen here.
20 | You have to explain that a firearm that's chambered
21 | in that way, is that what -- am I doing it right?

22 | A. Yes, sir. There are different makes
23 | and models that are chambered in 7.62x39mm caliber.

24 | Q. Okay. What other makes and models are
25 | chambered that would fit that?

1 A. Typically any of your SKS models or AK
2 model rifles or pistols.

3 Q. So Draco and other different kinds of
4 models would also be able to fire that same caliber
5 of cartridge?

6 A. Yes.

7 Q. And the only thing that you can tell us
8 today is that those four came from the same gun?

9 A. Yes, that's correct.

10 Q. But you don't have that gun, so you
11 can't say that this gun that I'm holding in my hand
12 fired these cartridges?

13 A. That's correct.

14 MR. SIMS: That's all I have, Your
15 Honor.

16 THE COURT: Anything on redirect?

17 MR. SCOTT: No, Your Honor.

18 THE COURT: Thank you, Ms. Weaver. May
19 she be excused?

20 MR. SCOTT: I would like for her to be
21 excused, yes, Your Honor.

22 MR. SIMS: No objection.

23 THE COURT: Ms. Weaver, you're excused
24 from your subpoena. Thank you, ma'am.

25 MS. WEAVER: Thank you.

DARREN MONROE - DIRECT EXAMINATION BY MR. SCOTT

1 THE COURT: Is the State ready to call
2 its next witness?

3 MR. SCOTT: Yes, Your Honor. State
4 calls Darren Monroe.

5 DARREN MONROE,
6 being first duly sworn, was examined and testified
7 as follows:

8 THE CLERK: Thank you. Please state
9 your name for the Court, please.

10 MR. MONROE: Darren Monroe.

11 THE COURT: Is it Dr. Monroe?

12 MR. MONROE: Yes, it is.

13 THE COURT: Dr. Monroe, I can hear you,
14 where a lot of people I've had to tell them to take
15 off the mask so I can hear. Do you feel
16 comfortable taking it off while you're testifying?

17 MR. MONROE: Sure.

18 THE COURT: Okay. Thank you, sir. If
19 you will continue to speak into the microphone like
20 that, I would appreciate it.

21 All right. Mr. Scott, he's your
22 witness.

23 MR. SCOTT: Thank you, Your Honor.

24 DIRECT EXAMINATION BY MR. SCOTT:

25 Q. Good afternoon. Please tell the jury

1 | what your occupation is.

2 | A. I'm a forensic pathologist.

3 | Q. And tell the jury what is a forensic
4 | pathology and what you do as a forensic
5 | pathologist.

6 | A. A forensic pathologist is a medical
7 | doctor who's been through medical school and then
8 | done a residency in pathology and then specialized
9 | training after that called a fellowship in forensic
10 | pathology. And the main thing that forensic
11 | pathologist do is conduct medical legal autopsies.

12 | THE COURT: All right. And, Mr. Scott,
13 | Mr. Sims I think is going to --

14 | MR. SIMS: Stipulate.

15 | THE COURT: Okay.

16 | MR. SIMS: That he is qualified as a
17 | forensic pathologist.

18 | THE COURT: All right. Thank you. All
19 | right. Ladies and gentlemen, you've heard me give
20 | this with the last witness. Again, normally a
21 | person cannot give opinion testimony. Normally
22 | when a person testifies, they must testify as to
23 | what they either saw, heard, sense by smell or
24 | something of that nature. However, there's an
25 | exception when someone is qualified because of

DARREN MONROE - DIRECT EXAMINATION BY MR. SCOTT

1 | education or experience. They are permitted to
2 | give their opinion in certain areas if the Court
3 | qualifies them that way.

4 | This witness has been qualified in the
5 | area of forensic pathology and may give opinion
6 | testimony in that area. That does not mean that
7 | you must accept the opinion. You should consider
8 | any expert's opinion like any other evidence and
9 | give it the weight you believe it deserves. It is
10 | evidence for you to use in any way you see fit.
11 | Thank you, sir. Now, Mr. Scott.

12 | MR. SCOTT: Thank you, Your Honor.

13 | THE COURT: Yes, sir.

14 | Q. Dr. Monroe, did you have the
15 | opportunity to perform an autopsy on Harold Lamont
16 | Langley?

17 | A. Yes, I did.

18 | Q. And when was that autopsy performed?

19 | A. It was July 2, 2019.

20 | Q. And where was this autopsy performed?

21 | A. It was performed at Newberry County
22 | Hospital.

23 | Q. Newberry County Hospital. And is that
24 | because Orangeburg County contracts with Newberry
25 | Pathology?

1 A. Orangeburg sends their cases for
2 autopsy to Newberry Pathology which is in that
3 hospital.

4 Q. To your knowledge, are there other
5 counties that do that as well?

6 A. Yes.

7 Q. Upon receiving Mr. Langley's body, what
8 were your initial observations?

9 A. Initial observations was that we
10 receive the body in the transport bag like normal.
11 And then that we just saw the body of a normally
12 developed male adult.

13 Q. Can you tell the jury anything about
14 his size or weight?

15 A. Yes. He was estimated at 170 pounds
16 and about 5'8 and a half inches tall.

17 Q. Did you notice any evidence of medical
18 intervention?

19 A. Yes. He had been transported to us
20 from the hospital where he had received various
21 medical interventions.

22 Q. And what kind of evidence of medical
23 intervention did you see? Like tubes or...

24 A. He had an endotracheal tube which is
25 the tube that they put down your throat so that you

1 | can breathe. Several IV's in his left arm. A
2 | fully catheter.

3 | Q. That's fine. Was he in a hospital
4 | gown?

5 | A. Yes, he was.

6 | Q. Okay. As you conducted your external
7 | examination of Mr. Langley, did you observe any
8 | gunshot wounds?

9 | A. Yes. I observed several gunshot
10 | wounds.

11 | Q. Okay. And how many wounds did you
12 | observe?

13 | A. There were four gunshot wounds total.

14 | Q. And how many entrance wounds were
15 | there?

16 | A. Two entrance wounds and two exit
17 | wounds.

18 | Q. And generally speaking, can you tell
19 | the jury where these wounds were located?

20 | A. Yes. The first entrance wound was
21 | right here near the armpit on the left. On the
22 | side of the chest. That was the first entrance
23 | wound.

24 | Q. And where was the other entrance wound?

25 | A. The second entrance wound was on the

1 upper left arm outside aspect about right here.

2 Q. Okay. And you say first and second, is
3 there any way to tell which wound he received
4 first?

5 A. There's no way to tell which shot was
6 received first, no.

7 Q. Okay. So when you label them gunshot
8 one and gunshot wound two, how do you decide how to
9 do that?

10 A. It's arbitrary how we label them.
11 Usually just the first one that we pick to describe
12 on the paperwork.

13 Q. And where were the two exit wounds?

14 A. Both exit wounds were in the back. One
15 was in the midback region and the other was closer
16 to the side of the left back.

17 Q. So did you find any projectiles inside
18 of Mr. Langley?

19 A. No, we did not. And we perform x-rays
20 on all cases like this to make sure there aren't
21 any projectiles or fragments in there and there
22 were not.

23 Q. Did you observe any non-gunshot wounds
24 to Mr. Langley such as abrasions or cuts?

25 A. He had a couple small abrasions on the

1 left knee and the right shin not associated with
2 the gunshot wounds.

3 Q. So let's discuss the gunshot wound to
4 Mr. Langley's chest. Can you describe for the jury
5 the bullet or -- excuse me, the path this bullet
6 took and what kind of damage it would have caused
7 along the way?

8 A. The gunshot wound of the chest, that's
9 the one that entered next to the armpit. That went
10 through the skin and the underlying soft tissues.
11 It then went in between two of the ribs and then it
12 went through the lung and then through the back
13 aspect of the fifth rib and then out the soft
14 tissues and skin of the midback where it exited.

15 The main injuries that that caused was
16 due to hitting the lung. And that caused a massive
17 amount of hemorrhage and that was demonstrated both
18 surgically during resuscitative efforts at the
19 hospital and was also still found in autopsy which
20 is just a massive amount of bleeding into your
21 chest.

22 Q. And how about the second gunshot wound?

23 A. The second gunshot wound which is the
24 one that entered the arm just went through the soft
25 tissues of the arm and into the back and out the

1 soft tissues of the back and the skin. Of course,
2 and the only real injury that that caused was the
3 relatively minor amount of bleeding just from that
4 going through the soft tissues.

5 Q. So the second gunshot wound that you
6 described, there was a minor amount of bleeding,
7 but the first gunshot wound you said there was
8 major hemorrhaging?

9 A. Yes.

10 Q. Okay. And would you describe that
11 first gunshot wound as fatal?

12 A. The first gunshot wound was the fatal
13 one, yes.

14 Q. Did you draw a sample of blood from
15 Mr. Langley for purposes of a toxicology analysis?

16 A. Yes, we did.

17 Q. And what drugs if any were present in
18 Mr. Langley's body or blood sample?

19 A. The toxicology results showed THC or
20 Tetrahydrocannabinol which is the active drug in
21 marijuana. And then two metabolites of that drug.

22 Q. And did that in anyway contribute to
23 Mr. Langley's death?

24 A. No, it did not.

25 Q. Do you have -- based on the -- let me

1 ask you. When you are evaluating and reviewing
2 gunshot wounds, is there anyway to tell how a
3 victim was positioned when he was shot?

4 A. No, there is not. Not at autopsy.

5 Q. So you can't tell if the victim was
6 standing up? Laying on the floor? Seated?

7 A. Correct. I can't say that. I can only
8 tell you the relative position of the part of the
9 body that was hit by the bullet to the muzzle of
10 the gun at the time the gun was fired. And I can't
11 tell you what position that that is necessarily in.

12 Q. We know bullets fly straight; right?

13 A. Yes.

14 Q. But people aren't always standing
15 straight?

16 A. Exactly.

17 Q. The gun could be at a strange angle?

18 A. Correct.

19 Q. Finally, Dr. Monroe, within a
20 reasonable degree of medical certainty, do you have
21 an opinion as to the cause of death of Mr. Langley?

22 A. The cause of death for Mr. Langley was
23 a gunshot wound to the chest.

24 Q. And how about the manner of death?

25 A. Homicide.

1 Q. Thank you, Dr. Monroe. Please answer
2 any questions Mr. Sims has for you.

3 THE COURT: Mr. Sims, anything on
4 cross?

5 MR. SIMS: Yes.

6 CROSS EXAMINATION BY MR. SIMS:

7 Q. Just one or two questions for you. I
8 think you said in your toxicology you found THC?

9 A. Yes.

10 Q. And what is that for as laymen?

11 A. THC is the active chemical in
12 marijuana. The one that would get you high so to
13 speak.

14 Q. Okay. And you said you saw two
15 metabolites?

16 A. Yes. Metabolite is something your body
17 makes when it's breaking down whatever substance it
18 is into different other chemicals to process it
19 out.

20 Q. Okay. So I'm trying to understand
21 that. The body breaks down the THC?

22 A. Yes.

23 Q. Into metabolites?

24 A. Yes.

25 Q. And that is the normal function of the

DARREN MONROE - CROSS EXAMINATION BY MR. SIMS

1 body as the THC is going through the body it breaks
2 it down into other substances?

3 A. Correct.

4 MR. SIMS: That's all. Thank you.

5 THE COURT: Anything on redirect?

6 MR. SCOTT: No, Your Honor.

7 THE COURT: All right. Dr. Monroe, you
8 may step down. May he be excused, Mr. Sims?

9 MR. SIMS: Yes, I have no problem.

10 THE COURT: Okay. And, Dr. Monroe,
11 you're excused from your subpoena. Thank you, sir.

12 Mr. Scott, is the State prepared to
13 call its next witness?

14 MR. SCOTT: Your Honor, at this time
15 the State would rest.

16 THE COURT: Okay. All right. Ladies
17 and gentlemen, you have now heard all of the
18 State's case. I need to take a few minutes to go
19 over some things with the attorneys that you do not
20 need to be present while we do. After I have -- so
21 we're going to take a short break, let you go back
22 into the jury room. I'll get you back down shortly
23 so we can continue with the Defendant's part of
24 this case. Okay.

25 Thank y'all. Remember, you cannot talk

1 about anything you've heard. Okay. I know y'all
2 are getting tired of hearing that, but, you know.

3 (WHEREUPON, the jury left the courtroom
4 at 1:54 p.m.)

5 THE COURT: All right. Mr. Scott,
6 anything from the State?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: Mr. Sims, anything from
9 Defense?

10 MR. SIMS: Always, Your Honor. We
11 would move for a dismissal of the charges based
12 upon the fact that in the light and the evidence
13 taken in the most favorable to the State, it causes
14 mere speculation and that a jury could should not
15 be required to speculate so the matter should be
16 dismissed.

17 THE COURT: Okay. Well, I'm going to
18 deny your motion. Everything points to the fact
19 that Mr. Mayers shot the victim in this case. But
20 I'm going to note your objection to my ruling so
21 that will be preserved in the record.

22 MR. SIMS: Yes, sir.

23 THE COURT: And you're also renewing
24 your early objections that you've made during the
25 trial?

DAMION MAYERS - EXAMINATION BY THE COURT

1 MR. SIMS: Yes, sir.

2 THE COURT: And I'm going to continue
3 with my rulings on those and your objections to my
4 rulings.

5 MR. SIMS: Thank you, Your Honor.

6 THE COURT: All right. Thank you, sir.
7 Have you -- Mr. Sims, have you had an opportunity
8 to talk with Mr. Mayers about his right to testify.

9 MR. SIMS: Yes, I have.

10 THE COURT: Is he prepared to answer
11 some questions on that?

12 MR. SIMS: Sir?

13 THE COURT: Is he prepared for me to
14 ask him some questions about that?

15 MR. SIMS: Yes.

16 THE COURT: Mr. Mayers, I'm going to
17 get you to raise your right hand, please, sir.

18 DAMION MAYERS,
19 being first duly sworn, was examined and testified
20 as follows:

21 THE COURT: And, Mr. Mayers, what I'm
22 going to do right now is explain to you certain of
23 your rights. I know you've talked your rights over
24 with Mr. Sims, but I need to go over them on the
25 record. You understand that?

DAMION MAYERS - EXAMINATION BY THE COURT

1 MR. MAYERS: Yes, sir.

2 THE COURT: If you -- if I say
3 something that you don't understand, please let me
4 know, okay?

5 MR. MAYERS: Okay.

6 THE COURT: If you want me to explain
7 anything in more detail, I will be glad to do that.
8 Do you understand?

9 MR. MAYERS: Yes, sir.

10 THE COURT: We've now reached the stage
11 in the trial where you may present your defense.
12 You have the right to claim the protections given
13 to you by the Fifth Amendment of the Constitution
14 of the United States.

15 This Amendment states in part that no
16 person shall be compelled in any criminal case to
17 be a witness against himself. This means you
18 cannot be required to testify in this case. You
19 have the right to testify on your own behalf.
20 However, no one can make you testify. This is a
21 personal right and no one can waive this right
22 except you.

23 If you decide to testify, you will be
24 subject to the same rules that govern other
25 witnesses and you may be examined and cross

DAMION MAYERS - EXAMINATION BY THE COURT

1 | examined on any relevant issue in this case. In
2 | addition, if you have any convictions involving
3 | dishonesty or false statements or for crimes
4 | punishable by imprisonment for more than one year
5 | and this Court determines that the probative value
6 | of admitting this evidence outweighs its
7 | prejudicial effect on you, the Solicitor will be
8 | able to introduce your record to attacked your
9 | credibility.

10 | If you decide to testify, this decision
11 | on your part must be freely, voluntarily, and
12 | intelligently made with the knowledge of the
13 | protections given to you by the Fifth Amendment and
14 | the consequences of your decision to testify.

15 | If you decide not to testify, I will
16 | instruct the jurors that they cannot give the fact
17 | that you did not testify any consideration
18 | whatsoever. And that there is to be absolutely no
19 | prejudice to you because you did not testify. It
20 | is left entirely up to you whether or not you
21 | testify. You may talk with your attorney, your
22 | family and friends, or anyone else, but the final
23 | decision will be left entirely up to you.

24 | Do you understand what I've explained
25 | to you?

DAMION MAYERS - EXAMINATION BY THE COURT

1 MR. MAYERS: Yes, sir.

2 THE COURT: Okay. Do you have any
3 questions about what I've explained to you?

4 MR. MAYERS: No, sir.

5 THE COURT: Okay. Have you discussed
6 with your lawyer whether or not you should testify?

7 MR. MAYERS: Yes, sir.

8 THE COURT: Do you wish to talk with
9 your lawyer anymore at this time?

10 MR. MAYERS: No, sir.

11 THE COURT: Do you want to talk to
12 anyone else before you answer my questions?

13 MR. MAYERS: No, sir.

14 THE COURT: Okay. So my question
15 before you now is, do you wish to testify in this
16 case?

17 MR. MAYERS: No, sir.

18 THE COURT: You do not?

19 MR. MAYERS: No, sir.

20 THE COURT: And no one is forcing you
21 not to testify?

22 MR. MAYERS: No, sir.

23 THE COURT: Okay. You're doing this
24 freely and voluntarily?

25 MR. MAYERS: Yes, sir.

DAMION MAYERS - EXAMINATION BY THE COURT

1 THE COURT: And you understand exactly
2 what you're doing?

3 MR. MAYERS: Yes, sir.

4 THE COURT: Okay. All right. Thank
5 you, sir.

6 MR. MAYERS: All right.

7 THE COURT: All right. Mr. Sims, I
8 know he's not going to testify, are y'all planning
9 on putting up any --

10 MR. SIMS: None, Your Honor.

11 THE COURT: Okay. Do y'all need -- do
12 you need anytime -- I will call the jury out here,
13 you're going to have to rest. And then are y'all
14 prepared to start with y'all's closings right now
15 or do y'all need a minute?

16 MR. SIMS: I would probably need a
17 minute or two, Your Honor.

18 THE COURT: Okay. How much time?

19 MR. SIMS: Maybe just ten minutes.

20 THE COURT: Okay. What I'm going to do
21 then is I'm going to leave the jury back there for
22 ten more minutes while you get ready and then we'll
23 out, we'll rest and then I'll let y'all begin.
24 Okay.

25 MR. SIMS: Yes, sir.

1 THE COURT: All right.

2 (Break time)

3 THE COURT: If y'all would bring the
4 jury on out.

5 (WHEREUPON, the jury entered the
6 courtroom at 2:22 p.m.)

7 THE COURT: I'm glad to have you back.
8 We're working on some things on the computer and I
9 was watching that. Ladies and gentlemen, we're now
10 going to continue with the case. Mr. Sims?

11 MR. SIMS: Your Honor, the Defense
12 rests.

13 THE COURT: All right. Ladies and
14 gentlemen, the Defense has rested in this case. At
15 this time that means we have now heard all the
16 testimony we're going to hear. We're going to be
17 begin with the closing arguments of the State and
18 then the Defendant. Before we do that, I need to
19 put on the record just a note, Mr. Sims, I know
20 you're renewing all the motions you made regarding
21 certain evidentiary issues and I'm renewing my
22 rulings on those. And we're also renewing your
23 objections to my ruling on all those different
24 points. Okay.

25 MR. SIMS: And I would, of course,

CLOSING ARGUMENT BY MR. SCOTT

1 | renew them again at this point, Your Honor.

2 | THE COURT: Okay. All right. Thank
3 | you, sir. All right. Mr. Scott, are you ready?

4 | MR. SCOTT: May it please the Court.

5 | THE COURT: Yes, sir.

6 | MR. SCOTT: Mr. Sims.

7 | MR. SIMS: Mr. Scott.

8 | CLOSING ARGUMENT BY MR. SCOTT:

9 | MR. SCOTT: How can there be any doubt,
10 | much less a reasonable doubt that that man is a
11 | cold-blooded killer? How can there be any doubt,
12 | much less a reasonable doubt that that man murdered
13 | Harold Langley over a few hundred dollars?

14 | I submit that Damion Mayers, he
15 | committed this crime for one reason and one
16 | reasonable only. Because he thought he could get
17 | away with it. Prove him wrong.

18 | Harold Langley was a son. He was a
19 | father. He was a friend. And on June 30, 2019, I
20 | submit, he was only looking to hang out with some
21 | friends, shoot some dice on a Sunday evening, and
22 | enjoy himself. Little did he know when he walked
23 | across that street, he was going to be gambling
24 | more than just a few dollars. He was gambling with
25 | his life. Because unbeknownst to him, the killer

CLOSING ARGUMENT BY MR. SCOTT

1 had been invited to the game.

2 Senseless acts of violence are
3 epidemic. But what we can do about it, we can
4 bring them into this courtroom and seek to hold the
5 people responsible for those heinous acts,
6 accountable and responsible for their crimes. And
7 that is exactly what the State of South Carolina is
8 doing this week with the Defendant Damion Mayers.
9 And the evidence that's been presented these past
10 24 hours proves not just beyond a reasonable doubt,
11 but beyond any doubt that he senselessly gunned
12 down Harold Langley on June 30, 2019.

13 Ladies and gentlemen, on behalf of the
14 State of South Carolina, I want to thank you, not
15 for your service this week because you didn't
16 really have much of a choice. But I want to thank
17 you for the attention that you have given this
18 case. And I know Mr. Sims thanks you for the
19 attention that you've given this case as well.

20 It's often said that jury duty is one
21 of the most important duties that we can do for our
22 country and I certainly concur with that. The
23 truth of the matter is we all have a job to do. As
24 prosecutors, it's our job to be ministers of
25 justice. As a defense lawyer, it's Mr. Sims's job

CLOSING ARGUMENT BY MR. SCOTT

1 to be a zealous advocate for his client. It's the
2 judge's job to administer the law. And it's your
3 job to closely listen to the evidence, apply it,
4 apply the law, and render a verdict.

5 And if you recall, the most important
6 thing that you've done this week up until now, is
7 you took an oath. You took an oath that you would
8 put aside any bias or any prejudice you have
9 against the State or the Defense and render your
10 verdict, your truthful verdict on just two things,
11 the evidence and the law. Not on speculation. Not
12 on assertions. But on the evidence and the law.

13 And before we talk about the facts in
14 this case, I want to take just a few minutes to
15 talk about a few points of law. Murder, the
16 unlawful killing of another with malice
17 aforethought either expressed or implied.
18 Premeditation is not an element of murder. That is
19 not what malice aforethought means. It does not
20 mean premeditation. But the Key to that definition
21 is the phrase malice aforethought.

22 Malice, ladies and gentlemen, is an
23 intentional act of violence. It's wickedness.
24 It's an evil heart. It's a reckless disregard for
25 the safety of others. That's what malice is. And

CLOSING ARGUMENT BY MR. SCOTT

1 malice has no time limit. Premeditation is not an
2 element. Malice has no time limit. It can be
3 formed at the exact moment the fatal blow is
4 delivered or the pulling of a trigger. Much less
5 the pulling of a trigger three or four times. As
6 the definition stated, malice could be either
7 expressed or implied.

8 An example of express malice would be
9 somebody saying, I'm going to kill you and then
10 pulling the trigger. But the law recognizes that
11 people don't always verbalize their evil
12 intentions. So we have what we call implied
13 malice. Simply put, you can look to the evidence
14 itself to see if you think malice existed. Use of
15 a deadly weapon by itself is evidence of malice.
16 Use of a Draco which fires large rounds of
17 ammunition. So large that those rounds passed
18 right through Harold Langley's body. That's
19 evidence of malice.

20 Shooting at someone on the floor,
21 that's evidence of malice. Leaving someone to die,
22 that's evidence of malice. There is no dispute
23 Harold Langley was murdered. You just have to
24 decide who did it. Let me rephrase that. You just
25 need to tell him, he did it.

CLOSING ARGUMENT BY MR. SCOTT

1 Possession of a handgun by a person
2 convicted of a crime of violence. It's unlawful
3 for a person who's been convicted of a crime of
4 violence to possess a handgun. Period. He's been
5 convicted of burglary in the third degree.

6 There are two types of evidence.
7 Direct evidence and circumstantial evidence.
8 Direct evidence is what a witness sees, hears,
9 touches, smells. Circumstantial evidence is a
10 chain of events proving the existence of a fact.
11 So let's assume we're all sitting here in the
12 courtroom and we hear a couple of loud booms.
13 Maybe it's thunder, maybe it's not. But then a few
14 minutes later people start filing into the
15 courtroom and they're wet and they're carrying
16 umbrellas and their umbrellas are dripping. We
17 didn't see it rain, but we can infer from the
18 circumstances that it's raining outside. Direct
19 and circumstantial evidence are equal under the
20 law.

21 The judge is also going to charge you
22 on the credibility of witnesses. It is your job to
23 determine who you want to believe. You can believe
24 all, some, or none of what a witness tells you.
25 You can believe one witness over many or vice

CLOSING ARGUMENT BY MR. SCOTT

1 versa. But you've been training for this your
2 whole life. You know when someone is lying to you
3 and when they're not lying to you.

4 When your coworker calls in sick three
5 Friday's in a row, you question their credibility
6 like are they really sick, you know. And then you
7 see on Facebook where they're posting selfies at
8 the lake later that night. You question that
9 person's credibility. You do that on a daily
10 basis. Use your own analytical skills.

11 In addition to those skills, the judge
12 is going to instruct you on some other factors that
13 you can use. What was the demeanor of the witness
14 on the witness stand? Was the witness forthright
15 or hesitant? The next one is my favorite, was the
16 testimony of a witness corroborated by other
17 evidence? Did the witness have a reason to be
18 biased or prejudiced? Those are some of the
19 factors that you can use to help you determine who
20 to believe from this witness stand.

21 The last legal phrase I want to talk
22 about is proof beyond a reasonable doubt. The
23 State as in all criminal cases has the burden of
24 proof. It's the State's responsibility to prove
25 the Defendant's guilt and we must convince you, the

CLOSING ARGUMENT BY MR. SCOTT

1 jury, by proof beyond a reasonable doubt. Not
2 proof beyond all doubt. Not proof beyond any
3 doubt. But proof beyond a reasonable doubt.

4 And what that means is, after hearing
5 all the evidence, if you are firmly convinced of
6 the Defendant's guilt, then it's your
7 responsibility to find him guilty. I submit that
8 the evidence in this case leaves you much, much
9 more than just firmly convinced. If there was ever
10 a case where a Defendant's guilt was proved beyond
11 any shadow of a doubt, it's this case.

12 Now, the way our rules of procedure
13 work is this is my one and only opportunity to
14 speak to you. When I am finished, Mr. Sims is
15 going to stand up and he's going to offer his
16 closing on behalf of Mr. Mayers. And when he's
17 done, I won't get an opportunity to reply to
18 anything he just told you. So I'm somewhat at a
19 disadvantage.

20 I kind of have to anticipate what I
21 think Mr. Sims might argue to you. But I know one
22 thing for sure, the Defense will not stand up here
23 and ask you to base your verdict on the evidence.
24 They will ask you to base your verdict on
25 speculation, assertions, and complete conjecture.

CLOSING ARGUMENT BY MR. SCOTT

1 I like to call this the octopus defense. If you
2 know anything about an octopus, it doesn't have
3 claws like a bear. It doesn't have teeth like a
4 tiger. It's just got a little ole ink sac. And
5 when it gets in trouble, it releases some of that
6 ink, tries to muddy the water, and slither away.
7 And that is exactly what the Defense is doing here
8 this week. Don't let'em do it.

9 Some of the assertions I've heard on
10 cross examination this week, one we just heard
11 within the last hour, no murder weapon. Did you
12 really expect us to find a murder weapon in this
13 case? It took the US Marshals with all of their
14 resources, nine days to find him. And let's get
15 one thing straight, we don't reward murderers for
16 hiding their weapons. No murder weapon is not
17 reasonable doubt.

18 Another assertion the Defense will
19 argue. They're going to say Harold Langley told
20 the police he didn't know who shot him. But before
21 we talk about that statement, let's put this entire
22 conversation with Deputy Hardison into context; all
23 right. Harold Langley is sitting on the pavement,
24 unable to breathe, covered in his own blood, and
25 all he wants is to go to the hospital. I almost,

CLOSING ARGUMENT BY MR. SCOTT

1 | last night at my dining room table, I almost
2 | counted up how many times Harold Langley said, can
3 | you please help me? Can you please get me to the
4 | hospital? But I decided not to because I've
5 | watched that video enough.

6 | So with that backdrop in mind, let's
7 | discuss what Harold Langley tells Deputy Hardison.
8 | And Deputy Hardison, he basically asks Harold
9 | Langley four different questions about the
10 | shooter's identity. All right. And what's the
11 | first question he asks?

12 | (Playing the video)

13 | Talk to me. Who did it? Who did it?
14 | And what does he say? Somebody over there. If he
15 | doesn't know who the person is, what's his response
16 | there? I don't know. I mean, that's what he says
17 | in a few minutes. I don't know. Deputy Hardison
18 | says, who did it and he says, somebody over there.
19 | He didn't ask where did this happen. Deputy
20 | Hardison said, who did it?

21 | Next question Deputy Hardison asked.

22 | (Playing the video)

23 | What were they driving? Can't
24 | remember. Keep in mind, Harold Langley is the last
25 | person to arrive at the apartment. Right?

CLOSING ARGUMENT BY MR. SCOTT

1 Wanneeshia is there. Abraham is there. And Damion
2 Mayers is already there. So when he walks to
3 Wanneeshia's apartment, he walks past all three of
4 the vehicles. So he knew what three cars or he at
5 least saw what three cars were at that apartment.
6 If he doesn't know what the shooter is driving, he
7 can just shrug his shoulders. He can say, I don't
8 know. You know, it was some guy off the street. I
9 never saw his car. But that's not his answer. His
10 answer is, I can't remember. That implies I saw
11 his car and there's only four people in there and
12 we know Wanneeshia is not the shooter. We know
13 Abe's not the shooter. And we know Harold didn't
14 shoot himself.

15 So when Deputy Hardison says, what were
16 they driving? He says, I can't remember. Who
17 else's car would he have seen? If the answer is, I
18 don't know, say I don't know. But that's not what
19 he said.

20 Third question.

21 (Playing the video)

22 Do you know who it is? Which
23 interestingly enough is also the next question, do
24 you know who it is? You ever seen them before?
25 Not where did this happen? Do you know who it is?

CLOSING ARGUMENT BY MR. SCOTT

1 Have you ever seen them before? And what does he
2 say? House right there. You ever seen them
3 before? House right there.

4 (Playing the video)

5 Do you know who the guy is that shot at
6 you? No, I don't. Keep in mind, Wanneeshia, the
7 person who invited Damion Mayers to the dice game,
8 she doesn't know him either. She knows him as
9 Dame. She doesn't even know his phone number. She
10 doesn't know where he lives. When you've already
11 been asked three times about the identity of the
12 shooter, and then the officer asks a forth time, do
13 you know him? Quote unquote, "Do you know him?
14 No, I don't know him." I know where he was. I
15 told you, he said a house over there. I told you,
16 I don't remember what kind of car he drives. But,
17 no, I don't know him.

18 And also, do we really want to hang our
19 hat on whether this man is guilty or not guilty of
20 murder based on someone's statement who his only
21 concern is trying to save his life?

22 My guess is, Mr. Sims will ask you to
23 speculate about this mysterious person name, I
24 think he called him Will. I'm not sure anybody
25 else called him Will, who allegedly sticks his head

CLOSING ARGUMENT BY MR. SCOTT

1 | inside the door and says, hey, is there a card game
2 | going on? And it's a dice game, so he leaves. You
3 | know, maybe he's the perpetrator. Except the
4 | problem with that is when the gunman comes back
5 | into the house, if he hasn't been there for a
6 | while, how does he know who to rob? How does he
7 | know to rob Harold? How does he know Harold's been
8 | winning? How does he know Harold has all the
9 | money? Why doesn't he rob Abe? Why doesn't he rob
10 | Wanneeshia?

11 | Wanneeshia told you this guy stuck his
12 | head in the door and left. She said it was, you
13 | know, somewhere in the beginning, somewhere in the
14 | middle of the card (verbatim) game. And does it
15 | also make sense with -- I mean, your common sense
16 | tells you, you know, the whole rain analogy that I
17 | used. He says -- the Defendant says, I have to go
18 | out to my car and get some more money and within a
19 | minute he comes back through the door. Do we
20 | really think ran -- they've been in that apartment
21 | gambling for two hours, do we really think some
22 | random person came in during that 60 second break
23 | when the Defendant went outside.

24 | The Defense has no burden of proof.
25 | They don't even have to ask any questions. But

CLOSING ARGUMENT BY MR. SCOTT

1 | once they do start throwing out assertions and
2 | speculation, it is subject to scrutiny just like
3 | everything else. It is not your job to search for
4 | reasonable doubt. If there is reasonable doubt in
5 | this case, it would be shining right back at you
6 | like a beacon. It is not your job to search for
7 | reasonable doubt. It's your job to consider the
8 | evidence that you heard from the stand and the law.
9 | Not what we say as attorneys. What we say as
10 | attorneys is not evidence. Even on cross
11 | examination or direct examination, what we say as
12 | attorneys are not evidence. The evidence is what
13 | the witness says. The evidence is what these
14 | exhibits tell you.

15 | All right. So let's talk briefly about
16 | the facts in this case. And as we talk about the
17 | testimony that you heard from this witness stand,
18 | let me tell you one thing, all right. You heard a
19 | lot of testimony about written statements. About
20 | this interview being recorded, what have you. You
21 | won't have those in the jury room. It's not my
22 | fault. It's not Mr. Sims's fault. It's not the
23 | judge's fault. It's just our rules of evidence.
24 | You got to hear the live testimony from these
25 | witnesses, those statements, they only get used to

CLOSING ARGUMENT BY MR. SCOTT

1 | impeach a witness. They're not substantive
2 | evidence. All right. So you will not have those.

3 | All right. So let's talk about the
4 | evidence in this case. Abraham Williams. Abraham
5 | Williams by himself, by himself, proves the
6 | Defendant's guilt. He's in that apartment for over
7 | two hours with the Defendant playing dice with him
8 | and he observes him go outside and come back in
9 | with a Draco. All right. That's his word. You'll
10 | have that form back in the jury room. This is the
11 | person I saw come back in with a Draco. And he
12 | heard the Defendant demand, give me back my money.
13 | Had to avoid being shot himself. He picked out the
14 | Defendant in a photo lineup in less than 24 hours.
15 | By itself that's proof beyond a reasonable doubt.

16 | There is no disputing that Abraham left
17 | the scene. There's no disputing that he came in
18 | the following day and he gave Investigator Stokes a
19 | bunch of half truths. There's no doubt about that.
20 | But he was scared. He had just witnessed somebody
21 | get murdered less than 12 hours ago. The person he
22 | knew, Harold Langley, had only been dead for a few
23 | hours. He was scared. But he came back in the
24 | next morning and he set the record straight. And
25 | you rely on your memory, not my memory. But rely

CLOSING ARGUMENT BY MR. SCOTT

1 on your memory when Mr. Sims cross examined Abraham
2 Williams about the second statement he gave. Were
3 there any inconsistencies with what he said on
4 direct examination when I asked him about what
5 happened on that date?

6 And, you know, those statements Abraham
7 gives the next morning to police and you heard
8 testimony he gave two written statements kind of at
9 the same time, the first one wasn't even signed.
10 Are those his first two statements? No. He spoke
11 with Teronica Conerly on the phone that night. He
12 said that. And he spoke with Wanneeshia that
13 night. He's telling them what he saw. That's how
14 he knows when he meets with them the next morning,
15 that's why that interview lasts two and a half,
16 three hours. Because he knows Abraham is not
17 telling everything.

18 But when Abraham comes in the next
19 morning, July 2nd, what did Investigator Stokes
20 tell you? I didn't have to threaten him. I didn't
21 have to coerce him. I asked him what happened and
22 he told me. The interview lasted 45 minutes and
23 that was it. His testimony by itself is proof
24 beyond a reasonable doubt.

25 But let's talk about what corroborates

CLOSING ARGUMENT BY MR. SCOTT

1 | Abraham's statement. Demarcus Fields. Lived
2 | directly across the street. He was outside when he
3 | saw a person go to a silver Cadillac, get a mini
4 | Draco, and go back into the apartment and then he
5 | heard gunshots.

6 | I asked Abraham on direct, did you know
7 | any of Wanneeshia's neighbors? He said, no, I
8 | didn't know any of his neighbors. Abraham and
9 | Demarcus do not know each other and their stories
10 | corroborate each other.

11 | I've been a prosecutor for over 20
12 | years, a prosecutor over 6,000 warrants, lots of
13 | gun cases. I never heard of a Draco. Never heard
14 | of a Draco. Demarcus Fields says he saw a guy with
15 | a Draco. Abraham Williams, they don't even know
16 | each other, Abraham Williams says it's a Draco.
17 | That's corroboration. That's when you know a
18 | witness is telling the truth when their story is
19 | corroborated.

20 | Deputy Hardison's testimony. He told
21 | you that within four minutes of being on the scene,
22 | four minutes of being on the scene, they had a
23 | description of the suspect vehicle which is a
24 | silver Cadillac. Who says the Defendant drives a
25 | silver Cadillac? Well, the Defendant for one. He

CLOSING ARGUMENT BY MR. SCOTT

1 stipulated to that. But Wanneeshia says it's a
2 silver Cadillac. Abraham says it's a silver
3 Cadillac. And Demarcus says it was a silver
4 Cadillac.

5 And I thought about this last night.
6 You don't even need -- if you don't want to believe
7 Abraham Williams because he gave three statements,
8 you don't even need Abraham Williams to convict
9 Damion Mayers of murder. Demarcus Fields does it.
10 Imagine a scenario where there's only three people
11 in that apartment playing dice. Wanneeshia, the
12 Defendant, and Harold. You play the facts out the
13 same way. The Defendant says, I have to go to my
14 car to get more money. Wanneeshia goes to her
15 bedroom. Now it's only Harold in the kitchen --
16 in the area where the dice were being shot. Not
17 Harold and Abraham, you know, leave Abraham out of
18 the picture. If all we had was Demarcus Fields
19 saying, I saw a guy come out of the apartment, go
20 to a silver Cadillac, get a mini Draco, and then I
21 heard shots. Demarcus Fields convicts Damion
22 Mayers by himself. But when you put the two
23 together, that is proof beyond all doubt.

24 But their stories are corroborated even
25 more. Wanneeshia Perry corroborates their stories.

CLOSING ARGUMENT BY MR. SCOTT

1 Gray Cadillac. Dame was losing, Harold was
2 winning. Dame said he had to get more money out of
3 his car. Keep in mind, Abraham leaves as soon as
4 this is over. He and Wanneeshia don't have time to
5 get their stories straight. Even if they wanted --
6 even if they wanted to blame somebody who did
7 commit a murder, they don't have time to get their
8 stories straight. Her testimony by itself -- or
9 excuse me. Her testimony corroborates Demarcus
10 corroborates Abraham. And how much time did she
11 say elapsed from the time the Defendant went out to
12 his car until when he came back in? I can't
13 remember what her testimony was. A minute?

14 Cody McCormack, crime scene
15 investigator, found four cartridge casings. Found
16 two cell phones, one of which is the Defendant's
17 cell phone. He found a lot of blood. Jana Weaver,
18 four cartridge casings that she examined, all fired
19 by one gun. All that corroborates Abraham and
20 Demarcus's story. I submit even Harold Langley
21 corroborates her story with his statements. You
22 ever seen the person before? House over there.

23 But then the circumstantial evidence in
24 this case, there's just so much of it. How often
25 do you leave your cell phone somewhere -- I mean,

CLOSING ARGUMENT BY MR. SCOTT

1 | what's your reaction when you realize you left your
2 | cell phone somewhere? If he has nothing to do with
3 | this case and he doesn't know what happened or
4 | anything, but he leaves his cell phone, aren't you
5 | calling Wanneeshia and saying, hey, do you got my
6 | phone? Where's my phone? I go to the grocery
7 | store, I mean, if I realize I forgot my phone at
8 | home, I'm turning around. I don't care how far --
9 | or how close I am to the grocery store.

10 | You know, I don't know what the Defense
11 | wants you to believe. Do they want you to believe
12 | that he was there, he was gambling, he said he had
13 | to go out to his car to get more money, but then
14 | when he got out there, either he decided to leave
15 | or he saw somebody go into the apartment with a
16 | handgun and start shooting up the place. Either
17 | way his actions -- the Defendant's actions, the
18 | circumstantial evidence just proves it. Blows that
19 | out of the water. I mean, if he sees other people
20 | going into the apartment, why isn't he calling 911?
21 | Why is he hiding out?

22 | But it all comes back to, how does the
23 | gunman know to rob Harold? This was personal. He
24 | was upset -- the Defendant was upset. He lost
25 | money to Harold. And this killing was personal.

CLOSING ARGUMENT BY MR. SCOTT

1 That's why we have bullet impacts on different
2 walls. He's not just trying to rob somebody. In
3 fact, we know it's not a robbery because he leaves
4 money on the ground. This person didn't go in
5 there for money. This person went in there with
6 malice.

7 How much more malicious can you get
8 than shooting at someone on the floor. That bullet
9 impact is only inches above the floor. To shoot
10 somebody unarmed lay on the floor. That's malice.

11 In closing, I want to thank you for
12 your attention you've given me. I'm sure you'll
13 give Mr. Sims the same attention. Let me just
14 throw this one last thing out at you. There are no
15 classes you can take to be a good juror. You just
16 have to rely on your common sense. When Mr. Sims
17 gets up here and starts arguing things that maybe I
18 didn't talk about, use your common sense.

19 And do you know what I find ironic
20 about jury service? It's for the past two days
21 you've had to sit there and be quite. You haven't
22 got to say anything except your name, where you
23 work, whether or not you're married, what your
24 spouses name is, and where he or she works. That's
25 all you've got to say. That's all you've been able

CLOSING ARGUMENT BY MR. SIMS

1 to say. But what's ironic is soon you will have
2 the loudest voice in this courtroom. Use your
3 voice. Let the Defendant know that his actions on
4 June 30, 2019 were wrong and find him guilty.
5 Thank you.

6 THE COURT: Thank you, Mr. Scott.
7 Mr. Sims?

8 MR. SIMS: Thank you, Your Honor.
9 Mr. Scott.

10 CLOSING ARGUMENTS BY MR. SIMS:

11 MR. SIMS: Good afternoon, ladies and
12 gentlemen of the jury. I think the only thing that
13 Mr. Scott and I would probably agree upon is your
14 participation in this trial. Because we wouldn't
15 be here if there was no jury. Our system puts you
16 in a position that in other countries is not there.
17 Because once you make a decision, once you decide
18 on the facts, I can't contest it. Mr. Scott can't
19 contest it and the judge can't.

20 Your decision is based upon what you
21 have heard in this courtroom and your common sense.
22 I told you that at the beginning that when you were
23 chosen as a juror, that you did not leave your
24 common sense outside the door. And you don't. I
25 told you in the beginning that with the State of

CLOSING ARGUMENT BY MR. SIMS

1 South Carolina, with all of its resources, with all
2 the money, all the power, the subpoena power, the
3 police power, and everything that the State can
4 draw upon when they charge somebody, they are
5 required to prove that person guilty beyond a
6 reasonable doubt.

7 And the judge will charge you and tell
8 you what reasonable doubt is. But I told you at
9 the beginning, that they are required to find the
10 Defendant whomever he is guilty beyond a reasonable
11 doubt.

12 And I told you at the beginning about
13 people giving different statements. People giving
14 one or two statements here, three statements here,
15 and we put those up. They put them up. They
16 brought in -- we'll start talking about Abe. Abe
17 has been maybe a good -- we talked about a lot. He
18 gave statements contradicting himself. Lying about
19 what he saw, what he did, and what happened. Lying
20 about it at that time. What makes you think he has
21 an epiphany this morning -- today to come into this
22 courtroom and tell the truth? He lied then. He
23 lied today.

24 And let me give you some examples or a
25 reason why he's lying. How did he come in here?

CLOSING ARGUMENT BY MR. SIMS

1 He came in here in chains. I'm going to lock you
2 up and you can't get out. Tell you you got to
3 testify. You're going to say whatever you need to
4 say to get those chains off. That's just common
5 sense. That's just common sense. That you're
6 going to tell them what they want to hear in order
7 to get the chains off you.

8 Initially, he didn't know what had
9 happened. He never identified anyone. Initially,
10 he was blank and he said, I wanted to get out of
11 here. But when they locked him up, put handcuffs
12 on him, brought him in here in chains, it was
13 crystal clear. Think about what you or what any
14 person would do, any normal person what they would
15 do when locked up and can't get out unless you say
16 certain things. Think about that. Think -- it
17 doesn't take a rocket scientist to understand that.
18 That's just common sense. I want to get out. I'm
19 going to say what I need to say. I'm going to sit
20 in that chair and it doesn't bother me to lie
21 because I've already lied before. Once you lie,
22 it's my understanding it becomes easy to lie. You
23 know what your parents use to say. You tell one
24 lie, you got to tell another lie. So it mushrooms
25 into something else. And that's what we have here.

CLOSING ARGUMENT BY MR. SIMS

1 Wanneeshia, she's the organizer. She's
2 the person who sits up all of the gambling. She
3 calls everybody. She hit up Damion at the gas
4 station. She hit up Abraham. She hit up Harold.
5 She's the organizer. She's the head honcho. She's
6 the person who runs the gambling. And she invites
7 the people in. Her first statement, I don't know
8 what happened. I was in my room. When all that
9 went down. When I heard a gunshot, I hid under the
10 bed. And I showed her the bed. You can't hide
11 under it. You saw the picture. You will have
12 those pictures back there. Abraham ran in. I told
13 him to shut the door. But one thing she didn't do
14 was call the police.

15 How many people are going to know that
16 what we call her homeboy, your friend, somebody you
17 been with and know, how many of -- how many people
18 are going to walk out of their bedroom, see tables
19 turned over, chairs turned over, see blood all over
20 the place, and not call 911? My friend's been
21 shot. Somebody shot my friend. I was in the
22 bedroom. Somebody shot my friend. You don't know
23 who did it, but you're going to call somebody.
24 That's worse than walking up on somebody on the
25 street and they're laying there and you don't call

CLOSING ARGUMENT BY MR. SIMS

1 -- you would do that for a person in whom you saw
2 on the street who was injured and bleeding, you
3 would call 911. But your friend. Your friend and
4 you don't call. You don't call 911. You wait till
5 the police come and they come with guns drawn into
6 your house. And you say you gave a statement on
7 the hood of the car. And your statement said I
8 don't know what happened.

9 Let's talk about Demarcus, a young boy.
10 He's out there. It's daylight. Clear. He says he
11 sees someone go to a gray or a white Cadillac. And
12 he said, when he was asked again, I can't be
13 certain. He said that. You heard that. I can't
14 be certain what color it was. But he said he got
15 out a baby Draco. Did he say how tall this person
16 was? Did he say how -- and it was daylight, how
17 big he was? That's one thing about Damion, his
18 statute is unique. It's something that you would
19 remember. He's a little boy. A little man.
20 Skinny. Short. That dwells in your mind. If I'm
21 standing out there seeing it and I'm talking to my
22 sister because it wasn't him talking, it was his
23 sister he was telling them and carrying the
24 message, he was a little guy. He was a short guy.
25 He was wearing X, Y, Z.

CLOSING ARGUMENT BY MR. SIMS

1 No, all he did was say I saw somebody
2 in either a gray or a white Cadillac. I'm not sure
3 what color it was. Pull a baby Draco. But let's
4 talk about the Draco for a little bit. And they
5 made a lot of to-do about the shell casings
6 matching a Draco. But you heard what the person
7 from SLED, the young lady from SLED said, there are
8 other models of Dracos which have different
9 bullets. This is not the -- this is not exclusive
10 to Dracos. These bullets are not exclusive to
11 Draco. There are other bullets that could be used.
12 So we don't have anyone putting that Draco that
13 shot those bullets into the hands of Damion Mayers.
14 We don't have that.

15 He gave no description. Didn't
16 identify Damion. And he said when I asked him how
17 far away. He said from there and he pointed to the
18 glass. You heard that. From there to the glass
19 and you cannot identify who it was in the daytime?
20 It's not like it's across a football field. It's
21 not like it's three or four blocks down the road.
22 It's from here to the glass.

23 What the State is asking you to do is
24 not find that the person who was at that car and
25 pulled out the baby Draco was Damion Mayers beyond

CLOSING ARGUMENT BY MR. SIMS

1 a reasonable doubt. What they want you to do is to
2 draw -- to draw some conclusion, not from evidence,
3 not from evidence, because there's no evidence that
4 the person that Demarcus saw was Damion Mayers. He
5 didn't give you a description of how that person
6 looked. What do you do when you call 911 and you
7 see something like that? You say he was driving X,
8 Y, Z and I got a tag number because I was only a
9 little ways from him. I got the tag number for
10 you. He was tall. He was big. He was black. He
11 was white. He was wearing -- he had an afro or he
12 had long curls in his hair. He had this and that.
13 You give a description of the person whom you're
14 calling about. None of that. Again, pure
15 speculation.

16 Let's talk about the cell phones for a
17 moment. We stipulated, yeah, one of the cell
18 phones was Damion's. Nobody -- it would be stupid
19 to come and say that's not my phone. When all they
20 got to do is call the company and say who does that
21 phone belong to. It would be stupid to say, I
22 wasn't there. But Wanneeshia said I hit you at the
23 gas station. We were shooting dice about a couple
24 of hours. It doesn't take a genius to understand.
25 We have never -- nobody has ever said he wasn't

CLOSING ARGUMENT BY MR. SIMS

1 | there.

2 | We said he didn't do the shooting.
3 | He's not guilty of that. If anything, he's guilty
4 | of gambling. So is Wanneeshia. So is Abraham.
5 | They're guilty of gambling. Two cell phones. Who
6 | owns the other cell phone? Did you hear? Did you
7 | hear who owned this other cell phone? What about
8 | Will who came? He wanted -- he wanted to play
9 | cards. We don't know how long he was there. But
10 | we see people rolling dice and money all around,
11 | what about Will? And let me -- when I tell you
12 | that the State of South Carolina with all of its
13 | resources and all of its money has the
14 | responsibility to prove beyond a reasonable doubt,
15 | nobody investigated Will. Nobody.

16 | If you're going to investigate and you
17 | want to eliminate him, you go after him, find out
18 | who he was, find out where he was, find out what he
19 | was doing. But the State has that burden. Damion
20 | Mayers doesn't have that burden. That burden rests
21 | right here at this table. That's why they have a
22 | burden -- a higher burden to prove beyond a
23 | reasonable doubt. There was another person and
24 | nobody, nobody went and looked for him. Nobody
25 | asked him a question. Nobody checked into his

CLOSING ARGUMENT BY MR. SIMS

1 background. Nobody determined what he was doing.
2 And it's uncontroverted that he was there. He was
3 a gambler too.

4 I have to ask, if they lied in the
5 beginning, what makes you think they're not lying
6 today? Was there a halo over their heads when they
7 were testifying? Was there something to say that
8 they were not lying? The truth, what is the truth?
9 The truth is whatever is beneficial to you at the
10 time. The truth is whatever was beneficial to
11 Wanneeshia at the time. The truth was beneficial
12 to Abraham at the time he was locked up. Before
13 that he had a different story. When they put the
14 handcuffs on him and locked him up, the truth
15 changed.

16 What about -- I asked the forensic
17 person who was doing the layout. I said, there
18 were blood samples there? There was blood there?
19 Yeah. Did you take any samples? No. The shell
20 casing, metal. Did anybody check to see whose
21 fingerprints were those on shell casings? This is
22 the State of South Carolina asking you to draw your
23 own conclusions instead of proving to you beyond a
24 reasonable doubt. You are not called to do that.
25 They are to supposed to present it to you here in

CLOSING ARGUMENT BY MR. SIMS

1 | this courtroom.

2 | Mr. Scott says there is no reasonable
3 | doubt. Where did they give you the information so
4 | that you could say there was no reasonable doubt.
5 | Nobody talked to Will. Nobody took any blood
6 | samples. Nobody did any fingerprinting. But they
7 | want you to find my client guilty of murder when
8 | they have dropped the ball.

9 | The -- Officer Hardison when he talked
10 | to Harold Langley, Mr. Scott has one
11 | interpretation, I have another. But the only
12 | interpretation that matters is yours. Since he
13 | gave you his, I'll give you mine. When the officer
14 | asked who shot you? I don't know. Now, think
15 | about this. You've been gambling with someone for
16 | over two hours, you're talking back and forth while
17 | you're gambling. They call it the bank. The bank
18 | has \$100, you've got to meet that \$100. They want
19 | you to believe that it's in silence. But if we're
20 | gambling for over two hours, why when the officer
21 | asked him who shot you, he didn't say, the guy I
22 | was gambling with. Does that make sense? Does
23 | that -- that's just common sense.

24 | If you have been around someone for two
25 | hours laughing, talking, shooting craps, rolling

CLOSING ARGUMENT BY MR. SIMS

1 and talking back and you will -- and this person
2 does something to you and you won't say, hey, that
3 person I was gambling with did this to me. He was
4 cogent. He was answering the questions. He asked
5 those questions. When the officer asked those
6 questions, he didn't say, uh. Uh. Uh. He said, I
7 don't know.

8 Now, Mr. Scott makes a lot of to-do out
9 of the fact that he pointed towards the house, he
10 pointed towards the green car. He kept taking
11 about a green car. Even though he pointed to the
12 green car, that doesn't mean that Damion Mayers was
13 the one who was at that house at the time that the
14 shooting occurred.

15 And they made a lot do and told you
16 about the agents. They brought in the agent who
17 went out and found him where he was. They made a
18 lot of to-do about we got there about 5 o'clock, we
19 were out there for about two hours or more. They
20 didn't forget what happened in those two hours, did
21 they? Like they want you to believe that Harold
22 would not have known who did something to him in
23 two hours.

24 Now, but look at this. They say he
25 came out with a child in his arms. He too was

CLOSING ARGUMENT BY MR. SIMS

1 | scared. He too was scared. He too was scared when
2 | things happened at that house. He too was scared.
3 | Abraham said he left and went back to Columbia
4 | because he was scared for his life and his family.
5 | So I guess Damion Mayers can't be scared. He can't
6 | be scared and try to get out of because of what
7 | happened. He cannot have fear. That's only
8 | reserved for certain people. He too came out with
9 | a baby in his arms. Abraham left because he was
10 | afraid. So Damion couldn't leave because he was
11 | afraid. Is that how this is suppose to be?

12 | It's amazing, how when the State
13 | doesn't meet its burden, they put the onus on you
14 | to prove what they couldn't prove. To prove what
15 | they didn't prove. They put the onus on you to say
16 | we're going to overlook Will or William, whatever
17 | his name was who came into the house. He didn't
18 | mean anything. That was another person at the
19 | scene. There was another person who visited at the
20 | house. But we're not going to investigate him.
21 | We're not going to do anything with him. We're not
22 | going to see where he was. We're not going to ask
23 | what kind of car he drove. We're not going to
24 | check to see, we're not going to check the records
25 | of the State of South Carolina to see if he owns a

CLOSING ARGUMENT BY MR. SIMS

1 Draco. No, we're not even going to look at him.

2 We're just going to go on our way.

3 Ladies and gentlemen of the jury, I say
4 this. At this moment, your status has been
5 elevated because you now are judges of the facts.
6 If you had a robe, all of you could wear a black
7 robe right now. Because you truly are the judge of
8 the facts. Nobody can argue with what you
9 determine the facts are. The only requirement in
10 the State of South Carolina is that you must find
11 beyond a reasonable doubt based upon what the State
12 of South Carolina has put before you. That's where
13 the money is. That's where the power is. That's
14 where people who the State of -- the people of
15 South Carolina pay to do their policing for them.
16 You are not police officers. You are jurors.
17 You're citizens. And if the State does not prove
18 this case beyond a reasonable doubt, you must put
19 aside what you think and do what the law requires,
20 find Damion Mayers not guilty.

21 You shouldn't have to be the police.
22 You shouldn't have to be the investigator. You
23 shouldn't have to be one to put X and Y together.
24 You should listen to the evidence and say they have
25 gone all the way from A to Z and nothing has been

CLOSING ARGUMENT BY MR. SIMS

1 left out. And I can find beyond a reasonable doubt
2 that they proved their case and I submit to you
3 that they didn't. They left too many holes. And
4 come in here today and going to ask you to fill
5 them in for them.

6 Ladies and gentlemen of the jury,
7 you've heard this case. The judge will now will
8 give you your instructions. I respectfully request
9 and ask on behalf of my client that you come back
10 with a verdict of not guilty. Thank you.

11 THE COURT: Thank you, Mr. Sims. Y'all
12 have been -- y'all have listened to the two closing
13 arguments. We're going to take a short break
14 before I do the charge on the law. Give you a
15 chance to stretch your legs and get ready for the
16 most exciting part of this trial. Okay.

17 Now, remember, you cannot talk about
18 anything about this case at this time. Okay.

19 (WHEREUPON, the jury left the courtroom
20 at 3.22 p.m.)

21 THE COURT: All right. We'll take a
22 short break and then we'll be right back. Okay.

23 MR. SCOTT: Thank you, Your Honor.

24 THE COURT: I want y'all to look over
25 the verdict form. That's the other reason I wanted

JURY CHARGE

1 y'all to take a break.

2 (Break time)

3 THE COURT: Let's have the jury,
4 please.

5 (WHEREUPON, the jury entered the
6 courtroom at 3:36 p.m.)

7 JURY CHARGE

8 THE COURT: All right. Madam forelady,
9 ladies and gentlemen of the jury, you've heard the
10 evidence and arguments of both parties. I will now
11 explain the law which you will apply in this case.

12 You and I have specific duties to
13 perform. As the trial judge, it is my
14 responsibility to preside over this trial. It is
15 your responsibility to consider the testimony
16 presented from the witness stand, the exhibits
17 introduced, and the stipulations of counsel. My
18 duty is to charge you the law applicable in this
19 case.

20 As the presiding judge, I am the sole
21 judge of the law. It is your duty as jurors to
22 accept and apply the law as I now state it to you.
23 If you already have any idea as to what the law is
24 or what the law ought to be and it does not agree
25 with what I now tell you the law is, you must

JURY CHARGE

1 | abandon your ideas because you are sworn to accept
2 | the law and apply the law exactly as I state it to
3 | you.

4 | Your duty is to determine the facts.
5 | In every case, the jury is the sole and exclusive
6 | judge of the facts. A trial judge cannot suggest,
7 | state, comment on, or make any statement to a trial
8 | jury about the facts. Since you the jury are the
9 | sole judge of the facts, you are not to infer from
10 | what I have said during the progress of this trial
11 | in ruling upon the admissibility of evidence or
12 | otherwise or anything that I say now during the
13 | course of this instruction to you that I have an
14 | opinion about the facts. The law does not allow me
15 | to have an opinion. This is a matter solely for
16 | you the jury to determine.

17 | As jurors it is your duty to determine
18 | the effect, value, weight, and truth of the
19 | evidence presented during this trial. The
20 | indictments charged the Defendant, Damion Mayers,
21 | with murder and possession of a handgun by a person
22 | convicted of a crime of violence. The fact the
23 | Defendant was arrested, charged, and indicted is
24 | not evidence in this case and cannot be considered
25 | by you as evidence of guilt nor does it create any

JURY CHARGE

1 | presumption or inference of guilt. These
2 | indictments are simply the formal written
3 | instruments which contain the charge made -- the
4 | charges made against the Defendant. It is the
5 | formal document by which this case is brought into
6 | court.

7 | The indictments in this case allege
8 | several different offenses against the Defendant.
9 | As I mentioned in the first indictment is for
10 | murder and the second indictment is for possession
11 | of a handgun by a person convicted of a crime of
12 | violence. Each indictment charges a separate and
13 | distinct offense. You must decide each indictment
14 | separately on the evidence and law applicable to it
15 | uninfluenced by your decision as to any other
16 | indictment.

17 | The Defendant may be convicted or
18 | acquitted on any or all of the offenses charged.
19 | You will be asked to write a separate verdict of
20 | guilty or not guilty for each indictment. The
21 | Defendant has pled not guilty to these indictments.
22 | That plea puts the burden on the State to prove the
23 | Defendant guilty beyond a reasonable doubt. A
24 | person charged with committing a criminal offense
25 | in South Carolina is never required to prove

JURY CHARGE

1 himself innocent.

2 I charge you that it is an important
3 rule of law that the Defendant in a criminal trial,
4 no matter how serious the charge may be, is always
5 presumed innocent of the crime for which the
6 indictment was issued unless guilt is proven by
7 evidence satisfying you of that guilt beyond a
8 reasonable doubt.

9 This presumption of innocence does not
10 end when you begin your deliberations. It
11 accompanies the Defendant throughout the trial
12 until you reach a verdict of guilt based on
13 evidence satisfying you of that guilt beyond a
14 reasonable doubt. The presumption of innocence is
15 like a robe of righteousness placed about the
16 shoulders of the Defendant which remains with the
17 Defendant until it has been stripped from the
18 Defendant by evidence satisfying you of the
19 Defendant's guilty beyond a reasonable doubt.

20 The presumption of innocence is not a
21 mere legal theory. It is not just a legal phrase.
22 It is a real and substantial right to which every
23 Defendant is entitled unless you the jury are
24 satisfied from the evidence of the Defendant's
25 guilt beyond a reasonable doubt.

JURY CHARGE

1 What is reasonable doubt in the law? A
2 reasonable doubt is the kind of doubt that would
3 cause a reasonable person to hesitate to act. The
4 State has the burden of establishing every fact
5 necessary to prove the Defendant guilty beyond a
6 reasonable doubt. The law presumes every person
7 charged with a crime to be innocent. The burden of
8 establishing guilt is placed solely on the State.
9 Some of you may have served as jurors in civil
10 cases where you were told it is only necessary to
11 prove that a fact is more likely true than not
12 true. Such as by the greater weight or
13 preponderance of the evidence. Other civil cases
14 use the clear and convincing evidence standard. In
15 those cases it is necessary to prove that a fact is
16 highly probable. But this is a criminal case and
17 the State's proof must also be more powerful than
18 those burdens of proof.

19 In criminal cases, the State's proof
20 must be beyond a reasonable doubt. Proof beyond a
21 reasonable doubt is proof that leaves you firmly
22 convinced of the Defendant's guilt. There are very
23 few things in this world that we know with absolute
24 certainty. And in criminal cases, the law does not
25 require proof that overcomes every possible doubt.

JURY CHARGE

1 If based on your consideration of the evidence you
2 are firmly convinced that the Defendant is guilty
3 of the crimes charged, you must find the Defendant
4 guilty. The Defendant is not required to prove his
5 innocence. If on the other hand, you think there's
6 a real possibility that the Defendant is not
7 guilty, you must give the Defendant the benefit of
8 every reasonable doubt and find him not guilty.

9 I instruct you and emphasize to you
10 that the fact the Defendant did not testify is not
11 a factor to be considered by you in anyway in your
12 deliberation and in your consideration on the
13 question of guilt or innocence of the Defendant.
14 It must not be considered by you in any manner
15 whatsoever.

16 A Defendant has the Constitutional
17 right to remain silent and the assertion of this
18 right must not be considered by you in your
19 deliberations. I repeat, under your oath, you are
20 to draw no conclusion whatsoever from the fact that
21 the Defendant in this case did not testify. The
22 fact that this Defendant did not testify should not
23 even be discussed in the jury room. The burden of
24 proof as I have stated to you is on the State. The
25 Defendant is not required to prove his innocence.

JURY CHARGE

1 The burden of proof remains on the State to prove
2 guilt beyond a reasonable doubt.

3 Necessarily, you must determine the
4 credibility of witnesses who have testified.
5 Credibility simply means believability. It becomes
6 your duty as jurors to analyze and to evaluate the
7 evidence and determine which evidence convinces you
8 of its truth. In determining the believability of
9 witnesses who have testified, you may believe one
10 witness over several witnesses or several witnesses
11 over one witness. You may believe a part of the
12 testimony of a witness and reject the remaining
13 part of the testimony of that same witness. You
14 may believe the testimony of a witness in its
15 entirety or reject the testimony of a witness in
16 its entirety. You may consider whether any witness
17 has exhibited to you any interest, bias, prejudice,
18 or other motive in this case. You may also
19 consider the appearance and manner of a witness
20 while on the witness stand.

21 The rules of evidence ordinarily do not
22 permit witnesses to testify to opinions or
23 conclusions. An exception to this rule exists for
24 witnesses we call expert witnesses. A witness who
25 by education and experience has become expert in

JURY CHARGE

1 | some art, science, profession or calling may state
2 | an opinion as to relevant -- as to a relevant and
3 | material matter in which the witness claims to be
4 | an expert and may also state the reasons for the
5 | opinion.

6 | You should consider any expert opinion
7 | received in evidence in this case like any other
8 | evidence and give it the weight you think it
9 | deserves. If you decide that the opinion of an
10 | expert witness is not based on sufficient education
11 | and experience or if you conclude that the reasons
12 | given in support of the opinion are not sound or
13 | that the opinion is outweighed by evidence -- other
14 | evidence, you may disregard the opinion entirely.
15 | An expert witness's testimony is to be given no
16 | greater weight than that of other witnesses simply
17 | because the witness is an expert. Further, you are
18 | not required to accept an expert's opinion even
19 | though it is not contradicted.

20 | In order to establish criminal
21 | liability, criminal intent is required. For
22 | example, the mental state required to be proven by
23 | the State for a particular crime might be purpose,
24 | intent, knowledge, recklessness, or criminal
25 | negligence. Criminal intent must be proven by the

JURY CHARGE

1 State beyond a reasonable doubt. Criminal intent
2 is always a matter that must be determined by the
3 jury from the circumstances existing at that time.

4 There is no way to prove intent to a
5 mathematical certainty. There is no way medical
6 science can dissect a person's brain and determine
7 what the person had in mind, so the law says that
8 criminal intent may be inferred from the
9 circumstances shown to have existed. This is how
10 you make a determination of whether or not the
11 element requiring intent was present. It is not
12 necessary to establish intent by direct and
13 positive evidence, but intent may be established by
14 inference in the same way as any other fact by
15 taking into consideration the acts of the parties
16 and all of the facts and circumstances of the case.

17 Criminal intent is a mental state. A
18 conscious wrongdoing. It is up to you to determine
19 what the Defendant intended to do based on the
20 circumstances shown to have existed. Criminal
21 intent can arise from an action or a failure to
22 act. It may arise from negligence, recklessness,
23 or an indifference to duty, or to consequences that
24 is considered by the law to be the equivalent of
25 criminal intent.

JURY CHARGE

1 There are two types of evidence
2 generally presented during a trial. Direct
3 evidence and circumstantial evidence. Direct
4 evidence directly proves the evidence -- the
5 existence of a fact and does not require deduction.
6 Circumstantial evidence is proof of a chain of
7 facts and circumstances indicating the existence of
8 a fact. Crimes may be proven by circumstantial
9 evidence. The law makes no distinction between the
10 weight or value to be given to either direct or
11 circumstantial evidence.

12 However, to the extent the State relies
13 on circumstantial evidence, the circumstances must
14 be consistent with each other and when taken
15 together point conclusively to the guilt of the
16 accused beyond a reasonable doubt. If the
17 circumstances merely portray the Defendant's
18 behavior as suspicious, the proof has failed.

19 The State has the burden of proving the
20 Defendant guilty beyond a reasonable doubt. This
21 burden rests with the State regardless of whether
22 the State relies on direct, circumstantial
23 evidence, or some combination of the two.

24 The Defendant is charged with murder.
25 The State must prove beyond a reasonable doubt that

JURY CHARGE

1 the Defendant killed another person with malice
2 aforethought. Malice is ill will, hatred, or
3 hostility towards another person. It is the
4 intentional doing of a wrongful act without just
5 cause or excuse and with intent to inflict an
6 injury or under circumstances that the law will
7 infer an evil intent.

8 Malice aforethought does not require
9 that malice exists for any particular time before
10 the act is committed. But malice must exist in the
11 mind of the Defendant just before and at the time
12 the act is committed. Therefore, there must be a
13 combination of the previous evil intent and the
14 act.

15 Malice aforethought may be expressed or
16 inferred. These terms express and inferred do not
17 mean different kinds of malice, but merely the
18 manner in which malice may be shown to exist. That
19 is either by direct evidence or by inference from
20 the facts and circumstances which are proved.

21 Express malice is shown when the person
22 speaks words which express hatred or ill will for
23 another or when the person prepared beforehand to
24 do the act which was later accomplished. For
25 example, lying in wait for a person or any other

JURY CHARGE

1 acts of preparation going to show that the deed was
2 within the Defendant's mind would be expressed
3 malice. Malice may be inferred from conduct
4 showing a total disregard for human life.

5 If facts are proven beyond a reasonable
6 doubt sufficient to raise an inference of malice to
7 your satisfaction, this inference would simply be
8 an evidentiary fact to be considered by you along
9 with the other evidence in the case. You may give
10 it the weight you decide it should receive.

11 The Defendant is charged with
12 possession of a handgun by a person convicted of a
13 crime of violence. It is unlawful for a person who
14 has been convicted of a crime of violence to
15 possess a firearm or ammunition within this state.
16 The State must prove beyond a reasonable doubt that
17 the Defendant has previously been convicted of a
18 crime of violence. The State must also prove
19 beyond a reasonable doubt that the Defendant did
20 possess or acquire a handgun within this state.

21 A handgun means any firearm designed to
22 expel a projectile design to be fired from the
23 hand, but does not include any firearm generally
24 recognized or classified as an antique, curiosity,
25 or collector's item or any that does not fire fixed

JURY CHARGE

1 | cartridges. Under South Carolina statute, burglary
2 | is defined as a crime of violence.

3 | The State must also prove the element
4 | of possession of a handgun by the Defendant beyond
5 | a reasonable doubt. To prove possession, the State
6 | must prove beyond a reasonable doubt that the
7 | Defendant had both the power and the intent to
8 | control the disposition or the use of a handgun.
9 | Possession may either be actual or constructive.
10 | Actual possession means the handgun was in the
11 | actual physical custody of the Defendant.

12 | I have declared the law to you through
13 | these instructions to help guide you to a verdict.
14 | Whether some of these instructions apply will
15 | depend upon what you find to be the facts. The
16 | fact that I have instructed you on various subjects
17 | in this case should not be taken as indicating an
18 | opinion of this Court as to what you should find to
19 | be the facts or as to what your verdict should be.

20 | Your verdict must represent the
21 | considered judgement of each juror. In order to
22 | return a verdict, it is necessary that each juror
23 | agree. Your verdict must be unanimous. All twelve
24 | of you must agree on this verdict. Your verdict
25 | cannot be based on sympathy, passion, prejudice,

JURY CHARGE

1 emotion, or any other consideration not in
2 evidence.

3 Remember, at all times you are not
4 partizans favoring one party over another. You are
5 the judges of the facts. Your sole interest is to
6 determine whether the State has proven the
7 Defendant's guilt to these charges beyond a
8 reasonable doubt from the evidence that has been
9 presented to you in this courtroom. All right.

10 Madam forelady, I'm going the come down
11 here and show you the indictments and where you
12 have to make your determination about whether the
13 Defendant is guilty or not guilty. Okay.

14 All right. The first one we have, this
15 is the indictment. It's true billed by the grand
16 jury. It is the indictment for murder. And down
17 here on the left-hand side is a line that says
18 verdict. In these lines, you will either have to
19 write guilty or not guilty. And then above the
20 last line, you'll have to write your name and
21 you'll have to date it. Now, that's blank so you
22 take as long as you want. Okay.

23 Likewise, this is the true billed
24 indictment for possession of a handgun by a person
25 convicted of a crime of violence. Again, bottom

JURY CHARGE

1 left-hand side, once the jury has made a unanimous
2 determination, you will have to either write guilty
3 or not guilty here, sign your name and date it.
4 Okay.

5 Now, I'm not giving these to you now.
6 The reason I'm not giving these to you now just so
7 y'all can all see me is because after I have read
8 the law to you, I'm going -- which I'm doing, I'm
9 going to excuse you to go back into the jury room.
10 Okay. Again, you cannot begin talking about this
11 case yet. Okay. The reason you go back in there
12 is if I make -- if I have made a mistake stating
13 the law to you, these attorneys will point it out
14 to me. I will bring you back out here and I will
15 correct whatever I have misspoken so that you will
16 get the correct instruction on the law. Okay.

17 If, however, they tell me I have
18 properly instructed you on the law, then these
19 indictments, all the exhibits will be brought back
20 into the jury room by the bailiff -- the bailiffs
21 and they will tell you you can begin your
22 deliberations. But not until that. They will also
23 give you these. Okay.

24 So, again, I'm going to let you --
25 right now I will let you go back into the jury

JURY CHARGE

1 room. Again, do not begin your deliberations.

2 Okay. And we'll get you back -- either get you
3 back out or get you started shortly. Okay.

4 (WHEREUPON, the jury left the courtroom
5 at 3:58 p.m.)

6 THE COURT: Mr. Scott, anything?

7 MS. GLOVER: No, Judge.

8 THE COURT: Ms. Glover, you said, no
9 exceptions?

10 MS. GLOVER: No exceptions, Your Honor.

11 THE COURT: All right. Mr. Sims, the
12 only exception you had, I believe, was to the
13 actual charge of possession by a person convicted
14 of a violent crime. You're keeping that -- you're
15 preserving that same exception?

16 MR. SIMS: Your Honor, I also ask that
17 we have a manslaughter charge which you said, no,
18 you were not going to do that.

19 THE COURT: Thank you for reminding me
20 of that. I didn't find anything -- any basis for
21 doing a voluntary manslaughter charge.

22 MR. SIMS: Yes, sir.

23 THE COURT: Thank you for reminding me
24 of that. All right. Having said that, if y'all
25 will get together, make sure we got all the

1 exhibits and like that, then I'll send it back
2 there so they can begin their deliberations.

3 MR. SIMS: Your Honor, I need to renew
4 my motions again for a directed verdict --

5 MR. SCOTT: Are we releasing the
6 alternates?

7 THE COURT: No.

8 THE BAILIFF: No. No. We've got them
9 waiting in the grand jury room until the Judge say.

10 THE COURT: Yeah.

11 MR. SCOTT: But they're going to stick
12 around while they deliberate; right? In case we
13 need to replace a juror.

14 THE COURT: Well, we will. Okay.

15 MR. SIMS: And for the record, I want
16 to renew my motions again for a directed verdict.

17 THE COURT: Yeah, that's right. And
18 for the record, he's renewing all his motions. I'm
19 renewing all my decisions and he's renewing all his
20 objections to my decisions.

21 MR. SIMS: Yes, sir.

22 THE COURT: Okay. All right. Thank
23 y'all.

24 (WHEREUPON, Court was in recess while
25 the jury is deliberating)

VERDICT

1 THE COURT: I understand the jury has
2 reached a verdict.

3 THE BAILIFF: Okay.

4 THE COURT: State ready?

5 MR. SCOTT: Yes.

6 THE COURT: Defense ready?

7 MR. SIMS: Yes.

8 THE COURT: Bring the jury on out.

9 (WHEREUPON, the jury entered the
10 courtroom at 4:41 p.m.)

11 THE COURT: Madam forelady, has the
12 jury reached a verdict.

13 MADAM FORELADY: We have.

14 THE COURT: Is that verdict unanimous?

15 MADAM FORELADY: Yes, sir.

16 THE COURT: Would you mind giving the
17 verdict forms to the bailiff.

18 THE BAILIFF: Your Honor, may I
19 approach?

20 THE COURT: You may. Thank you, ma'am.

21 THE BAILIFF: You're welcome.

22 THE COURT: All right. Mr. Sims.
23 Mr. Mayers. As to the Indictment 2019-GS-38-1986,
24 that is true billed indictment for possession a
25 handgun by a person convicted of a crime of

VERDICT

1 violence. The jury has entered its verdict of
2 guilty.

3 On the Indictment Number
4 2019-GS-38-1832, on the indictment -- true billed
5 indictment for murder, the jury has entered its
6 verdict of guilty as well.

7 All right. Anything from --

8 MR. SIMS: Poll the jury, Your Honor.

9 THE COURT: Yes, sir. I will be happy
10 to. All right. Ladies and gentlemen of the jury,
11 I've been asked to poll the jury. I don't know if
12 you remember your jury numbers. I see that look.
13 Okay. Mrs. Spires, what I'm going to do is I'm
14 going to call out the juror numbers and I will then
15 call out their name. But on the record, I don't
16 want the juror's names on the record. Okay.

17 MRS. SPIRES: Yes, sir.

18 THE COURT: All right. Juror Number
19 74, if you would stand, please. Was that your
20 verdict?

21 JUROR 74: Yes.

22 THE COURT: Is it still your verdict?

23 JUROR 74: Yes.

24 THE COURT: Thank you, ma'am. Juror
25 Number 37, was that your verdict?

1 JUROR 37: Yes, sir.

2 THE COURT: Is it still your verdict?

3 JUROR 37: Yes, sir.

4 THE COURT: Thank you, ma'am. Juror

5 Number 30 --

6 JUROR 30: Yes.

7 THE COURT: Was that your verdict?

8 JUROR 30: Yes, sir.

9 THE COURT: Is it still your verdict?

10 JUROR 30: Yes, sir.

11 THE COURT: Thank you, ma'am. Juror

12 Number 127. Was that your verdict?

13 JUROR 127: Yes, sir.

14 THE COURT: Is it still your verdict?

15 JUROR 127: Yes, sir.

16 THE COURT: Thank you. Juror Number

17 76.

18 JUROR 76: Yes, sir.

19 THE COURT: Was that your verdict?

20 JUROR 76: Yes, sir.

21 THE COURT: Is it still your verdict?

22 JUROR 76: Yes, sir.

23 THE COURT: Thank you, ma'am. Juror

24 Number 86. Was that your verdict?

25 JUROR 86: Yes.

1 THE COURT: Was it still your verdict?

2 JUROR 86: Yes.

3 THE COURT: Number 61. Was that your
4 verdict?

5 JUROR 61: Yes.

6 THE COURT: Is it still your verdict?

7 JUROR 61: Yes.

8 THE COURT: Thank you, ma'am. Juror
9 Number 152. Was that your verdict?

10 JUROR 152: Yes.

11 THE COURT: Is it still your verdict?

12 JUROR 152: Yes.

13 THE COURT: Thank you, sir. Juror
14 Number 26. Was that your verdict?

15 JUROR 26: Yes.

16 THE COURT: Is it still your verdict?

17 JUROR 26: Yes.

18 THE COURT: Thank you, ma'am. Juror
19 Number 113.

20 JUROR 113: Yes.

21 THE COURT: Was that your verdict?

22 JUROR 113: Yes, sir.

23 THE COURT: Is it still your verdict?

24 JUROR 113: Yes.

25 THE COURT: Thank you, sir. Juror

1 Number 89. Is that your verdict?

2 JUROR 89: Yes, Your Honor.

3 THE COURT: Is it still your verdict?

4 JUROR 89: Yes, Your Honor.

5 THE COURT: Thank you, sir. And Juror

6 Number 50. Is that your verdict?

7 JUROR 50: Yes, sir.

8 THE COURT: Is it still your verdict?

9 JUROR 50: Yes, sir.

10 THE COURT: Thank you, ma'am. All
11 right. Anything else, Mr. Sims?

12 MR. SIMS: Your Honor, again, renew my
13 motions again that I been making all during the
14 course of the trial and renew those motions again
15 at this time.

16 THE COURT: Okay. And I appreciate you
17 renewing those motions. I will note them. I am
18 renewing my decisions regarding each one of them.

19 MR. SIMS: Yes, sir.

20 THE COURT: And I will also note on the
21 record renewing your objections to my rulings.

22 MR. SIMS: Yes, sir.

23 THE COURT: Okay. Thank you, sir.
24 Anything else?

25 MR. SIMS: That's all at this time,

1 Your Honor.

2 THE COURT: All right. Appreciate it.
3 Ladies and gentlemen of the jury, I know it's only
4 glass, but I hope for somehow it bothers me. But,
5 anyway, thank you for paying attention and being as
6 attentive as you were. You have now done your duty
7 and I appreciate your service and you are now
8 excused. Thank you very much.

9 (WHEREUPON, the jury left the courtroom
10 at 4:47 p.m.)

11 MR. SCOTT: Can I have like two
12 minutes, Judge?

13 THE COURT: Yes, sir.

14 MR. SCOTT: We prepared two sentencing
15 sheets. I'll hand those up to Your Honor.

16 THE COURT: Okay. Thank you, sir.
17 Mr. Scott, I will be glad to hear from you.

18 MR. SCOTT: Thank you, Your Honor. I
19 think the victim's family is too emotional to
20 speak. They wanted me to relay to you that Harold
21 was a great son, brother, cousin, and father. They
22 miss him every day. They have a four year old
23 daughter who asks about her father every day. The
24 family asks for as much time as possible for
25 punishment, Your Honor.

1 Present today is Eloise Langley,
2 Harold's mother and Ciera Green, Harold's cousin.
3 Your Honor, Mr. Mayers has a prior record. As
4 you've heard, in 2006 he was convicted of burglary
5 in the third degree. He was given a suspended YOA.

6 2007, he was convicted of malicious
7 injury to personal property and a DUS.

8 2014, he pled to possession of
9 controlled substance in front of Judge Newman.

10 In 2016, Judge, he pled to hit and run
11 in front of Your Honor. He received one year
12 suspended to 30 days and five years probation. At
13 the same time, he pled to unlawful carrying of a
14 pistol, failure to stop for a blue light, and
15 driving under suspension. Also, in 2016, he was
16 convicted of resisting arrest.

17 THE COURT: What kind of arrest?

18 MR. SCOTT: Resisting arrest. And I
19 can tell Your Honor that at the time of these
20 incidents, he was also out on bond for DV third and
21 a failure to stop for a blue light charge.

22 THE COURT: Okay.

23 MR. SCOTT: There is one picture, a
24 still shot from Deputy Hardison's body cam. I'm
25 not going to play the body cam. I would just ask

1 | you to look at that because I have looked at that
2 | quite a bit in the last six months.

3 | As I said in my closing, Harold
4 | Langley, he walked across the street to shoot dice
5 | with friends. And, I mean, it's completely
6 | senseless. Completely uncalled for. No
7 | provocation. He's unarmed. And to get shot with
8 | that type of weapon in that close of a range, it is
9 | one of the most malicious killings I've seen since
10 | I've been here. And we just ask that you sentence
11 | him appropriately.

12 | THE COURT: Okay. All right.
13 | Mr. Sims, be glad to hear from you.

14 | MR. SIMS: Your Honor, of course, we
15 | defended the case and then we've had the
16 | opportunity to view everything that the State has
17 | had. We've had the opportunity to talk with my
18 | client in terms of what kind of things went on and
19 | what happened. This is a tragic situation for
20 | everyone. His mother is back here also and we --
21 | you know, the jury has spoken, so the only thing we
22 | can do is move forward from this point to do what
23 | we need to do. But, Your Honor, we'd ask -- would
24 | have to go back to one of Harry Risardzo (phonetic)
25 | statements that you would temper your justice with

1 | mercy in relationship to this matter.

2 | THE COURT: All right. Anything else?

3 | (No response)

4 | THE COURT: Okay. The weapons charge
5 | carries a maximum of five?

6 | MR. SCOTT: Yes, Your Honor.

7 | THE COURT: Okay. Mr. Mayers, the jury
8 | has heard the evidence in this case and found you
9 | guilty. It appears to the Court that this was just
10 | absolutely a cold blooded killing for no reason.

11 | As to the possession of a firearm by a
12 | person convicted of a violent crime -- a crime of
13 | violence, excuse me. The sentence of this Court is
14 | you're committed to the State Department of
15 | Corrections for a period of five years.

16 | Regarding the charge of murder. The
17 | sentence of this Court is you're committed to the
18 | State Department of Corrections for life
19 | imprisonment. These sentences are concurrent and I
20 | will give you credit for the time you've served.
21 | Good luck to you. Thank you.

22 | MR. SCOTT: Thank you, Your Honor.

23 | THE COURT: Thank y'all.

24 | - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

25 |

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Orangeburg County, South Carolina, on the 16-17th of August, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 6, 2021

s/Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2019GS38-1832

At a Court of General Sessions, convened on October 16, 2019 the Grand Jurors of
Orangenburg County present upon their oath:

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AUG 25 2021
SC Court of Appeals

MURDER

That Damion Shantell Mayers did in Orangenburg County on or about June 30, 2019, with malice aforethought, kill one Harold Langley by means of shooting the victim and the victim did die as a proximate result thereof, this offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided

Th3. SM, III

Thomas B Scott, III, Solicitor

WITNESSES

John C Stokes Jr

Orangeburg County Sheriff

2019-4928

ARREST WARRANT NUMBER

2019A3810700605

Arrested: July 11, 2019

ACTION OF GRAND JURY

TRUE BILL

OCT 16 2019

For person of Grand Jury

Date: October 16, 2019

VERDICT

Guilty

Herlani Junderburg
For person of Petit Jury

Date: 8/17/21

DOCKET NO. 2019GS38-1832

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

October 21, 2019 TERM

THE STATE

vs.

Damion Shantell Mayers

Indictment for

MURDER

SC Code: 16-3-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. ✓

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ATTEST: TRUE CO

Winnif B. Clark

Defendant **CLERK OF COURT**
ORANGEBURG COUNTY, SC

Witness:

C.C.C. PLS. AND G.S.

CLERK OF COURT
ORANGEBURG, SC

2019 OCT 16 AM 10:32

FILED FOR RECORD
WINNIF B. CLARK

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2019GS38-1986

At a Court of General Sessions, convened on October 16, 2019 the Grand Jurors of
Orangenburg County present upon their oath:

**POSSESSION OF A HANDGUN BY PERSON CONVICTED OF A CRIME OF
VIOLENCE**

That Damion Shantell Mayers, did in Orangenburg County, South Carolina, on or
about June 30, 2019, knowingly possess or aquire a handgun after having been
convicted of a crime of violence, to wit: Burglary, all in violation of Section 16-23-
30(B), of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.

Th. B. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Perry A Bennett

Orangeburg County Sheriff

ARREST WARRANT NUMBER
2019ORB63

Arrested: July 11, 2019

ACTION OF GRAND JURY
TRUE BILL

OCT 16 2019

Foreperson of Grand Jury

Date: October 16, 2019

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/17/21

DOCKET NO. 2019GS38-1986

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

October 21, 2019 TERM

THE STATE
vs.

Damion Shantell Mayers

Indictment for

POSSESSION OF A HANDGUN BY
PERSON CONVICTED OF A CRIME OF
VIOLENCE

SC Code: 16-23-30(B)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ATTEST: T. J. PY

Defendant's Clerk of Court
ORANGEBURG COUNTY, SC

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
MINNIE B. CLARK
2019 OCT 16 AM 10:32
CLERK OF COURT
ORANGEBURG, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

STATE

VS.

INDICTMENT/CASE#: 2019GS38-1832Damion Shantell MayersA/W#: 2019A3810700605Date of Offense: 6/30/2019S.C. Code § 16-3-10CDR Code #: 0116

AKA:

Race: BLACK Sex: M Age: 34DOB: SS#

Address:

City, State, Zip:

DL#: ID#

SENTENCE SHEET

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AUG 25 2021

SC Court of Appeals☒ CONVICTED OF or ☐ PLEADS*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

TO: Murderin violation of § 16-3-10 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:

Th3. Scott III15001

SCB05126

Scott, III, Thomas B

SC Bar#

Defendant

Sims, Thomas Ray
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of LIFE 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: 8/17/21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated by the DOC. 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.

ATTEST: TRUE COPYWinnifred S. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC1/2

STATE VS

Damion Shantell Mayers

INDICTMENT/CASE#:

2019GS38-1832

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 ☐ 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 0 _____ 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 Term _____ ☐ 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	\$ 100.00
§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	\$ 25.00
§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	\$ 3.75
☐ 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	\$ 188.75

Clerk of Court/ Deputy Clerk:

Travis L. Thompson
Katherine Spires

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

[Signature]
 2153

8/17/21

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

STATE

VS.

Damion Shantell Mayers

AKA:

Race: BLACK Sex: M Age: 34DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS3801986A/W#: 2019GS3801986Date of Offense: 6/30/2019S.C. Code § 16-23-0500CDR Code #: 3434

SENTENCE SHEET

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AUG 25 2021

SC Court of Appeals*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: Weapons / Possession of Firearm or Ammunition by person convicted of violent felonyin violation of § 16-23-0500 of the S.C. Code of Laws, bearing CDR Code # 3434☐ 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:

Th3 JMT15881

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ 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: 8/17/21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOJ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

ATTEST: TRUE COPY

Winnifred S. Clark
CLERK OF COURT

ORANGEBURG COUNTY, SC

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.

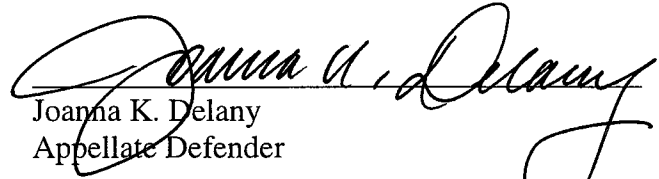
1/2Lo

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**May 13 2022****SC Court of Appeals**

Respectfully Submitted,


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of May, 2022.