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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable D. Craig Brown, Circuit Court Judge
Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No.: 2023-000885

Johnnie Walker Gaskins,

Petitioner,

vs.

State of South Carolina,

Respondent.

APPENDIX
VOLUME II of IV

Tricia A. Blanchette
Post Office Box 2147
Leesville, SC 29070
(803) 908-3266
Attorney for Petitioner

Alan Wilson
Attorney General

D. Russell Barlow, II
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
Attorneys for Respondent

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1 MR. MEADORS: Okay, thank you.

2 CROSS EXAMINATION

3 BY MR. MCCULLOCH:

4 Q Mr. Lyles?

5 A Yes.

6 Q How long have you had that particular hair style?

7 A Well, I've been growing braids for quite a while,
8 sir.

9 Q Now, this night, you had -- what were you drinking?

10 A Just a number of shots from the bar, Grey Goose, all
11 kind of drinks and stuff?

12 Q Do you know why you were thrown out of the club?

13 A Me and my girlfriend got a little dispute about me
14 drinking so much and they throwed me out.

15 Q You remember that or that's what she told you?

16 A That's what she told me. I don't even remember.

17 Q So you don't remember much about this. Do you
18 remember being stopped by the police much --
19 sometime later with a gun in the car?

20 A Well, after they locked me up, yes.

21 Q Okay. And you don't know what happened -- what's
22 the last thing you remember, being at the club?

23 A Yes, sir.

24 Q Having a shot?

25 A Being at the club.

1 Q And the next thing you woke up the next morning in
2 jail?

3 A Yes, sir.

4 Q Does that gun belong to you?

5 A No, sir -- well -- well, it -- it's not registered
6 to me.

7 Q You had access to it? You know where it was kept?

8 A Yes.

9 MR. MCCULLOCH: Thank you.

10 THE COURT: Anything further?

11 MR. MEADORS: No, sir.

12 THE COURT: You may step down, Mr. Lyles.

13 (The witness leaves the witness stand.)

14 MR. MEADORS: Sydney Williams.

15 (SYDNEY P. WILLIAMS, having first been duly
16 sworn, testified as follows:)

17 THE CLERK: Thank you. Please have a seat in
18 the witness stand and state your full name for the
19 record.

20 THE WITNESS: Sydney Patrell Williams.

21 DIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q Mr. Williams, what was your middle name?

24 A Patrell.

25 Q I appreciate you speaking -- if you'd just get close

1 but not too close to the microphone so the court
2 reporter can hear you and the ladies and gentlemen
3 of this jury.

4 Mr. Williams, I do this with every witness, will
5 you just tell them a little about yourself, where
6 you were born and raised?

7 A I was born in Sumter, South Carolina. Went to
8 Midland Tech in '97 and I studied respiratory
9 therapist and computer repair.

10 Q And what did do you after that?

11 A I had a brain surgery in '04 and I didn't go back to
12 school. After that I started -- I got another job.
13 I just started working somewhere else, that's about
14 it.

15 Q You've got kind of lucky catching that in time,
16 didn't you?

17 A Yeah.

18 Q And fully recovered from it?

19 A (Affirmative response.)

20 Q And what job or what did go you into after that?

21 A I started working at The Courtyard Marriott and just
22 doing little odd jobs like that.

23 Q And what are you doing now?

24 A I work at McDonald's now.

25 Q That's over on Harbison?

1 A Yeah.

2 Q Now, Mr. Williams, you know Johnnie Gaskins, don't
3 you?

4 A Yeah.

5 Q And how long have you known him?

6 A I've known him for quite a while.

7 Q And I want to take you to February 4th of 2007,
8 which would be the Super Bowl Sunday, the Colts
9 versus the Bears. Do you remember that Sunday?

10 A Yeah.

11 Q And did you have an occasion to go to a Club 360
12 that day?

13 A Yeah, I was at 360.

14 Q Had you been there before?

15 A Yeah.

16 Q Who did you go with?

17 A My girlfriend, Kim.

18 THE COURT: I'm sorry, you said February the
19 4th. I know you meant February the 5th.

20 THE WITNESS: 5th.

21 THE COURT: Okay, that's all right.

22 MR. MEADORS: I think the Super Bowl actually
23 was on the 4th then it went into the 5th. I apologize,
24 that Sunday was the 4th and this happened on the 5th.
25 I'm sorry.

1 MR. MCCULLOCH: I heard it as well. I'm not
2 sure what -- where ---

3 THE COURT: Whenever the Super Bowl was, that's
4 the day they got together. Okay, that's good.

5 MR. MEADORS: Just for the record, I apologize.
6 The Super Bowl was that Sunday the 4th and the shooting
7 actually happened the early morning hours of the 5th.

8 THE COURT: Okay, well, good.

9 MR. MEADORS: I apologize ---

10 THE COURT: No, no. That explains it for
11 everybody including the jurors, I hope, right?

12 JURORS: (Affirmative response.)

13 THE COURT: Okay, good.

14 MR. MEADORS: My bad, I'm sorry.

15 THE COURT: No, no, there's no bad. Go ahead.

16 Q That Super Bowl Sunday, you were at 360?

17 A Right.

18 Q Okay. And you went, I think, with Ms. Kim -- and
19 her last name's Jeter?

20 A Right.

21 Q And do you remember what time you got there?

22 A I'm not sure.

23 Q Okay. When you got there, you were watching the
24 game and eating, I guess?

25 A Uh-huh.

1 Q Do you remember what time you left?

2 A I'm not quite sure what time I left either?

3 Q Okay. And some time during the day before the
4 evening, did you have an occasion to see Mr.
5 Gaskins, the Defendant, there?

6 A No.

7 Q Prior to the evening?

8 A (Negative response.)

9 Q So when was the first time you saw him?

10 A When I entered the club.

11 Q I'm sorry?

12 A When I entered the club.

13 Q And, I mean, I'm not -- I'm messing up right now.
14 That's what I meant earlier. I meant when you were
15 in the club not ---

16 A Yeah.

17 Q So when you got inside the club, did you have an
18 occasion to see Mr. Gaskins?

19 A Yeah, I seen him.

20 Q Okay. And no doubt that was him? You've known him
21 for a long time and...

22 A (Affirmative response.)

23 Q Okay. And did y'all talk or converse when you were
24 in the club?

25 A Yeah.

1 Q Okay. Later on that evening of the 4th or into the
2 early morning hours the 5th, did you see the
3 Defendant, Mr. Gaskins (indicating), involved with
4 some employees of the 360?

5 A No.

6 Q Okay. Did you see him leaving 360?

7 A Yeah, I seen him when he was getting kicked out.

8 Q And that's -- that's what I was asking, okay. And
9 where were you when that happened?

10 A I was on the other side of the bar and I kind of
11 just seen them when they was kicking him out

12 Q Okay. And when you say kicked him out, were they
13 literally taking him out of the club?

14 A Yeah, they was walking him out.

15 Q And what did you do after that, after you saw him
16 being taken out of the club?

17 A I went to see what was going on.

18 Q And what did you -- how did you do that?

19 A I just seen him getting kicked out of the club so I
20 walked up behind and asked what was going on. And
21 they said they was kicking him out the club for
22 disorderly conduct and so forth and so on. And I
23 was like, you know, he's drunk. Y'all need to let
24 him go, let him go, he's drunk, you know, he's
25 drunk. You know what I'm saying, he's about to go

1 home.

2 And the security guard -- well, he got -- he got
3 a little upset and the security guard put him in
4 cuffs. And then I asked the security guard -- they
5 called him New York now. I was like, yo, please let
6 him go, you know, what I'm saying, he's drunk. He
7 had a lot to drink, he's gonna go home, he's gonna
8 go home.

9 And so they let him out the cuffs and sat him
10 down by the car and got his ID and told him that he
11 wasn't -- he wasn't to come back out -- out there
12 anymore. If he came back out there, he would get
13 locked up.

14 And then he ordered me to walk him to his car
15 and make sure he went home. And that's what I did.

16 Q And you walked him toward his car?

17 A Uh-huh.

18 Q And do remember what kind of car he was in?

19 A Impala.

20 Q Impala?

21 A (Affirmative response.)

22 Q So we're out in the parking lot now, Mr. Williams,
23 and you're with Mr. Gaskins. Are you close to him?

24 A (Affirmative response.)

25 Q Was he upset?

1 A Yeah, he was kind of upset. He felt like -- like --
2 like the security guards was, you know -- he felt
3 like he was being played.

4 Q And -- and did he -- you kept him from getting
5 arrested basically, correct?

6 A Yeah.

7 MR. MCCULLOCH: Objection, leading, Your Honor.

8 Q Did you keep him from getting arrested?

9 A I talked the cuffs off of him, so, yeah, I guess I
10 did.

11 THE COURT: Okay.

12 MR. MCCULLOCH: Same objection.

13 THE COURT: All right.

14 Q Did you remind him of that?

15 A Yeah.

16 Q What was his response if any to that?

17 A His response was, I feel like, you know, they trying
18 to play me, they're trying to play. That was his
19 response, you know, he felt like he was being
20 played. Like, you know, he really didn't understand
21 that I got the cuffs off of him, you know. He was
22 intoxicated.

23 Q Did he curse any?

24 A Yeah.

25 Q I mean, what did he saw?

1 A Like, fuck that, fuck that, you know.

2 Q And did you see him go to his car?

3 A Yeah, I walked him to the car.

4 Q And what happened after that? You know, what did he do, Mr. Gaskins?

A He got in the car and he was like, he felt like he was being played. And he gonna do this, he gonna do that. I'm like, yo, don't do nothing like that, you know. Saying, my baby mamma in the club or whatever. And he was like, you know, fuck that.

11 And he rolled off and I heard gunshots.

12 Q And when he rolled off, were you still in the parking lot?

14 A Yeah.

15 Q And did you watch his car -- where did his car go?

16 A In the front the club.

17 Q And where did the shots come from?

18 A I guess his car. By that time, you know, when he drove off and stopped, I heard gunshots so I got on the ground.

21 Q And the time length from him saying fuck that, fuck that and driving off and the shots, you were all there in that time period?

24 A (Affirmative response.)

25 Q And was it his car that stopped in front of the

Witness

1 club?

2 A The car he was driving.

3 Q And is that the car the gunshots came from?

4 A You know, I guess -- I mean, I heard the gunshots.

5 That's when I, you know (indicating)...

6 Q This isn't easy for you to be here today, is it?

7 A No.

8 Q You're under subpoena, right?

9 A (Affirmative response).

10 Q You've known him for a long time?

11 A Yeah.

12 Q But you knew you had to be here today, didn't you?

13 A (Affirmative response.)

14 (Pause.)

15 Q When you took the Defendant, Mr. Gaskins, to his --
16 or walked with him to his car, was it just the two
17 of y'all?

18 MR. MCCULLOCH: I object to the leading, Your
19 Honor, again.

20 MR. MEADORS: Is that leading?

21 MR. MCCULLOCH: Was it just the two of you?

22 MR. MEADORS: Did I say it was just the two of
23 you, was it?

24 Q Who else was there besides ---

25 THE COURT: I don't think that's leading.

1 Overruled.

2 Q Was there anybody out there at the car besides you
3 two?

4 THE COURT: Who was there?

5 A It was us at the car but there was also a security
6 guard that walked around the car to make sure that I
7 was doing ---

8 Q Okay.

9 A --- what they told me to do.

10 Q Did anybody else get in the car besides Mr. Gaskins?

11 A No, he was in the car by himself.

12 Q What did you do after that?

13 A After?

14 Q After the shots and what did do you?

15 A I hit the ground and I got up. Security guards was
16 shooting towards the car and one of the security
17 guards came and put me in cuffs and told me I knew
18 who the guy was. You know, you came out here with
19 him. That, you know, I was like, nah, I came out
20 here with my girl. And I thought that was it.

21 Q Did you eventually give them a statement telling
22 them it was Mr. Gaskins?

23 A No, I told -- they put the cuffs on me and I had to
24 go down to Richland County and talk to Isenhoward.

25 Q And at that point did you tell him who was in the

1 car?

2 A I told him that -- yeah, that I walked Mr. Gaskins
3 to the car and that he was out in the car.

4 Q I think we can do this right here in front, just
5 briefly show this video. It won't take but a
6 second.

7 THE COURT: What -- which video?

8 MR. MEADORS: The same one.

9 THE COURT: Oh.

10 MR. MEADORS: Just to identify -- very briefly,
11 Your Honor.

12 THE COURT: All right.

13 MR. MEADORS: Please.

14 THE COURT: Sure, sure. Any objection, Mr.
15 McCulloch?

16 MR. MCCULLOCH: I love a movie.

17 (Pause.)

18 MR. MEADORS: Mr. Williams, do you mind coming
19 down here for a second, with the Court's permission?

20 (The witness steps down from the witness stand.)

21 MR. MEADORS: Please, sir, just come right over
22 here where she can see your face, please, sir.

23 (Complied.)

24 (Whereupon, the video was played for the jury and
25 witness.)

1 Q Do you recognize this as 360 in the parking lot?

2 THE COURT: Mr. Meadors, you're blocking some
3 of the jury's view.

4 MR. MEADORS: I'm sorry.

5 Q Do you -- when you see yourself on here or you think
6 you are, will you please say stop?

7 A (Affirmative response.)

8 Q Please.

9 (Video continues.)

10 A That's me. I think that was me right there
11 (indicating). I don't know.

12 Q Let me stop it real quick.

13 (Video is stopped.)

14 Q When you came out of the club, after -- you
15 testified Mr. Gaskins was taken out?

16 A Uh-huh.

17 Q Where did you go?

18 A When I came out of the club?

19 A Yes, sir.

20 A When Mr. -- when they was taking him out?

21 Q Yes, sir. Yes, sir?

22 A I was right behind him (indicating).

23 Q Okay.

24 A They was like over here (indicating).

25 Q All right.

1 A I talked to them and stuff.

2 Q And which direction -- where did y'all go? Where
3 was his car parked?

4 A Right there (indicating).

5 Q It's not there now, correct?

6 A Right. No, it's right here (indicating).

7 Q I'm sorry, I can't see. All right. So that's where
8 you walked him to?

9 A Uh-huh.

10 Q Or walked with him?

11 A Right.

12 Q Okay. After you left him at that car, where did you
13 go?

14 A I kind of just like wandered off a little bit after
15 he pulled off. I kind of like wandered off. I
16 think that was me back here (indicating), somewhere,
17 and then they started shooting and I hit the ground.

18 MR. MEADORS: Go ahead and play it.

19 (Video continues.)

20 Q Now, you said that somebody came and got you and
21 said, you know who it was?

22 A (Affirmative response.)

23 Q Can you show on here where that was?

24 A That's me (indicating).

25 MR. MEADORS: All right. Stop right here.

1 (Video is stopped.)

2 Q Who is this up here (indicating)?

3 A That's somebody -- well that's the security guards
4 and I believe they're about to start shooting back
5 and stuff toward the car (indicating).

6 MR. MEADORS: Let's go to the other video.

7 (Video continues.)

8 MR. MEADORS: Stop right there.

9 (Video is stopped.)

10 Q Did -- did a security guard come out with y'all ---

11 MR. MCCULLOCH: Your Honor, I'm going to object
12 to leading because the Solicitor is pointing things out.

13 THE COURT: Sustained.

14 MR. MCCULLOCH: Thank you.

15 Q Who besides you and Mr. Gaskins went out in the
16 parking lot?

17 A That guy right there (indicating).

18 Q Do you know who he was?

19 A I don't know but I know what he look like.

20 Q Okay. Did you know what position if any he was
21 performing at 360 that night?

22 A Just security guard.

23 Q Okay. And where is Mr. Gaskins' car, if anywhere?

24 A (Indicating).

25 Q What did the security guard do to you if anything

1 when you came in contact with him after the car
2 drove off?

3 A He came around and he said, you know, who he is, you
4 came out here with him, and put me in handcuffs. I
5 said, I don't know who he is and I ain't come out
6 here with him.

7 Q He put you in handcuffs?

8 A Uh-huh.

9 Q And right her (indicating) ---

10 MR. MEADORS: Freeze it, please.

11 (Complied.)

12 MR. MEADORS: Thank you.

13 Q Do you know who this person is? Do you know where
14 he put you in handcuffs, let me ask you that?

15 MR. MCCULLOCH: Well, Your Honor, I object to
16 that as leading, stopping the video and then suggesting a
17 leading question about pointing out a specific individual
18 and that is leading ---

19 THE COURT: Then he questioned, who is this in
20 the photo.

21 MR. MCCULLOCH: Then he said ---

22 THE COURT: Stop.

23 MR. MEADORS: Judge, that's all.

24 THE COURT: That's all right.

25 THE COURT: That's all right, it's okay. He's

1 got a right to objection. What was the objection again,
2 he pointed to?

3 MR. MCCULLOCH: He then points -- the Solicitor
4 points to somebody and says something about this is the
5 person who handcuffed him. So that just seems to be
6 leading. I object to that. He's asking ---

7 THE COURT: Relax. Y'all both know what you're
8 doing. Just take your time. Don't lead him anymore.

9 All right, continue.

10 Q Do you know who this is?

11 A This guy right here?

12 Q Yes.

13 A That's the security guard that walked around us to
14 make sure that I was taking him to his car.

15 Q All right. And do you know his name?

16 A No.

17 Q And did you see him after the shooting?

18 A After the shooting?

19 Q Yes.

20 A Yes -- the security guard?

21 Q Yes, sir.

22 A He put me -- the cuffs on me.

23 Q That's what I was asking you.

24 A Oh.

25 Q Okay. You can have a seat.

1 (The witness returns to the witness stand.)

2 MR. MEADORS: Thank you.

3 THE COURT: You going to want that, Mr.
4 McCulloch, back up later?

5 (There was no response.)

6 THE COURT: Maybe? Okay. Mr. McCulloch.

7 MR. MEADORS: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 (Pause.)

10 Q Thank you for being here today.

11 A (Affirmative response.)

12 Q If you take the stand there are certain things
13 they're allowed to ask about you and I have to ask
14 you about this. Take no offense at it.

15 Did you have a 2000 P W I D cocaine times two
16 conviction, in 2000?

17 A (Affirmative response.)

18 THE COURT: Your need to answer yes or no, sir.

19 A Yes. Yes.

20 THE COURT: Thank you.

21 Q I apologize asking, possession of cocaine for a
22 year?

23 A Yeah.

24 Q And in 2004, possession cocaine?

25 A Yes, sir.

1 Q You kicked all that by the way, right?

2 A Right.

3 MR. MCCULLOCH: I'm sorry, what?

4 MR. MEADORS: I said, he's kicked -- you've
5 kicked that, haven't you?

6 MR. MCCULLOCH: Kicked that?

7 Q Are you off drugs?

8 THE COURT: Stopped using the drug I think is
9 what he means.

10 Q That's all I was asking.

11 A Yes, sir.

12 THE COURT: He had two convictions for drug
13 offenses. He stopped using the drug, I think is the
14 substance of the testimony. You get a chance to ask him.

15 You may cross-examine, Mr. McCulloch.

16 MR. Meadors: Your Honor, I've got ---

17 THE COURT: Okay, I'm sorry. After Mr. Meadors
18 has concluded his direct examination.

19 Q The person you saw get in the car, that you walked
20 out to the car with?

21 A Uh-huh.

22 Q And that car that went to the front of the 360?

23 A (Affirmative response.)

24 Q And you then heard shots?

25 A (Affirmative response.)

1 Q Was the person that was in that car in this
2 courtroom?

3 A The person that did it?

4 Q Yes, sir?

5 A Yes, sir.

6 Q Can you tell us who it was?

7 A The person that I walked to the car?

8 Q Yes, sir?

9 A Mr. Gaskins (indicating).

10 MR. MEADORS: Thank you, that's it.

11 CROSS-EXAMINATION

12 BY MR. MCCULLOCH:

13 Q Mr. Lyles (sic), you don't use drugs anymore, do
14 you?

15 A No, sir.

16 Q As the Solicitor asked you, you previously, I think
17 as you testified, you were asked about PWID. Well,
18 that's possession with intent to distribute, right?

19 A That's right.

20 Q And there was the sale of drugs as well?

21 A Uh-huh.

22 THE COURT: Speak up, sir. Thank you.

23 (Pause.)

24 Q Now, in the video you just watched you ---

25 MR. MCCULLOCH: We've lost our pointer.

1 Q If I understand your testimony correctly, the
2 vehicle you say Mr. Gaskins got in was somewhere
3 over here (indicating)?

4 A Right.

5 Q And based on your testimony, when the shooting --
6 and it was parked in a double line of automobiles?
7 When I mean double line I mean, you know, one car
8 and a car behind it and then -- cars in two rows?

9 A Right.

10 Q And when the shooting actually occurred, you were
11 somewhere down here (indicating) because you've
12 testified you wandered in this direction?

13 A Uh-huh.

14 Q So when the shooting occurred, as I think you
15 testified, you didn't really see who did the
16 shooting, did you?

17 A No.

18 Q Because you would have been looking through a lot of
19 cars?

20 A Right.

21 Q There were a lot of other cars moving around in the
22 parking lot and people?

23 A Not that much people and not that many cars either.

24 Q What about people?

25 A No.

1 Q Well, did you see people around in the video?

2 A Yeah the ones that was about to get kicked -- being
3 kicked out the club. That basically was the only
4 people in the parking lot and they wasn't in the
5 parking lot yet.

6 (Pause.)

7 Q Now, you've testified that -- that you and your
8 girlfriend went to the club together?

9 A Correct.

10 Q That's not exactly true is it? You saw Mr. Gaskins
11 there and when your girlfriend -- her name's Kim,
12 right?

13 A Uh-huh.

14 Q She needed a ride over and you had talked Mr.
15 Gaskins into taking you to get her, isn't that ---

16 A Uh-huh.

17 Q So the part of your statement in which you said that
18 you went to club with your girlfriend, that's not
19 true?

20 A It is true. I arrived at the club with my
21 girlfriend.

22 Q Okay.

23 A And me and Johnnie left and went and got my
24 girlfriend and came back.

25 Q Okay.

1 A And that's when ---

2 Q How many girlfriends have you got?

3 A I've got one girlfriend.

4 Q Okay. Now, that part of your statement says, I went
5 to Club 360 with my girlfriend, that's not true, is
6 it?

7 A It is true. I initially went to Club 360 with my
8 girlfriend. I seen Johnnie and we went back to one
9 of our friend's house in Hunter's Ridge and went and
10 got my girlfriend. We rode back with Johnnie to the
11 club. And that's when we got out of the car and went
12 on in the club together.

13 Q All right. Were you using drugs February 5th, 2007?

14 A No.

15 Q Drinking.

16 A No.

17 Q Because you don't drink?

18 A No.

19 Q The -- so you were in his automobile that night.

20 A Yeah.

21 Q Didn't tell the police that?

22 A No.

23 Q The -- when you saw Johnnie Gaskins being kicked
24 out, he was handcuffed?

25 A Not when he was getting -- when he was getting out

- 1 of the club he was not handcuffed.
- 2 Q They were treating him rough, weren't they?
- 3 A Not really.
- 4 Q Not really?
- 5 A No.
- 6 Q You ever see him handcuffed?
- 7 A Did I see him handcuffed?
- 8 Q (Affirmative response.)
- 9 A Yeah.
- 10 Q Did they put him down on the ground?
- 11 A No, they put him on a car. When they put the cuffs
- 12 on him, they had him on the car. They leaned him up
- 13 against the car and put the cuffs on him and told
- 14 him, you know, you're about to go to jail for
- 15 disorderly conduct. Then they walked him back
- 16 toward the club, sat him down beside the door of the
- 17 club with the cuffs on him, told Mr. Gaskins to let
- 18 them see the ID and he gave them the ID. And they
- 19 told Mr. Gaskins that he wasn't to come back out
- 20 there anymore. And told me to walk Mr. Gaskins to
- 21 the car and make sure he gets in his car and leave.
- 22 Q And I think you said in your statement he was drunk?
- 23 A Yeah.
- 24 Q So the shooting happened sometime after that and you
- 25 were some distance away, as we've established. Did

1 you go to the ground when the shooting started?

2 A Yeah.

3 Q So you didn't see any cars go by you?

4 A No.

5 Q Now, as you were asked by the Solicitor about --
6 about your criminal record, I just want to ask you
7 -- he missed one. In 2000 you were convicted of the
8 sale of a pistol, is that correct?

9 A In 2000?

10 Q Yes.

11 A Yes, I've got a pistol charge.

12 MR. MCCULLOCH: All right. That's all, thank
13 you.

14 THE COURT: Okay. Anything on redirect?

15 MR. MEADORS: Very briefly.

16 REDIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q Mr. McCulloch asked about your statement. I want to
19 show you this briefly and tell me if you recognize
20 it? Sydney Patrell Williams?

21 A Yeah.

22 Q Is that your signature?

23 A Yes.

24 Q And did you put in there, I went to Club 360 with my
25 girlfriend, correct?

- 1 A Yes.
- 2 Q And that's true?
- 3 A (Affirmative response.)
- 4 Q And -- and he asked you about where you were in the
5 parking lot, I think, after Mr. Gaskins was at his
6 car. Did you see where his car went after it went
7 out of the space, parking space?
- 8 A Yes.
- 9 Q And where did it go?
- 10 A It went in front of the club.
- 11 Q Can you point that out to the jury?
- 12 A This is the club door right here (indicating),
13 right?
- 14 Q Yes, sir.
- 15 A And that's out in the parking lot (indicating).
16 Stopped right there and kept it moving.
- 17 Q And what kind of car was it?
- 18 A A Impala.
- 19 Q And what if anything happened when the car stopped
20 right there (indicating)?
- 21 A What happened?
- 22 Q Yes, sir.
- 23 A When the car stopped here (indicating)?
- 24 Q Yes, sir?
- 25 A I heard a gunshot.

1 Q You heard gunshot?

2 A Yeah.

3 Q Now, Mr. Williams, did you see a gun?

4 A I ain't seen no gun that night. I didn't see the
5 gun that night.

6 Q Mr. McCulloch asked you about your statement. Did
7 you put in your statement previously that ---

8 MR. MCCULLOCH: Objection, Your Honor. That's
9 not proper, that's leading, did you put in your
10 statement, whatever ---

11 Q What if anything did you put in your statement ---

12 MR. MCCULLOCH: Classic leading ---

13 THE COURT: Stop, both of you, relax. Back up a
14 little bit. Dissect the question if you have to.

15 Q Can you review your statement?

16 MR. MEADORS: I guess I need to mark this as a
17 -- for identification.

18 THE COURT: All right. I just told my law
19 clerk, all the statements have been referred to, we're
20 going to make them a Court's ID if nothing else, to
21 preserve them for the record.

22 Is that good enough for everybody?

23 (Whereupon, Court's Exhibit Numbers 8, Statement
24 of Sydney P. Williams, was marked for
25 identification.)

1 THE COURT: You can call them ID for purposes
2 here but I'm going to make sure they're all in the
3 record, preservation. All right.

4 MR. MEADORS: This is ID, Court's ID 8.

5 THE COURT: Okay, that's good. That's good.

6 Q Just review this please?

7 A I've got one right here.

8 Q You've got one with you?

9 A Yeah.

10 Q Can you just take your time and review the first
11 page.

12 (Pause.)

13 A Okay.

14 Q On February 5th, 2007, did you tell Investigator
15 Isenhoward ---

16 MR. MCCULLOCH: Yes, Your Honor, again ---

17 THE COURT: All right.

18 MR. MCCULLOCH: Improper cross-examination (sic)

19 ---

20 THE COURT: All right. No run-on arguments.
21 Objection -- specifically what the objection is and I'll
22 rule on it. But don't argue when you object. What did
23 he say back on such and such date?

24 MR. MEADORS: Under 609, I thought that was the
25 proper way to address it.

1 THE COURT: Do it with the magic words so there
2 won't be any longer any objections. Relax. I'll give
3 you a chance to amplify later on. Continue.

4 Q What if anything did you mention to Investigator
5 Isenhoward about whether or not you saw the
6 Defendant with a gun, on page 1?

7 A On page, 1? I said, when he went -- he went back --
8 I mean, he went to his car, to a car beside his. He
9 drives a blue car. He got in it. I started walking
10 back toward the club ---

11 Q No, no, you skipped -- you skipped ---

12 MR. MCCULLOCH: Your Honor, let's let him read
13 ---

14 THE COURT: Stop. Go to the jury room, ladies
15 and gentlemen. Don't talk about this case.

16 (The jury retires from the courtroom at
17 approximately 3:05 p.m.)

18 THE COURT: Both of you relax. No run-on
19 objections. Objection, basis, that's the way to do it,
20 Mr. McCulloch. Don't argue your objection ---

21 MR. MCCULLOCH: All right.

22 THE COURT: You relax. Let me finish. Just
23 specify what it is. I know this is all tedious for all
24 of us. Now let's calm down a little bit and do it the
25 right way. Go ahead and place your objection on the

1 record.

2 MR. MCCULLOCH: My objection was starting with
3 the leading nature of the question. But now, asking him
4 to look over his statement, then the Solicitor would like
5 -- to read to him the part of the statement he wants to
6 say, oh, yes, I remember that. That's not proper.

7 This is redirect. It is outside the scope of
8 proper redirect, secondly.

9 Thirdly, under 613, this is a prior statement of
10 the witness that he himself now wants to impeach him
11 because his answers on the stand, in his questions, are
12 different than what the Solicitor would like him to have
13 testified with the statement.

14 THE COURT: All right. Anything further?

15 MR. MCCULLOCH: That's it.

16 THE COURT: All right. I disagree. You can
17 impeach with your own witness, I think, under the rules
18 in this day and time.

19 MR. MEADORS: 610.

20 THE COURT: It used to be the old rule but he
21 can, for the sake of convenience, saving time, he can
22 point, would you please read line 1 on page 2 of your
23 statement or something.

24 Let's take a little break. And y'all got to
25 learn to be nice to each other, okay. Let's take a

1 break. It's tedious. I'll give you a chance to refresh
2 yourselves. We'll come back and resume

3 MR. MEADORS: Thank you.

4 (The Court was in recess.)

5 THE COURT: Emphatically, I walked into the jury
6 room and in essence what I said is like, you know, it's
7 important matters and people intend to get up on their
8 heels -- high heels a little bit and sometimes it's my
9 job to kind of bring you down a little bit. But I wasn't
10 angry or mad.

11 Somebody said, well, you scared me. I said,
12 that's all right, so. It's easy for us but, you know, a
13 little bit difficult for them. So I told them, relax,
14 and I'll say the same thing when they come out for the
15 benefit of everybody.

16 MR. MCCULLOCH: Tell them it was theater.

17 THE COURT: Beg your pardon?

18 MR. MCCULLOCH: Tell them it was theater --
19 theater.

20 THE COURT: Oh, no, no, no. Are we all ready?

21 MR. MCCULLOCH: We are.

22 MR. MEADORS: Ready, Your Honor.

23 THE COURT: Okay. Bring them in.

24 (The jury returned to the courtroom at
25 approximately 3:22 p.m.)

1 THE BAILIFF: The jury's present, Your Honor.

2 THE COURT: Thank you, Mr. Bowen. And, members
3 of the jury, I stuck my head in the door and sort of
4 reminded y'all that this as an adversarial proceeding and
5 both sides tend to get up on their high heels a little
6 bit sometimes and it's my job to sort of control the
7 civility in the courtroom. If I yell, it's nothing
8 personal. I'm not mad at anybody but it's my job to sort
9 of keep us on an even keel.

10 And that's all the latest example was. It has
11 nothing to do with the merits of this case, nothing to do
12 with whether or not objection you should hold against
13 anybody or how I react. And my interest, I have no
14 interest. Just to try to keep us at an even keel and
15 make sure everybody receives a fair trial.

16 With that in mind, I will invite Mr. Meadors to
17 continue.

18 MR. MEADORS: If it pleases Your Honor.

19 THE COURT: This is redirect, is it not, yeah.

20 MR. MEADORS: Can I approach, Judge? Can I
21 approach the witness?

22 THE COURT: Yes, sir.

23 REDIRECT EXAMINATION CONTINUES

24 BY MR. MEADORS:

25 Q You said that was your name on Court's Exhibit

1 Number 8?

2 A Uh-huh.

3 Q Okay. And if you don't mind, just say yes or no.

4 A Yes, sir.

5 Q Sorry. You don't have to say sir, but yes, that's
6 fine.

7 And this -- what date was this given on?

8 A Umm?

9 Q Is this a date up there?

10 A The 5th.

11 Q And does it say what time?

12 A What's that, 2:30?

13 Q Yes, sir. All right. And just where it's there in
14 pencil ---

15 A Uh-huh.

16 Q He -- would you read from, he to off? And take your
17 time.

18 A (Reading) He got in his car. I started walking
19 back toward the club. Johnnie pulled up fast,
20 stopped in front of the door of the club, started
21 shooting from inside the car. He shot several times
22 and drove off.

23 Q And that's your signature at the bottom?

24 A Yeah.

25 MR. MEADORS: All right. That's all.

1 THE COURT: Recross

2 RECROSS-EXAMINATION

3 BY MR. MCCULLOCH:

4 Q Mr. Lyles (sic), that's not what you said today
5 under oath, is it?

6 MR. MEADORS: Objection, he said Mr. Lyles.

7 MR. MCCULLOCH: I'm sorry ---

8 THE COURT: Williams.

9 MR. MCCULLOCH: Williams.

10 Q That's not what you said today, Mr. Williams?
11 That's not what you testified to 20 minutes ago?

12 A What did I say?

13 Q Didn't you testify to this jury that you couldn't
14 see the shoot -- who was firing the shots because
15 you had two rows of cars between you?

16 A And I also said when the car pulled off from me and
17 it stopped in the door of the club, I heard
18 gunshots. He was the only person in the car.

19 Q Mr. Williams, the windows of this car are tinted,
20 right?

21 A Yeah, but I walked this guy to the car.

22 Q Right. And then you turned your back and walked
23 away from him and apparently away from the club as
24 you've testified to earlier, right?

25 A Uh-huh.

1 Q You next heard shots. You didn't see shooting, you
2 heard shots?

3 A Right.

4 Q And you were immediately placed in handcuffs and you
5 were accused by the guards, weren't you?

6 A Right. I was accused by the guards of me knowing
7 who the person was and I came out there with him.

8 Q Well, they were putting the heat on you, weren't
9 they?

10 A Yeah.

11 Q All right. They had you handcuffed and you were
12 surrounded by security?

13 A Uh-huh.

14 Q You -- was there -- there was a problem between you
15 and Johnnie that night over one of these girls,
16 wasn't there

17 A No.

18 Q No?

19 A No.

20 Q You didn't just jazz up what you said then?

21 A No.

22 Q Which wasn't the truth?

23 A I ain't got to jazz up nothing.

24 MR. MCCULLOCH: I don't have anything further.

25 THE COURT: Anything further of Mr. Williams?

1 (No response.)

2 THE COURT: All right. You may step down, sir.

3 (The witness leaves the witness stand.)

4 (WHEREUPON, a bench conference was held off
5 the record, in the presence of the jury, but out
6 of the hearing of the jury.)

7 THE COURT: There's a matter of law I need to
8 take up and the only way I can do that, once again, is in
9 your absence. Please don't talk about the case. It
10 shouldn't take long. And the good news is that you're
11 going to go home earlier today than I anticipated, okay?
12 Is that good news?

13 JURORS: (Affirmative response.)

14 THE COURT: Just don't talk about the case.
15 We'll bring you back out as soon as I complete this
16 matter.

17 (The jury retires from the courtroom at
18 approximately 3:28 p.m.)

19 THE COURT: In the meantime, while we get ready
20 for that, I need to go take two Excedrin. Yes, sir. I
21 do, I mean, really.

22 MR. MEADORS: I misspoke, I didn't mean to.
23 There are three but the last one is a very short short
24 witness. So we can do them all today.

25 THE COURT: Mr. Meadors, that's fine. Relax,

1 I'll be right back.

2 MR. MEADORS: Yes, sir.

3 THE COURT: All right.

4 (The Court was in recess.)

5 THE COURT: We're ready. My law clerk can go
6 get him. Y'all ready to proceed with this Biggers?

7 (Affirmative response.)

8 THE COURT: All right.

9 (EPSIL PALMER, having first been duly sworn,
10 testified as follows:)

11 THE CLERK: Thank you. Please have a seat in the
12 witness stand and state your full name for the record.

13 (Pause.)

14 THE CLERK: State your name, sir.

15 THE WITNESS: Epsil Palmer.

16 THE COURT: What is it?

17 THE WITNESS: Epsil Palmer.

18 THE CLERK: Spell your first name.

19 THE WITNESS: E-p-s-i-l.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION (In Camera)

22 BY MR. MCDUFFIE:

23 Q Mr. Palmer, where are you currently employed?

24 A I work as a cab driver.

25 Q And where were you employed in February of 2007?

1 A I was employed at Elite Security.

2 Q And where were you working on February the 4th into
3 the early morning hours of February 5th, 2007?

4 A At 360 Sports Bar.

5 Q And what were your duties there?

6 A I was an armed security guard.

7 Q And was there a disturbance at the club that
8 evening?

9 A Yes.

10 Q Please tell the Court about that.

11 A Around 1:20, 1:15, 1:20, I seen Quinten Harris,
12 Lamont Davis and John Adams bring a black male out
13 and they walked him toward -- toward the side of the
14 nightclub and he was very upset. And he stated that
15 -- we had on all black. And he stated that we think
16 -- we think we're a gangsta in that black.

17 Q And how close were you to him when he said that?

18 A About from here to about right here (indicating).

19 Q Two feet?

20 A Yeah, about two feet.

21 Q And did you have any trouble observing his physical
22 features?

23 A No.

24 Q And do you recall what he was wearing?

25 A He was wearing a black bomber jacket with a fur

1 collar and it was all black and black pants.

2 Q And what were the lighting conditions like?

3 A When we first came out by the doors, it was real
4 light so I seen him real clearly.

5 Q Did you have an occasion to further interact with
6 him?

7 A Yes.

8 Q Please tell the Court about that.

9 A When he threatened us and said, y'all think y'all a
10 gangsta in the black, security officer Lamont Davis
11 grabbed him and I helped handcuff him.

12 Q And at some point in time was he taken out of the
13 handcuffs?

14 A Yes.

15 Q And did he go to his car?

16 A Yes.

17 Q And did you go with him?

18 A Yes.

19 Q And please tell the Court about that?

20 A He was taken out of the handcuffs and allowed to go
21 to his car. And he went to the car and he was
22 jumping up and down. And as I was walking, I seen
23 him doing that and I asked him what the problem was.
24 And he said he couldn't find his keys ---

25 Q And about how far from him were you? I'm sorry.

1 A I'm sorry, he said he couldn't find his car.

2 Q And about how far were you from him during this
3 interaction?

4 A About one foot.

5 Q And then again, you had a chance to observe him?

6 A Yes.

7 Q And then he -- then did he get in his vehicle?

8 A He walked to a dark colored vehicle with tinted
9 windows and started putting keys in it. And I seen
10 the car windows were tinted so I backed away from
11 the car because I couldn't see inside of it.

12 Q And what happened after that?

13 A I moved back to the door and the car was parked
14 close to the door. I moved back to the door and I
15 was watching him and that's when everybody came
16 through the door. Quinten Harris, Lamont Davis came
17 to the door with another unrowdy (sic) patron, and
18 John Adams.

19 Q And what happened after that?

20 A Everybody -- I turned around, everybody came flying
21 through the first set of glass doors and I was
22 standing in front of the second set, that outside
23 door. And everybody came and they pinned me inside
24 the door. And everybody just kind of fell through
25 the door. I know I fell and I had my back turned

1 facing the nightclub and I was squatting down trying
2 to help him handcuff the patron.

3 And that's when I heard the first shots. And I
4 didn't know where it was coming from. I knew it was
5 close. I thought he was outside, standing outside
6 shooting, that's how close it sound.

7 And I jumped -- there was a black Magnum parked
8 at the front entrance and I jumped toward that car
9 to get out of the way of the fire because he caught
10 us off guard.

11 Q And what did you see if anything when you went
12 towards the black Magnum?

13 A When I jumped toward the black Magnum, I hit the
14 ground and rolled and I reached for my gun. And by
15 the time I got up, he was pulling off.

16 Q And what kind of car was pulling off?

17 A The same car that I seen him go to at the beginning.

18 Q And on February the 13th, did you go to the
19 Sheriff's Department?

20 A Yes.

21 Q And did they show you a photo lineup?

22 A Yes.

23 Q And explain what they did?

24 A They showed me the lineup and asked me did I see the
25 same person that I seen that night.

1 Q And I'm going to show you State's Exhibit 9. Do you
2 recognize this?

3 A Yes.

4 Q And which individual did you identify?

5 A Number four.

6 Q And where did you -- or how do you know who number
7 four is?

8 A I seen him at 360 jiggling his keys toward the car.

9 Q And the person that you saw at Club 360 on
10 February the 5th of 2007, do you see him in the
11 courtroom today?

12 A Yes.

13 Q And please identify him for the Court.

14 A Sitting over there in all the black (indicating).

15 MS. MCDUFFIE: Your Honor, let the record
16 reflect ---

17 A With all the braids.

18 MS. MCDUFFIE: Nothing further of this witness.

19 THE COURT: Mr. McCulloch -- or Ms. Schillaci.

20 MS. SCHILLACI: I just have a few questions.

21 CROSS EXAMINATION (In Camera)

22 BY MS. SCHILLACI:

23 Q Now, Mr. Palmer, you stated you were posted at the
24 front door, correct?

25 A Yes.

1 Q At any point in time, did you go inside the club?

2 A Yes.

3 Q That evening?

4 A Yes.

5 Q Did you ever observe Mr. Gaskins inside the club?

6 A Yes.

7 Q And about how long would you estimate that you
8 observed him inside the club?

9 A How long, about 15, 20 seconds.

10 Q 15 to 20 seconds?

11 A Probably, that I actually seen him.

12 Q And if you look over here at State's Exhibit, I
13 believe, 15 -- I'm going to try to find our pointer.
14 Mr. Palmer, I'm going to hand you this pointer.

15 A Uh-huh.

16 Q Can you show me where you were inside the club when
17 you saw Mr. Gaskins?.

18 A Okay. This is the bar, the main bar (indicating).
19 Is that the pool table by the door, over there by
20 the door? He was right up -- I believe he was up in
21 this area here (indicating). Somewhere up in here
22 (indicating) between the bar and the pool tables.

23 Q Okay. So the 15, 20 seconds that you would have
24 observed him -- I can take that. How far away were
25 you from him?

1 A Umm?

2 Q Several yards?

3 A About from where -- about from here (indicating) to
4 that stand where you're standing.

5 A Okay. And ---

6 THE COURT: To where?

7 THE WITNESS: About from here (indicating) to
8 about where she's standing.

9 THE COURT: That would be -- for the record, we
10 need to estimate how far it would be in feet. We don't
11 need ---

12 MS. SCHILLACI: That was my next question, Your
13 Honor.

14 THE COURT: Okay. I'm sorry, go ahead.

15 Q And how many feet would that be, would you estimate?

16 A About 10 to 15 feet.

17 THE COURT: All right.

18 Q About 10 or 15 feet.

19 A Uh-huh.

20 Q And again, that interaction would have been for 15,
21 20 seconds?

22 A Yes.

23 Q And at that time, I believe you testified was he
24 wearing a jacket?

25 A Yes.

1 Q And did it have a hood on it?

2 A Yes.

3 Q Was the hood up or down?

4 A It was like halfway up, halfway down.

5 Q And were you able to see his face, see his features?

6 A Yes.

7 Q And the next time that you would have observed Mr.
8 Gaskins, would it have been outside of the club?

9 A Yes.

10 Q And about what time would that have been?

11 A It was about 15, 20 minutes after 1.

12 Q After what?

13 A It was about 15 to 20 minutes after 1.

14 Q After 1. And this would have been outside in the
15 dark?

16 A Well -- excuse me. I was standing at the door and
17 when I first seen him -- the door's lit up. By the
18 front, that's lit up. When I first seen him, they
19 was bringing him -- I mean, I second seen him -- 15
20 minutes before that I seen him inside. The second
21 time I seen him they was bringing him out about 15
22 minutes later. But I seen him -- I know it was the
23 same -- it was the same gentleman.

24 Q And how long was your observation of Mr. Gaskins
25 outside of the club?

- 1 A All total?
- 2 Q Total. Was it a few minutes, seconds?
- 3 A About five to -- about five to eight minutes.
- 4 Q About five to what?
- 5 A About five to eight minutes.
- 6 Q Five to eight minutes?
- 7 A Yes.
- 8 Q And, again, was his hood the same way? Was it still
9 up?
- 10 A His hood was down.
- 11 Q His hood was down at that time?
- 12 A Uh-huh.
- 13 Q And what was his hair like?
- 14 A During that time his hair -- it seemed like it was
15 braided to me. But wasn't paying too much attention
16 to his hair. Like it was braided or dreadlocks or
17 something like that.
- 18 Q Okay. It was braided, you said, like dreadlocks?
- 19 A Well, similar, I'm assuming. I wasn't paying too
20 much attention to his hair.
- 21 Q You weren't paying attention to his hair?
- 22 A I was looking at his face, yes.
- 23 Q You were looking at his face?
- 24 A Uh-huh.
- 25 Q Had you ever seen Gaskins before that evening?

1 A No.

2 Q Now, how many people were escorted or thrown out of
3 the club that evening?

4 A I think -- I'm pretty sure it was only one, right
5 before that. Well, counting that guy at the door, I
6 think two.

7 Q Two that evening were thrown out?

8 A Not counting Mr. Gaskins.

9 Q And, Mr. Palmer, you never saw Mr. Gaskins actually
10 get into his vehicle, did you?

11 A No, I did not.

12 Q And at one point did it appear like Mr. Gaskins was
13 trying to get into the wrong car?

14 A He told me that he couldn't find his car and the
15 last thing I seen, he was jiggling the keys into the
16 same car I seen pull beneath the club after the
17 shooting.

18 Q Okay. He's jiggling keys, didn't see him get into
19 the vehicle?

20 A No, I did not.

21 Q How many other dark vehicles were in the parking lot
22 that evening?

23 A I'm sure there were ---

24 MS. MCDUFFIE: Your Honor, we object. There's
25 no possibility ---

1 MS. SCHILLACI: I can move on, Your Honor.

2 Q Now that evening, Mr. Palmer, you didn't -- you did
3 not actually see the shooter, did you?

4 A I did not.

5 Q Okay. So when you did this identification -- and
6 let me ask you, the identification that you did with
7 the officer, do you remember that?

8 A Yes.

9 Q And that would have been some eight days after the
10 event?

11 A Yes.

12 Q And had you seen on media or read in the paper about
13 Mr. Gaskins being a suspect in the case?

14 A Yes.

15 Q You had. You saw his photo?

16 A Yes.

17 Q And that would have been before you did this
18 identification with the officer?

19 A Yes.

20 Q Now, after the event, do you know a man by the name
21 of Sydney Williams?

22 A Yes.

23 Q And do you remember taking him into custody after
24 the shooting ---

25 MS. MCDUFFIE: Your Honor, objection, it's

1 outside the scope of Neil v. Biggers.

2 MS. SCHILLACI: And Your Honor, I will get there
3 if you will allow me.

4 THE COURT: Go ahead.

5 Q Do you remember putting him in handcuffs?

6 A Yes.

7 Q And did you ask him at that time who the shooter
8 was?

9 A Yes.

10 Q And he told you it was Johnnie Gaskins?

11 A During that time, no.

12 Q But at some point in time he did?

13 A He never told me.

14 Q But someone had told you, before you did this
15 lineup, that the shooter was Mr. Gaskins?

16 A No, one told me, no.

17 Q But again, you did not see the shooting?

18 A No.

19 Q And at the time that you did this photo ID for the
20 officer, you were merely showing him the individual
21 that you observed that evening, you were not
22 identifying the shooter?

23 A Yes.

24 MS. SCHILLACI: I believe that's all we have
25 Your Honor.

1 THE COURT: All right. Check with Mr.
2 McCulloch, is there anything?

3 MR. MCCULLOCH: No, Your Honor.

4 THE COURT: All right.

5 MR. MCCULLOCH: Judge, our basis is the same, I
6 presume, unless Ms. Schillaci has something in addition.

7 THE COURT: All right.

8 MS. SCHILLACI: Same as our previous arguments,
9 Your Honor.

10 THE COURT: My ruling is the same. He saw him
11 inside, outside, at the door. He was then 12, 15 feet,
12 the hood up, hood down, five to eight minutes, the same
13 person. I think all the requirements have been met.
14 There's nothing unduly suggestive about the lineup. And
15 the in court identification is good.

16 I'm going to allow it. Do we have another one?

17 MS. MCDUFFIE: This is it.

18 THE COURT: Y'all sure now?

19 MS. MCDUFFIE: We're done.

20 THE COURT: Objection?

21 MR. MEADORS: Actually, Your Honor, she said
22 that that's it.

23 THE COURT: All right. And so we have ---

24 MR. MCCULLOCH: We've got 40 more names on the
25 list now.

1 MR. MEADORS: That's it.

2 THE COURT: Mr. Palmer and two others this
3 afternoon?

4 MR. MEADORS: Well, one tiny short one and then
5 Ms. Houston, the victim, and that's it.

6 THE COURT: All right. That's fine. Y'all
7 ready?

8 MR. MEADORS: Just give us 30 seconds to talk.

9 THE COURT: All right.

10 MR. MCCULLOCH: I like tiny short ones.

11 THE COURT: Yeah.

12 (Pause.)

13 MS. MCDUFFIE: Your Honor, can the witness step
14 down?

15 THE COURT: Yes, just step down.

16 (The witness steps down from the witness stand.)

17 THE COURT: When the jury comes back, I might
18 tell them I'm the gatekeeper, there's certain things I
19 have to hear to decide whether or not they should hear
20 them and, you know, explain. If I say anything out of
21 line let me know, object or take an exception.

22 MR. MEADORS: I'm sure we'll have none.

23 THE COURT: Sure.

24 (Pause.)

25 THE COURT: All right. I've heard that before.

1 Bring them in, Mr. Bowen.

2 (The jury returned to the courtroom at
3 approximately 3:48 p.m.)

4 THE BAILIFF: The jury's all present, Your
5 Honor.

6 THE COURT: All right. Welcome back, Madam
7 Forelady and member of the jury. I think I'm going to
8 explain in more detail some of the things I have to do in
9 your absence so you'll understand why perhaps it's taking
10 so long.

11 So many times I have to listen to what a witness
12 is going to say. It might take 10 minutes or 15 minutes
13 or 20 minutes. The Solicitor will direct, Mr. McCulloch
14 will have a chance to cross-examine, then I have to
15 decide whether or not I should let you hear all of it or
16 part of it or some of it. So many times when you come
17 back in and listen to a witness, we've already heard that
18 witness testify. But it's up to me, as the gatekeeper,
19 to make sure that what you hear is what you should hear
20 under the rules.

21 Although you might hear a witness testify one
22 time, we've gone through it twice. And that's one reason
23 why the length of time has been so long when you've been
24 out. And, once again, the only way I can do that under
25 the rules is in your absence, so. I just wanted y'all to

EPSIL PALMER -- DIRECT BY MS. MCDUFFIE:

550

1 have a keen understanding as to why you're in and out and
2 it takes a while, that's the reason.

3 Any exceptions or additions?

4 MS. MCDUFFIE: No, sir.

5 MR. MEADORS: No, sir.

6 MR. MCCULLOCH: No, Your Honor.

7 THE COURT: You may call your next witness.

8 MS. MCDUFFIE: The State calls Epsil Palmer.

9 (EPSIL PALMER, having first been duly sworn,
10 testified as follows:)

11 THE CLERK: Thank you. Please have a seat in
12 the witness stand and state your full name for the
13 record.

14 THE WITNESS: Epsil Palmer.

15 DIRECT EXAMINATION

16 BY MS. MCDUFFIE:

17 Q Mr. Palmer, where do you currently live?

18 A I live in Myrtle Beach.

19 Q And in February of 2007, where did you live?

20 A In Columbia.

21 Q And who were you working for?

22 A Elite Security.

23 Q And what were your duties with Elite Security?

24 A I was an armed security guard.

25 Q And would you -- where would you work for them?

- 1 A At various clubs and stores.
- 2 Q And on February 4th into the early morning hours of
- 3 February 5th of 2007, where were you working?
- 4 A I was working at 360 Sports Bar.
- 5 Q On Bush River Road?
- 6 A Yes.
- 7 Q Had you ever worked there before?
- 8 A No.
- 9 Q This was your first time?
- 10 A Yes, ma'am.
- 11 Q And what were your duties at Club 360 that day?
- 12 A I was the pat down man, the one -- I searched people
- 13 as they were coming in.
- 14 Q And where were you were stationed?
- 15 A At the front door.
- 16 Q I'm going to refer you to State's Exhibit 15 which
- 17 is right behind you. Can you show the jury where
- 18 you were?
- 19 (The witness steps down from the witness stand.)
- 20 A Standing right here (indicating).
- 21 Q You were standing by that window right there?
- 22 A Is this the front door over here?
- 23 Q Uh-huh, that is.
- 24 A Okay. I was standing at the front door.
- 25 Q And were you also in that little area between the

1 two sets of doors?

2 A Right here (indicating)?

3 Q Yes, sir?

4 A Yes, I was moving around from here to here.

5 Q And your duties were to pat people down and -- you
6 can have a seat.

7 (The witness returns to the witness stand.)

8 Q And check for weapons, things of that nature?

9 A Yes.

10 Q And at some point later in the night was there a
11 disturbance in the club?

12 A Yes, ma'am.

13 Q Please tell the jury about that.

14 A Around 1:15, 1:20, I observed the two security
15 officers and the bouncer, John Adams, escort Mr.
16 Gaskins out of the club. And seemed like he was --
17 he was upset at whatever happened inside the club.

18 Q And are you aware of what happened inside the club?

19 A I was not aware.

20 Q And so you were stationed at the door?

21 A I was at the door.

22 Q And they were throwing him out?

23 A Uh-huh.

24 Q And when was the first time you encountered Mr.
25 Gaskins?

1 A I encountered him about 15 or 20 minutes earlier as
2 I walked into trade places with Officer Quinten
3 Harris. He wanted to come in, I mean, go out and I
4 went in and patrolled the inside.

5 He was on -- seemed like he was harassing one of
6 the servers or the bartenders. And she handled it
7 so I didn't want to get into it. He seemed like he
8 was, to me, harassing her. And she told him, I'm
9 working and she kept walking. That's when I first
10 seen him.

11 Q Then you went back and started working the door
12 again?

13 A About 15 -- 10 or 15 minutes later.

14 Q And then did you encounter Mr. Gaskins again?

15 A Yes.

16 Q Please tell the jury about that.

17 A They were bringing him out about 15, 20 minutes
18 after that. I was at the door and I seen Quinten --
19 Quinten Harris, Lamont Davis and John Adams bringing
20 him out.

21 Q And tell the jury what happened after that?

22 A He was upset and he told us, he said as he walking
23 out -- they wasn't touching him, they were walking
24 behind him. And they were saying -- he was saying
25 -- we had on all black, all the security. He was

1 saying, y'all think y'all gangsta in that black.

2 And he said, I'm going to show y'all gangsta.

3 Q So he told you, I'm going to show you gangsta?

4 A Yes, he did.

5 Q How did you take that?

6 A A serious threat.

7 Q And what did you then do?

8 A Me and Officer Lamont Davis handcuffed him.

9 Q And this was outside of the Club 360?

10 A Yes, ma'am.

11 Q And what happened after that?

12 A After that, they walked him -- well, we walked him
13 to the front door and we sat down -- we sat him down
14 at the door and I went back to my post. And left
15 all the people sitting down with him handcuffed.
16 And I'm thinking that, you know, Richland County's
17 coming to pick him up. And I turned around and
18 looked, Officer Lamont Davis was taking him out of
19 the cuffs.

20 Q And did you see someone else talking with Lamont?

21 A Other than the security?

22 Q (Affirmative response.)

23 A There was -- there were a girl and Sydney, I want to
24 say Williams, he was there. There was a girl and
25 Sydney, they were trying to talk -- right before and

1 they was trying to talk Lamont Davis out of -- into
2 letting him go. And they said they were going to
3 make sure he got home and take care of, you know,
4 the situation.

5 Q And did you observe him being -- did you observe him
6 being taken out of handcuffs?

7 A I seen it through the glass, yes.

8 Q And what happened after that?

9 A I walked out to Lamont Davis and I asked him what --
10 what was he doing and do you have his ID because I
11 didn't really trust him, Mr. Gawkins (sic).

12 Q And then what happened after that?

13 A Lamont Davis, Quinten Harris and John Adams went
14 inside the club, back inside the club. And Sydney
15 and Mr. Gawkins (sic) went toward the car.

16 Q So Mr. Gaskins, they went toward the car.

17 A Sorry, Gaskins.

18 Q And what if anything did you observe Mr. Gaskins
19 doing?

20 A He was jumping up and down, rowdy, like he was
21 upset.

22 Q And what did you do, based on that?

23 A I walked up closer to him and I asked him what the
24 problem was.

25 Q And what did he say to you?

- 1 A He went from like night to day. He was rowdy and
2 when I went to him he all of a sudden calmed down.
3 And he said, I can't find my car, Dog. And then --
4 then he went to a gray dark colored car.
- 5 Q And what if anything did you observe him do?
- 6 A When he went to the car, I observed him jiggling
7 keys into a kind of noticeably or in a hurry.
- 8 Q And did you see his friend with him at that time?
- 9 A His friend was standing right next to him.
- 10 Q And what if anything happened after that?
- 11 A Because the windows were tinted and the way he was
12 jiggling the keys, because it was tinted, I moved
13 away from the car.
- 14 Q And why did you do that?
- 15 A Because in our training with cars -- when they get
16 in the car, move away from the car because that's
17 when they normally...
- 18 Q And that's for your own safety?
- 19 A Yeah, for our officers just to move back. And the
20 windows were tinted so I couldn't see what he was
21 doing inside the car.
- 22 Q And where did you go when you went back to the club?
- 23 A I went back to the my post at the front door.
- 24 Q So you went back towards the front doors of the
25 club?

1 A Uh-huh.

2 Q And what if anything did you observe after that?

3 A I was still observing him and I went to the door. I
4 was still watching him because he was parked real --
5 the car was parked real close to the curb -- club.

6 Q And what was Mr. Gaskins wearing?

7 A He was wearing a black bomber with a hood, with a
8 fur hood and I think black pants.

9 Q I'm going to show you State's Exhibit 18. Do you
10 recognize this jacket?

11 A Yes.

12 Q And tell the jury what this is.

13 A This is a black bomber.

14 Q And is this like what you saw the -- Mr. Gaskins
15 wearing that evening?

16 A Yes.

17 Q And after you walked back to the front door of the
18 club, what if anything did you then observe?

19 A Excuse me?

20 Q What did you observe when you got back to the front
21 door of the club?

22 A When I got back to the front of the club, as I was
23 watching him, that's when I seen him jiggling the
24 keys like he was in a hurry to get in that car.
25 That's when everybody came from the second glass

1 door -- I mean the first glass door.

2 Q Tell the jury about what happened.

3 A As I was watching him, like two seconds when I got
4 back to the door, Quinten Harris, Lamont Davis and
5 John Adams came through the door like wildy with an
6 unruly patron. And they busted through the first
7 glass door, you know, going into the club. And I
8 was on the other glass door that's on the outside.

9 They bust through that door and they jammed me
10 -- jammed me in the door trying to get the unruly
11 patron out the door. And my arm was -- my arm was
12 like getting twisted. They was trying to get him
13 out the door. And it got loose and I fell and I
14 think two or three people fell on the ground.
15 Everybody just kind of fell over us really.

16 Q And when you were on the ground, what if anything
17 happened next?

18 A When I hit the ground -- I didn't actually, you know
19 hit the ground but I was spun around. And I
20 remember kneeling trying to help them handcuff the
21 patron. And that's when I heard the first
22 gunshots.

23 Q And where were those gunshots, where were they
24 coming from?

25 A They were coming from what I could hear, because my

1 back was turned, they were real close.

2 Q From behind you or in front of you?

3 A From behind me.

4 Q And what if anything did you feel or observe?

A I felt the wind from the bullets go by as I dove toward the black Magnum.

Q And you said you dove toward the black Magnum. Where was that?

A The black Magnum was parked right by -- right by the front door.

11 Q And what if anything happened after that?

12 A After I dove toward the Magnum, when I dove toward
13 the Magnum I kind of rolled because I didn't know --
14 because the bullets -- I mean the bullet sound was
15 so close I thought that the person was standing over
16 us shooting. That's how close it was.

17 Q And did you observe anything after that?

18 A I rolled over and I got up and I reached for my
19 pistol. And when I got up, Officer Lamont Davis was
20 -- the vehicle that I seen parked over there, the
21 same vehicle that he jiggling the keys to, I seen
22 that same vehicle pulling off.

23 Q And was the spot where he was at the vehicle
24 jiggling the keys, was there a car parked in that
25 spot anymore?

1D Person in
Car
538-539

1 A There was no car parked there and Sydney Williams
2 was standing at the spot.

3 Q And did you try and return fire on the Defendant's
4 vehicle?

5 A Yes.

6 Q And what if anything happened?

7 A The gun jammed.

8 Q And what kind of gun did you have?

9 A It was a 9 millimeter.

10 Q And what happened after that?

11 A After -- after I rolled over, Lamont Adams (sic) was
12 shooting at him. And he had done came around and he
13 was toward the front. And he was -- he was shooting.
14 -- he was still shooting. He had stopped and when
15 he got toward the front, he shot about two or three
16 more times.

17 Q Lamont Davis?

18 A Mr. Gaskins.

19 Q Mr. Johnnie Gaskins did?

20 A Yes.

21 Q And what happened after that?

22 A After that I seen Sydney Rogers (sic).

23 Q Sydney Williams?

24 A Sydney Williams, I seen him running from the spot
25 where the car was at.

- 1 Q And what direction was he running?
- 2 A He was running towards the front.
- 3 Q And what if anything did you do?
- 4 A I grabbed Sydney Williams and handcuffed him.
- 5 Q And why did you do that?
- 6 A Because he was -- he was the last one that was
- 7 standing by the Defendant.
- 8 Q And you put handcuffs on Mr. Williams?
- 9 A Yes.
- 10 Q And how long did you detain him?
- 11 A I detained him -- I don't know, about 10 minutes,
- 12 10, 15 minutes.
- 13 Q Who did you turn him over to?
- 14 A Richland County.
- 15 Q And did you give the police officer your information
- 16 that night?
- 17 A Yes.
- 18 Q And did it take a couple of days for you to catch up
- 19 with him?
- 20 A Yes.
- 21 Q And did you go down to headquarters and give a
- 22 statement?
- 23 A Yes.
- 24 Q And did they also show you a photographic lineup?
- 25 A Yes.

1 Q I show you State's Exhibit 9. Do you recognize that?

2 A Yes, ma'am.

3 Q And please tell the jury ---

4 MS. SCHILLACI: Per our earlier objection, Your
5 Honor.

6 THE COURT: Yes, ma'am.

7 Q Please tell the jury what they did when they showed
8 you that lineup?

9 A They asked me did I recognize anybody that was
10 driving -- that I seen go to that car.

11 Q And what if anything did you tell them?

12 A I told them I recognized number four, Mr. Gaskins.

13 Q And did they suggest to you who to pick out in any
14 way?

15 A No, ma'am.

16 Q Had you seen this on the TV or the news in the days
17 after it?

18 A Yes.

19 Q And did that influence who you picked at all?

20 A No, ma'am.

21 Q And you indicated you picked number four?

22 A Yes, ma'am.

23 Q And why did you pick number four?

24 A Because he was the same guy that I seen harassing
25 the girl. I had never saw him before, he was the

1 same guy. The same guy I seen them bring him out.
2 I recognized him. I'll recognize him forever. I'll
3 put it like that.

4 Q The same guy you saw jiggling the keys?

5 A The same guy I saw jiggling the keys.

6 Q The same guy that told you, I'm going to show you
7 gangsta?

8 A The same guy that threatened all the security out
9 there.

10 MS. MCDUFFIE: Your Honor, we'd offer State's 9
11 into evidence.

12 MS. SCHILLACI: Our recurring objection.

13 THE COURT: Okay.

14 (Whereupon, State's Exhibit Number 9 was moved
15 into evidence.)

16 MS. MCDUFFIE: Your Honor, if I may have the
17 witness step down so we can show him the video.

18 THE COURT: Your objection is noted as to Number
19 9.

20 MS. SCHILLACI: Thank you, Your Honor.

21 (The witness steps down from the witness stand.)

22 THE COURT: Is this ID 48 or 49?

23 MS. MCDUFFIE: Yeah, if could stand on this
24 side, Mr. Palmer.

25 MR. MEADORS: 48, Your Honor.

1 THE COURT: All right, thank you.

2 MR. MEADORS: Thank you.

3 (Whereupon, the video was played for the jury and
4 witness.)

5 Q Tell the jury what you see.

6 A That's me walking away from the car (indicating).
7 That's when he was jiggling the keys. That's me
8 walking to the door (indicating).

9 Q And which car was it?

10 A That car there (indicating). That's the same car I
11 seen him jiggling the keys to.

12 Q And that was you seen walking away from it?

13 A That was me. And right there (indicating) is the
14 car coming up, everybody jumping and falling down
15 after the car pulls up.

16 Q And which car -- you aid you hid behind a car?

17 A When that car there, right there, came up and
18 started shooting, I jumped behind this Magnum
19 (indicating). When he came up -- as soon as that
20 car came up, everybody fell out the door right
21 before it came. As he -- I guess as he was coming,
22 they were coming through the door.

23 MS. MCDUFFIE: If you can pause it right there.

24 (Video is stopped.)

25 A You seen everybody on the ground. I guess that when

1 they came -- he came up and started firing. They
2 were struggling with the other guy.

3 Q And you hid behind the Magnum?

4 A When I heard the shots, when I heard the first
5 shots, I dove behind the Magnum. Bullets was flying
6 by me. I was right there -- I was right there
7 (indicating). Officer John Adams was right here
8 (indicating).

9 MS. MCDUFFIE: If could back I up just a little.

10 (Complied.)

11 (Video continues.)

12 A That's me jumping -- I jumped.

13 Q And who's this individual over here in this area
14 (indicating)?

15 A Running, that's Sydney Williams.

16 Q And who else is with him?

17 A Is that -- can you back it up a little?

18 (Complied.)

19 A That's me right there.

20 Q And what are you doing?

21 A I'm grabbing Sydney Williams and handcuffing him and
22 taking him with me.

23 MS. MCDUFFIE: And if we could switch to the
24 other one.

25 (Complied.)

1 Q And again, why did you handcuff him and take him
2 back in?

3 A Because I knew he had -- he knew who the shooter was
4 because he was just standing right by the car and I
5 knew he could give information and I didn't want him
6 -- because I didn't know who he was. I knew he knew
7 him.

8 Q And was anyone else by the two of them? Was anyone
9 else when you saw Mr. Gaskins jiggling the keys?

10 A The girl, I think she went back inside but it was
11 just those two out -- out at the car.

12 Q Please tell the jury if you see yourself on this --
13 or when you see yourself on this video.

14 (Video continues.)

15 A That's me right there walking from the car
16 (indicating). I turned around and I looked ---

17 Q And why did you turn around and look back at the
18 car?

19 A Because I didn't trust him. I didn't trust walking
20 and turning my back to him. I'm at the door
21 watching him right here (indicating). Still at the
22 door and when everybody comes out the door, start
23 fighting, thought I was going to fall out the door.
24 That same car pulls up and that's when everybody's
25 shot. That's when the shooting occurred, as soon as

1 that car went out, I was just standing there. As
2 soon as that car moved, that's when I heard
3 gunshots.

4 Q And tell the jury when you see yourself again on the
5 video, please.

6 (Video continues.)

7 A That's me right there (indicating).

8 Q And what are you doing?

9 A I seen Sydney Williams running from where the car
10 was at and I handcuffed him.

11 Q And that's you handcuffing him?

12 A That's me handcuffing him and walking him inside --
13 inside the club because I heard a bunch of screams
14 coming from the club.

15 (Video stopped.)

16 MS. MCDUFFIE: You can go ahead and have a seat.

17 (The witness returns to the witness stand.)

18 Q And, Mr. Palmer, the person who said, I'm going to
19 show you gangsta and was jiggling the keys at the
20 vehicle, do you see him in the courtroom?

21 A Yes, ma'am.

22 Q And please point him out for the jury.

23 A Right there in the black suit (indicating).

24 MS. MCDUFFIE: Thank you, Your Honor.

25 THE COURT: Ms. Schillaci.

CROSS-EXAMINATION

BY MS. SCHILLACI:

Q Just a few questions, Mr. Palmer?

A Uh-huh.

Q Now, you testified that you were working the door patting people down, correct?

A Yes, ma'am.

Q And this club needs a pat down man because people bring weapons into the club?

A Yes, ma'am.

MS. MCDUFFIE: Objection, Your Honor.

THE COURT: Sustained.

Q Now, your observation of Mr. Gaskins inside was what, 15, 20 seconds?

A Yes, ma'am.

Q Now, the security guards, Mr. Davis, Mr. Adams, Mr. Harris, they were all wrestling with another patron, in fact, I believe you said busting out the door, when the shots were fired, correct?

A Yes, ma'am.

Q So you were all pretty busy with this second patron?

A Well, they were busy. They were busy and they distracted me off of him.

Q And your back was turned when the shots were fired?

A Yes, ma'am.

1 Q I believe you testified. Now, I believe you also
2 testified that you tried to shoot back?

3 A Yes, ma'am.

4 Q And what happened to that gun?

5 A It wouldn't fire.

6 Q It wouldn't fire?

7 A Yes, ma'am.

8 Q And the police, did they ever ask you to check that
9 gun?

10 A No, ma'am.

11 Q They didn't, did they?

12 A Huh-uh.

13 Q So the police never asked you to go get your gun?

14 A No, ma'am.

15 Q Now, Mr. Palmer, you never actually saw Mr. Gaskins
16 get into a vehicle, did you?

17 A No, ma'am.

18 Q And you did not see who the shooter was, did you?

19 A No, ma'am.

20 Q And when you did the identification for the officer,
21 you were merely pointing out to him the man that you
22 had seen in the club as Mr. Gaskins, correct?

23 A Umm, I was identifying the man that I seen go to
24 that car.

25 Q But you never saw Mr. Gaskins get into a vehicle?

1 A Into the vehicle that came by and was shooting at me
2 and everybody?

3 Q You never saw him get into the vehicle is what you
4 just testified to, correct?

5 A Yes, ma'am. I never saw him physically get into the
6 vehicle.

7 Q And I believe in an earlier proceeding, that you
8 testified that you believed that Mr. Gaskins had
9 dreads or braids that evening?

10 A I said it appeared to be. The hood -- the hood was
11 kind of high. It wasn't covering his face, it was
12 covering maybe the top of his head.

13 Q The hood was high but he appeared to have dreads or
14 braids.

15 A I seen his face clearly.

16 MS. SCHILLACI: Court's indulgence, Your Honor.
17 (Pause.)

18 MS. SCHILLACI: We have no further questions,
19 thank you.

20 REDIRECT EXAMINATION

21 BY MS. MCDUFFIE:

22 Q Mr. Palmer, how many people were standing by the car
23 when you saw him jiggling the keys?

24 A There was two people.

25 Q And when the car pulled off, how many people were

1 standing in that area?

2 A One person.

3 Q And the person that was standing in that area, was
4 that Mr. Gaskins?

5 A When the car was gone?

6 Q (Affirmative response.)

7 A It was Sydney Williams.

8 Q And the person who said, I'm going to show you
9 gangsta, any doubt in your mind who that was?

10 A That was Mr. Gaskins.

11 Q And the person who said -- who then went to the car
12 and jiggled the keys, any doubt in your mind who
13 that was?

14 A That was Mr. Gaskins.

15 Q And the vehicle that he was jiggling the keys to,
16 when was the next time you saw that vehicle?

17 A I seen the vehicle pull off after -- after he was
18 shooting -- it shot up -- it shot up at the club,
19 the same vehicle. I seen -- I did see that vehicle
20 when it was coming out, that same vehicle, like
21 flashes coming out that same vehicle.

22 Q As it was pulling away?

23 A As it was far off, it pulled on out of the corner,
24 it was the same car but I did see the gunfire. It
25 was too far to see who was actually shooting the

1 gun.

2 Q And any doubt in your mind who the person was that
3 said, I'm going to show you gangsta?

4 THE COURT: I guess not. That's four times.
5 Anything further?

6 MS. MCDUFFIE: No, sir, Your Honor.

7 THE COURT: All right, thank you. Anything
8 further?

9 MS. SCHILLACI: No, Your Honor.

10 THE COURT: All right, you may step down, sir.
11 (The witness leaves the witness stand.)

12 THE COURT: You may call your next witness.

13 MS. MCDUFFIE: The State calls Rosalyn Bradley
14 Sykes.

15 (WHEREUPON, a bench conference was held off
16 the record, in the presence of the jury, but out
17 of the hearing of the jury.)

18 (ROSALYN R. BRADLEY, having first been duly
19 sworn, testified as follows:)

20 THE CLERK: Thank you. Please have a seat in the
21 witness stand and state your full name for the record.

22 THE WITNESS: Rosalyn Renee Bradley.

23 THE COURT: I'm sorry, what's your name, please?

24 THE WITNESS: Rosalyn Renee Bradley.

25 THE COURT: Not Rosalyn Bradley Sykes?

1 THE WITNESS: That's -- I dropped that last name
2 but that was it.

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

4 DIRECT EXAMINATION

5 BY MS. MCDUFFIE:

6 Q Ms. Bradley, do you know the Defendant Johnnie
7 Gaskins?

8 A Yes.

9 Q And how do you know him?

10 A He was my boyfriend.

11 Q And when did you two date?

12 A In '07.

13 Q In February of '07, were you dating?

14 A Yes.

15 Q And Super Bowl Sunday, that weekend, do you recall
16 where you were in '07?

17 A Miami?

18 Q And what were you doing in Miami?

19 A The Super Bowl.

20 Q With someone?

21 A Yes, me and my cousin. We left on the 31st.

22 Q And in February of 2007, what kind of a car did you
23 have?

24 A A '05 Chevy Impala.

25 Q And what color was it?

1 A Blue.

2 Q And do you recall when you left to go to Miami?

3 A Yes.

4 Q When was it?

5 A On the 31st.

6 Q Of January?

7 A January, yes.

8 Q And what if anything did you do with your vehicle
9 while you were gone?

10 A I left it with Mr. Gaskins.

11 Q And you would let him drive your vehicle?

12 A Uh-huh.

13 Q And you left on Thursday -- you left on the 31st?

14 A Uh-huh.

15 Q And did you talk to Mr. Gaskins on Sunday, February
16 the 4th of 2007?

17 A Yes.

18 Q Around 9 or 10 p.m.?

19 A Yes.

20 Q And what if anything did he say to you in that phone
21 call?

22 A That he was at 360.

23 Q And you had let him use your vehicle?

24 A Uh-huh.

25 Q And did he also have access to your house?

1 A Yes.

2 Q And who was at your house while you were out of
3 town?

4 A My niece. She was keeping my kids.

5 Q And he told you that he was at Club 360 that
6 evening?

7 A Uh-huh.

8 MS. MCDUFFIE: Beg the Court's indulgence.

9 THE COURT: Yes, ma'am.

10 (Pause.)

11 Q And, Ms. Bradley, who is that vehicle registered to,
12 the blue Chevy Impala.

13 A My mother, Callie Mae Bradley.

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

15 THE COURT: Yes, ma'am.

16 (Pause.)

17 MS. MCDUFFIE: That's it, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. MCCULLOCH:

20 Q Ms. Bradley, just a couple of questions. That
21 automobile had been in your possession and use for
22 some time, had it not?

23 A Yes.

24 Q You let Mr. Gaskins take it ---

25 A Yes.

1 Q --- sometime?

2 A Yes.

3 Q He had been in and out of that automobile on other
4 occasions?

5 A Yes.

6 MR. MCCULLOCH: That's all, thank you?

7 THE COURT: Anything further of Ms. Bradley?

8 MS. MCDUFFIE: No, Your Honor.

9 THE COURT: You may step down, ma'am.

10 (The witness leaves the witness stand.)

11 THE COURT: Call your next witness.

12 MR. MEADORS: If it pleases Your Honor, the
13 State would call Deirdre Houston.

14 (DEIRDRE S. HOUSTON, having first been duly
15 sworn, testified as follows:)

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand and state your full name for the
18 record.

19 THE WITNESS: Deirdre S. Houston.

20 DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q Good afternoon, Ms. Houston.

23 A Good afternoon.

24 Q Where were you born?

25 A Where?

- 1 Q Yes, ma'am.
- 2 A In Chester, South Carolina.
- 3 Q And did you go the school there?
- 4 A Yes, sir.
- 5 Q And where did you go to high school?
- 6 A I graduated from Columbia high.
- 7 Q When -- and when did you move to Columbia?
- 8 A In 2005.
- 9 Q I know you're young. And what year did you graduate
10 from Columbia High?
- 11 A 2006.
- 12 Q What did do you after that?
- 13 A I started working at the Pizza Hut on Broad River
14 Road. And I later became a shift manager there and
15 that was my little job for then.
- 16 Q What was that last part, I'm sorry?
- 17 A I said that was just my job for then. And right now
18 I'm working at Cracker Barrel and the Waffle House.
- 19 Q Okay. And did you work at a couple of different
20 Pizza Huts?
- 21 A Yeah, a few different Pizza Huts, Broad River, Bush
22 River, St. Andrews, Two Notch.
- 23 Q And right now you work at Cracker Barrel?
- 24 A Uh-huh.
- 25 Q And somewhere else?

1 A And Waffle House.

2 Q Okay. Please go back with me in time to
3 February 4th of 2007. Do you remember that to be
4 Super Bowl Sunday?

5 A 2004, yes, sir.

6 Q February 4th of 2007?

7 A 4th, 2007.

8 Q And can you tell these ladies and gentlemen of this
9 jury, did you have an occasion to go to Club 360 on
10 Bush River Road?

11 A Yes, sir, I did.

12 Q All right. And who did you go there with?

13 A Me, Shannavia Williams -- well, we didn't initially
14 go there together but we met up there later. Me,
15 Shanelle Whack, Shawna Williams ---

16 Q Shanelle Whack?

17 A Shanelle Whack.

18 Q Okay.

19 A Shawna Williams and Shannavia Williams.

20 Q And I think you said a minute ago, not everybody
21 went over there initially. Did somebody come later?

22 A Shannavia -- we later went and got Shannavia when
23 she got off from work.

24 Q Okay. And who went and got her later?

25 A Me and Shanelle Whack.

1 Q And Shawanda (sic) Williams stayed there?

2 A Uh-huh, Shawna Williams stayed at 360. She was
3 shooting pool at the time, so.

4 Q Do you remember what time it was that you went to
5 get Shannavia Williams?

6 A We left 360 -- I think she might have got off at
7 like 9:30 -- 9:30, 10:00'ish. So we went to get her
8 after work. She went home and got dressed and we
9 went to pick her up from home.

10 Q Okay. Where was she living?

11 A She was living off of Long Creek.

12 Q Okay. And how did you meet -- how did you get to
13 know Shannavia Williams?

14 A She was my co-worker at Pizza Hut.

15 (Pause.)

16 A She was my co-worker.

17 Q Are you okay to go on?

18 A Yeah, I'm fine.

19 Q And the other two ladies you were with that night,
20 just for the sake of this purpose, where did you
21 meet them?

22 A Shanelle Whack was also my co-worker and Shawna
23 Williams was my roommate.

24 Q You got Shannavia Williams up from her apartment and
25 went back to Club 360?

1 A Yes, sir.

2 Q What happened if anything -- or just you're back at
3 Club 360 now? What -- what happened next?

4 A We sat around and we shot pool for awhile -- well,
5 they shot pool for awhile, watching the game. And
6 after everybody was done shooting pool, we went to
7 the dance floor. The game was over. Everybody had
8 drinks and all.

9 After that, well, when we initially made it to
10 the club, we gave John Adams our jackets but we
11 called him Wolf. We knew him outside of 360. So
12 when we go there, we gave him our jackets. So we
13 were about to leave. We decided we were going to
14 Club Rockaway after we left 360.

15 Q Club Rockaway?

16 A Uh-huh.

17 Q That's not on Rosewood?

18 A Off of Two Notch Road.

19 Q Two Notch Road, okay.

20 A So we got ready to look for Wolf to get us out
21 jackets. He put them up for us so we wouldn't have
22 to carry them around. And we kind of split up. Me
23 -- me, Shannavia and Shawna Williams, we ---

24 Q And that's Shannavia Williams.

25 A Shannavia Williams, Shawna Williams.

1 Q Were they related?

2 A No.

3 Q Okay.

4 A No relation. But went up front. We waited on Wolf
5 to bring us our jackets. We was by the front door.
6 And Shawna walked away from us to go find Shanelle.
7 Me and Shannavia we stood there. She had a drink in
8 her hand. She had sat it down on a little banister
9 something like this (indicating). We was standing
10 there and she knocked it over. She said, Deirdre,
11 I'll be right back, I'm going to get some napkins.
12 I said, okay. She walked away from me, from here to
13 where you're standing (indicating).

14 MR. MEADORS: 10 feet or so, Your Honor.

15 (Pause).

16 Q Did she make it back to the counter?

17 A She never made it back to me. I didn't see her
18 walking back towards me. And when she walked off, I
19 felt something hot hit the side of my face. I
20 didn't know what it was. I just heard a ringing in
21 my ear. And I touched my face and I seen blood.
22 Then I heard boom and I hit the floor and she never
23 made it back to me.

24 Q What happened to your body? I mean, did you stay
25 standing or?

1 A At this time I got on the floor and I -- I was
2 crawling around on the floor. I had my head down.
3 So I had a lot of blood in my eyes so I really
4 couldn't see. I was just crawling just trying to
5 get out of the way. And I felt some doors and I'm
6 pretty familiar with 360 so I knew that was the
7 kitchen and I could see the gold by the pool tables
8 to the right and ---

9 Q How were you getting there?

10 A I was crawling around on the floor proceeding to get
11 to the pool tables and the shooting stopped. So I
12 pulled myself up on the pool table and I said,
13 somebody help me, somebody help me.

14 And they started again. And somebody pulled me
15 down and they drug me to the bathroom. And I stood
16 up and got a glimpse of myself in the mirror. And
17 from there I could just hear everything around me.
18 I couldn't see, I couldn't move. I could just -- I
19 could hear -- I could hear everybody around me. I
20 just heard people screaming. That's all I remember,
21 I hit the cold air -- I hit the cold air and I could
22 -- I couldn't see. But with my eyes closed I could
23 see the flashing lights and I could hear people
24 screaming. And woke up two days later in the
25 hospital and they told me that Shannavia was dead.

1 I never knew she was shot. I never knew.

2 (Crying.)

3 Q When you left 360 that night, did you know anybody
4 else had been shot?

5 A No. No, I didn't.

6 MR. MEADORS: Judge, for expedience sake
7 we have -- as Your Honor knows, we have some
8 pictures we have on a disk and think that might
9 be the easiest way to go through.

10 (WHEREUPON, a bench conference was held off
11 the record, in the presence of the jury, but out
12 of the hearing of the jury.)

13 MR. MEADORS: Just a second until that...

14 THE COURT: Okay. Take your time, take your
15 time.

16 (Pause.)

17 THE COURT: Can I see y'all one more time before
18 we go forward?

19 (WHEREUPON, a bench conference was held off
20 the record, in the presence of the jury, but out
21 of the hearing of the jury.)

22 THE COURT: Members of the jury, we're at
23 another point in this trial, I need to send you out for
24 some evidentiary screening, I guess is the best way to
25 put it.

1 Please don't talk about this case. It won't be
2 much longer, I can promise you that, okay.

3 (The jury retires from the courtroom at
4 approximately 4:34 p.m.)

5 THE COURT: Now, this is --we're renewing
6 actually a previous objection made yesterday when -- or
7 two days ago on some photos of the scene that shows some
8 location of blood pools, splatterings and what have you.
9 And I think right now the prosecution is prepared to have
10 this witness identify certain locations where she was and
11 how she crawled to the bathroom or whatever, something
12 along those lines. I would prefer we get through it on a
13 dry run first to see how she reacts, I mean. Everybody
14 said something about that also.

15 So with that in mind, we'll ---

16 MR. MCCULLOCH: Your Honor, I apologize for
17 interrupting but all I want to make certain is that this
18 young lady, if she can authenticate the photographs,
19 you've overruled my prior objection and ---

20 THE COURT: Yeah.

21 MR. MCCULLOCH: -- and -- but I want ---

22 THE COURT: No ---

23 MR. MCCULLOCH: I want to make sure that we
24 don't unduly punish her with ---

25 THE COURT: This is not easy on anybody, let

DEIRDRE HOUSTON -- DIRECT BY MR. MEADORS (In Camera): 585

1 alone her who is a victim and everybody else who had been
2 there that night. But life is hard.

3 Go ahead, Solicitor.

4 MR. MEADORS: Thank you, Mr. McCulloch, for
5 being concerned about my victim. I also had that
6 concern.

7 THE COURT: Yeah, we all -- well, go ahead. Are
8 you ready, Ms. Hinson?

9 THE WITNESS: I'm ready.

10 THE COURT: Take your time.

11 DIRECT EXAMINATION CONTINUES IN CAMERA

12 BY MR. MEADORS:

13 Q This is State's 15 which is a diagram of 360. Do
14 you recognize that as a diagram of 360?

15 A (Affirmative response.) Uh-huh.

16 Q I'm sorry, Ms. Hinson, you have to say, yes or no.

17 A Yes.

18 Q All right. And you've given testimony that after
19 you were hit or felt a stinging, you went down and
20 started crawling?

21 A Yes.

22 Q Do you remember crawling through 360?

23 A Yes.

24 Q Do you remember crawling from the first room into
25 the pool tables?

DEIRDRE HOUSTON -- DIRECT BY MR. MEADORS (In Camera): 586

1 A Yes.

2 Q And then do you remember crawling from there to the
3 bathroom?

4 A Drug from there to the bathroom, yes.

5 Q Drug from there to the bathroom. I'm going to show
6 you these pictures one by one. And you know I'm not
7 trying to upset you, don't you?

8 A Uh-huh, yes, sir.

9 Q And we've looked at some of these before, right?

10 A Yes, sir.

11 Q And State's 25, do you recognize that?

12 A Yes.

13 Q And does it relate to what you just testified to
14 about?

15 A Yes, sir.

16 Q And is that ---

17 MR. MCCULLOCH: I think that's sufficient ---

18 MR. MEADORS: Okay.

19 THE COURT: If you have an objection, you've got
20 to make it, Mr. McCulloch.

21 MR. MCCULLOCH: Your Honor, I'm essentially
22 conceding that that's a proper foundation.

23 THE COURT: Oh, it's sufficient for purpose of
24 foundation?

25 MR. MCCULLOCH: Right.

DEIRDRE HOUSTON -- DIRECT BY MR. MEADORS (In Camera): 587

1 THE COURT: Okay. All right.

2 MR. MCCULLOCH: I'm not ---

3 THE COURT: Okay.

4 MR. MCCULLOCH: I'm trying to speed it up and
5 save her a little wear and tear.

6 THE COURT: Okay. So let her look at all of
7 them.

8 MR. MEADORS: For the record -- well, since we
9 took them out of ---

10 THE COURT: Go ahead ---

11 Q State's 28 ---

12 THE COURT: At the end of the day ---

13 Q --- do you recognize that and does it relates to
14 your testimony?

15 A Yes, sir.

16 Q And State's 32, do you recognize that and does it
17 relate to your testimony?

18 A Yes.

19 Q And 38 -- State's 38?

20 A Yes, sir, that's my blood.

21 Q Okay. And 39, do you recognize it and does it
22 relate to your testimony?

23 Yes, sir.

24 Q Thank you. And 40, do you recognize that and does
25 that relate to your testimony?

1 A Yes, sir.

2 Q Okay. And finally 43, do you recognize that and
3 does it relate to your testimony?

4 A Yes.

5 MR. MEADORS: Your Honor, for the record, those
6 were 25, 28, 32, 38, 39, 40 and 43.

7 THE COURT: All right.

8 MR. MEADORS: And Judge, for the sake of --
9 since we all have the same concern, I'll go through these
10 very briefly and do like that and just say ---

11 THE COURT: Well, they're already in for
12 purposes of this -- over your objection.

13 MR. MCCULLOCH: Your Honor, I will concede
14 foundation.

15 THE COURT: Okay.

16 MR. MCCULLOCH: In view of her testimony. I
17 would like to approach with one thing.

18 THE COURT: Yeah.

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

21 (Whereupon, State's Exhibit Number 25,
22 Photograph of Pool Table, was admitted into
23 evidence.)

24 (Whereupon, State's Exhibit Number 28,
25 Photograph of Items K-L-M, was admitted into

1 evidence.)

2 (Whereupon, State's Exhibit Number 32,
3 Photograph of Pool Tables and Blood, was
4 admitted into evidence.)

5 (Whereupon, State's Exhibit Number 38,
6 Photograph, was admitted into evidence.)

7 Whereupon, State's Exhibit Number 39,
8 Photograph, was admitted into evidence.)

9 Whereupon, State's Exhibit Number 40,
10 Photograph, was admitted into evidence.)

11 Whereupon, State's Exhibit Number 43, Photograph
12 of Blood, was admitted into evidence.)

13 THE COURT: Ladies and gentlemen of the audience
14 and those that are concerned about this case, whether you
15 are victims or for the Defendant, now trials are tough,
16 you know, we don't try cases because they're easy, we
17 usually try them because they're hard. And emotions run
18 high. Yet at the same time, I have to make sure that
19 nobody's improperly influenced. And there's been a
20 couple of outbursts earlier by members of the victim's
21 family. Trust me, I do understand exactly how you feel.

22 If you have difficulty controlling your
23 emotions, I have to ask you sort of to go out because it
24 might have an impermissible effect on the jury and how
25 they may view things and how -- they view things based on

1 how you react to them and similar advice to Mr....

2 MR. MCCULLOCH: Gaskins.

3 THE COURT: --- Gaskins' family. So I mean,
4 I've got to balance these things out. I've got to be
5 neutral, that's my job, and I say it for everybody's
6 benefit. And it depends on how this trial unfolds, we
7 might have the same problem on the other side if it gets
8 that far.

9 But for right now, I've got to ask you, as
10 difficult as it is, to be as calm as you can. And if
11 you can't quite hear something -- it's difficult for me
12 to hear too honestly, you need to sort of walk out
13 quietly because it does have an impermissible effect
14 sometimes on the jury that has to listen to this and soak
15 it all in. I'm sure y'all understand what I'm saying and
16 as difficult as it might be, I've got to ask y'all to try
17 to do that.

18 Anything further?

19 MR. MEADORS: Can we have just 10 seconds?

20 THE COURT: Yes, sir, take your time. While
21 we're doing all this, everybody take a little short
22 break, about 10 minutes. We'll come back and finish up.

23 (The witness steps down from the witness stand.)

24 (The Court was in recess.)

25 MS. MCDUFFIE: The original, can we just mark it

1 9A?

2 THE COURT: As long as y'all agree. You had to
3 redact something?

4 MR. MEADORS: The murder was committed by.

5 THE COURT: What?

6 MR. MEADORS: The language that they committed
7 the murder.

8 COURT REPORTER: So which one's in evidence, 9A?

9 MS. MCDUFFIE: 9's in evidence and 9A is the ---

10 COURT REPORTER: Okay.

11 THE COURT: All right. So we need to substitute
12 9A for 9. All right and 9A is the redaction.

13 MS. MCDUFFIE: Correct, 9A is the original and 9
14 is ---

15 THE COURT: All right. We'll keep both of them
16 and take 9 out and make sure it don't get back ---

17 MS. MCDUFFIE: 9 is in evidence and here is 9A.

18 THE COURT: 9 is out, 9A is substituted because
19 9A is the redaction.

20 COURT REPORTER: 9A is ID and 9 is in evidence.
21 (Pause.)

22 COURT REPORTER: 9A was not in evidence.

23 MS. MCDUFFIE: 9 is in evidence.

24 COURT REPORTER: Right and this is 9A.

25 (Pause.)

1 COURT REPORTER: So 9A is out ---

2 THE COURT: One is substituted for the other
3 because one has been redacted.

4 Y'all come up here. Let's make sure that we're
5 all on the same page.

6 (Pause.)

7 MS. MCDUFFIE: 9 should go in ---

8 THE COURT: Okay, good. That's in evidence and
9 that's not going back. Okay, good.

10 (Whereupon, State's Exhibit Number 9A, Original
11 Photo Lineup with Redaction Presented to Epsil
12 Palmer, was marked for identification.)

13 THE COURT: All right. Where's Ms. Houston?

14 MS. MCDUFFIE: She was in restroom.

15 (Pause.)

16 THE COURT: Bring them in, Mr. Bowen.

17 (The witness returns to the witness stand.)

18 (The jury returned to the courtroom at
19 approximately 5:00 p.m.)

20 THE BAILIFF: Jury's all present, Your Honor.

21 THE COURT: Thank you, Mr. Bowen.

22 Madam Forelady, members of the jury, once again
23 I thank you on behalf of everybody involved for your
24 patience, courtesy and attention.

25 Mr. Meadors, you may continue, sir.

1 MR. MEADORS: Thank you, sir. May it please the
2 Court.

3 DIRECT EXAMINATION CONTINUES

4 BY MR. MEADORS:

5 MR. MEADORS: If I may approach?

6 THE COURT: Yes, sir.

7 Q You described earlier a route or a path you took
8 after you were shot?

9 A Uh-huh.

10 Q Can you just use this and show the jury for us ---

11 THE COURT: I need to ask you to speak up,
12 please, Ms. Houston.

13 Q And then I'll just show you a few pictures after
14 that.

15 A We was standing here (indicating), this is the front
16 door. Another set of doors like to the side. We
17 was standing at this railing right here
18 (indicating).

19 And the path, well, after I went down on the
20 floor, I crawled here (indicating) and I touched the
21 doors here (indicating), the kitchen. And I
22 proceeded to go this way toward the pool tables
23 (indicating). And I got here (indicating), the
24 shots stopped so I pulled myself up on this pool
25 table right here (indicating). And ---

1 THE COURT: Can y'all hear, members of the jury?

2 JURORS: (Affirmative response.)

3 THE COURT: All right.

4 A And I started to -- well, I pulled myself up on this
5 table and the shots started again. Somebody pulled
6 me back down on the floor. And it was an entrance
7 right here (indicating). I don't know whether it's
8 here anymore but it's an entrance that takes you
9 back to -- to the bathrooms. And I struggled into
10 the ladies' bathroom.

11 Q Okay.

12 A And like I say, I -- I don't know?

13 Q After that you don't know?

14 A I don't know.

15 Q And I'm just going to stay up here. I'm not going
16 to ask you to come down. You have identified these
17 -- said you recognized these pictures earlier. And
18 this is 25.

19 Q And this is 25?

20 A Uh-huh.

21 Q And what do you recognize that as?

22 A The pool table behind us where we was standing.

23 Q That's when you initially got hit, correct?

24 A Initially got hit.

25 Q Okay.

1 A The pool table was behind us.

2 Q State's 25 and would that be this pool table
3 (indicating)?

4 A Yes, sir.

5 MR. MCCULLOCH: Could you have her point out so
6 I can see?

7 Q All right. Just use that pointer.

8 A The pool table right here (indicating).

9 MR. MCCULLOCH: All right thank you.

10 Q And that's what's depicted in 25, correct?

11 A Yes, sir.

12 Q Okay. And just going to go through these. State's
13 28, do you recognize that?

14 A Yes, sir.

15 Q State's 28?

16 A That's in this area (indicating).

17 Q Okay.

18 A Some benches right here and booths. They were
19 booths, I don't know ---

20 Q They were booths at the time?

21 A Yeah, they were booths at the time.

22 Q Okay. And do you see those in that picture?

23 A Yes.

24 Q Okay. And how did you get from here to here?

25 A I crawled from here to here (indicating).

1 Q Okay. And looking into -- looking at State's 32,
2 Ms. Houston, you said you recognized that?

3 A Yes.

4 Q What does that depict?

5 A Farther along here (indicating), by the pool table
6 where I pulled myself up on. The pool table here
7 (indicating).

8 Q And who's blood is that?

9 A That's my blood.

10 Q 38?

11 A That's also my blood. This was the area going
12 towards the bathroom, it was an opening here once
13 upon a time (indicating), something like that. So,
14 yeah.

15 MR. MEADROS: Can you hear her?

16 COURT REPORTER: (Affirmative response.)

17 Q And just a couple of more, 39?

18 A It's the corner that you turn in this hallway right
19 here (indicating) before you get to the ladies'
20 restroom.

21 Q And then just two more, 40?

22 A 40 is the entrance inside the ladies' restroom.

23 Q And finally, Ms. Houston, 43?

24 A Inside the ladies' restroom in front of the mirror
25 and the sink and all that good stuff.

1 Q And who's blood is that?

2 A That's mine.

3 Q You can have seat back down, please, ma'am.

4 (Complied.)

5 Q Just got a couple more questions. You said you got
6 hit -- and bear with me, please, ma'am.

7 A Uh-huh.

8 Q You said you got hit -- if you don't mind sitting
9 up. You got hit where, if anywhere?

10 A At first I didn't know where I was hit. I heard
11 people screaming saying that I was hit in the head.
12 But I was actually hit in my right ear.

13 Q In your right ear?

14 A Yes, sir.

15 Q And you said after the bathroom you didn't really
16 remember anything. How long -- when was the next
17 time you remembered something?

18 A When I hit the cold air, I guess I was on the
19 stretcher. I hit the cold air and I could just see
20 the blinking lights and hear people screaming and
21 after that I don't remember anything until two days
22 later, I wake up in the hospital.

23 Q That was my -- two days after that you remembered?

24 A Yes, sir.

25 Q And describe your -- what are the injuries to your

1 ear? What did that result in?

2 A I'm deaf in my right ear and had nerve damage to the
3 right side of my face.

4 Q Now, were you wearing a hat or a toboggan that
5 night?

6 A Yes, sir.

7 Q And just -- I'm not going to pull it out. Will you
8 just take a look and tell me if you recognize that.

9 MR. MEADORS: I don't believe there's any
10 objection to State's 52.

11 Q Does that appear to be ---

12 THE COURT: What number?

13 MR. MEADORS: 52, I'm sorry, Judge.

14 Q Does that appear to be the toboggan that you were
15 wearing?

16 A Yes, sir.

17 MR. MEADORS: According to Co-Counsel, I think
18 it's already done but these are in evidence. I
19 apologize, I think these pictures are already in
20 evidence.

21 THE COURT: They are. Objection is noted, yes,
22 sir.

23 MR. MEADORS: Thank you.

24 THE COURT: And the Exhibit 52 without
25 objection?

1 MR. MCCULLOCH: Correct.

2 MR. MEADORS: Yes, sir.

3 (Whereupon, State's Exhibit Number 52, Black
4 Knit Cap, was admitted into evidence.)

5 Q And finally, did you know Johnnie Gaskins?

6 A No, sir.

7 Q You ever seen him before?

8 A No.

9 Q Have any bad blood with him?

10 A No.

11 MR. MEADORS: Thank you.

12 MR. MCCULLOCH: I have no questions.

13 THE COURT: All right. You my step down, Ms.
14 Houston.

15 (The witness leaves the witness stand.)

16 THE COURT: Now, members of the jury, that's all
17 the evidence you shall hear today. I need to remind you
18 that tomorrow, with the activities I have, there will be
19 no Court tomorrow for the reasons I stated to you
20 earlier.

21 Now, the whole day somebody from WIS-TV was here
22 taping most of this. And I've got to caution you, try to
23 avoid watching WIS, okay. I mean, the decision you make
24 in this case must be made based on what you hear in this
25 courtroom. I remind you that under your oath you've got

1 to have a open mind until the very end of this case, once
2 you've heard all the evidence, once you've heard the
3 arguments from the lawyers and once I tell you the law
4 that applies in this case. And that still stands,
5 perhaps even more so now than before because of the
6 juncture we are in this case.

7 So, I hope you have a pleasant day tomorrow,
8 don't know what you're going to do. But, you know, you
9 need a little breather.

10 We'll resume Friday at 9:30. And, once again,
11 as I indicated to you earlier, we will -- regardless of
12 what happens, whether there's one witness or a thousand
13 witnesses, we're going to stop at 4:00 or a little bit
14 before that and give you an early start for the weekend.
15 And we should resume sometimes Monday, hopefully we will
16 be very close if not concluding this matter.

17 So have a good evening. Push everything out of
18 your mind. We'll come back refreshed Friday morning and
19 resume this trial.

20 Thank you all so very much.

21 MR. MEADORS: Your Honor, may I approach before
22 they actually go out the courtroom?

23 THE COURT: Yes, sir. All right, hold on one
24 second.

25 (WHEREUPON, a bench conference was held off

1 the record, in the presence of the jury, but out
2 of the hearing of the jury.)

3 THE COURT: A word of caution, you are not on
4 the film. It's just the participants, not the jury,
5 okay. Just in case you had any concerns about that.

6 So with that in mind, get a good night's rest.
7 We'll see you all Friday morning. Thank you all so very
8 much.

9 (The jury retires from the courtroom at
10 approximately 5:10 p.m.)

11 THE COURT: Ladies and gentlemen, I've got this
12 mandatory Supreme Court ordered CLE tomorrow. That's why
13 I'm not here, once again. I will be available if some
14 emergency arises. Call Megan, she can reach me on my
15 cell phone. I think the seminar's at the Clarion Hotel
16 or somewhere.

17 MR. MEADORS: You certainly don't need the CLE
18 but we understand you'll be there.

19 THE COURT: Yeah, why don't you tell those that
20 are in charge, not me. Anyway, I'm sure everybody can
21 use a little break. Everybody's tired.

22 Have a good day or so and we'll see you back
23 here Friday morning about 9:30. Thank you all so very
24 much.

25 (The Court was in recess.)

1 FRIDAY, OCTOBER 23, 2009:

2 THE COURT: You had enough time?

3 MR. MCCULLOCH: Yes.

4 THE COURT: We all ready?

5 Mr. Martin, you may invite them to come in.

6 (The jury returned to the courtroom at
7 approximately 9:40 a.m.)

8 THE BAILIFF: All the jury's present, Your
9 Honor.

10 THE COURT: All right. Welcome back, Madam
11 Forelady and members of the jury. I hope you had a
12 pleasant day yesterday. I mentioned to one juror I still
13 don't understand why they threw Lackey (phonetic) a fast
14 ball instead of a curve.

15 (Laughter.)

16 THE COURT: That's all right. Thank you for
17 your patience on behalf of everybody involved in the
18 trial. Mr. Meadors is going to call the next witness on
19 behalf of the State.

20 MR. MEADORS: Thank you, Your Honor.

21 THE COURT: Ms. McDuffie.

22 MS. MCDUFFIE: State calls Corporal Fisher.

23 (NORMAN E. FISHER, JR., having first been duly
24 sworn, testified as follows:)

25 THE CLERK: Thank you. Please have a seat in

NORMAN FISHER, JR. -- DIRECT BY MS. MCDUFFIE:

603

1 the witness stand and state your full name for the
2 record.

3 THE WITNESS: Norman Eugene Fisher, Jr.

4 DIRECT EXAMINATION

5 BY MS. MCDUFFIE:

6 Q Good morning, Corporal Fisher.

7 A Good morning.

8 Where are you currently employed?

9 A Richland County Sheriff's Department.

10 Q And what are your duties with the Richland County
11 Sheriff's Department?

12 A I am a line supervisor. I manage five people under
13 me.

14 Q And what area of Richland County do you work?

15 A Region 4 which is Broad River area.

16 Q And is Club 360 in Region 4?

17 A Yes, it is.

18 Q And is 826 Bush River Road?

19 A Yes, in Richland County.

20 Q And did you respond to Club 360 on February the 5th
21 of 2007?

22 A Yes; I did.

23 Q And what was that in reference to?

24 A A shooting call. A patron had left the club and
25 shot into the business and we responded to it.

1 Q And when you arrived, do you recall what time it was
2 you arrived on the scene?

3 A Close to 1 a.m.

4 Q And when you arrived on the scene, were there other
5 officers already present?

6 A Yes.

7 Q And who was that?

8 A Henry Owens and I believe the other officer was
9 Stephen Mims.

10 Q And were they trying to secure the scene?

11 A Henry Owens had a subject detained and Stephen Mims
12 was going around getting information from people,
13 names, that kind of stuff.

14 Q And are you aware of who that person was that Owens
15 had detained?

16 A No, I do not.

17 Q And did you -- what did you do when you first
18 responded?

19 A When I first pulled up I -- it was just total
20 disarray. I mean, there was cars pulling out,
21 people cussing, swearing, running and screaming,
22 bodies laying everywhere, security guards running
23 around. It was total chaos when I first got on the
24 scene.

25 Q And what was your role when you first got there?

1 A To get everybody together, to make sure everybody
2 had their role down to get names, phone numbers,
3 addresses. Find out who was wounded, who needed
4 medical attention now, who doesn't need medical
5 attention now, where to direct E M S personnel. Make
6 sure it was secure for E M S to come in and that's
7 pretty much my role at that point.

8 Q And who is the first person you came into contact
9 with when you arrived on the scene?

10 A John Adams.

11 Q And please tell the jury the condition you observed
12 Mr. Adams in?

13 A Mr. Adams was sitting at the front door of the club.

14 Q Let me -- I'm going to pause for one second. I'm
15 going to give you this pointer so you can show the
16 jury on State's Exhibit Number 16.

17 THE COURT: 16?

18 MR. MCDUFFIE: Yes, sir, Your Honor.

19 A This is the front door to Club 360 (indicating).
20 And when I pulled in, I pulled in right here
21 (indicating). I walked up and I saw -- at that time
22 I didn't know who he was but he was a bouncer to the
23 club. I introduced myself. He then told me his
24 name was John Adams. And the front door, the glass
25 was all busted out and he was laying on top of it

1 and had been shot.

2 And that was the first contact I had was John.

3 Q And what did do you after you made contact with
4 Mr. Adams?

5 A I talked to John, asked him how he was doing. It
6 was a very cold night. He said he was cold. There
7 was a bunch of jackets inside the breezeway here
8 (indicating) going into the club. I grabbed as many
9 as I could and threw them on him to keep him warm.

10 He then asked me to take his boots off. I took
11 his boots off. He said his feet were hurting. So I
12 took his boots off, I laid them beside him. I asked
13 him if he was okay that I needed to go inside and
14 check on everybody else, make sure what else we had
15 going on. And he said, sure, go ahead. So I went
16 on inside.

17 Q And what did you observe when you got inside the
18 club?

19 A When I first came in, when you first come in there's
20 a pool table here to the (indicating) ---

21 Q Let me stop you for one second, I'm sorry. Let me
22 show you State's Exhibit 15. If you could show the
23 jury what you observed.

24 A Okay. When I first came in -- here's the entrance
25 (indicating). I first came in, there's a pool table

1 right here (indicating). And I saw a young lady
2 laying here on the floor that had received a gunshot
3 wound to the head.

4 THE COURT: I'm sorry, that would be Exhibit 15?

5 MS. MCDUFFIE: Yes, sir, Your Honor.

6 THE COURT: All right.

7 Q And where did you observe the gunshot wound?

8 A It was dead center (indicating), right here. She
9 was laying on the ground. There was a gentleman
10 standing beside her trying to talk to her, coaching
11 her on, you know, you can do this, you can make it.
12 And I saw that. He was with her. I then proceeded
13 back here (indicating) to where I saw -- there was a
14 lot of body fluid, blood everywhere.

15 So I followed the trail of blood all the way
16 back here through the back hallway into the ladies'
17 restroom where there was another young lady, several
18 other people around her putting compressions on her
19 neck, head area because I don't know exactly where
20 she was shot at but there was a lot of blood
21 everywhere.

22 I then came back out to the front door. E M S
23 was with John. They were talking to John. I leaned
24 over to John. I said, John, how are you doing? He
25 said, okay. I said, I have two young ladies in here

1 that are fighting for their life. Do you mind if
2 they go in there and attend to them? He said, go
3 on, get in there, help them.

4 So E M S went inside and took care of those two
5 young ladies and I stood out here with John for a
6 little bit and talked to him, comforted him, talked
7 to him. And then I told John I had to leave for a
8 minute to make sure everybody was doing what they
9 needed to be doing and then I came back to him.
10 When I did, E M S was loading him up on the
11 stretcher and I walked with John to the ambulance.
12 John asked me how the ladies were doing.

13 At that time, the ladies wasn't doing too good.
14 I knew one was already deceased and I knew the other
15 one was fighting for her life but I didn't want to
16 tell John that. I wanted to keep him uplifted so I
17 told John, they're doing fine and he smiled and he
18 said, good. And then later I found John had died on
19 the operating table.

20 Q Have a seat.

21 (Complied.)

22 Q And did you ever inquire with Deputy Owens whether
23 or not he had a shooter in custody in his car?

24 A As far as I understood, he had a friend of the
25 shooter's in custody. I didn't know his name or

1 what the details were but that's the reason why he
2 was detaining him.

3 Q And while you were assisting the victims and in the
4 club, was the scene being secured by other officers?

5 A Yes.

6 Q And after E M S took the victims from Club 360, what
7 did you then do?

8 A I then realized -- the light bulb went off, I guess
9 you could say, that next door at Heart Breakers they
10 have a video system

11 Q And if you could use State's Exhibit 16 and show the
12 jury where Heart Breakers is?

13 A You can actually see a little smudge mark right here
14 (indicating) on the end of the marquee. They have
15 two cameras, one's pointed toward the front door and
16 the other camera is pointed over here toward this
17 direction (indicating). And I knew about these
18 cameras because when we do club sweeps and that --
19 they always know we're coming. So -- and that's the
20 reason they know we're coming because they have
21 cameras.

22 Q And so what did you then do?

23 A I then went next door, me and another officer,
24 because that's our policy, make sure two officers
25 are going to an adult entertainment establishment.

1 And I made contact with the manager. I told him,
2 look, I need to look at your video. I know you have
3 it, don't tell me that you don't. It's convenient
4 for them when they want it to be. And they said,
5 okay. So they then called in their video guy who
6 went next door and ---

7 Q And what was next door?

8 A This is the main office to the business. He then
9 pulled the video up because it's all digitalized.
10 He showed me the video and then he burnt me a copy
11 on D V D.

12 Q And I'm going to show you State's 48. Is this what
13 you received from the gentleman at Heart Breakers?

14 A Yes, it is.

15 Q And was that video edited in any way, enhanced,
16 changed?

17 A No.

18 Q From the time you viewed it on the monitors at Heart
19 Breakers until it was burned on the C D, was that
20 video changed in any way?

21 A No, it was not.

22 Q Distorted?

23 A No.

24 Q And then you turned that over to officers -- other
25 officers on the scene?

1 A Investigator Amaro, I believe I did turn it over to
2 him.

3 Q And then did you have any further involvement with
4 the case after you got the video from Heart
5 Breakers?

6 A I just wrote a letter to the family, that's all.

7 MS. MCDUFFIE: Beg the Court's indulgence.

8 THE COURT: Is this the -- 48 is what we're
9 waiting for him to verify, in fact, in the chain and then
10 ---

11 MR. MCCULLOCH: Correct, Your Honor.

12 THE COURT: And then it would be in without any
13 objection? That completes it?

14 MR. MCCULLOCH: Well, Your Honor, I wanted to
15 ask and I will before we get to that ---

16 THE COURT: Okay, all right.

17 MR. MCCULLOCH: I have one question.

18 THE COURT: Oh, we'll leave it at ID for right
19 now then. You can move it after Mr. McCulloch's
20 question.

21 MS. MCDUFFIE: Thank you, Your Honor.

22 THE COURT: All right, Mr. McCulloch.

23 CROSS-EXAMINATION

24 BY MR. MCCULLOCH:

25 Q Corporal Fisher.

1 A Yes, sir.

2 Q The -- the film, I call it -- it isn't film but
3 that's me, the footage that you got from Heart
4 Breakers was provided to you by some employee?

5 A Yes, sir.

6 Q And how did -- in what format did he provide it to
7 you, V H S or C D?

8 A D V D.

9 Q Oh, so he gave you -- he handed you a disk?

10 A Yeah, everything's digitalized and so he burnt it on
11 a D V D and handed it to me.

12 Q And did he provide you the entire evening or?

13 A He -- he -- we viewed the video that was on the
14 monitor and he started from the time the individual
15 was escorted to the vehicle to where the vehicle
16 went by and everybody was laying on the ground
17 getting down to speeding off.

18 Q So he, the employee, determined what to provide you
19 or you and he determined?

20 A We watched the video and basically by, you know, the
21 actions and what people told us at the scene that it
22 was, you know, an Impala and looking at the video we
23 could tell it as an Impala. And by the people's
24 reaction on the video, getting down like someone
25 shooting, you know, you're getting the heck out of

1 the way. We determined that that was the footage we
2 needed.

3 Q So there were, I mean, roughly three minutes of
4 video is what you got?

5 A I believe so.

6 Q And there was certainly more video available?

7 A Yes.

8 Q And that presumably the rest of the video has been
9 now destroyed? They certainly wouldn't have kept it
10 for any reason?

11 A I don't know, sir.

12 Q Ad is that the video that we have here are is that
13 what you turned over to somebody else to burn, the
14 evidence ---

15 A No, their video tech for Heart Breakers came in,
16 burnt me that video on that disk and that's the disk
17 I handed over.

18 Q We know that's the disk that's been used here?

19 A Yes because the writing is the writing that the
20 gentleman wrote on there.

21 Q The same that you got from the ---

22 A Right.

23 Q --- Heart ---

24 A It's exactly the same thing.

25 Q Okay. The -- you mentioned that there was a suspect

1 in custody. You didn't have any dealings with that
2 suspect, did you?

3 A No, I did not.

4 Q Whatever information you had about the suspect is
5 secondhand based on what somebody may have told you
6 because you had no contact ---

7 A As far as I know, it was a friend of the suspects.

8 Q But my question to you is you learned that -- that
9 information came to you from somebody else. You
10 didn't talk ---

11 A Right that came from my officer that was with him,
12 that had him detained.

13 Q Did you learn that other shots were fired other than
14 from the automobile?

15 A Yes, security guards fired back.

16 Q Did you learn from any witnesses that other shots
17 may have been fired?

18 A No, I did not.

19 Q Thank you.

20 MR. MCCULLOCH: That's all I have, Your Honor.

21 A Thank you.

22 THE COURT: Anything on redirect?

23 MS. MCDUFFIE: We'd offer State's 48 at this
24 time, Your Honor.

25 MR. MCCULLOCH: Your Honor, based on testimony,

1 I think they established the foundation, no objection.

2 THE COURT: All right.

3 (Whereupon, State's Exhibit Number 48 was moved
4 into evidence.)

5 THE COURT: You may step down, sir.

6 THE WITNESS: Thank you.

7 (The witness leaves the witness stand.)

8 MS. MCDUFFIE: State would call Stan Richards.

9 THE COURT: Stan Richards.

10 (STANLEY RICHARDS, having first been duly sworn,
11 testified as follows:)

12 THE COURT: Please take a seat. Tell us your
13 full name and spell your last name for the record.

14 THE WITNESS: Ivan Stanley Richards, R-i-c-h-a-
15 r-d-s.

16 DIRECT EXAMINATION

17 BY MS. MCDUFFIE:

18 Q Good morning, Investigator Richards.

19 A Good morning?

20 Q Where are you employed?

21 A I'm currently employed with the Richland County
22 Sheriff's Department, Crime Scene Unit.

23 Q And what are your duties with the Richland County
24 Sheriff's Department?

25 A I'm currently the Sergeant with a unit. I oversee

1 12 individuals and our responsibility is to respond
2 to any type of incident and if that is a particular
3 crime scene, what we would do is identify and we
4 would preserve and collect any type of physical
5 evidence at that scene. We would also try to use
6 that evidence, whenever possible, to reconstruct
7 that scene.

8 Q And were those your duties in February of 2007?

9 A They were.

10 Q And please tell the jury a little bit about your
11 education and training in the field of crime scene
12 analysis.

13 A I attended in 1971 to '73 Gainesville College in
14 Georgia and St. Leo University from 1980 to '82 in
15 Gainesville -- also in St. Leo, Florida in the area
16 of criminal justice for undergraduate studies.

17 I also attended Wayland Baptist University which
18 is in Fairbanks, Alaska in an army program for a
19 graduate degree process in sociology.

20 Q And please tell the jury a little bit about your
21 training in crime scene analysis.

22 A I have been trained in some -- some of the areas
23 I've been trained in is as follows. I've been
24 trained in blood pattern analysis, latent print
25 processing and latent print verification, ridgeology

1 which is a discipline under latent print
2 verification, shoe and tire track impressions, crime
3 scene reconstruction, drug analysis, crime scene
4 photography, crime scene techniques for
5 investigators, forensic questioned documents,
6 forensic shooting reconstruction, comparison,
7 examination of footwear, D N A procedures, complex
8 latent prints processing and examination, advanced
9 blood pattern analysis, forensics anthropology and
10 archeology, and forensic pathology seminars.

11 I am also certified as a Crime scene
12 investigator and Footwear Examiner through the
13 International Association for Identification.

14 Q And have you testified as an expert in courts of
15 record of this state?

16 A I have.

17 Q And approximately how many times?

18 A 20 times.

19 MS. MCDUFFIE: Your Honor, at this time we would
20 offer Investigator Stan Richards as an expert in crime
21 scene to include blood pattern analysis, shooting
22 reconstruction and footwear examination and comparison.

23 (Pause.)

24 MR. MCCULLOCH: If I understand correctly, we're
25 offering him as a shooting reconstruction expert, blood

1 spatter expert and what else -- footwear impression ---

2 THE COURT: Beg your pardon?

3 MR. MCCULLOCH: Footwear impression and
4 comparison?

5 MS. MCDUFFIE: We ask that he be qualified as an
6 expert in crime scene analysis to include blood pattern
7 analysis, shooting reconstruction and footwear
8 examination and comparison.

9 MR. MCCULLOCH: Your Honor, I think, what's a
10 little quick brief voir dire.

11 THE COURT: Go ahead, voir dire. He's been
12 offered as a?

13 MS. MCDUFFIE: As an expert in crime scene
14 analysis, blood pattern analysis, shooting reconstruction
15 and footwear examination and comparison.

16 THE COURT: All right.

17 VOIR DIRE

18 BY MS. SCHILLACI:

19 Q Sergeant Richards, let me just ask you quickly. On
20 blood pattern, when -- when did you receive that
21 education?

22 A My first course in blood stain pattern analysis was
23 received in 2001.

24 Q And where did you receive that training?

25 A Here in -- locally in Richland County by a external

1 source of a Mr. Jerry Finley (phonetic).

2 Q I'm sorry, by an external source?

3 A Mr. Jerry Finley.

4 Q Finley?

5 A Yes, ma'am.

6 Q And what did that training consist of?

7 A It consisted of the actual looking at and making
8 blood stain pattern examinations from blood stains
9 on walls, floors, doing trajectory analysis of blood
10 stains and being able to differentiate between
11 directionality.

12 Q And was this a day course that you took or a few
13 hours.

14 A A 40 week course, ma'am, that one.

15 Q Sir?

16 A The first one was a 40 week course -- I'm sorry, 40
17 hour course, excuse me.

18 Q 40 hour course?

19 A Yes, ma'am.

20 Q And it involved only this blood stain pattern
21 recognition?

22 A That's correct.

23 Q Okay. And in terms of the footwear, you said that
24 you were an expert in what involving footwear?

25 A Footwear examiner -- examination.

1 Q And what would that be for the jury? What's footwear
2 examination?

3 A That would be taking known print and comparing it to
4 an unknown print to try to identify one to the
5 other. That's the certification that I have. I
6 have been trained in the -- also in the actual
7 impression and developing of footwear at crime
8 scenes.

9 Q Okay. And the footwear examination, you said you
10 have a certification. When did you receive that?

11 A That certification was received in -- this year.

12 Q This year, okay. And what -- did you have to go
13 through a course in order to get that certification?

14 A No, I had to have training. I had to have
15 background training like I have -- like I told you
16 in the comparison and the development of footwear
17 itself. After those are shown, I have to take a
18 stringent test through the I A I. And then I had to
19 do comparisons through them also.

20 Q And let me ask you quickly, how much training did
21 you receive before being certified in this footwear
22 examination?

23 A In footwear examination, I had two courses of 40
24 hours each. And that's not to include the internal
25 training that we have in our department.

1 Q Okay. And in terms of the shooting reconstruction,
2 when did you receive that training?

3 A My first -- the shooting reconstruction actually
4 occurred through the crime scene and investigator
5 courses I had. I was -- I went through a crime
6 scene reconstruction in '07, forensic shooting in
7 '07, crime scene techniques in '03 and those -- in
8 all of the crime scene courses that I've had a
9 portion of those were shooting reconstruction.

10 Q And how many hours would you say that you've had of
11 shooting reconstruction?

12 A I had an advanced course of shooting reconstruction
13 in '07 which was a 40 hour course. Each of the
14 others was a 40 hour course that probably involved
15 at least 16 to 24 hours of shooting reconstruction.

16 Q And does that also include you spending a lot of
17 time on the firing range?

18 A I'm sorry?

19 Q Do you -- did that also include you yourself
20 spending a lot of time on the firing range?

21 A I spend time on the firing range, yes, ma'am.

22 MS. SCHILLACI: With that, Your Honor, we have
23 no objection to the qualification.

24 THE COURT: All right, let me make sure I
25 understand. Say it one more time.

1 MS. MCDUFFIE: We would offer ---

2 THE COURT: Offered as?

3 MS. MCDUFFIE: --- crime scene ---

4 THE COURT: Wait, slow down. I'm sorry.

5 MS. MCDUFFIE: Crime scene to include blood
6 pattern analysis ---

7 THE COURT: Wait, I can't write that fast.
8 Crime scene including what?

9 MS. MCDUFFIE: Blood pattern analysis. Shooting
10 reconstruction ---

11 THE COURT: Slow down. Shooting reconstruction,
12 what else?

13 MS. MCDUFFIE: And footwear examination and ---

14 THE COURT: Footwear examination.

15 MS. MCDUFFIE: Yes, sir.

16 THE COURT: And after your voir dire, there's no
17 objection to his testifying based on what he saw?

18 MS. SCHILLACI: Without objection.

19 THE COURT: From rendering an opinion?

20 MS. SCHILLACI: That's correct.

21 THE COURT: Very well, so admitted.

22 DIRECT EXAMINATION CONTINUES

23 BY MS. MCDUFFIE:

24 Q And Investigator Richards, how long have you been
25 with the Sheriff's Department?

1 A I was employed with the Sheriff's Department in 1994
2 after retiring from the military. I've been with
3 the Crime Scene Unit for almost nine years.

4 Q And on February the 5th of 2007, did you respond to
5 826 Bush River Road?

6 A I did.

7 Q What was that in reference to?

8 A I received a call that evening somewhere around 1:00
9 in the morning from Investigator Bill Allen. He had
10 responded to 826 Bush River Road, as he told me, to
11 a shooting incident there. He told me that there
12 was a large amount of people there, hundreds was his
13 words. He was trying to secure the scene the best
14 he could but he needed help so I responded.

15 Q And Investigator Allen, is he currently with the
16 Sheriff's Department?

17 A No, he isn't.

18 Q And where is he?

19 A He's in Iraq.

20 Q And please describe for the jury what you observed
21 when you arrived at Bush River Road, Club 360?

22 A When I first arrived there, of course I got with
23 Investigator Allen and he escorted me through the
24 scene at that time. Once I arrived, it had been
25 secured. It had crime scene tape up around the

1 front of this particular business establishment.

2 Investigator Allen -- Investigator Allen showed
3 me through the front parking lot where he indicated
4 he had marked three fired cartridge casings in the
5 front parking lot in front of the entranceway to the
6 business. Also he had marked a projectile found
7 also on the pavement in front of the business and
8 entrance.

9 We walked into the business. I took a look at
10 what I saw mostly was a lot of possible blood that I
11 found at that time, a lot of stains on the floor to
12 the left around the pool tables, all the way from
13 the front to the back. I could see at that point
14 that these stains on the floor, the directionality
15 was in a multitude of directions. So I assumed at
16 that time that there had been a lot of foot traffic
17 in that general area.

18 Q And when you first arrived at a crime scene, ideally
19 what would you like to do first?

20 A Well, after doing that I would try to gather all the
21 information that I possibly could, and I did that.
22 I got, like I said, with Investigator Allen. I also
23 got with investigators that were on the scene that
24 night.

25 The information that I gathered at that time was

1 that there had been some type of confrontation
2 inside the business establishment. A individual had
3 been escorted out at some point. After that had
4 happened, it was believed at that time an individual
5 comes by the front of the business establishment,
6 stopping maybe somewhere in front of the
7 entranceway, and fired numerous rounds into the
8 business establishment. What I did find out at that
9 time, they had been -- there had been five victims
10 injured at that time, three of them possibly
11 critical.

12 Q And when you are analyzing or processing a crime
13 scene, which area would you do first typically?
14 Would you focus on the exterior or the interior of
15 the business?

16 A Well, it just depends. We would -- actually we
17 would start photographing first and the photographs
18 would actually go from out -- in -- outside,
19 exterior, to the interior.

20 Q And in this particular crime scene, what was it that
21 you and Investigator Allen did first?

22 A Investigator Allen and I decided that the best thing
23 to do at that particular time was to try to collect
24 and preserve any physical evidence that was found at
25 the scene at that time. And that's what we did.

1 The three fired casings that he had marked and
2 he had marked those as ---

3 Q Let me get you to stop right there.

4 A Sure.

5 Q And flip through State's Exhibits 53 to 62 and ask
6 you if you recognize those and would they relate to
7 your testimony?

8 MR. MCCULLOCH: Joanna, can we approach for a
9 second while he's doing that?

10 (WHEREUPON, a bench conference was held off
11 the record, in the presence of the jury, but out
12 of the hearing of the jury.)

13 Q Do you recognize those photographs and would they
14 relate to your testimony?

15 A I do.

16 MS. MCDUFFIE: Your Honor, 53 to 62. I believe
17 it's without objection.

18 MS. SCHILLACI: Without objection, Your Honor.

19 THE COURT: 53 to?

20 MS. MCDUFFIE: 62.

21 THE COURT: And what do they consist of?

22 MS. MCDUFFIE: Photos of the exterior of Club
23 360.

24 THE COURT: All right, thank you.

25 (Whereupon, State's Exhibit Number 53,

1 Photograph of Items B-C-D, was admitted into
2 evidence.)
3 (Whereupon, State's Exhibit Number 54,
4 Photograph of Shell A, was admitted into
5 evidence.)
6 (Whereupon, State's Exhibit Number 55,
7 Photograph of Item B, was admitted into
8 evidence.)
9 (Whereupon, State's Exhibit Number 56,
10 Photograph of Shell C, was admitted into
11 evidence.)
12 (Whereupon, State's Exhibit Number 57,
13 Photograph of Shell D, was admitted into
14 evidence.)
15 (Whereupon, State's Exhibit Number 58,
16 Photograph of Items C-D, was admitted into
17 evidence.)
18 (Whereupon, State's Exhibit Number 59,
19 Photograph of Item F, was admitted into
20 evidence.)
21 (Whereupon, State's Exhibit Number 60,
22 Photograph of Item F Close-up, was admitted into
23 evidence.)
24 (Whereupon, State's Exhibit Number 61,
25 Photograph, was admitted into evidence.)

1 (Whereupon, State's Exhibit Number 62,
2 Photograph, was admitted into evidence.)

3 MS. MCDUFFIE: Your Honor, may the witness step
4 down?.

5 THE COURT: Yes, ma'am.

6 Q Investigator Richards, if you could step down.

7 (The witness steps down from the witness stand.)

8 Q Please describe for the jury what's depicted in
9 State's 53.

10 A This is an angle view of the front entrance and the
11 parking area of the business, 360 Club, with a
12 marker -- three markers as a matter of fact, B, C
13 and D. And those were the ones that I discussed
14 that Investigator Allen had marked prior to my
15 arrival and we went through them looking at those.

16 B ---

17 Q Leave those right there. So Investigator Allen
18 marked these. But this is what you observed ---

19 A It is.

20 Q --- when you arrived on the scene?

21 A It is.

22 Q And he had not collected anything or moved anything
23 from the location which was marked?

24 A He had not.

25 Q And then we'll start going through. State's 54,

1 please tell the jury what that is?

2 A That is a fired cartridge casing that Investigator
3 Allen had marked as evidence A.

4 Q And this is what you observed when you arrived?

5 A It is.

6 Q State's 55?

7 A This is a projectile that was on -- in the parking
8 lot that he had marked as B and this is what I
9 observed when I arrived.

10 Q And what appears to be around that projectile?

11 A There is a redish-brown stain, possibly blood, in
12 and around that -- that projectile.

13 Q State's Exhibit 56?

14 A This is a fired cartridge casing also and it is
15 marked C by Investigator Allen which I observed when
16 I got there.

17 Q State's 57?

18 A A fired cartridge casing marked D by Investigator
19 Allen, also in the parking lot in front of the
20 entrance of 360 Club that I observed when I got
21 there.

22 Q And State's Exhibit 58?

23 A This shows markers D and C in relationship to the
24 front entrance of the club.

25 Q And is that what you observed when you arrived on

1 the scene?

2 A It is.

3 Q You can have a seat.

4 (The witness returns to the witness stand.)

5 Q And after these pictures were taken by yourself and
6 Investigator Allen, what was done with the evidence
7 after that?

8 A That evidence at that time was collected under my
9 supervision by Investigator Allen and secured in his
10 vehicle until we could complete the process that we
11 had begun that morning.

12 Q And describe for the jury how you collect evidence.

13 A We put -- we collect the evidence. We try -- there
14 is a possibility that every piece of evidence can be
15 processed for one reason or another. If that's so,
16 we try to be very very careful in not disturbing
17 anything, trace evidence that might be on it. We
18 are careful in picking up those pieces of evidence,
19 placing them into a paper bag in order to be
20 packaged later and sealed and submitted to our
21 evidence room for further analysis.

22 Q And I'm going to show you State's 94, 95, 96 and 97.
23 Do you recognize those?

24 (Pause.)

25 A Yes. These -- these have the evidence markers on

1 them also from Investigator Allen. Also there are
2 some initials on there from the Lieutenant Zane
3 Padgett who was with the unit at the same time. So
4 these would be the three cartridge casings and the
5 one projectile.

6 Q That you observed and you oversaw the collection of
7 at the scene?

8 A That's correct.

9 Q And you said that after these items were collected
10 at the scene, they were placed where?

11 A They would have been -- they were placed in
12 Investigator Allen's vehicle and secured there until
13 we finished processing.

14 Q And then you went back to the Sheriff's Department
15 after you finished processing?

16 A Yes, he and I together along with some other
17 evidence.

18 Q And then where is this evidence placed when you
19 return back to the Sheriff's Department?

20 A Investigator Allen placed that in his locker and
21 secured it with a lock that he had the key to.

22 Q And was it later removed from his locker?

23 A As I understand it, later Lieutenant Padgett removed
24 it, which he has access to that being a supervisor,
25 and packaged it and submitted it into evidence.

1 Q And that's evidence at Richland County Sheriff's
2 Department?

3 A That's correct.

4 MS. MCDUFFIE: Your Honor, at this time we'd
5 offer 94, 95, 96 and 97 into evidence.

6 MS. SCHILLACI: One moment, Your Honor.

7 THE COURT: Yes, ma'am.

8 (Pause.)

9 MS. SCHILLACI: Just one moment, Your Honor.
10 Can we approach?

11 (WHEREUPON, a bench conference was held off
12 the record, in the presence of the jury, but out
13 of the hearing of the jury.)

14 Q And he's still currently employed by the Sheriff's
15 Department?

16 A He is.

17 Q And he is available for testimony?

18 A He is.

19 MS. MCDUFFIE: Your Honor, at this time we'd
20 offer State's 94, 95, 96 and 97.

21 MS. SCHILLACI: Without objection, Your Honor.

22 THE COURT: All right, without objection.

23 (Whereupon, State's Exhibit Number 94, A-.40
24 Fired Casing Parking Lot, was admitted into
25 evidence.)

1 (Whereupon, State's Exhibit Number 95, B-
2 Projectile Parking Lot, was admitted into
3 evidence.)

4 (Whereupon, State's Exhibit Number 96, Casing
5 Parking Lot, was admitted into evidence.)

6 (Whereupon, State's Exhibit Number 97,
7 Projectile, was admitted into evidence.)

8 Q Investigator Richards, if I could get you to open
9 one of these shell casings and the projectile and
10 show it to the jury please. And if you would just
11 tell them which marker and which evidence number it
12 is.

13 A This evidence bag is marked with B, that's the
14 marker B that was -- that Investigator Allen put in
15 the parking lot that night. It is the marker that
16 was beside the projectile that was in the parking
17 lot in front of the entrance.

18 This is the projectile that was inside.

19 The remaining three are the same. They are fired
20 cartridge cases. I will open C which was marked by
21 Investigator Allen as C in the parking lot in front
22 of the entrance to the club that night.

23 This is a fired cartridge casing, as you can see
24 without the projectile, 40 caliber.

25 The two remaining B and A would be the same type

1 cartridge casings.

2 Q And Investigator Richards, did you collect any other
3 evidence that evening at Club 360?

4 A Yes. As we were going through looking at different
5 aspects of the event, Investigator Allen had marked
6 two impact points on the left side of the entrance
7 to the club, on the wall, exterior wall. At one of
8 these he had put a marker E. At that ---

9 Q And I want to show you -- I'm sorry, I'll get you to
10 pause for a second. State's Exhibit 100, do you
11 recognize that?

12 A Yes, this -- this comes from marker E. This is my
13 handwriting.

14 Q And you collected that piece of evidence?

15 A I did.

16 Q And then what else was collected that evening?

17 A That evening I was also asked to go into the trunk
18 area of a vehicle that was in the parking lot, of a
19 Crown Victoria on verbal consent of one Lamont Davis
20 and collect, if possible, any weapons inside the
21 trunk area.

22 Q I'm show you what's already in evidence, 61 and 62.
23 Is this the vehicle you entered to remove ---

24 A It is.

25 Q And this would be the vehicle of Lamont Davis?

1 A It was.

2 Q And what did you remove from the trunk of that
3 vehicle?

4 A I removed a Inter Arms 38 Special in the trunk. In
5 the 38 Special was four fired 38 cartridges and one
6 unfired 38 cartridge.

7 Q I show you State's 101. Is this what you removed
8 from the vehicle that night?

9 A Yes. This is the one unfired 38 round and the four
10 fired 38 cartridges that I removed from the weapon
11 that night.

12 MS. MCDUFFIE: Your Honor, we'd offer State's
13 101.

14 MS. SCHILLACI: Without objection, Your Honor.

15 THE COURT: All right. Those are casings?

16 MS. MCDUFFIE: Four casings and one live round,
17 Your Honor.

18 (Whereupon, State's Exhibit Number 101,
19 Cartridges, admitted into evidence.)

20 Q And you were talking about the projectiles you
21 removed from the wall that evening?

22 A Yes.

23 Q And that would be projectile E?

24 A That is a partial -- a fragment that was removed
25 from E, yes.

1 MS. MCDUFFIE: State's 100, we'd offer that,
2 Your Honor..

3 MS. SCHILLACI: Without objection, Your Honor.

4 THE COURT: And once again, for my own purposes,
5 100 is?

6 MS. MCDUFFIE: A partial projectile, Your Honor.
7 (Whereupon, State's Exhibit Number 100, Partial
8 Projectile, was admitted into evidence.)

9 Q And did Investigator Allen also collect a fragment
10 from wall inside -- or at the club?

11 A Yes, he did.

12 Q And please tell the jury about that.

13 A As we were -- like I said, as we were going through
14 the club, what we were doing it trying to find any
15 impact points that we could at that time, also while
16 we were looking for any other physical evidence that
17 could be collected.

18 Investigator Allen found an impact point all the
19 way to the rear of the club almost in the footing
20 below -- at the base of the wall that was in line
21 with the front entrance of the club. At that point
22 he found a projectile imbedded in the impact point.

23 Q And I'm going to show you State's 98. Do you
24 recognize that?

25 A Yes, I do.

1 Q And was that collected in the same manner we
2 previously went over?

3 A It was.

4 Q Under your supervision?

5 A It was.

6 Q And turned into evidence by Lieutenant Zane Padgett?

7 A Yes.

8 MS. MCDUFFIE: Your Honor, we'd offer State's
9 98.

10 MS. SCHILLACI: Without objection, Your Honor.

11 THE COURT: That's a spent?

12 MS. MCDUFFIE: It's a partial projectile.

13 (Whereupon, State's Exhibit Number 98, Partial
14 Projectile, was admitted into evidence.)

15 Q And finally, did you find any further evidence at
16 the club that evening?

17 A Not at that time, no.

18 Q And did you return and find a live round in the
19 parking lot?

20 A Oh, I'm -- excuse me, yes. Before we left,
21 Investigator Allen and I had discussed that we were
22 going to go back to headquarters and take the
23 physical evidence that we had secured in our
24 vehicles and secure it at headquarters so I could
25 proceed with any other processing that I deemed

1 necessary.

2 At that point, before we left, I walked the
3 parking lot outside of where the crime scene tape
4 was which was a pretty large parking lot.

5 Q And why do you do that?

6 A Well, just in case there might be some type of
7 evidence fired -- cartridge casings out there,
8 projectiles or anything of that nature, anything
9 that you deem necessary to collect that could
10 possibly be involved in the incident. And that's
11 what I did.

12 Q And what did you find?

13 A I fired -- I found a 45 round in the parking lot. I
14 marked it also as F, photographed it and collected
15 it.

16 Q And is that what's in State's 99 and depicted in
17 State's 59 and 60?

18 A It is.

19 Q And you collected that?

20 A I did.

21 Q And turned it into Richland County evidence?

22 A I did.

23 MS. MCDUFFIE: Your Honor, at this time we'd
24 offer State's 99.

25 MS. SCHILLACI: Without objection, Your Honor.

1 THE COURT: All right. Once again 99 is?

2 MS. MCDUFFIE: It's a live round in the parking
3 lot area.

4 (Whereupon, State's Exhibit Number 99, Item F -
5 45 Caliber Live Round, was admitted into
6 evidence.)

7 Q You then returned to the Sheriff's Department?

8 A I'm sorry, ma'am?

9 Q You then returned with the evidence to the Sheriff's
10 Department?

11 A Yes, ma'am.

12 Q And that same day, on February the 5th, 2007, at 8
13 in the morning, did you return back to Club 360?

14 A I did. After I secured my evidence in my locker, it
15 was secured by me, I returned back to Club 360 to
16 continue processing.

17 Q And I'm going to show you State's 63 to 93 and ask
18 you if you've had a chance to previously view those
19 and if you -- if those relate to your testimony?

20 A I have reviewed these, yes, and they do relate to my
21 testimony.

22 MS. MCDUFFIE: Your Honor, at this time we'd
23 offer State's Exhibits 63 through 93.

24 MS. SCHILLACI: And, Your Honor, without
25 objection.

1 THE COURT: Photos?

2 MS. MCDUFFIE: Photos of impact points in the
3 club, Your Honor.

4 THE COURT: Impact?

5 MS. MCDUFFIE: Impact points from projectiles.

6 THE COURT: Okay.

7 (Whereupon, State's Exhibit Number 63,
8 Photograph of Entrance, was admitted into
9 evidence.)

10 (Whereupon, State's Exhibit Number 64,
11 Photograph of Entrance-Markers 1 and 2, was
12 admitted into evidence.)

13 (Whereupon, State's Exhibit Number 65,
14 Photograph of Close-up of Door, was admitted
15 into evidence.)

16 (Whereupon, State's Exhibit Number 66,
17 Photograph, was admitted into evidence.)

18 (Whereupon, State's Exhibit Number 67,
19 Photograph of Hole in Glass, was admitted into
20 evidence.)

21 (Whereupon, State's Exhibit Number 68,
22 Photograph of Hole in Side of Wall, was admitted
23 into evidence.)

24 (Whereupon, State's Exhibit Number 69,
25 Photograph, was admitted into evidence.)

1 (Whereupon, State's Exhibit Number 70,
2 Photograph, was admitted into evidence.)
3 (Whereupon, State's Exhibit Number 71,
4 Photograph, was admitted into evidence.)
5 (Whereupon, State's Exhibit Number 72,
6 Photograph of Item 5-Hole in Glass, was admitted
7 into evidence.)
8 (Whereupon, State's Exhibit Number 73,
9 Photograph of Item 5-Window with Hole, was
10 admitted into evidence.)
11 (Whereupon, State's Exhibit Number 74,
12 Photograph, was admitted into evidence.)
13 (Whereupon, State's Exhibit Number 75,
14 Photograph, was admitted into evidence.)
15 (Whereupon, State's Exhibit Number 76,
16 Photograph of Hole in Wall, was admitted into
17 evidence.)
18 (Whereupon, State's Exhibit Number 77,
19 Photograph of Item 8, was admitted into
20 evidence.)
21 (Whereupon, State's Exhibit Number 78,
22 Photograph of Item 9, was admitted into
23 evidence.)
24 (Whereupon, State's Exhibit Number 79,
25 Photograph, was admitted into evidence.)

1 (Whereupon, State's Exhibit Number 80,
2 Photograph of Remnant of Exit Sign, was admitted
3 into evidence.)

4 (Whereupon, State's Exhibit Number 81,
5 Photograph of Ceiling, was admitted into
6 evidence.)

7 (Whereupon, State's Exhibit Number 82,
8 Photograph of Items 10 and 11, was admitted into
9 evidence.)

10 (Whereupon, State's Exhibit Number 83,
11 Photograph, was admitted into evidence.)

12 (Whereupon, State's Exhibit Number 84,
13 Photograph of Hole in Glass, was admitted into
14 evidence.)

15 (Whereupon, State's Exhibit Number 85,
16 Photograph, was admitted into evidence.)

17 (Whereupon, State's Exhibit Number 86,
18 Photograph, was admitted into evidence.)

19 (Whereupon, State's Exhibit Number 87,
20 Photograph of Hole in Sign, was admitted into
21 evidence.)

22 (Whereupon, State's Exhibit Number 88,
23 Photograph of Game Area, was admitted into
24 evidence.)

25 (Whereupon, State's Exhibit Number 89,

1 Photograph of Item 14, was admitted into
2 evidence.)

3 (Whereupon, State's Exhibit Number 90,
4 Photograph of Game and Pool Area, was admitted
5 into evidence.)

6 (Whereupon, State's Exhibit Number 91,
7 Photograph, was admitted into evidence.)

8 (Whereupon, State's Exhibit Number 92,
9 Photograph, was admitted into evidence.)

10 (Whereupon, State's Exhibit Number 93,
11 Photograph, was admitted into evidence.)

12 MS. MCDUFFIE: Your Honor, if I could have
13 Investigator Richards step down.

14 THE COURT: Yes.

15 (The witness steps down from the witness stand.)

16 Q Now, I'm going to let you stand on this side so the
17 court reporter can see you, and using State's 15 as
18 well.

19 If you could show the jury the photos and call
20 out the exhibit number and explain to them what
21 they're seeing.

22 A As I went back to the scene I took a look -- a
23 second look again at the inside of the scene to try
24 to determine what process I was going to use in
25 determining what might have happened here.

1 I took another look at the stains that were on
2 the floor. And like I said before, I saw different
3 directionalities, a lot of smearing which is not
4 going to tell me a whole lot.

5 So I decided that I would take a look at impact
6 points that we had found previously that morning to
7 see if there was anymore and see if that would help
8 to tell me some type or help me in some type of a
9 shooting reconstruction.

10 And in order to go through this there's -- there
11 are -- I marked -- that morning, I started all over
12 again. I discounted what was marked and
13 photographed prior to that by Investigator Allen and
14 I started my own process of marking impact points.
15 Impact points are areas that I deemed plausible
16 where a projectile could possibly have hit. And I
17 have to determine impact points on -- unless I find
18 a projectile imbedded in that point, there is a
19 projectile inside the area.

20 During a trajectory -- there's a thing called
21 trajectory analysis. That becomes important in some
22 aspects. During trajectory analysis there's three
23 components to that. I'm telling you this so you'll
24 know what I'm talking about as I go through these 16
25 points.

1 Trajectory analysis has three components. Number
2 one is the measurements where the holes are. Number
3 two is to try and determine the vertical angle from
4 a point, the impact point that you have found, the
5 vertical angle being up or down. It's also trying
6 to determine an azimuth (phonetic) angle which is a
7 horizontal angle in this direction (indicating) left
8 to right. Those three things are critical in
9 determining an accurate trajectory analysis. Now
10 if you don't have all three of those things, it's
11 very very difficult.

12 Actually, trajectory analysis is a misnomer.
13 What that suggests is trajectory is the rise and
14 fall of a projectile in flight which I don't do.
15 It's a universal term they've used in discussions.
16 What it actually tells is directional analysis and
17 that is what I do.

18 So as we go through this I'll tell you what I
19 could and could not do based on the impact points
20 and why it becomes important, since the vertical
21 angle is usually the most important because it can
22 suggest distance determination at some point. But
23 at this point I'm going to show what I could or
24 could not do and we'll talk about the azimuth angle.

25 I started like I said at the very beginning at

1 the outside of the club. This is the entrance to
2 the club and the doors of course, looks like they're
3 swinging up (indicating). Both of these doors were
4 glass and they were shattered. I want to show you
5 State's Exhibit 63. You can see both the entrance
6 doors were shatters. Now what's important about
7 this is number one, I can't tell from this
8 photograph or at the scene that night, this is the
9 way I found it in my photograph, if a impact from
10 inside or outside. It's totally shattered. It
11 probably would take about six months to try to piece
12 all this stuff back together to see if I could find
13 a hole but I doubt if I could.

14 But another thing that's important, if I mark
15 this as number 1 and number 2, the left and right
16 door, you can see the glass down at the bottom. It
17 is on the outside. Now I do not know and cannot
18 tell you how these doors were open at the time of
19 that -- the incident took place, at the time of
20 impact took place. So I don't know if the doors
21 were open partially or all the way, I don't know
22 anything about it. I do not know if the impact to
23 the doors happened and the glass stayed in place for
24 a period of time and then the glass was maybe pushed
25 or forced by someone or something and it fell out.

1 I do not know. So I cannot determine anything about
2 this except there was some type of impact at number
3 1.

4 Q And that's State's Exhibit 63?

5 A State's Exhibit 63.

6 Q And if you could mark that on State's 15, please.

7 A (Complied.)

8 Q And State's 66, please tell the jury about that.

9 A Thank you. This was marked at number 3. This is
10 the right side door frame itself. As you can see
11 there's an indentation there. I looked at that
12 indentation and saw that there was no rusting on the
13 inside and scratch marks that were there so I had to
14 assume at that point that this impact was very
15 fresh. So I had to use that and I marked it as
16 number 3.

17 Now, you might ask, what can you do with that?
18 Not a whole lot. What you use in determining
19 directional analysis is we have three things that we
20 use. We use a stick or a rod and we call it a dowel
21 rod. You can use string and you can use a laser.
22 What you do is try to put this rod into an impact
23 point to determine some type of trajectoral analysis
24 or directional analysis. In order to do that you
25 have to have two reference points. You have to have

1 where the impact started, where it ended or the
2 impact of that so you can balance the rod or the
3 string or laser and get an accurate analysis of
4 that. If you only have one impact point, you can't
5 do that either way vertically or horizontally.

6 So on an indentation such as this, what you know
7 is that it came from the outside (indicating).

8 Q And in State's Exhibit 67, if you could explain that
9 for the jury, please.

10 A Where on 67?

11 Q Impact point 4?

12 A 4, okay. Next impact point 4 was on the left side
13 of the entrance way to the club, also made of glass.
14 It was about in this area (indicating),
15 approximately, notice the 4.

16 Now, this impact point in the glass is a little
17 bit different. You have three types of glass. You
18 have laminated glass and the type of glass that are
19 used in cars, that type. And this is a little bit
20 different. This is plate glass, plate glass
21 shatters a little bit differently. If you have an
22 impact point, the entrance to an impact point in
23 plate glass usually, usually shows you some type of
24 coning (phonetic) in the back side which is the exit
25 side. Sometimes you can see but you can really feel

1 it with your finger.

2 Also on the entrance side of the plate glass
3 you're usually going to see some type of fracturing.
4 That's called radial fracturing (phonetic). It goes
5 out, it looks like a spider web. Those are the
6 types of things that you can look at and tell the
7 entrance from the exit.

8 On number 4, however, number 4 is -- I looked at
9 it. You have a small amount of coning on the
10 exterior side and you had a small amount of coning
11 on the interior side. And the radial fractures that
12 went all the way through so I could not tell if they
13 started on the interior or on the exterior side. So
14 what I can say about this is an impact point. I
15 cannot tell you if it originated on the interior of
16 the business or the exterior of the business.

17 In order to get a directional analysis of this
18 point, in glass when there's a large hole like this
19 you have to have that second reference point where
20 it impacted so I'd have something to go on.
21 Otherwise, you're just putting something through the
22 middle and you have a lot of variances you have to
23 work with there. You can't get an accurate reading.

24 So this is an impact point undetermined.

25 Q And impact point number 5 in -- depicted in State's

1 Exhibit 72?

2 A Impact point number 5 was found about here
3 (indicating) also in the glass. And there was a --
4 at that time an air conditioning at that point.
5 Looking at this impact point in glass (indicating),
6 I could really see a cone shape on the interior side
7 of the glass. Also the radial fractures on the
8 outside. So it was evident to me at this point that
9 number 5 was an impact point that originated outside
10 to inside.

11 Q Impact point 6 and 7 that are depicted on State's
12 74?

13 A Yes. I'm marking it and then I will talk about
14 those. 6 and 7 impact points to the outside of the
15 business in the wall. I took a close look at those
16 two and looked at the surrounding areas of the
17 impact points to see if there was any discoloration
18 whatsoever and on the inside where it got a little
19 dusty, I looked to see if there was any
20 discoloration as there was some dust area and there
21 was. So I marked these as direct impact points.

22 Now, as we get on into the presentation with
23 you, you will see that impact point number 6 went
24 through and through. So I have an impact point on
25 the outside and an impact point on the inside. They

1 are consistent with each other. Number 7 did not go
2 through and through. We have an impact point just
3 at that point.

4 Q And number 6, you talk about going through and
5 through, depicted in State's 85 and 86?

6 A Yes, that's the one. It was marked as number 12
7 when you get around to that area. I'm going to go
8 ahead and mark it now. 7 and 6 is around on the
9 outside. 12 is consistent with 6 and went through
10 the wall at this point here (indicating).

11 Q And on State's Exhibit 77, can you describe impact
12 point 8?

13 A Yes. Impact point number 8 is on the left inner
14 doorframe, it is also a glass door, that went in the
15 outer doors, glass doors, inner glass doors and
16 number 8 was on the doorframe itself. Also, was an
17 indentation -- no, number 8 was the glass door
18 itself, I'm sorry, and it was shattered. And I
19 marked that as number 8, no indentation.

20 Q And State's Exhibit 78, impact point number 9,
21 describe this for the jury, please.

22 A Number 9 was right above the inner entrance at the
23 overhead joint frame. That was an impact point that
24 went through and through to the inner side, going
25 through, I believe an exit sign on the inside.

1 Q And is that depicted in State's Exhibit 80?

2 A It is..

3 Q Which is in the interior of the club?

4 A Yes, it is.

5 Q And please tell the jury what's depicted in State's
6 81?

7 A Okay. When I looked at number 9, it had a slight
8 variation of trajectory in it. It was from the
9 outside to the inside in an upper elevation. So
10 when I looked at the ceiling on the inside and found
11 this had ricocheted. You're not going to be able to
12 see it but the ricochet began at the closest to the
13 entrance of the club and went on the wall toward the
14 back of the club.

15 Now, what's important about this is that you
16 will see that -- well, you can't see now but I saw,
17 I observed that the entrance or the lead-in to the
18 ricochet itself was all tore up and that's because
19 the bullet was tumbling as it comes through the
20 substration it hit and this is the up and down
21 motion of the bullet itself. Once it flattens out
22 in a ricochet, it's kind of like a launching pad.
23 It pushes -- propels it on out and what that does,
24 you get a angle that is at least consistent with the
25 entrance angle or larger.

1 So I determined that this is the projectile that
2 was lodged in the back of the club that was
3 collected at number F by Investigator Allen at the
4 foot of the wall.

5 Q And is this that impact point?

6 A It is. It was marked by me as number 14 ---

7 Q And that's on State's 89?

8 A Yes.

9 Q And if you could mark that on the side.

10 A What number is that?

11 Q 14.

12 A Mark that 14.

13 Q And State's 88 -- State's 88 just orients you to 14?

14 A Yes, it does. And you can see -- and it's just an
15 overview of the shot back to the back wall. It was
16 a little bit different from what we're showing today
17 but it landed at the base of the wall and was in
18 place imbedded in the -- the impact wall.

19 Q So impact point 9 was fired from the outside?

20 A Yes, it was. It came from the outside, it went
21 through the upper wall atop the inner entrance. It
22 went through the wall itself, came out the side and
23 busted the exit sign. It hit the ceiling,
24 ricocheted and went back here (indicating) and was
25 lodged in the back wall.

1 Q And please describe for the jury impact points 10
2 and 11 in State's Exhibit 82.

3 A 10 and 11 was also -- let's go with number 10 first.

4 Q On State's 83?

5 A Yeah. 10 -- 10 is the -- as you can see right here,
6 it's in the corner of the outer entrance which is
7 surrounded by glass but this metal portion of the
8 corner itself, there was an indentation there. I
9 also looked at it. There was no rusting to that
10 indentation, some scratch marks. It seemed fairly
11 new to me. I had to mark that as an impact at that
12 time. It was marked as number 10.

13 Q And impact point 11?

14 A Point 11 was in the back side of the glass, going
15 through the glass. It was consistent with -- if you
16 can remember number 5 that was beside the air
17 conditioner on the outside, coming through that and
18 possibly going through the inner glass at that time
19 and there was a sign, a seating sign ---

20 Q And that's through State's Exhibit 87?

21 A Yeah and I marked that as number 13 about this
22 portion -- that area there. That sign could have
23 been moved around at any time. However, if I may?
24 I looked closely at the impact point on this sign on
25 the left side you can see that there is what we call

1 a lead-in. That lead-in means that there was some
2 type of an angle shot or angle impact to this sign.
3 So it's a possibility that the impact points 5, 11
4 led into number 13 somewhere in this point here.
5 And I did search this point up here and did not find
6 any projectiles.

7 Q And finally, impact points 15 and 16, if you could
8 describe those for the jury. And that's in State's
9 91.

10 A 15 and 16, as you enter the club, you'll come to
11 left and we had the pool tables at that area. We
12 had some seating area and another area of pool
13 tables here (indicating), three separate areas to
14 the back wall. I found two impact points at that
15 back wall in this area (indicating), 15, 16. They
16 did not go through the wall and into the other side.
17 I won't go into -- number 15, I could not tell any
18 type of relationship into angle of impact on that
19 one. But I did look at both, like I said, for the
20 rest of them. I did not see any discolorization
21 like it had been there for a long period of time. I
22 did see a lot of white and dust around the front and
23 so I assumed at that point that they were fairly
24 fresh and I marked those also.

25 Q If I can get you to have a seat.

1 (Witness returns to the witness stand.)

2 Q Based on your observations, please tell the jury
3 what the -- how many shots you think were fired or a
4 minimum how many shots were fired to create these
5 impacts point in the club?

6 A Okay. Not being up there to show you, let me talk
7 you through this a little bit. I went around the
8 front perimeter of the business. That's the
9 enclosed -- that is the enclosed area of glass
10 (indicating). I had an impact point at 7 and 6, at
11 9 -- I believe that was 9, 4, 2, 1 and 3. That was
12 at 5. That's 1, 2, 3, 4, 5, 6 and 7. Around the
13 perimeter of this area right here (indicating),
14 seven impact points. Three of those I could not
15 determine which direction that the impact came. 7
16 and 6 was most definitely from the outside-in. That
17 means from the parking lot towards the business
18 itself.

19 Number 5 was absolutely from the outside in. And
20 it was kind of at an angle you can see here
21 (indicating). Number 4, as I said, I wasn't able to
22 determine that because of the coning effect on both
23 sides of the glass itself. 2 and 1 is obviously
24 impact because there was shattered glass. So I
25 could not tell either way where it come from inside

1 or outside but they were impact points. And number
2 3 was in indentation on the frame of the door itself
3 that was fairly stressed that I determined and that
4 is impact point, that makes seven.

5 So out of the seven of the perimeter itself,
6 four I could determine came from outside-in. The
7 other three I could not.

8 Now, that still leaves number 9 which went --
9 the one that went -- that ricocheted off the ceiling
10 and impacted at number 14 in the back of the
11 business. I can't determine the sequence of that.
12 I don't know if that impact happened before or after
13 the glass was shattered, if that may have been a
14 portion of the glass being shattered, so I can't
15 count that but it actually definitely happened. And
16 that came from the front entrance itself as well.

17 Number 5 and 11, which came at an angle, could
18 possibly have went through that seating sign because
19 it was consistent with the trajectory or the
20 directionality of that. And it came at an angle and
21 that was definitely from outside-in..

22 The two, 15 and 16. What I had to determine
23 from this is -- and all this was based on azimuth or
24 the horizontal angle because most of the impacts,
25 which I only had three, but I could use the

1 trajectional -- trajectory analysis on, I could not
2 get a vertical angle because it was thrown out on
3 the back side. So this is based on the horizontal
4 angle.

5 15, I could not determine because I just could
6 not see enough in there, that I only had one point,
7 I didn't have two reference points.

8 However, 16, there was an -- a larger area on
9 the left side than there was on the right side. The
10 -- the material that was inside the wall itself was
11 pushed back on the left side more than it was on the
12 right side. So if you slid a rod in there it kind
13 of fit and the directionality came from this
14 direction. That's not scientific, I'm just throwing
15 that out because if you go from this side to this
16 side, this is where everything that I found began,
17 this is where it ended (indicating). I could not
18 account for the angle of impact for 5 and 11 because
19 it came in this direction somewhat.

20 So it started in this area, ended in this area
21 (indicating). These two were not impacted from
22 anything over here. It was -- they were not
23 impacted from anything over here nor to the right
24 side of the glass on the outer entrance. It had to
25 come from this direction in here somewhere

1 (indicating).

2 THE COURT: Let the record reflect that the
3 witness is testifying from Exhibit Number 15.

4 MS. MCDUFFIE: Correct, Your Honor.

5 MS. MCDUFFIE: Your Honor, if we may approach
6 for a second?

7 THE COURT: Beg your pardon?

8 MS. MCDUFFIE: May we approach?

9 THE COURT: You've got to wait for somebody else
10 to come up here.

11 (WHEREUPON, a bench conference was held off
12 the record, in the presence of the jury, but out
13 of the hearing of the jury.)

14 THE COURT: Members of the jury, I'm going to
15 give you a break. Just don't talk about the case and I
16 will give you chance to refresh yourselves, so take your
17 time.

18 (The jury retires from the courtroom at
19 approximately 10:45 a.m.)

20 THE COURT: You may step down, sir. Just don't
21 discuss your testimony with Mr. Joe McCulloch or John
22 Meadors.

23 THE WITNESS: Yes, sir.

24 (The witness leaves the witness stand.)

25 (The Court was in recess.)

1 MR. MEADORS: One second, Your Honor.

2 THE COURT: Yes, sir. For the record there's no
3 such thing as a two minute break, okay.

4 MS. MCDUFFIE: 20, Your Honor.

5 MR. MCCULLOCH: Okay, we're ready.

6 THE COURT: Probably lunch from 1 to 1:30, I'm
7 guessing, something like that.

8 MR. MEADORS: Judge, I think we could -- after
9 this witness we have three others out there, relatively
10 short. And then we have one or two after lunch. One
11 will be the pathologists.

12 THE COURT: Okay. Well, you know, I warned
13 everybody, let's take 30 minute lunch so we can stop no
14 later than 4 today. If it's before 4, I don't care.
15 But, you know.

16 MR. MCCULLOCH: I think given their schedule, we
17 may be able to have a little bit longer lunch and still
18 finish right before 4.

19 THE COURT: Are you hungry?

20 MR. MCCULLOCH: No but, you know, I actually
21 study this stuff, I might like more than 30 minutes to
22 consider ---

23 THE COURT: Well, you know, that's fine with me
24 but I ---

25 MR. MEADORS: I think he's correct, I think

1 we'll be ---

2 THE COURT: That's good.

3 MR. MEADORS: --- well before 4.

4 THE COURT: It's a beautiful day. Maybe they
5 can leave and take a little walk or something.

6 MR. MCCULLOCH: I don't want unhappy jurors
7 either.

8 THE COURT: Nobody does, you know. I can get
9 mad but you don't want them to -- everything should
10 benefit the jury first and foremost and we all understand
11 that.

12 All right, bring them in.

13 (The witness returns to the witness stand.)

14 (The jury returned to the courtroom at
15 approximately 11:13 a.m.)

16 THE BAILIFF: The jury's all present, Your
17 Honor.

18 THE COURT: All right. Welcome back, Madam
19 Forelady, members of the jury.

20 Ms. McDuffie, you may continue.

21 MS. MCDUFFIE: Thank you, Your Honor.

22 DIRECT EXAMINATION CONTINUES

23 BY MS. MCDUFFIE:

24 Q If I could have you step down.

25 (The witness steps down from the witness stand.)

1 Q Using State's 15, you also, on the morning of
2 February the 5th, 2007, examined the blood patterns
3 or the blood in the club, is that correct?

4 A I looked at the blood stains throughout the club,
5 yes.

6 MS. MCDUFFIE: Your Honor ---

7 Q Have you had a chance to review the pictures in
8 State's 22 to 46?

9 A I have.

10 Q And do these relate to your testimony?

11 A They do.

12 MS. MCDUFFIE: Your Honor, we'd offer 22 to 46.

13 MS. SCHILLACI: Without objection, Your Honor.

14 THE COURT: 22 and 46?

15 MS. MCDUFFIE: Through 46. There are some that
16 are already in.

17 THE COURT: Any objection?

18 MS. SCHILLACI: No, Your Honor.

19 (Whereupon, State's Exhibit Number 22,
20 Photograph of Doorway, was admitted into
21 evidence.)

22 (Whereupon, State's Exhibit Number 23,
23 Photograph of Item I, was admitted into
24 evidence.)

25 (Whereupon, State's Exhibit Number 24,

1 Photograph of Item J and Blood, was admitted
2 into evidence.)
3 (Whereupon, State's Exhibit Number 26,
4 Photograph of Items J-K, was admitted into
5 evidence.)
6 (Whereupon, State's Exhibit Number 27,
7 Photograph of Item K, was admitted into
8 evidence.)
9 (Whereupon, State's Exhibit Number 29,
10 Photograph of Item L and Blood, was admitted
11 into evidence.)
12 (Whereupon, State's Exhibit Number 30,
13 Photograph of Item M and Blood, was admitted
14 into evidence.)
15 (Whereupon, State's Exhibit Number 31,
16 Photograph of Item N and Blood on Floor, was
17 admitted into evidence.)
18 (Whereupon, State's Exhibit Number 33,
19 Photograph, was admitted into evidence.)
20 (Whereupon, State's Exhibit Number 34,
21 Photograph of Items N-P-O, was admitted into
22 evidence.)
23 (Whereupon, State's Exhibit Number 35,
24 Photograph of Item O, was admitted into
25 evidence.)

1 (Whereupon, State's Exhibit Number 36,
2 Photograph of Item P, was admitted into
3 evidence.)

4 (Whereupon, State's Exhibit Number 37,
5 Photograph, was admitted into evidence.)

6 (Whereupon, State's Exhibit Number 41,
7 Photograph, was admitted into evidence.)

8 (Whereupon, State's Exhibit Number 42,
9 Photograph, was admitted into evidence.)

10 (Whereupon, State's Exhibit Number 44,
11 Photograph of Ladies Bathroom, was admitted into
12 evidence.)

13 (Whereupon, State's Exhibit Number 45,
14 Photograph of Item G on Pavement, was admitted
15 into evidence.)

16 (Whereupon, State's Exhibit Number 46,
17 Photograph of Item H at Door, was admitted into
18 evidence.)

19 Q Showing the jury State's 45 to you, describe to them
20 what that is.

21 A This is a possible bloodstain pattern that was found
22 in the parking lot outside of the entrance to the
23 club. It was approximately there (indicating) at G.

24 Q State's 46?

25 A H was marked on the -- looking at the club, on the

1 right side of the door, glass door on the inside.
2 You see the stains at this point here (indicating).
3 It was not clear what type of stains that was.
4 There was no identification of any type of ridge
5 detail, so I marked those as H.

6 Q And then so the jury can see what you're going to be
7 describing, I'll have you stand on this side.
8 (Complied.)

9 Q State's 22, please describe that for the jury.

10 THE BAILIFF: Excuse me, you need to move your
11 board.

12 A I'm not going to take this and go through every
13 little thing that -- where I marked. It's just to
14 show you that you're going to get an idea as we're
15 going through these frames what I marked and what
16 they were and I'll explain them to you a little bit.

17 What you're all going to see is a whole lot of
18 smears. Smears can be subdivided into wipes and
19 swipes and we're not even going into that. Smears
20 can be located in -- and directionality seen through
21 those type of stains on the floor. What I'm trying
22 to tell you is this is every which a way, all kinds
23 of direction. There's a lot of people in there, a
24 lot of transfer stains going throughout this area.
25 So this is what you're going to see.

1 This is marked -- this is the entrance to the
2 inner door itself. You can see somewhat of a
3 pattern of a shoe. This was not enough to do -- for
4 me to do anything with in a footwear examination but
5 it was marked and photographed as I.

6 Q State's 23?

7 A There it is again. As you can see, I will go into
8 this now since we're looking at a footwear pattern.
9 In order to do anything with footwear, you have to
10 have certain things. There are two types of
11 identification identifying marks on footwear and
12 that's called a characteristic and that's class
13 characteristic and identifying marks.

14 Class characteristics are the outline of a sole,
15 the size that it is, the manufacturer, things of
16 that nature. Identifying characteristics in the
17 footwear are those little marks that you might find
18 in somebody's shoes that's just to them because they
19 cut it somewhere or cutting on something somewhere
20 and it's not going to be found in any other shoe
21 anywhere.

22 With blood, possible blood, when you step into
23 that and you have stepped on a substrate and you've
24 caused a contact transfer like this is, the blood
25 separates underneath the shoe. If there's anything

1 there it usually runs into those cracks and crevices
2 and you couldn't tell any type of identifying marks
3 anyway.

4 However, you could do some class characteristics
5 about what the outsole looks like, that's the
6 pattern underneath your shoe. However, those
7 patterns are manufactured, thousands just alike,
8 everyday. And so without having all the hundreds of
9 shoes from people that had been there in this
10 incident that night, there's nothing I could have
11 done with that. The participants, that means the
12 four victims and a person of interest, had been
13 placed in this place, in the business to begin with.
14 So there was nothing I had to compare with in order
15 to try to put someone in a certain area inside the
16 business, nor did I have the shoes to start with.
17 But I just point this out to you. This is I. That
18 night there's nothing I do have done with that.

19 Q State's 24?

20 A This is J. As you turn into the left side of the
21 business itself, after you come through the entrance
22 you're going to see the pool table here
23 (indicating), J and K runs along the back side of
24 the pool table. There's another entrance back here
25 if you go around the backside, it comes into the

1 center portion, if you can remember on the sketch
2 that we had.

3 J shows you pooling of blood. That's blood into
4 blood where -- there has been bloodletting by
5 someone at that point. All of these smears, they --
6 if you look at them closely, you've got
7 directionality going this way, this way, some back
8 here going in this direction, this direction
9 (indicating). You can tell that by feathering
10 (phonetic) and the lessening of the blood that is
11 smeared across the substrate. That's where you get
12 your directionality.

13 So this shows you the myriad of the directions
14 that something or someone had been lateral --
15 laterally moving in motion across the substrate at
16 some point in time, J and K.

17 Q And that's State's 24?

18 A This is J again. It's showing you an imprint of a
19 heel and it goes back to the same thing we just
20 discussed.

21 Q State's 26?

22 A Another picture of J and K, disregard C. This is
23 all of my markers that were placed up there we got
24 in the photograph.

25 Q And keep going.

1 A K is just a better shot of what was found in the
2 backside of that first section. You can see some --
3 this is a blood trail. This is a 90 degree drop to
4 the substrate or the floor the item above. And it's
5 a linear and it shows motion in a direct certain
6 direction and it's just a dripping of blood.

7 Q State's 27?

8 A J and K -- and that's K again. You can see a better
9 photograph of this linear blood trail that's going
10 to go in this direction (indicating). You can see
11 also some swipes and wipes or blood smears coming in
12 this direction and going out this direction
13 (indicating). You can see because here you've got a
14 lot of blood, a lessening of the blood, the
15 feathering of it going in this direction but also
16 have some coming in this direction (indicating). So
17 you've got individuals or items that are being drug
18 across in a lateral motion on the floor going both
19 directions.

20 Q State's 28?

21 A L is the backside of the left side of the club that
22 comes around the left side into the center portion
23 of the area that we were discussing. And you can
24 just continue to see the smears that are on the
25 floor. You have a little bit of blood dripping,

1 some stopping of motion at certain points were
2 there's a little more blood but there's
3 directionality that's back and forth. And this is
4 generally going in this direction you'll see in a
5 minute, around towards the restroom.

6 Q And so this would be consistent with something being
7 drug this way and back around ---

8 A Yes, it come this way, it come around the front as
9 we just saw J and K, and then it comes around this
10 way to L (indicating). This is the backside, it goes
11 into the back area into a restroom area.

12 This is just a closer view of L which is the
13 center point of this middle section on the left side
14 that we just saw. It just gives us a little better
15 description of the feathering and directionality
16 that you see in the smears that were on the floor.

17 Q State's 30?

18 A M is beginning to turn into the backside, all the
19 way to the back wall, the third section where the
20 pool tables are. There's going to be blood in and
21 around that area also. As we turn into that area, I
22 marked with M a large quantity of blood pooling
23 here. It looks as if it's the blood of someone
24 that's stationary at this point for a period of time
25 because you have secondary spatter all around. You

1 have somewhat an impression of a shoe in this area
2 also (indicating). It's just another general shot
3 showing you the directionality of where the blood
4 was and all the surrounding area of the left side of
5 the club.

6 Q State's 31?

7 A This would have been a continuation. It's not
8 marked but it's a continuation on that backside of
9 the area between the pool tables.

10 Q And in this area (indicating), if you can describe
11 what's going on here for the jury?

12 A Well, this is -- this is a footwear impression
13 though very very faded in general. You can tell the
14 heel and the front. It just shows directionality in
15 this direction (indicating).

16 Q State's 32?

17 A Okay. This is N. As you come around -- we were
18 still working in the third section back in the back
19 area against the wall. And as you come around here
20 (indicating), we're going around between the pool
21 tables, in between with the blood pooling, the
22 stopping of the motion in certain points where you
23 get pooling. The dripping from one to the other
24 (indicating) and the smearing on the floor and
25 directionality is around back behind the pool tables

1 (indicating).

2 Q Now the larger amounts of pooling compared to the
3 smaller amounts, what would that be consistent with?

4 A That would be consistent with someone either in a
5 different direction or stamped where blood had been
6 pumping harder and coming out, if it's a person, and
7 the -- it could also be consistent with someone
8 being in that area a longer length of time than some
9 -- another place.

10 This is the backside going around between the
11 two pool tables in that third section. Here again,
12 and you can tell that it's a footwear and the
13 footwear impression is coming around the same way.
14 And you've got back here (indicating). It's
15 consistent with going around this pool table and
16 you've got the drops and the swipes. It's
17 consistent and the same all the way from the front
18 to the back, these areas around the pool tables
19 (indicating).

20 Q State's 34.

21 A N and P again. That's just showing a larger view or
22 an overview of the same area going between the two
23 pool tables. You've also got -- O is marked on top
24 of the pool table. You've got some swipes -- it's a
25 -- it's like a wipe. It's a pooling on top of the

1 pool table and something has been drug laterally
2 through it which indicates a wipe at some point.
3 And then you have the blood that's dripped on top of
4 the pool table also.

5 So at some point, in this area (indicating), the
6 blood is closer to this pool table. Someone
7 probably stopped in this area for a period of time,
8 they were bleeding, and blood pooled on the floor
9 substrate. Also blood may have been dropped over,
10 pooled on the top of the pool table and drips of
11 that nature.

12 Q State's 35?

13 A This the closer view of O which is on top of the
14 pool table. You can see the drips, see the drops,
15 smaller drops and larger drops doesn't mean a whole
16 lot of things, it depends on the height and how much
17 blood is in a drop per se. But as they hit the top
18 of the pool table, they spread out and were
19 saturated. So these probably are drops on this side
20 which is basically a drop on the side of the pool
21 table that you can see not so well here
22 (indicating). But had been there for a period of
23 time once I arrived and come back to do this
24 processing because it's beginning to dry on the
25 outside and pooling of blood or drops of blood dries

1 from the inside out.

2 Q State's 36?

3 A This is P. P is not -- hopefully we'll show you
4 here shortly but it's just a bigger view of the
5 drops that are on the backside of the pool table.
6 Now, we're going around the backside of the pool
7 table and we're going to be going out and into the
8 restroom area.

9 Q State's 37?

10 A Here it is again, going around the backside of the
11 second pool table and out in this area and then into
12 here (indicating) on the backside is where the
13 entrance to the restrooms area.

14 Q State's 38?

15 A This is Q, as we go around the corner. And you can
16 also see the same thing. These are drops now, not
17 so much pooling so much, but they are drops that are
18 going in this direction, not back here or here
19 (indicating), but around through this area. You see
20 some swipes along this area as well as going into
21 and towards the restrooms area.

22 Q State's 39?

23 A This is a better view around the corner going to the
24 restroom area. There are a lot of smears in this
25 area here (indicating), consistent with someone

1 getting to that point, up -- back and forth motion,
2 maybe opening the door.

3 Q State's 40?

4 A This is an overview, a better view of the back and
5 forth motion here, especially with the footwear
6 impressions in this area smeared from this point all
7 going towards this area.

8 Q And what's on the wall?

9 A On the wall here there's also a smear too. This
10 would be a swipe, a swipe being consistent with a
11 bloody object making a lateral motion across a non-
12 bloodied item. And that could be somebody up
13 against it putting their hands -- wiping their hand
14 across there as they're trying to make their way in
15 this direction. And this directionality is toward
16 the restroom area.

17 Q State's 41?

18 A This is the same thing it's all just a larger view
19 of what was found at the entrance to those
20 restrooms. Going into the ladies' restroom, which
21 is right at the end of the blood letting smears
22 throughout.

23 Q State's 42?

24 A As you're going into the restroom, you start seeing
25 S and this is a larger view and showing the markers,

1 if we can get to the next one.

2 Q And finally State's 43.

3 A Larger view on the inside of the restroom area. As
4 you can see, there's a lot of blood letting at this
5 point (indicating). Blood into blood here
6 (indicating), a lot of smearing, moving around,
7 directionality both this way and this way
8 (indicating), blood drops. Someone came to this
9 point (indicating), we've got an object here, a
10 paper towel or a piece of cloth, someone trying --
11 probably trying to stop bleeding at that point.

12 Q And if I could have you to have a seat.

13 (The witness returned to the witness stand.)

14 Q Investigator Richards, using State's Exhibit 15, if
15 you could just sketch out the pattern you just
16 described for the jury?

17 A I'll start at the beginning at the very entrance. I
18 came through. This was -- this was an open area,
19 more of an open area at that time. The pattern came
20 in this direction and around through here
21 (indicating), making its way this way, around the
22 tables here, back out this way also, (indicating).
23 This branched off and came this way (indicating),
24 into the restroom.

25 That's the pattern that I found that has just

1 been pointed out to you. It makes it a little bit
2 clearer.

3 Q Investigator Richards, did you also attend the
4 autopsy of Shannavia Williams?

5 A I did.

6 Q And when was that?

7 A I'm sorry?

8 Q And when did the autopsy ---

9 A On the 7th of February, 2007, at approximately 13:00
10 or 13:10 hours.

11 Q And ---

12 A 1:10 in the afternoon.

13 Q --- did you recover any projectiles from the body of
14 Shannavia Williams?

15 A I did -- I did not recover. It was recovered by Dr.
16 Nichols. It was given to me and I placed that into
17 our evidence room for further analysis.

18 Q And is that what's in State's 102?

19 A It is.

20 MS. MCDUFFIE: Your Honor, at this time we'd
21 offer State's 102.

22 MS. SCHILLACI: Without objection, Your Honor.

23 THE COURT: All right.

24 (Whereupon, State's Exhibit Number 102,
25 Projectile, was admitted into evidence.)

1 Q Finally, Investigator Richards, did you have a
2 chance to participate in the processing of a 2005
3 blue Chevy Impala?

4 A I did. I assisted Investigator Oates and
5 Investigator Bouknight in the processing of this
6 vehicle.

7 Q I'm going to show you State's Exhibits 108 through
8 132, and ask you if you have seen these pictures and
9 do they relate to your testimony?
10 (Witnesses reviewed photographs.)

11 A Yes, that's the vehicle that I assisted in
12 processing.

13 MS. MCDUFFIE: Your Honor, at this time we'd
14 offer State's 108 through 132.

15 THE COURT: That pictures of the blue car?

16 MS. MCDUFFIE: Yes, sir, Your Honor.

17 THE COURT: Pictures of the blue car, 108 to
18 132.

19 MS. SCHALLICI: Without objection.

20 THE COURT: All right, without objection.

21 (Whereupon, State's Exhibit Number 108 through
22 132, Photographs-Processing Blue Chevy Impala,
23 were admitted into evidence.)

24 Q Investigator Richards, what's the first thing that
25 was done in processing the vehicle?

1 A The first thing that's always done is photographs
2 are taken, ma'am.

3 Q And what did you do you after the photographs were
4 taken?

5 A Before anything else was done, I processed the front
6 left driver side for possible G S R and that's
7 gunshot residue.

8 Q And explain to the jury how you process a vehicle
9 for gunshot residue.

10 A To explain gunshot residue somewhat, when a weapon
11 is fired, the firing pin strikes the base of a
12 cartridge that's on the inside. At that time it
13 ignites primer. The primer and the gunpowder explode
14 and propels the projectile from the weapon, in
15 simplified terms.

16 As that happens, there's things, microscopic
17 particles, primer particles, that go into the air
18 from the weapon itself. And these particles are
19 things like lead, antimony an barium. They go into
20 the air in the form of an aerosol. Of course,
21 aerosol comes down, it sticks or lands on whatever
22 is surrounding where the weapon happened to be
23 fired. My job -- if that is seen to have or may
24 have happened, my job is to try to process that and
25 collect any of those particles that I possibly can.

1 But like I said, they're microscopic.

2 Q And so how do you collect them or how do you process
3 a vehicle for gunshot residue?

4 A I use what we call sticky tabs. And that's a
5 particle lift. These come in a packet that we buy
6 from the distributor and from the manufacturer. The
7 packet actually comes with instructions on how to
8 process an individual's hands for gunshot residue.
9 It comes with a sticky tab. It also comes with
10 cotton swabs. You can use both or either one.
11 That's why they're in there. I prefer, and I do
12 use, only the sticky tabs for particle lifts for
13 possible gunshot residue in vehicles.

14 Q Now I'm going to show you State's 103. Is this the
15 G S R kit you collected from the 2005 blue Chevy
16 Impala?

17 A It is.

18 Q Investigator Richards, when you collected this kit,
19 where was the vehicle located?

20 A In our forensic garage, secured forensic garage at
21 headquarters.

22 Q And when was the vehicle logged into your forensic
23 garage?

24 A I believe it was logged in on the -- February --
25 February the 5th, 2007, at 2:30 in the afternoon.

1 Q And is this like an impound lot or -- describe the
2 facility for me.

3 A No, it's an enclosed garage that is secured. The
4 only entrance into it and out of it is the crime
5 scene investigators themselves and that's where we
6 process our vehicles. But we have to have a secure
7 facility in order to do that.

8 Q And was any other vehicle in this garage while this
9 vehicle was in there?

10 A No, there was not.

11 MS. MCDUFFIE: Your Honor, at this time we'd
12 offer State's 103.

13 MS. SCHILLACI: Without objection

14 THE COURT: All right, 103. That's the ---

15 MS. MCDUFFIE: Gunshot residue kit from the
16 vehicle.

17 THE COURT: Okay.

18 (Whereupon, State's Exhibit Number 103, Gunshot
19 Residue Kit from 2005 Blue Chevy Impala, was
20 admitted into evidence.)

21 Q And you said that you processed the vehicle with
22 sticky tabs. Is this one of the sticky tabs you
23 processed?

24 A It is.

25 Q And is the actually sticky tab?

1 A It is.

2 Q And explain to the jury what you do with this.

3 A I run that over a substrate or the piece of item
4 that I'm trying to process where there may be found
5 some gunshot residue. What this does, it is a
6 particle lift. The sticky part of the tab itself
7 will lift those particles, the three that I named to
8 you, off of there, if there is any, and hopefully it
9 can be analyzed by an analyst and those three
10 particles can be found.

11 Q And do you just dab it once or how do you...

12 A No, it's done in a section in an overall view ---

13 Q So ---

14 A --- in a linear type way all the way down. If
15 you've got a rectangular type place that you want to
16 do, the whole thing is tabbed.

17 Q And the one that we are using for this purpose, what
18 did you label this as?

19 A Interior driver's side upper window frame.

20 Q And if you pulled this label off, it would have
21 another label under it?

22 A Yeah, most probably, if I did not pull that first
23 label off.

24 Q Because these are packed for hands?

25 A They are.

1 Q And you relabeled them for the purpose or processing
2 the vehicle?

3 A I do.

4 Q And please tell the jury what areas of the 2005 blue
5 Chevy Impala you processed.

6 A Based on information I had and gathered and where we
7 felt the most probability of gunshot residue, if a
8 weapon had been fired in that vehicle, I processed
9 the front driver's side, upper ceiling. That's
10 where he sat, up above. I processed it in two
11 different places. I marked it as number 1 and
12 number 2 because it's such a large area.

13 Q And is that what's depicted in State's 129?

14 A It is.

15 Q And please continue.

16 A I processed the front driver's side is number 2, as
17 I said, the front driver's side steering wheel. I
18 processed the front driver's side upper window
19 frame. That means the interior door and window at
20 the driver's side, the frame that goes across the
21 top, that's -- the interior side of that was
22 processed and sticky tabs were done for that.

23 Q The front driver's side doorframe. That means at the
24 base of the window, that door -- that frame that
25 comes across at the top right at the base, I did

1 that there also as well. The front driver's side
2 gearshift, I processed that. The front driver's
3 side door panel. Now, I went further down on the
4 driver's side interior door and did the panel from
5 the top all the way to the -- to just below the
6 handle. And the front driver's side rear driver's
7 seat. That may be a little misleading to you but
8 what that is, if a driver's sitting in his seat, the
9 backside, back here (indicating), this was what was
10 processed with a sticky tab.

11 Those are the areas that I processed.

12 Q And each of those was done with a separate sticky
13 tab?

14 A Yes.

15 Q And which are all contained in State's 103?

16 A Yes.

17 Q And do y'all process these at Richland County?

18 A The tabs there? No, those are sent to SLED for
19 analysis.

20 Q And was that done in this case?

21 A Yes, it was.

22 Q And did Joy Delatorre of the Sheriff's Department
23 take this to SLED?

24 A As marked on there, yes. What she would have done,
25 yes.

1 Q And, Investigator Richards, did you do any further
2 processing of the vehicle in this case?

3 A Yes, I did. After the gunshot residue processing
4 was done, then we could continue with other
5 processing. Now, I processed the outside and inside
6 -- the exterior and interior of the left side of the
7 car. That would mean the front and back door as
8 well as the windows there. The steering wheel,
9 gearshift again, the rear -- and the rearview
10 mirror.

11 I developed a latent from the outside front left
12 door window. I developed a latent from the outside
13 left rear door window and a latent from the rearview
14 mirror and these was turned over to our latent print
15 section.

16 Q And when you say latent, what are speaking of?

17 A That means fingerprint. If you touch something --
18 let's talk about maybe the rearview mirror. If you
19 touch a rearview mirror with your print (sic) you
20 may not -- with your hand or thumb, you may not --
21 may or may not be able to see the impression there.
22 What that leaves is an impression of your ridges
23 that everybody has on their fingers. If you can't
24 see those, we enhance certain areas that we feel we
25 might get a print off of with say powder,

1 fingerprint powder. This adheres to the oil that
2 are on the ridges of a person's fingerprints, it
3 makes them visible. Hence the term latent when --
4 means invisible. We then lift those with
5 fingerprint tape and we submit them to our latent
6 print section for analysis.

7 Q And after you lifted these latent prints, did you
8 send those off to someone else to examine?

9 A Our latent print section.

10 Q In the Richland County Sheriff's Department?

11 A Yes.

12 Q And were there other investigators processing the
13 vehicle with you?

14 A Yes, there was Investigator Bouknight and
15 Investigator Oates.

16 Q And did they continue to process the vehicle?

17 A They did. That was the extent of my involvement in
18 that car.

19 MS. MCDUFFIE: Thank you, Investigator Richards.
20 No further questions.

21 THE COURT: Ms. Schillaci.

22 (Pause.)

23 CROSS-EXAMINATION

24 BY MS. SCHILLACI:

25 Q Investigator Richards, good morning.

1 A Good morning.

2 Q I'm going to ask you...

3 (Pause.)

4 MS. SCHILLACI: May we approach, Your Honor?

5 THE COURT: Sure.

6 (WHEREUPON, a bench conference was held off
7 the record, in the presence of the jury, but out
8 of the hearing of the jury.)

9 Q Investigator Richards, I'm just going to ask you
10 have you seen this before?

11 A Yes.

12 Q And can you tell the jury what it is?

13 A That is a field sketch that was -- that was done by
14 Investigator Allen the morning that we were out
15 there.

16 Q Okay. So the prosecution has had you looking at
17 State's Exhibit Number 15. This was not done at the
18 scene?

19 A No.

20 Q Okay. But was something that you've seen that would
21 have been marked as identification only, this was
22 done at the scene?

23 A Yes, Investigator Allen did that at the scene.

24 Q Investigator Allen?

25 A Yes.

1 Q And I'm going to have you, if you don't mind, come
2 down.

3 A Sure.

4 (The witness steps down from the witness stand.)

5 THE COURT: Let's go ahead and mark it Defense
6 ID only -- what is it ---

7 COURT REPORTER: Two.

8 THE COURT: For ID.

9 (Whereupon, Defendant's Exhibit Number 2,
10 Poster, was marked for identification.)

11 Q And if you can tell the jury, looking at this that
12 was done at the scene, talk about this A, B, C and
13 D. And just tell us what they are, just identify
14 them, if you would.

15 A A is a fired cartridge casing that was found in the
16 parking area in front of the entrance to the
17 building. B is a projectile that was found ---

18 THE COURT: Can you hear?

19 COURT REPORTER: I can't ---

20 THE COURT: Will you face the other side and
21 talk back toward the court reporter. She's having
22 difficulty hearing.

23 (Complied.)

24 THE COURT: That's good.

25 THE WITNESS: I'm sorry. I have a cold also.

1 THE COURT: That's all right.

2 Q A is fired cartridge casing that was found in the
3 parking area near the front of the business, the
4 entrance of the business. B is a projectile that was
5 found in the parking area at the front of the
6 entrance to the business. C and D are also
7 cartridge casings that were found in the parking
8 area at the front entrance to the business.

9 Q And there are no measurements on this diagram, is
10 that correct?

11 A No. There are none.

12 Q So there were no measurements to tell the distances
13 of A, B, C and D from the standpoint of ---

14 A There was no measurement done.

15 Q Okay. And let me also ask you this, 1, 2, 3, 4, 5,
16 6, what are those?

17 A Those are the impact points that Investigator Allen
18 pointed out that night and he put in his field
19 sketch. And, of course, I went back the next day
20 and redid the whole thing. But this is going to be
21 an impact point, 1 and 2 is. 3 and 5 were impact
22 points in the glass. 4 and H are impact points to
23 the glass here (indicating). 6 is an impact point
24 that was above the inner door. F is an impact point
25 all the way to the back wall where a projectile was

1 found.

2 THE COURT: Can y'all see, members of the jury?
3 I'm going to ask you to step back a little bit so they
4 can see the exhibit.

5 THE WITNESS: Okay.

6 (Complied.)

7 THE COURT: Thank you, sir.

8 THE WITNESS: I'm sorry.

9 A All right, beginning again. A is the cartridge
10 casing that was found there by Investigator Allen
11 that night. C and D are also cartridge casings,
12 fired cartridge casings. B was a projectile. All
13 these are in the parking area in front of the
14 entrance to the business.

15 Investigator Allen also marked that night on the
16 rough field sketch an impact point at 1 and 2. That
17 is to the wall at the left side of the glass
18 enclosure entrance. He marked 3 and 5 which was
19 impact points to the glass going -- this point and
20 this point (indicating). Impact to the glass on the
21 left also at 4 and what he has an H. An impact
22 point at number 6 which was overhead area of the
23 inner entrance to the club itself. Impact point at
24 F was to the rear of the business where a projectile
25 was found imbedded in that impact point, the impact

1 points G and I which was in the wall behind -- in
2 the back wall behind all the pool tables.

3 Q Okay. And was it your understanding that
4 Investigator Allen was one of the first ones to the
5 scene?

6 A He was the first C S I to the scene.

7 Q Okay, first C S I to the scene?

8 A Yes.

9 Q And can you explain to the jury what is meant by C S
10 I?

11 A Crime scene investigator.

12 Q And again, he noted six impact points?

13 A At that time, yes.

14 Q Okay. All right, thank you. You may go take your
15 seat.

16 (The witness returned to the witness stand.)

17 Q Now, Investigator Richards, one of the first rules
18 of crime scene reconstruction is to be able to secure
19 the scene?

20 A That's correct.

21 Q Correct?

22 A Yes.

23 Q And you want to do that because you want to preserve
24 the evidence?

25 A That's correct.

1 Q Now, this scene was already -- and let me ask you
2 first, what time did you get there?

3 A I have that I arrived -- if you'll give me just a
4 second, please -- about 2:00 in the morning.

5 Q And do you have an understanding as to when the
6 incident occurred?

7 A Prior to that -- I do not know. I got the call
8 around 1:30 and I arrived about 2:00.

9 Q So was it your understanding that the incident had
10 occurred several hours before or?

11 A Not several hours, no, because when Investigator
12 Allen called me, he was in the process of trying to
13 help secure the scene.

14 Q Well, in terms of crime scene reconstruction, this
15 scene was already spoiled by foot traffic and auto
16 traffic, people trying to flee the scene by the time
17 you got there, correct?

18 A I would say that the blood pattern analysis that I
19 did was definitely -- the only thing I could show is
20 what I showed to the jury. Because of the transfer
21 of possible blood in several different directions of
22 people going in and out, I could not tell anything.
23 I could not put a person at a certain place in time
24 at a certain point inside that club based on blood.

25 Q But -- but again, I believe we had one picture is

1 even a shoe. Do you recall seeing that?

2 A Blood pattern shoe?

3 Q No, it was out -- outside, outside of the club. Do
4 you recall seeing that?

5 A No. There was one as you were going into. You're
6 still speaking of the blood pattern, right?

7 Q Uh-huh.

8 A There was one as you were just going into or just
9 coming out of.

10 Q Okay. And did you -- do you recall seeing a shoe
11 there, outside?

12 A I don't recall that, no, ma'am.

13 Q Are you the one that took the photos at the scene?

14 A I took some photos. And when I went back the
15 following day, I took all of the -- the following --
16 the second visit that morning. Investigator Allen
17 had already taken photographs before I got there and
18 I took a few more, yes.

19 Q But it was your understanding that this scene, in
20 terms of crime scene reconstruction, was not
21 pristine because people had been coming and going,
22 both individuals and automobiles, correct?

23 A It's under my -- it was my understanding and after I
24 make a walkthrough of the crime scene itself, that
25 it was not pristine in certain disciplines.

1 Q Now, in reference to the photos that we were able to
2 see of the casings, the bullets, even the impact
3 points, now, you couldn't date those, could you?
4 You can't date bullets or casings, correct?

5 A No, I -- I cannot, no, you cannot.

6 Q And you cannot date impact?

7 A No.

8 Q Holes?

9 A The only thing I can do is show where the
10 possibility of weathered impact points may have or
11 may not have been.

12 Q And I believe that you were testifying about rust
13 but aluminum does not rust ---

14 A Well ---

15 Q --- does it?

16 A --- the scratches back there seemed to be fresh to
17 me but you're right about that.

18 (Pause.)

19 Q So you cannot tell whether or not the bullets or the
20 holes are related to this incident -- let me make it
21 simple. You cannot testify as to whether or not
22 those impact points that you saw relate to this
23 incident?

24 A The only thing I can tell you are the two areas
25 where there was a -- a fragment or a projectile

1 pulled from the impact points itself. Everything
2 else was marked, photographed and looked at with the
3 -- in the basis of a shooting reconstruction and I
4 have to mark everything and look at it.

5 Q And you cannot testify as to whether or not those
6 impact points are made by the same weapon?

7 A I cannot, no.

8 Q And I believe you testified that in terms of the
9 broken glass, you cannot tell if that was coming
10 from the inside or the outside?

11 A That was one impact point. That was number 4 that
12 was on the left side of the enclosed glass area. I
13 could not tell based on the coning effect which we
14 had a little on each side, the exterior and the
15 interior side. However, number 5 which was down
16 below it or further close -- closer to the wall
17 itself was definitely from outside-in, yes.

18 Q But again in terms of the broken glass, you could
19 not tell if that was ---

20 A Not number 4. Not number 4, no, ma'am.

21 Q And all this business about trajectory, some of that
22 really is unscientific, isn't it?

23 A Trajectory analysis?

24 Q (Affirmative response.)

25 A No. It has been experimented with throughout. It

1 has been written about and it is being taught now.

2 Q Well, isn't that why we're still trying to figure
3 out with the J F K assassination for decades, trying
4 to figure out trajectories?

5 A I wouldn't have the slightest clue. I wasn't
6 involved in that.

7 Q And let me ask you, at the scene, did you yourself
8 search for projectiles, casings or did you leave
9 that to other people?

10 A No, I searched myself also. Yes, ma'am

11 Q And what area did you search?

12 A Inside and outside.

13 Q And when you talk about searching outside, did you
14 cover the entire parking lot?

15 A I did before I left that morning to go back to
16 secure my evidence at headquarters I did. I walked
17 the entire parking lot in the front.

18 Q And if we take a look at ---

19 MS. SCHILLACI: If I may approach.

20 Q State's Exhibit Number 16, can you take the pointer
21 and show where you searched?

22 (The witness steps down from the witness stand.)

23 A Well, I'm assuming that we're talking about the club
24 being here (indicating) and this was the secured
25 area around in here (indicating) that was searched

1 by both Investigator Allen and I. I extended the
2 search before I left for the first time to the area
3 in here (indicating).

4 Q Okay. And the last search that you did, when did
5 that occur?

6 A Right before I left. It was just after light.

7 Q Okay. But -- on the 5th?

8 A Yes. Yes.

9 Q Take your seat.

10 (The witness returned to the witness stand.)

11 Q And when you arrived on the scene, the markers that
12 we saw, A, B, C, D, were those already set there by
13 Investigator Allen?

14 A They were.

15 Q Okay. So it's not something that you placed?

16 A No.

17 Q And I believe you also testified that at the scene
18 you collected a firearm?

19 A Yes, ma'am.

20 Q Correct?

21 A Yes, ma'am.

22 Q And that would have been the one belonging to one of
23 the security guards?

24 A Yes, ma'am.

25 Q You also collected a 45 caliber cartridge from the

1 parking lot?

2 A Unfired. Unfired cartridge, yes.

3 Q Were you surprised to see that?

4 A I'm not surprised at anything, ma'am.

5 Q And looking again at State's Exhibit 14, can you
6 show where the 45 unfired shell was found?

7 A I can give you an approximate. It was approximately
8 in this area right here (indicating).

9 Q So you were retrieved -- you retrieved one of the
10 security guards firearms?

11 A Yes, ma'am.

12 Q You retrieved a 45 caliber cartridge from the
13 parking lot?

14 A Yes, ma'am.

15 Q And these casings that were marked A, B, C, D, again
16 those were already labeled by Investigator Allen
17 before you arrived at the scene?

18 A They were labeled but they were still laying there
19 by the labels, yes.

20 Q And you indicated at one point that you left the
21 scene and then returned.

22 A That's correct.

23 Q How long were you on the scene?

24 A The first time?

25 Q The first time.

1 A I arrived there about 2 and I was on the scene until
2 about 6, I think. And then we left and came back
3 and then when I came back myself I arrived back
4 there around 7:00. So I was back and put my
5 evidence in my locker and then I returned
6 immediately.

7 Q Okay. So you returned at 7 p.m. the next day or 7
8 a.m.?

9 A 7 a.m., ma'am.

10 Q Okay. And the Solicitor was asking you about
11 gunshot residue.

12 A Uh-huh.

13 Q And you explained a little bit about that. Gunshot
14 residue, in theory, remains on an individual how
15 long?

16 A On an individual who is still alive, we are only
17 allowed to process for gunshot residue within six
18 hours of the time of the incident.

19 Q And that's your department's protocol?

20 A That's SLED's protocol.

21 Q And you were at the scene at 2 a.m., correct, when
22 you first arrived?

23 A Yes, ma'am.

24 Q And your investigation led you to believe that at
25 least one of the other security guards had a weapon,

1 correct?

2 A Yes.

3 Q And did your investigation lead you to understand
4 that another security guard also had a weapon?

5 A I would assume security guards probably had weapons,
6 yes, ma'am.

7 Q Were you asked to perform any other gunshot residue
8 testing on anyone else at the scene?

9 A No. If I was, it would have been done.

10 Q So you were not asked to perform any gunshot residue
11 on any security guard?

12 A I don't know that -- there was none there when I
13 arrived, when I was processing.

14 Q Now, in this particular case, who made the decision
15 of what to test at the scene, in terms of gunshot
16 residue? Would that have been a decision that you
17 would have made or someone else?

18 A It could have been either/or or both. I make those
19 decisions, investigators ask for those to be done,
20 they make those decisions. Whoever decides that
21 it's a possibility, they can request that to be done
22 and then I do it.

23 Q But you personally did not request any other gunshot
24 residue to be performed on anyone at the scene?

25 A I did not, no.

1 Q Okay.

2 MS. SCHILLACI: Beg the Court's indulgence.

3 THE COURT: Yes, ma'am.

4 (Pause.)

5 Q And Investigator Richards, I want to move now to the
6 garage where you did the, I guess what you called
7 the processing?

8 A Yes, ma'am.

9 Q The car?

10 A Yes, ma'am.

11 Q And in terms of processing, what do you mean by
12 that? Was it you take photographs, you did some D N
13 A testing, correct, or one of the investigators did?

14 A At one point, yes.

15 Q Gunshot residue testing?

16 A Yes.

17 Q And the processing was done in the garage?

18 A It was.

19 Q And is that the Sheriff's Department's garage?

20 A It belongs to the Sheriff's Department, yes, ma'am,
21 Forensics Division.

22 Q And I believe that you had talked about the order of
23 how the vehicle was processed. You began with the
24 photographs?

25 A Yes, ma'am.

1 Q And who did the photographing?

2 A I believe Investigator Oates photographed it.

3 Q Investigator Oates?

4 A Yes, ma'am.

5 Q And after the photographing, what came next?

6 A The G S R processing.

7 Q And G S R being short for ---

8 A Gunshot residue, yes, ma'am.

9 Q And I believe you testified that you had used sticky
10 tabs, correct?

11 A That's correct.

12 Q So you didn't do any cotton-swabbing ---

13 A I did not, not for gunshot residue, no.

14 Q You did not. And then what happened after the
15 gunshot residue?

16 A It was processed for latent prints.

17 Q For latent prints ---

18 A Yes.

19 Q --- for fingerprints?

20 A Yes, ma'am.

21 Q And were you involved in the fingerprinting?

22 A Yes, ma'am, I testified that I processed the left
23 side of the vehicle.

24 Q And was another officer also involved in
25 fingerprinting?

1 A Yeah, it would have either been Investigator Oates
2 or Investigator Bouknight. I believe it was
3 Investigator Bouknight.

4 Q And was it your understanding that they were doing
5 the other parts of the car?

6 A Yes.

7 Q And then what happened after the fingerprinting?

8 A After fingerprinting, then it would come D N A swabs
9 if that was appropriate for the processing of that
10 particular car?

11 Q So it was three of you, Investigator Oates,
12 Bouknight and yourself, were in and out of the
13 vehicle processing it?

14 A Not until after I did the G S R, no.

15 Q Okay. And you said it was Investigator Oates that
16 was doing the photographing?

17 A Yes.

18 Q And he did take some photographing from inside the
19 vehicle?

20 A He took photographs with the doors open of the
21 inside of the vehicle.

22 Q And the doors open, that would have been passenger
23 side and the driver's side?

24 A Sure, yes.

25 Q Now, in terms of the -- well, let me ask you. When

1 you first went into the vehicle, you testified that
2 -- I guess you've been admitted as an expert in like
3 blood spattering and blood smears. Did you see any
4 blood in the vehicle?

5 A No, if I had of it would have been documented.

6 Q Okay. Did you see a bloody tissue?

7 A I did not. I was concentrating on other things. I
8 did not participate in the search which came after
9 the processing. That was Investigator Oates and
10 Bouknight who completed the search and the
11 processing of the vehicle.

12 Q So if there was a bloody tissue in the front of the
13 vehicle, you would not have seen that?

14 A I'm not saying I would not have. I didn't say I did
15 -- I said it was not documented by me.

16 (Pause.)

17 Q If there was blood in the car, do you believe that
18 that should have been brought to your attention,
19 given that you do blood spattering?

20 A We all do blood spattering, ma'am. We're all
21 capable of doing those -- those things, that
22 discipline.

23 Q Okay. So you ---

24 A Particularly Investigator Bouknight, yes.

25 Q So if there was blood in the vehicle, you believe

1 that that should have been brought to your
2 attention?

3 A It should have been?

4 Q (Affirmative response.)

5 A I'm not necessarily saying that it should have been
6 since I had another qualified investigator
7 processing the vehicle as well.

8 Q And that other qualified investigator would be
9 Investigator Oates?

10 A Bouknight.

11 Q Bouknight?

12 A Yes.

13 Q Okay. Now, in terms of fingerprinting, are you --
14 you're not looking for visible prints, that's why we
15 call it latent, correct?

16 A Well, you're looking for both. Sometimes you can
17 see them but the majority of the time you can't see
18 a latent print and that's what it would be
19 enhancement processes.

20 Q And in this case you didn't see any visible prints?

21 A No, I did not.

22 Q And you don't lift a print unless you believe it's
23 of sufficient evidentiary value, correct?

24 A Well, sometimes it's difficult to tell if it's of
25 sufficient evidentiary value. So sometimes if they

1 have a large -- a number of ridge detail access to
2 them, then I will go ahead and lift them. It may
3 turn out that they're not identifiable. But they
4 can be lifted, yes.

5 Q So if a print had no value, what would that mean?

6 A It means it could not be identified.

7 Q And -- and -- excuse me. In this case did you find
8 prints that were identifiable?

9 A I turned the prints that I had enhanced and
10 developed and collected into our latent prints
11 section. I did not do the comparison process for
12 those prints.

13 (Pause.)

14 Q And Investigator Richards, are you aware that there
15 was no fingerprints in that vehicle of Johnnie
16 Gaskins?

17 A Yes, I'm aware of that.

18 Q You are aware of that?

19 A Yes.

20 Q But there were other prints found that were
21 identified?

22 A If you're talking about the ones that I submitted
23 ---

24 Q That's correct.

25 A --- yes. I -- yes.

1 Q And I'm going to ask you briefly about the D N A.

2 Did you take the D N A samples ---

3 A No, I did not.

4 Q Okay. And would that have been Investigator Oates
5 or Bouknight that ---

6 A It could have been either one.

7 Q But you know which?

8 A No, I do not.

9 Q And were you present while they were testing for D N
10 A?

11 A I may not have been. I may have finished what I was
12 doing and had to move on to something else or called
13 away.

14 (Pause.)

15 Q Investigator Richards, I'm going to ask you a few
16 questions about the gunshot residue. The gunshot
17 residue was done after the photographing?

18 A Yes.

19 Q And were you the only one involved taking those
20 samples?

21 A Yes.

22 Q And I believe you testified that you used sticky
23 tabs, did not use a cotton swab?

24 A That's correct.

25 Q And for gunshot residue, you're looking for three

1 components, is that your understanding?

2 A There's three components there, yes, microscopic
3 particles of ---

4 Q Lead, barium and antimony?

5 A That's correct.

6 Q And in your training, you understand that the
7 presence of lead, for instance, can be caused by
8 other things other than gunshot residue?

9 A Sure. Sure.

10 Q And after taking the samples, they were submitted to
11 SLED?

12 A Yes, ma'am.

13 Q And when you submitted the samples, did you include
14 photographs or the incident report?

15 A The incident report, yes, ma'am.

16 Q And that was all put in a sealed envelope?

17 A Yes, ma'am.

18 Q And the actual analysis was not done by you, it
19 would have been done by SLED?

20 A Yes, ma'am.

21 Q And did you know who at SLED -- and I'm only asking
22 you who at SLED would have performed the analysis?

23 A I do not know.

24 Q So you did not speak with the person who performed
25 the analysis on G S R?

1 A No, I did not. I received a report.

2 Q Okay. And do you know what's meant by secondary
3 transfer when we're talking about gunshot residue?

4 A Yes, ma'am.

5 Q And can you tell the jury what that is?

6 A It's transfer of possible gunshot residue by another
7 source other than the weapon being fired.

8 Q So for example, if someone had been at the firing
9 range or they'd been involved with -- somehow with
10 guns that had been fired and they were to then go
11 and touch a doorknob, would you likely find gunshot
12 residue on the doorknob?

13 A It's a possibility that you would, yes.

14 Q And would that be an example of secondary transfer?

15 A Yes.

16 Q Now, were you involved in doing G S R testing on any
17 other objects recovered in this case, for example a
18 jacket?

19 A I was requested to submit the -- a jacket that was
20 already in evidence, do the paperwork, submit the
21 jacket to SLED for analysis for gunshot residue,
22 yes, which I did.

23 Q Now I'm going to show you State's Exhibit 18. Does
24 this appear to be the jacket?

25 A I need to see the box with the evidence item.

1 (Presented to the witness.)

2 A Yes.

3 Q Was that submitted for gunshot residue testing?

4 A Yes, ma'am.

5 Q And are you the one who decided to have the jacket
6 tested?

7 A No, ma'am.

8 Q Do you know who would have made that decision?

9 A Yeah, I was requested to do that by Captain Smith
10 during a case review of this incident.

11 Q And based on your training and experience, why would
12 you test a jacket or a piece of clothing for gunshot
13 residue?

14 A If that piece of clothing had been worn or possibly
15 been worn at the time of discharge of a weapon.

16 Q And you certainly would not test a piece of evidence
17 for gunshot residue unless you had a reasonable
18 belief that it may contain gunshot residue, correct?

19 A I wouldn't. I can't speak for Captain Smith.

20 MS. SCHILLACI: Beg the Court's indulgence.

21 (Pause.)

22 A And Investigator Richards, let me just clarify, the
23 jacket that was marked as State's Exhibit Number 18,
24 that was not found in the car, correct?

25 A Not by me, no.

1 MS. SCHILLACI: All right. That's all we have,
2 thank you.

3 THE COURT: Anything on redirect?

4 MS. MCDUFFIE: No, sir, Your Honor.

5 THE COURT: All right, you may step down, sir.
6 (The witness leaves the witness stand.)

7 MR. MEADORS: Pat Travis Holdorf.

8 THE COURT: All right, call your next witness.
9 As they come down, I need to step outside. Don't go
10 anywhere -- don't do anything.

11 (The jury retires from the courtroom at
12 approximately 12:20 p.m.)

13 (The Court was in recess.)

14 THE COURT: Thank you. You all ready?

15 MR. MEADORS: State's ready.

16 THE COURT: All right. Bring the jury in
17 (The jury returned to the courtroom at
18 approximately 12:30 p.m.)

19 THE BAILIFF: The jury's all present, Your
20 Honor.

21 THE COURT: Thank you, sir. You may call your
22 next witness.

23 MR. MEADORS: If it pleases Your Honor,
24 Investigator Travis Holdorf.

25 THE COURT: Holdorf?

1 MR. MEADORS: Holdorf, H-o-l-d-o-r-f.

2 (TRAVIS HOLDORF, having first been duly sworn,
3 testified as follows:)

4 THE CLERK: Please have a seat in the witness
5 stand and state your full name for the record.

6 THE WITNESS: Travis Holdorf.

7 DIRECT EXAMINATION

8 BY MR. MEADORS:

9 Q Good afternoon, Mr. -- Investigator Holdorf. Very
10 briefly, tell these ladies and gentlemen of this
11 jury, where are you from?

12 A I was born in Spirit Lake, Iowa but I grew up in
13 Columbia, South Carolina.

14 Q And your education?

15 A High school, some college. I went in the Air Force
16 after high school and then started at the Sheriff's
17 Department.

18 Q And how long have you been at the Sheriff's
19 Department?

20 A 15 years.

21 Q And you're currently in what role or capacity there?

22 A I do special victims investigations, sex crimes,
23 crimes against children. Also am a primary homicide
24 investigator and an arson investigator.

25 Q And back in February of '07, what were your duties

1 at the Sheriff's Department?

2 A I was a major crimes investigator, basically crimes
3 against people.

4 Q Did you have the opportunity or were you asked to
5 get involved in this case, The State of South
6 Carolina versus Johnnie Gaskins ---

7 A Yes, sir.

8 Q And specifically on February 5th of 2007, did you go
9 to Club 360 on Bush River Road?

10 A I did.

11 Q You were not the primary investigator, correct?

12 A No, sir.

13 Q Or chief investigator. Were you asked to show a
14 photo lineup to one Tamera Barnett?

15 A Yes, sir, I was.

16 Q And can you tell these folks where that -- where
17 that -- where you showed Ms. Barnett that lineup?

18 A We were inside Club 360 in an area that was away
19 from other people so we could sit down and talk, so
20 that what we were saying would not be overheard by
21 other people.

22 Q And did you have or were you informed that Ms.
23 Barnett may have seen something or someone and
24 that's what you were showing these pictures for?

25 A Yes, sir.

1 Q And did she give you a description of the
2 individuals?

3 A Yes, sir, she did.

4 Q What did she tell you?

5 A She said that he was wearing black -- what she
6 described as black Dickie pants, a black jacket with
7 fur around the hood.

8 Q And did you make notes of those?

9 A Yes, sir, I did.

10 Q And did you show her a photo -- what we know as a
11 photo lineup?

12 A Yes, sir, I did.

13 Q And I'm going to show you what's already entered
14 actually as State's 19. Do you recognize that?

15 A Yes, sir, I do.

16 Q Is that the photo lineup you showed Ms. Barnett?

17 A Yes, sir.

18 Q It's kind of commonsense, would you put one
19 Caucasian with five African-Americans?

20 A No, sir.

21 Q Or vice versa?

22 A No, sir.

23 Q Are you trying to make a lineup as neutral as
24 possible?

25 A Yes, sir.

1 Q Do you want any one person to stand out?

2 A No, sir.

3 Q And did you show her this lineup?

4 A Yes, sir.

5 Q What if anything did you tell Ms. Barnett prior to
6 showing her that lineup?

7 A Advised her I was going to show her a photo lineup
8 of six people and if there was anyone in the photo
9 lineup that she recognized, where she recognized
10 them from. I also advised her, these photos could
11 have been from last night or they could have been
12 from several years ago. So things like hairstyle
13 and facial hair can be changed. So concentrate on
14 the face itself, not features that you can change.

15 Q Was she able to pick out anybody in that lineup?

16 A Yes, sir.

17 Q And who did she pick out?

18 A Number 5, the Defendant.

19 Q And was Number 5 from the person she had seen at the
20 bar that night?

21 A Yes, sir.

22 Q Did she indicate ---

23 MR. MEADORS: And, I'm sorry. I didn't ask
24 your permission to approach, Judge.

25 THE COURT: Yes, sir.

1 Q Did she indicate on here by signing her name or any
2 other way that she picked out number five?

3 A Yes, sir. She signed it at the bottom.

4 Q And is your name on there?

5 A Yes, sir, I witnessed it.

6 Q Tell these ladies and gentlemen of this jury,
7 Travis, did you try to hint or cheat or tell her who
8 to pick out?

9 A No, I did not.

10 MR. MEADORS: It's already in evidence. That's
11 all I have, thank you.

12 THE COURT: Cross-examination.

13 MS. SCHILLACI: A couple of questions, Your
14 Honor.

15 CROSS-EXAMINATION

16 BY MS. SCHILLACI:

17 Q Investigator Holdorf, Ms. Barnett did not witness
18 the shooting, correct?

19 A That is correct.

20 Q Okay. And there was another fellow by the name of
21 Chris Lyles who was bar -- who was at the bar that
22 evening and later found with a gun. Was he included
23 in this lineup?

24 A No, ma'am. If we had more than one person of
25 interest, typically we would make a separate photo

1 lineup.

2 Q Okay. But Ms. Barnett was not asked to identify
3 Chris Lyles, correct?

4 A Not that -- not that morning when I went there, no,
5 ma'am.

6 MS. SCHILLACI: All right. No further
7 questions.

8 MR. MEADORS: That's all, thank you.

9 THE COURT: All right, you may step down, sir.

10 MR. MEADORS: May this witness be excused.

11 THE COURT: Yeah, sure, get some sleep.

12 THE WITNESS: Thank you, Your Honor.

13 (The witness leaves the witness stand.)

14 (WHEREUPON, a bench conference was held off
15 the record, in the presence of the jury, but out
16 of the hearing of the jury.)

17 THE COURT: All right. Members of the jury, I'm
18 going to send you -- or, we'll give you lunch now. And
19 the lawyers have twisted my arm, I'm going to give you an
20 hour instead of 30 minutes.

21 So eat your sandwiches and just don't talk about
22 the case. You're free to walk around and enjoy the
23 sunshine for the remaining of that hour. And it's a
24 beautiful day out there so I would encourage you to do
25 it.

1 Just don't talk about the case. Eat your lunch
2 and be back in the jury room at a quarter till 2, all
3 right.

4 Thank you all so very much. And my deadline is
5 still the deadline that I mentioned to you earlier.
6 Don't get nervous about that, 4:00 at the latest.

7 (The jury retires from the courtroom at
8 approximately 12:39 p.m.)

9 THE COURT: Anything further? Everybody's good?

10 MR. MEADORS: Yes, sir thank you very much.

11 THE COURT: See ya'll back here in an hour.

12 (The Court was in recess.)

13 THE COURT: I think we're all here. Is
14 everybody here?

15 MR. MEADORS: The State's ready.

16 THE COURT: Bring them in.

17 (The jury returned to the courtroom at
18 approximately 1:50 p.m.)

19 THE BAILIFF: The jury's all present, Your
20 Honor.

21 THE COURT: I want to thank you all on behalf of
22 everybody involved in this case, Mr. Meadors, Ms.
23 McDuffie, Mr. McCulloch and Ms. Schillaci. Did I say it
24 right?

25 MS. SCHILLACI: Schillaci.

THE COURT: Schillaci -- for your patience and understanding. And I promise to take you all to the fair next year.

(Laughter.)

THE COURT: And take you on all the rides.
Mr. Meadors, you may call your next witness.

MR. MEADORS: Please the Court.

THE COURT: Yes, sir.

MS. MCDUFFIE: The State would call Investigator Harold Bouknight.

(HAROLD BOUKNIGHT, having first been duly sworn, testified as follows:)

THE CLERK: Thank you. Please have a seat in the witness stand and state your full name for the record and please spell your last name.

THE WITNESS: Investigator Harold Bouknight, B-o-u-k-n-i-g-h-t.

DIRECT EXAMINATION

BY MS. MCDUFFIE:

Q Investigator Bouknight, where are you currently employed?

A At the Richland County Sheriff's Department Crime Scene Unit.

Q And what are your duties with the Crime Scene Unit?

A I'm a senior crime scene analyst. That means I take

1 supervisor on call. I assist other investigators on
2 the road. I respond to scenes to locate, document,
3 preserve, process and collect evidence.

4 Q And how long have you been with the Sheriff's
5 Department?

6 A I've been with Richland County for seven years and a
7 crime scene investigator for a little over four
8 years.

9 Q And please tell the jury a little bit about your
10 education and training in the field of crime scene
11 investigation?

12 A In 1995, I received an associate's degree in criminal
13 justice from Midland's Technical College. And since
14 joining the Crime Scene Unit, I've completed in-
15 house training which took approximately a year and a
16 half which included reading and testing, both
17 written and proficiency testing in fingerprint
18 comparison and examination, footwear examination and
19 comparison, blood stain pattern analysis, latent
20 print processing and crime scene security. I've
21 also attended courses in crime scene reconstruction,
22 a 40 hour course in blood stain pattern analysis, a
23 40 hour course in fundamentals of crime scene
24 investigation and evidence collection, an eight hour
25 course in advanced blood stain analysis, a 40 hour

1 course in advanced blood stain pattern analysis, a
2 40 hour course in complex latent print examination
3 and in 2008 I was certified as a crime scene
4 investigator by the International Association for
5 Identification.

6 MS. MCDUFFIE: Your Honor, at this time we would
7 offer Investigator Bouknight as an expert in crime scene
8 investigation.

9 MR. MCCULLOCH: No objection.

10 THE COURT: All right, without objection. Are
11 you going to solicit a fact or an opinion from him?
12 Both?

13 MS. MCDUFFIE: Yes, sir, Your Honor.

14 THE COURT: All right. Go ahead.

15 Q Investigator Bouknight, please tell the jury what
16 your duties were on February the 5th of 2007.

17 A On February 5th, 2007, I was a regular crime scene
18 analyst and not a supervisor at that time. And I --
19 at that time I would just respond to scenes and
20 process evidence and photograph and collect it there
21 and also process any other vehicles or anything that
22 may be involved in a crime.

23 Q And did you respond to 826 Bush River Road on
24 February the 5th of 2007?

25 A Yes, ma'am, I did.

1 Q And what was that in reference to?

2 A It was to follow up to photograph and collect some
3 evidence that had been located at the scene.

4 Q And was this evidence located by yourself?

5 A It had been located and placed on a stand by
6 employees at the scene that were cleaning up,
7 employees of the location. There was a black knit
8 cap, a jacket from a bullet fragment, a cellular
9 phone and a flattened projectile that was stuck to
10 the side of the black knit cap.

11 MR. MCCULLOCH: No objection to the photograph,
12 Your Honor.

13 THE COURT: All right.

14 MS. MCDUFFIE: Your Honor, we'd offer State's
15 106 and 107.

16 THE COURT: Without objection.

17 (Whereupon, State's Exhibit Number 106,
18 Photograph of Interior of Club and Items
19 Collected, was admitted into evidence.)

20 (Whereupon, State's Exhibit Number 107,
21 Photograph Black Knit Cap and Items Collected,
22 was admitted into evidence.)

23 Q Investigator Bouknight, if you could please show
24 those photographs to the jury and describe to them
25 what they depict.

1 A Yes, ma'am, this is a photograph -- start with this
2 one. This is the black knit cap that I told you
3 about earlier.

4 THE COURT: The exhibit number?

5 THE WITNESS: This is 107.

6 THE COURT: All right. Thank you, sir.

7 A It's -- and the flattened projectile on the side.
8 And then the jacket fragment here and then part of
9 the phone. And you can see here (indicating), this
10 is just a photograph of the interior and there is
11 the black knit cap there next to a bench.

12 Q And you said you found a flattened projectile in the
13 black knit cap?

14 A It was stuck to the side of it.

15 Q I want to show you State's 104. Do you recognize
16 that?

17 A Yes, ma'am.

18 MS. MCDUFFIE: Your Honor, at this time we'd
19 offer State's 104.

20 THE WITNESS: It's a flattened projectile.

21 THE COURT: Any objection?

22 MR. MCCULLOCH: No objection.

23 THE COURT: All right, without objection.

24 (Whereupon, State's Exhibit Number 104,
25 Flattened Projectile from Knit Cap, was admitted

1 into evidence.)

2 Q And if you could please take that out of the
3 packaging and show it to the jury?

4 (Complied.)

5 A That's the flattened projectile and that was the
6 side that was stuck to the knit cap. You can still
7 see the weave of the fabric in the lead of the
8 projectile.

9 Q And when we're talking about a projectile, what are
10 we talking about?

11 A That's the part of a cartridge. You have your
12 primer casing, propellant and then the projectile or
13 the bullet. The bullet is what leaves the barrel of
14 the weapon.

15 Q And that's what was on this knit cap?

16 A Stuck to the side of it, yes, ma'am.

17 Q And you also said copper jacket?

18 A A piece of a jacket fragment, yes, ma'am.

19 Q State's 105, that's what else you found?

20 A It appears to be, yes, ma'am.

21 MS. MCDUFFIE: Your Honor, I'd offer State's
22 105.

23 MR. MCCULLOCH: No objection.

24 THE COURT: And 105 is what again?

25 MS. MCDUFFIE: The copper jacket.

1 (Whereupon, State's Exhibit Number 105, Copper
2 Jacket Fragment, was admitted into evidence.)

3 Q Please explain to the jury what that is?

4 A In the manufacturing process for projectiles, a lot
5 of different manufacturers use different things.
6 They start with a plain lead base and then they coat
7 the lead projectile with -- sometimes they use
8 brass, mostly they use copper. They will coat it to
9 make it more durable. Sometimes they're hollow
10 points where the end of that copper base or copper
11 jacket is removed to allow greater expansion.

12 Q And that was all found at Club 360 on February
13 the 5th of 2007?

14 A Yes, ma'am.

15 Q And did you -- on February 6th, 2007, did you
16 participate in the processing of a 2005 blue Chevy
17 Impala?

18 A Yes, ma'am, I did.

19 Q And please describe for the jury what your
20 involvement was in processing that vehicle.

21 A My involvement was I -- I assisted Investigator
22 Oates and Sergeant Richards -- or he was just
23 Investigator, Investigator Richards in processing
24 the vehicle. I -- I processed the exterior of the
25 front and rear passenger doors and the interior with

1 black powder. I lifted one print from the front
2 passenger door. And I located a fired shell casing
3 in the rear pocket of the passenger seat. And that
4 was turned over to Investigator Oates.

5 Q I'm going to show you what's already in evidence,
6 State's 130. Please describe for the jury what's
7 depicted in that photograph.

8 A That's looking through the rear passenger door of
9 the Impala, that's the rear seat pocket.

10 Q And State's 131?

11 A That's -- right there is the shell casing that's
12 located in that seat pocket.

13 Q And State's 132?

14 A And that's the shell casing outside of the seat
15 pocket.

16 Q And these were found in which seat of the Impala or
17 where in the Impala?

18 A It's in the seat pocket of the passenger seat.

19 Q And did you -- after you found this shell casing,
20 what did you do with it?

21 A I turned it over to Investigator Oates.

22 Q And he collected it and placed it in evidence?

23 A Yes, ma'am.

24 Q And did you enter any further processing on the
25 vehicle?

1 Q No, ma'am.

2 MS. MCDUFFIE: Beg the Court's indulgence.

3 (Pause.)

4 MS. MCDUFFIE: No further question, Your Honor.

5 THE COURT: Cross-examine.

6 CROSS-EXAMINATION

7 BY MR. MCCULLOCH:

8 Q Mr. Bouknight, how are you today?

9 A Doing good, sir.

10 Q Now, the processing of the scene took place when?

11 A Whenever I was there?

12 Q Yeah.

13 A I was there at 10:12 in the morning of February 5th.

14 Q On the 5th, okay. So the morning after the
15 incident?

16 A Yes, sir.

17 Q The knit cap and the, I think you said it was a
18 projectile, and I don't recall the exhibit number,
19 the things we were just talking about, you were
20 talking about with the prosecution. Those were
21 pointed out to you by somebody?

22 A They were on a ledge whenever I got to the scene.

23 Q So they had been found by somebody else?

24 A Yes, sir.

25 Q All right. So all you did was secure them or take

1 them?

2 A I photographed them and collected them, yes, sir.

3 Q Okay. Do you know why police officers did not do
4 that the night before?

5 A No, sir.

6 Q But they had been there for some time, you don't
7 know anything else about them or how they got there
8 other than the fact -- and you weren't there when
9 they were discovered and placed on the ledge?

10 A Correct.

11 Q All right. Now, tell me about the processing of the
12 vehicle. It was in an indoor garage, is that right?

13 A Yes, sir.

14 Q And the -- when you arrived there -- I think there
15 are a bunch of photographs of all of that.

16 (Pause.)

17 Q There were three of you there for the processing,
18 Mr. Richards, Investigator Oates ---

19 A Oates and myself.

20 Q --- and yourself? Is there one of you who is in
21 charge of the process or do you all just kind of
22 dive on in?

23 A Investigator Richards was Senior Analyst at that
24 time.

25 Q All right.

1 A And had -- was more familiar with the case. So we
2 would tend to ---

3 Q Defer to him?

4 A To -- we -- I was assisting him and Investigator
5 Oates.

6 Q And ---

7 A So whatever they needed help with.

8 Q And the purpose of this process was what? This was
9 believed to be the suspect shooter's vehicle or the
10 vehicle from which the shots were fired?

11 A I believe so, sir. Yes, sir.

12 Q Well, that's what you were told at that time and
13 that's why you were there, right?

14 A Well, we had a search warrant for the vehicle to
15 look for any evidence in it?

16 Q What evidence were you looking for?

17 A Any fired shell casings and then any fingerprints or
18 anything like that.

19 Q Okay. Why would you expect to find fired shell
20 casings in the vehicle?

21 A Because I believe it was involved in this incident.

22 Q Okay. Other shell casings were found in the parking
23 lot, you already knew that, right?

24 A Yes, sir.

25 Q So when you arrived there at the police garage, did

1 you all three arrive at the same time or had
2 somebody already started when you got there?

3 A I believe they had already begun taking photographs
4 when I arrived out there.

5 Q And in your training as an officer, what you -- do
6 you put on gloves and booties and ---

7 A We put ---

8 Q --- space suits or what?

9 A We -- it depends on the situation as to whether or
10 not we -- what type of protective gear. If it's a
11 very bloody scene, then we may put on protective
12 booties and a Tyvek suit to keep ourselves from
13 becoming contaminated with any biological fluids.
14 For normal fingerprint processing, just a pair a
15 gloves is usually all that's needed.

16 Q But you also don't want to taint the scene with hair
17 follicles of your own or fingerprints of your own?

18 A Yes, sir.

19 Q You don't want to spoil -- that's an evidence site
20 or a potential evidence site, right?

21 A Yes, sir.

22 Q And so the -- you think the first thing -- the first
23 process was to photograph the vehicle?

24 A Yes, sir.

25 Q All right. Well, in order to do that you have to

1 get in the car and there are a number of photos that
2 have little numbers on them, like State's Exhibit
3 117 which shows a -- I guess that's the door latch
4 on one of the doors in the number 1?

5 A Yes, sir, it could be.

6 Q Was that tagging already done by the time you
7 arrived?

8 A I don't remember.

9 Q And that's kind of standard procedure, to mark
10 things that may be of some importance?

11 A Yes, sir. Standard procedure is to photograph
12 whatever scene you're at, whether it's a vehicle or
13 an actual crime scene or anything else. You
14 photograph it first as it is without any scales or
15 markers of any type. And then you go back through
16 and you photograph it after you've marked any items
17 that may be significant or you find any items that
18 may be significant as you search, then you
19 photograph those also.

20 Q All right. Tell me what you were looking for as you
21 -- do you know whether these officers had already
22 gotten into the vehicle, had been through it by the
23 time you arrived there?

24 A No, sir, they had not been through it.

25 Q All right. So in the sequencing, you would have

1 expected there to be photographs that wouldn't have
2 any of these little markers at possible points of
3 interest in the car and then somebody would have to
4 get in and put points of interest markers and
5 photograph those?

6 A Yes, sir.

7 Q So there were no markers to your knowledge when you
8 arrived there?

9 A I don't recall ---

10 Q Okay.

11 A --- if they had marked the door handle or not.

12 Q Did you assist in the marking of potential things?

13 A No, sir.

14 Q Who was that done by?

15 A I don't know.

16 Q You know that was done because obviously we have
17 photos of that?

18 A Yes, sir.

19 Q All right. And in order to mark things on the
20 interior of the vehicle, somebody has to get into
21 the vehicle, right?

22 A Yes, sir.

23 Q Did you have a gun on your -- in the holster when
24 you were working in the car?

25 A Yes, sir.

1 Q Do you know whether the other two officers had guns
2 on their hips when they were working in the car?

3 A I don't remember.

4 Q Did you yourself get in -- tell me what you were
5 looking for in terms of evidence in this vehicle.

6 A What I was looking for, as I said earlier, was any
7 ammunition or fired ammunition and fingerprints.
8 That's why I processed the front rear passenger door
9 with black powder and with one lift from the front
10 passenger door. And then I searched the very -- the
11 rear passenger area where the shell casing was
12 found.

13 Q Okay. And do you recall finding blood on the
14 interior of the vehicle?

15 A No, sir.

16 Q Do you recall a bloody tissue?

17 A No, sir. My search was focused right there in that
18 one area.

19 Q Now the inventory, when you search something, based
20 on a search warrant, the law requires that you file
21 a return, correct?

22 A Yes, sir.

23 Q And you, since your name is on the return -- I mean,
24 I'm telling you your name is on the return, you
25 agree with that, right?

1 A If I could see it, I would agree with it.

2 Q Sure, absolutely.

3 A Yes, sir.

4 Q And the return indicates -- well, we've cut the
5 numbers off somehow but it indicates one blood stain
6 used piece of tissue sitting atop front passenger
7 seat. Remember that?

8 A Yes, sir.

9 Q Was it pointed out to you?

10 A No, sir.

11 Q Are you also a blood expert?

12 A Yes, sir.

13 Q Nobody mentioned that to you?

14 A No, sir.

15 Q How about State's 121, do you know that that's
16 marked because of a blood spatter on the -- what is
17 that, the gearshift knob?

18 A It appears to be the gearshift and, no, sir, I don't
19 know why it was marked.

20 Q Well why wouldn't that be mentioned to you as a
21 blood expert?

22 A Because all of us are trained in blood stain
23 analysis.

24 Q Would that have been of interest to you to know
25 there was blood found in the vehicle?

- 1 A It doesn't -- didn't matter to me one way or
2 another, sir. I -- like I said, my search was
3 focused in the rear passenger area.
- 4 Q So you were assigned to the backseat and they were
5 assigned to the front seat?
- 6 A Well, I took the backseat and they took the front.
- 7 Q Who was in charge of blood?
- 8 A No one, sir.
- 9 Q Well, I mean, if blood's found in the car, you would
10 surmise that somebody bled, right?
- 11 A Yes, sir.
- 12 Q And usually people bleed from injury, don't they?
- 13 A Yes, sir.
- 14 Q But nobody mentioned that to you?
- 15 A No, sir.
- 16 Q The -- you don't know when that photo -- or when the
17 blood was discovered or what was done with the
18 evidence, do you?
- 19 A No, sir.
- 20 Q You know whether it was sent to the -- that would go
21 to what, the D N A lab?
- 22 A Yes, sir.
- 23 Q You know whether that was done?
- 24 A I do not know.
- 25 Q Now, did you take D N A samples yourself or was that

1 not what you were doing that day?

2 A I did not take any D N A samples.

3 Q Who do you think did the D N A samples?

4 A I don't know.

5 Q How long did this entire process take, now, bearing
6 in mind that when you arrived the other two
7 gentlemen were there from the Sheriff's Department?

8 A I don't know, sir.

9 Q Well, how long were you there doing whatever you
10 did?

11 A The total time I was there was two hours and 25
12 minutes.

13 Q Okay. There are the couple of other -- State's 126,
14 State's 127, what are those?

15 A Well, 126 appears to be a balled up piece of paper
16 and then next to it is what appears to be a Hemident
17 presumptive test kit. And then on 127, it's a
18 balled up piece of paper with some reddish stain on
19 it.

20 Q Like blood?

21 A It could be possibly blood. All I can say it's a
22 reddish brown stain.

23 Q Well the hemo kit that you mentioned ---

24 A The Hemident.

25 Q Hema what?

1 A Hemident.

2 Q Hemident kit is for testing for blood, right?

3 A Yes.

4 Q Testing for blood?

5 A It's a presumptive test, yes, sir.

6 Q All right. And that's laying on the tissue with the
7 red stuff on it that looks a lot like blood?

8 A Yes, sir.

9 Q 127. And that's nothing that was brought to your
10 attention so you don't know anything else about
11 that, right?

12 A I'm sorry?

13 Q You don't know anything else about that other than
14 what you so far testified to?

15 A Correct.

16 Q Now, the -- you testified that in your examination
17 of the backseat, what did you find?

18 A A shell casing in the rear seat pocket, in the seat
19 pocket of the passenger seat.

20 Q And that would be the seat pocket in State's 115?

21 A Yes, sir.

22 Q And it would be also the seat -- was that the
23 condition of the seat pocket when you examined it?
24 And I'm referring again, drawing your attention to
25 State's 1 -- 115.

- 1 A No, sir, I don't believe so.
- 2 Q All right. What was different?
- 3 A That looks like the rear seat's been removed.
- 4 Q Well, I'm -- okay, I see what you meant. But I
- 5 don't much care about that unless you know where the
- 6 rear seat went and why it was removed.
- 7 A No, sir, I don't.
- 8 Q All right. But that's not where you found the shell
- 9 casing, right?
- 10 A No, it was in the rear seat pocket.
- 11 Q And that's?
- 12 A As far as I can tell, the seat pocket is intact.
- 13 Q All right.
- 14 A Much the same as it was when I found the shell
- 15 casing.
- 16 Q All right. Well, the seat pocket -- I mean, you
- 17 would agree with me that the seat pockets in cars
- 18 have some kind of elastic band in them that pull
- 19 them up against the seat back?
- 20 A Well, they have some type of reinforcement.
- 21 Q Well, you have to pull it out to reach -- to look
- 22 down in it, right?
- 23 A Yes, sir. I had to open it up a little bit.
- 24 Q Well, how would a shell get in there unless somebody
- 25 put it in there?

1 A I don't know, sir. It could have bounced in there
2 or somebody could have put it in there.

3 Q Now this is the seat back -- the pocket on the back
4 of the -- of the front passenger side seat, right?

5 A Yes, sir.

6 Q And it's -- it's a pocket as you can see on that
7 exhibit. It's somewhat tight? I mean, it wasn't
8 bulging open, it wasn't stretched out, pulled and
9 broken?

10 A Well, it's not stretched out. It appears to be open
11 a little.

12 Q You got bench notes about those observations?

13 A No, sir.

14 Q And so you found the shell casing down in the bottom
15 of that?

16 A It was inside of it.

17 Q Are you aware that a witness has said that the
18 person who did the shooting supposedly from this
19 automobile was shooting -- leaning back in the seat
20 as depicted in one of those photographs, but holding
21 the firearm out of the front window, the driver's
22 front window and looking out of the rear window?

23 Are you aware of that?

24 A No, sir.

25 Q All right. Tell me -- speculate how a shell casing,

1 the jacket from a pistol, would make its way up over
2 a seat back and then, since all seats are somewhat
3 reclining, if not reclined, how it would then find
4 its way into a pocket on the back of the seat.

5 A I don't speculate on things like that, sir.

6 Q Well, it would have to defy gravity, wouldn't it?

7 A I wouldn't know, sir. All I can tell you is where I
8 found the shell casing.

9 Q Or either put there by someone?

10 A Could be.

11 Q Now, there was some kind of jacket found in this
12 automobile, wasn't it, in the back seat?

13 A I don't know, sir.

14 Q Do you have notes there in front of you?

15 A I didn't find one, no, sir.

16 Q I'm sorry?

17 A I didn't find one.

18 Q You didn't notice one?

19 A I didn't find one, notice one or collect one.

20 Q How about this -- this is 130. Is that your arm?

21 A Yes, sir.

22 Q And that's your arm pulling the seat pocket out so
23 you can take a picture?

24 A Yes, sir.

25 Q So obviously it wouldn't have been possible to take

1 the picture into the seat back without your pulling
2 on it?

3 A Yes, sir.

4 Q And there's a jacket on the -- on the seat, isn't
5 there. That must have been taken before the seat
6 back was removed -- the seat was removed?

7 A Yes, sir.

8 Q And that's a black jacket?

9 A Yes, sir.

10 Q Only it's got patches on it, as you can see in the
11 photo, right?

12 A It's got something on it. I can't tell what it is.

13 Q Was that not something you picked up and inspected?

14 A I don't remember.

15 (Pause.)

16 Q Okay. Now, was part of your job to try to pull
17 fingerprints?

18 A Yes, sir.

19 Q And you were asked to compare or you pulled
20 fingerprints -- or are you aware that fingerprint
21 comparisons were made to somebody named Ausha Allen
22 or ---

23 A No, sir.

24 Q --- were you aware of that?

25 MR. MCCULLOCH: Okay. I think that's all, Your

1 Honor, thank you.

2 MS. MCDUFFIE: May it please ---

3 THE COURT: Can I see y'all for just one second.

4 (WHEREUPON, a bench conference was held off
5 the record, in the presence of the jury, but out
6 of the hearing of the jury.)

7 THE COURT: Okay, redirect.

8 REDIRECT EXAMINATION

9 BY MS. MCDUFFIE:

10 Q Investigator Richards (sic), briefly, you were not
11 the primary on searching this vehicle? I'm sorry,
12 Investigator Bouknight, you were not the primary on
13 searching this vehicle?

14 A No, ma'am.

15 Q And what were your duties, again?

16 A To search for evidence in the rear area and process
17 for fingerprints.

18 Q And did you participate in the removal of items with
19 the exception of the shell casing from the vehicle?

20 A No, ma'am.

21 Q And whose responsibility was that?

22 A It would be Investigator Oates or Investigator
23 Richards.

24 Q State's 110, this is the vehicle before it was
25 searched?

1 A Yes, ma'am, it appears to be.

2 Q And in that rear -- in the front passenger seat, in
3 the rear of the seat, the pocket, does it seem to be
4 opened or closed?

5 A Opened.

6 Q And what else is in that rear seat pocket that you
7 can tell from that picture?

8 A A manila or yellow envelope and ---

9 Q And this was before you searched it?

10 A Yes, ma'am.

11 Q And State's 130, would that be the same manila
12 envelope sitting there?

13 MR. MCCULLOCH: I'm going to object to leading,
14 Your Honor.

15 THE COURT: Beg your pardon?

16 MR. MCCULLOCH: Object to the leading.

17 Q Please tell the jury what's in State's 130?

18 A That's a yellow envelope and a Netflix startup
19 package.

20 Q And where did that come from?

21 A The rear seat pocket.

22 Q And that seat pocket was again open or closed?

23 A Slightly opened.

24 MS. MCDUFFIE: No further questions.

25 RECROSS-EXAMINATION

1 BY MR. MCCULLOCH:

2 Q Investigator, you honestly don't know what condition
3 the car was in before you arrived since there were
4 already two folks working on the car when you
5 arrived, correct?

6 A I'm sorry. Can you repeat the question?

7 Q When you arrived, your two fellow officers were
8 already -- were already there, they were already
9 working on the car, correct?

10 A They had begun photographing.

11 Q All right. So you don't know what they did prior to
12 your arrival, you can't know?

13 A Correct.

14 MR. MCCULLOCH: All right. That's it.

15 THE COURT: Anything further of this witness?

16 MS. MCDUFFIE: No, sir, Your Honor.

17 THE COURT: All right, you may step down, sir.

18 (The witness leaves the witness stand.)

19 THE COURT: Call your next witness.

20 MR. MEADORS: Tom Amaro.

21 THE COURT: Who?

22 MR. MEADORS: Tom -- Thomas -- Tom Amaro, A-m-a-
23 r-o.

24 (THOMAS N. AMARO, JR., having first been duly
25 sworn, testified as follows:)

1 THE CLERK: Thank you. Please have a seat in
2 the witness stand and state your full name for the
3 record.

4 THE WITNESS: Thomas N. Amaro, Jr.

5 DIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q Good afternoon, Investigator Amaro.

8 A Good afternoon.

9 Q I don't mean this bad, but you've been around,
10 haven't you?

11 A Yes, sir.

12 Q In law enforcement?

13 A Yes, of course, around 28 years.

14 Q And where are you from?

15 A North Charleston, South Carolina.

16 Q And you've been in law enforcement for 28 years,
17 different agencies?

18 A I originally started from 1979 to 1981 with the
19 Department of Corrections and then came over to
20 Richland County Sheriff's Department in '81 to the
21 present time.

22 Q And what different positions or fields have you
23 worked in for the Sheriff's office?

24 A I worked major crimes, property crimes which entails
25 burglary, housebreaking, auto theft and also major

1 crimes, homicides, rapes, other cases such as that.

2 Q And what -- and now you're assigned to what?

3 A I'm Lieutenant of our property crimes.

4 Q And going back to February of '07, specifically
5 February 5th of '07, what was your job or duty?

6 A During that time period, sir, I was the supervisor
7 -- evening shift supervisor on duty during that time
8 period.

9 Q Evening shift supervisor.

10 A Yes, sir.

11 Q What time did your shift start?

12 A It starts from 3:30 to around midnight.

13 Q And that's how you got involved with this case in
14 the early morning hours of February 5th, correct?

15 A That is correct, yes, sir.

16 Q Let's get right to it, Tom. What time did you
17 arrive on the scene at 360?

18 A I was called out, notified by Sergeant Conners about
19 a homicide occurring at 360 Club on Bush River Road.
20 Got there about 1:35 a.m.

21 Q When you got there, did you meet a fellow named
22 Lindburgh Porterfield?

23 A Yes, sir, I did.

24 Q Did -- you didn't know him, did you?

25 A No, sir.

1 Q And at that point, what if anything did Mr.
2 Porterfield tell you he had found in the club?

3 A He indicated he had located a cell phone that was in
4 the parking lot.

5 Q And did he actually show you that phone?

6 A Yes, sir, he did.

7 Q And your memory is he told you it was from the
8 parking lot?

9 A Yes, sir.

10 Q And you're an investigator, got a lot of experience.
11 Did you determine what the -- well, what if anything
12 happened -- let me just lead you through this real
13 quick.

14 As you had the phone, did the phone start
15 ringing when you were there with Mr. Porterfield?

16 Q And as a result of that, did you hear with your own
17 ears that some people called and asked for someone
18 named Black?

19 A Yes, sir, they did.

20 Q Okay. Let's leave it at that. And you heard that?

21 A Yes, sir, I did. It was on speaker phone.

22 Q After that, Investigator, did you -- tell them how
23 you came with the phone number, how you documented
24 it in your own mind, right there, that this was --
25 what this phone number was.

- 1 A Yes, sir. After, you know, recovery of the phone
- 2 and was provided a phone number, I actually put it
- 3 in my phone and called that phone number which was
- 4 in my cell phone at the time.
- 5 Q Hold on one second.
- 6 A Yes, sir.
- 7 Q Tell me what you did again.
- 8 A Yes, sir. I used -- called that phone number, the
- 9 cell phone number that Mr. Porterfield had found and
- 10 it was in my phone number to make sure it was the
- 11 same phone number.
- 12 Q Okay and what -- what number did you dial?
- 13 A That phone number was area code .
- 14 Q And what number appeared in your -- what appeared in
- 15 your phone?
- 16 A That number and the phone rang after I dialed it.
- 17 Q You used that phone to call your phone to determine
- 18 that phone number?
- 19 A Yes, sir.
- 20 Q And did that number show up on your phone?
- 21 A Yes, sir, it did.
- 22 Q Okay. And you documented all of that?
- 23 A Yes, sir, I did.
- 24 Q You then took the phone?
- 25 A Yes, sir.

1 Q And your phone number was

2 A That is correct.

3 Q Is it fair to say you took some statements from some
4 individuals after that?

5 A Yes, sir.

6 Q Okay. Without going into what they were, did you
7 have an occasion to take a statement from a Tamera
8 Barnett? Or Tamera Barnett, I apologize.

9 A Tamera Barnett? I believe so, sir. Yes, sir.

10 Q And Investigator, did y'all receive some information
11 that a blue Chevrolet Impala was at

12 ?

13 A Yes, sir, through our investigation we did.

14 Q All right. And what did you do once you received
15 that information?

16 A Several of us from the Richland County Sheriff's
17 Department responded to that location. And upon our
18 arrival, did determine there was vehicle matching
19 that description at that location.

20 Q You're at that location right now, Tom -- or
21 Investigator Amaro, what -- what if anything did
22 y'all, you and the Sheriff's Department, do with the
23 vehicle right then?

24 A We secured the vehicle, obtained the tag number and
25 V I N number to that particular vehicle.

1 Q And what was that?

2 A The tag number was [REDACTED] as in [REDACTED], as in
3 [REDACTED], as in [REDACTED], along with the V I N number,
4 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
5 [REDACTED].

6 Q Did you go into the vehicle at that point?

7 A No, sir.

8 Q Did anybody go in the vehicle?

9 A No, sir, we secured it at that point.

10 [REDACTED] Now, there was a residence right near there, [REDACTED]
11 [REDACTED] [REDACTED]?

12 A Yes, sir, it was.

13 Q Excuse me, I'm sorry. Did you say, yes, you did?

14 A Yes.

15 Q So a search warrant was executed on 52 Riverview
16 Court?

17 A Yes, sir, it was.

18 Q Did you actually go in there?

19 A Yes, sir, I did.

20 Q And tell the jury what you did when you went in
21 there.

22 A Went through different various portions of the
23 house. In one of the back bedrooms in the house, on
24 top of the dresser I noticed a receipt, a Verizon
25 receipt, on top of the dresser, which also had the

1 phone number of area code [REDACTED] on the bill.

2 Q And where had you seen that phone number before?

3 A The cell phone number that was recovered at the 360.

4 Q And that's State's 49 which has already been
5 entered, correct?

6 A That is correct.

7 Q And I'm going to show you what's marked State's 51.

8 Does this appear to be the receipt for the Verizon
9 phone that you just described that you found at

10 ?

11 A Yes, sir.

12 Q All right. Did it have a name in here of who -- who
13 the service was going to?

14 A If I recall, I think the first name was Rosalyn.

15 Q Rosalyn?

16 A Yes, sir.

17 MR. MEADORS: Your Honor, we'd offer State's 51.

18 (Pause.)

19 MR. MCCULLOCH: No objection, Your Honor.

20 THE COURT: All right, without objection.

21 MR. MCCULLOCH: Subject -- subject to the
22 earlier discussions we had with respect to the search.

23 THE COURT: Oh, sure.

24 MR. MCCULLOCH: The continuing objection.

25 THE COURT: Yes, sir, 51.

1 MR. MEADORS: Thank you. For the record, this is
2 a 7, Your Honor, not a 4.

3 MR. MCCULLOCH: It's a French ---

4 MR. MEADORS: State's 51.

5 (Whereupon, State's Exhibit Number 51, Verizon
6 Cell Phone Receipt, was admitted into evidence.)

7 Q If you would refer to your notes and see if you had
8 the lady's last name?

9 A No, sir. On the notes I have right here I don't
10 have it.

11 Q But Rosalyn ---

12 A But Rosalyn, I do remember the name Rosalyn, yes.

13 Q What happened to the car, the Chevrolet Impala.

14 A After we conducted the search of the home and got
15 any further evidence from the home, myself, I did
16 follow the tow truck back to our evidence shed at
17 the Richland County Sheriff's Department that's
18 located at 5623 Two Notch Road.

19 Q And while -- while the search of the residence was
20 going on, did anybody go in the Impala, at the scene
21 there?

22 A As far as what I knew when I was there, no, sir.

23 Q I show you what's marked State's 3. Do you
24 recognize this, the tow truck -- a tow receipt?

25 A Yes, sir. It was filled out by Isenhoward,

1 Investigator Isenhoward at the scene.

2 Q And you say you followed it?

3 A Yes, sir. It was a flatbed pickup truck, we had --
4 the reason we got the flatbed pickup is because we
5 didn't want anybody to touch the interior of the
6 vehicle. They have it, you know, towed up on the
7 flatbed.

8 Q And did it stop anywhere before it got to the
9 Sheriff's Department.

10 A No, sir, it did not.

11 Q And did it go to a secure facility once it got to
12 the Sheriff's Department?

13 A Yes, sir, it did, inside the shed.

14 MR. MEADORS: State's 3, I believe without
15 objection, Your Honor.

16 MR. MCCULLOCH: No objection.

17 THE COURT: All right, sir.

18 (Whereupon, State's Exhibit Number 3 was moved
19 into evidence.)

20 MR. MEADORS: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Pause.)

23 Q Is it fair to say that by the time y'all had gone to
24 ■■■■■■■■■■ Mr. Gaskins has been developed
25 as a suspect, correct?

1 A Yes, sir.

2 MR. MEADORS: That's all.

3 THE COURT: Cross-examine.

4 MR. MCCULLOCH: Very briefly, Your Honor.

5 CROSS EXAMINATION

6 BY MR. MCCULLOCH:

7 Q Tom, Mr. Meadors says you've been around a long
8 time?

9 A As far as law enforcement, yes, sir.

10 Q In fact, you've been around so long I think I used
11 to prosecute with you, didn't I?

12 A Yes, sir, you did.

13 Q When Mr. Porterfield -- when you met Mr. Porterfield
14 at the 360, he provided the phone to you, handed you
15 the phone?

16 A Yes, sir.

17 Q Do you know where he kept it or where it had been?

18 A He made a comment that he had originally had it, if
19 I recall correctly, and then I think he said he had
20 given it to one of the DJs and no one responded in
21 reference to it, put it out on the P.A. system, I
22 believe, if anybody owned it. And then he was going
23 to take it to his office.

24 Q Do you remember him telling you he found it earlier
25 in the evening, well before the incident happened?

1 A That is correct, yes, sir.

2 Q Now, your recollection was that you think he said he
3 found it in the parking lot. But would it surprise
4 you that perhaps he's told others that he found it
5 inside the club?

6 A It wouldn't surprise me, no, sir.

7 Q When you went to Riverview, were you able to -- did
8 you -- do you know whether this vehicle was -- that
9 was towed and you followed it to the impound, was it
10 unlocked or locked or do you know?

11 A I can't recall, sir.

12 Q Okay.

13 A But I knew -- we just make sure no one ---

14 Q Nobody went in it while you were there?

15 A No, sir.

16 Q No. Thank you.

17 A Yes, sir.

18 MR. MCCULLOCH: That's all we have.

19 THE COURT: Anything further of this witness?

20 MR. MEADORS: No, sir.

21 THE COURT: You may step down, sir.

22 THE WITNESS: Thank you, sir.

23 (The witness leaves the witness stand.)

24 THE COURT: I don't remember you from the old
25 days.

1 MS. MCDUFFIE: The State calls Investigator
2 Robert Oates.

3 (ROBERT OATES, having first been duly sworn,
4 testified as follows:)

5 THE CLERK: Thank you. Please have a seat in
6 the witness stand and state your full name for the
7 record.

8 THE WITNESS: Robert Oates, O-a-t-e-s.

9 DIRECT EXAMINATION

10 BY MS. MCDUFFIE:

11 Q Investigator Oates, where are you currently
12 employed?

13 A The Richland County Sheriff's Department.

14 Q What are duties with the Richland County Sheriff's
15 Department?

16 A I'm currently a crime scene investigator.

17 Q And please tell the jury a little bit about your
18 education and training in the field of crime scene
19 investigation.

20 A Starting with undergraduate education, obtained a
21 bachelor of science degree from the University of
22 South Carolina and also certified law enforcement
23 officer through the South Carolina Criminal Justice
24 Academy. Currently been in law enforcement for 13
25 years, currently six years as a crime scene

1 investigator.

2 Certificates, training, starting with
3 fingerprint identification and development, palm
4 print identification and development, photography,
5 crime scene photography, advanced crime scene
6 photography, blood pattern analysis, advanced blood
7 pattern analysis, crime scene reconstruction and
8 crime scene processing and evidence collection.

9 Q And have you ever testified as an expert in courts
10 of this state in the field of crime scene
11 investigation?

12 A Yes, I have.

13 Q And how many times?

14 A 10.

15 MS. MCDUFFIE: Your Honor, at this time we would
16 offer Investigator Oates as an expert in crime scene
17 investigation.

18 MR. MCCULLOCH: No objection.

19 THE COURT: Without objection.

20 Q Investigator Oates, on February the 5th of 2007, did
21 you attend the autopsy of John Adams?

22 A Yes, I did.

23 Q And did you collect a G S R kit from Mr. Adams?

24 A Yes, I did.

25 Q Please tell the jury what that is and how you

1 collected it.

2 A There's a prepackaged or package that holds several
3 sticky tabs and also cotton swabs. What we do, we
4 have to break the seal on this package that we
5 receive, it's sealed, and we use sticky tabs
6 basically to collect any G S R metals for possible
7 gunshot residue. We use the sticky tabs first on
8 the top of the -- the top of the palm and also the
9 inner palm on both right and left hands.

10 Q So using my hand as an example, show the jury where
11 you would collect G S R from?

12 A Okay. From this area here (indicating), the back
13 part of the palm, thumb, the little finger, and
14 inside the palm also, from the bottom of the palm
15 area, also to the intermediate or the top -- of the
16 finger area, in the middle area ---

17 Q You do that on both sides of both hands?

18 A Yes, yes.

19 Q And you ---

20 A Yes.

21 Q And you do that with both swabs and sticky tabs?

22 A Yes, uh-huh, yes.

23 Q I'm going to show you State's 135 and ask you if you
24 recognize that?

25 (Pause.)

1 A Yes, that is my signature.

2 Q Is this the G S R kit you collected?

3 A Open it?

4 Q If you would like.

5 A But that is my signature, that is my mark.

6 (Pause.)

7 Q You don't have to open it.

8 A Okay, that's my signature. It will take me forever.
9 It's sealed very well.

10 MS. MCDUFFIE: Your Honor, we would offer
11 State's 135, the G S R kit from John Adams.

12 MR. MCCULLOCH: No, objection.

13 THE COURT: Without objection.

14 (Whereupon, State's Exhibit Number 135, G S R
15 Kit from John Adams, was admitted into
16 evidence.)

17 Q And after you collected this from Mr. Adams, after
18 you collected the swabs and the sticky tabs from his
19 hands, do you also collect a control sample?

20 A Yes.

21 Q And where do you do that from?

22 A It's from a part of the body that's away from the
23 actual palms. It could be the stomach, the side of
24 the stomach, an arm, basically.

25 Q An area where you typically wouldn't expect to find

1 gunshot residue?

2 A Yes, that's correct.

3 Q And you submit all of that in a kit to SLED?

4 A Yes.

5 Q And that is analyzed at SLED not at the Sheriff's
6 Department?

7 A Correct, analyzed at SLED, yes.

8 Q And did you also recover some personal property from
9 Mr. Adams?

10 A Yes, I did.

11 Q And that was turned in to Richland County evidence?

12 A Yes, it was.

13 Q After you attended the autopsy of Mr. Adams on the
14 5th -- on February the 6th of 2007, did you process
15 a 2005 Chevy Impala?

16 A Yes, I did.

17 Q And where was that processing done?

18 A The processing of the vehicle was done at our
19 forensic garage which is behind the main Sheriff's
20 Department building on Two Notch Road.

21 Q And who has access to the forensic garage?

22 A The only people who have access to this garage are
23 crime scene investigators. We're the only ones that
24 have a key to the entrance to this building.

25 Q And when you started processing the vehicle, who

1 started processing it along with you?

2 A Okay. I had with me Sergeant Richards and
3 Investigator Bouknight.

4 Q And who was responsible for -- or who was the
5 primary crime scene investigator on this vehicle?

6 A That would be Sergeant Richards who was our
7 supervisor.

8 Q And then -- and you also assisted in the processing
9 of it?

10 A Yes, uh-huh.

11 Q And what is the first thing that occurred in the
12 processing of this vehicle?

13 A I observed Sergeant Richards collect G S R samples
14 from inside the vehicle.

15 Q And before Sergeant Richards collected the G S R
16 kit, had any other officer entered the vehicle, to
17 your knowledge?

18 A Not to my knowledge.

19 Q Had you processed the vehicle for any evidence
20 before he took the G S R kit?

21 A No, I did not.

22 Q And why is that?

23 A We want to make sure that if any other process is
24 done to the vehicle, inside or out, it could damage,
25 as an example, G S R, gunshot residue or any trace

1 evidence. We want to make sure that's done first
2 before doing anything else.

3 Q And then after Sergeant Richards collected the G S R
4 on the vehicle, what then occurred next?

5 A I photographed the vehicle inside and out and also
6 the vehicle was processed for prints inside and out
7 also.

8 Q And did you assist in the processing for prints?

9 A I did not.

10 Q After the vehicle was processed for prints, what did
11 you then do?

12 A I collected D N A samples.

13 Q And why did you do that?

14 A To attempt and -- attempt to collect D N A samples,
15 possibly from a suspect, confirm suspects.

16 Q And in order to do that, did you label certain areas
17 of the vehicle?

18 A Yes, I did.

19 Q And tell the jury why you did that.

20 A We normally, after taking photographs of a certain
21 area -- it's a form of identification, we would
22 number those or we can use letters. In this case I
23 used numbers.

24 Q And please tell the jury what areas of the vehicle
25 you labeled.

- 1 A The exterior front driver side handle, door handle.
2 I used evidence number 1 there. The interior front
3 driver door, handle, evidence number 2.
- 4 Q Let me stop you right there. Is that depicted in
5 State's 119 which is already in evidence?
- 6 A Yes, it is.
- 7 Q And you placed that marker there?
- 8 A Yes, I did.
- 9 Q Because that's an area you swabbed for D N A?
- 10 A Yes, it is.
- 11 Q Okay. Keep going, please.
- 12 A The driver steering wheel, evidence ---
- 13 Q State's 120.
- 14 A --- number 3. The exterior passenger side front
15 door handle.
- 16 Q Which was what number?
- 17 A Evidence number -- correction, that's my mistake. I
18 jumped ahead. The steering column, the gearshift, I
19 apologize. That's evidence number 4.
- 20 Q And that was swabbed for D N A?
- 21 A Yes, it was? Now the exterior passenger side front
22 door handle which is going to be evidence number 5.
- 23 Q And that's in State's 122 and 123?
- 24 A Yes.
- 25 Q And any other areas?

1 A The interior front passenger side.

2 Q And what number did you give to that area?

3 A Number 6.

4 Q And that's in State's 124 and 125?

5 A Yes.

6 Q And you swabbed all of those for D N A?

7 A Yes, I did.

8 Q Explain to the jury how you did that?

9 A Basically we have sterile cotton swabs and we also
10 have swab boxes. Basically we just -- we use, of
11 course, rubber gloves, of course for no
12 contamination. We remove the sterile cotton swab
13 from the container, it's very simple, and then drop
14 distilled water on the tip. In other words, to
15 moisten it in order to try to collect it from the
16 surface.

17 Q And I'm going to show you State's 138. Are these
18 the cotton swabs you submitted for D N A?

19 (Pause.)

20 A Yes.

21 MS. MCDUFFIE: Your Honor, at this time we'd
22 offer State's 138.

23 THE COURT: What number?

24 MS. MCDUFFIE: 138.

25 MR. MCCULLOCH: No objection, Your Honor.

1 THE COURT: Without objection.

2 (Whereupon, State's Exhibit Number 138, Swab
3 from Car, was admitted into evidence.)

4 Q And do you do the processing of this or is that
5 transferred to another individual in your
6 department?

7 A We have another individual that tests D N A.

8 Q After you processed the vehicle for potential D N A,
9 what did you then?

10 A During the initial search of the vehicle and while
11 taking photographs of the vehicle, a spent shell
12 casing was found.

13 Q And was that found by Investigator Bouknight?

14 A Yes, it was.

15 Q And did you collect that from him?

16 A Yes, I did.

17 Q I'm going to show you State's 136 and ask you if you
18 recognize that?

19 A Yes, that's my mark, yes.

20 MS. MCDUFFIE: Your Honor, at this time we would
21 offer State's 136.

22 MR. MCCULLOCH: No objection.

23 THE COURT: All right.

24 (Whereupon, State's Exhibit Number 136, Spent
25 Winchester, was admitted into evidence.)

1 Q After you collected that shell casing, please tell
2 the jury what you then did.

3 A Further search of inside the vehicle, a white, it
4 appeared to be, possible blood stained tissue was
5 atop the front passenger side seat.

6 Q I'm going to show you State's 134. Is that what's
7 in State's 134?

8 A Yes.

9 MS. MCDUFFIE: Your Honor, at this time we'd
10 offer 134.

11 MR. MCCULLOCH: No objection.

12 THE COURT: All right.

13 (Whereupon, State's Exhibit Number 134, Blood
14 Stained White Piece of Tissue, was admitted into
15 evidence.)

16 Q Did you do any further testing on this tissue?

17 A I basically tested to see if -- I used a presumptive
18 test, blood test, to see if it was positive for
19 blood?

20 Q And is that what's depicted in State's 126?

21 A Yes, it is.

22 Q And how did -- what were the results of that test?

23 A It was positive.

24 Q And State's 127, is that a close-up?

25 A Yes, that's a close-up photograph.

1 Q And please tell the jury what is depicted in that
2 photograph?

3 A This is the actual piece of tissue or tissue and
4 that's the stain right there (indicating), the
5 possible blood stain.

6 Q And is that the extent of the blood that you found?

7 A That's the extent, yes.

8 Q And did you also inventory the content and remove
9 various items from the vehicle?

10 A Yes, I did.

11 Q Please tell the jury -- well, we'll go through all
12 of it. There was clothing?

13 A Yes.

14 Q Paperwork?

15 A Yes.

16 Q Drink bottles, things of that nature?

17 A Yes.

18 Q And all of those items were removed and collected by
19 yourself?

20 A Yes, they were.

21 Q Did you do anything further to process the vehicle?

22 A Not to my knowledge, that was pretty much it.

23 Q And then after you finished processing the vehicle,
24 did you do any further processing on the 40 caliber
25 shell casing that was found by Investigator

1 Bouknight?

2 A Yes, I did.

3 Q Please tell the jury what you did.

4 A I returned back to our forensics laboratory and
5 basically processed the spent Winchester 40 caliber
6 for fingerprints.

7 Q And were you able to lift any fingerprints from that
8 shell casing?

9 A No, I was not.

10 Q And did you also process or swab that shell casing
11 for D N A?

12 A Yes, I did.

13 Q And was that forwarded on to the D N A section?

14 A Yes, it was also.

15 Q And is the swab for that also contained in State's
16 138?

17 A Yes, it is.

18 Q And this was forwarded on for further analysis?

19 A Yes, it was.

20 Q And the next day, on February the 7th of 2007, did
21 you receive a cell phone from the property and
22 evidence room at Richland County?

23 A Yes, I did.

24 Q And I want to show you what's already in evidence as
25 State's 49. Is that the cell phone you received

1 from property and evidence?

2 A Yes, it is.

3 MS. MCDUFFIE: Beg the Court's indulgence.

4 (Pause.)

5 Q And how did you process that cell phone?

6 A I used black powder on the phone itself.

7 Q And what is the purpose of you using black powder or
8 what do you do that for?

9 A In order to try to develop a latent fingerprint.

10 Q And did you develop any fingerprints from that cell
11 phone?

12 A Yes, I did. I did develop one fingerprint from
13 that.

14 Q And do you analyze those yourself or do you forward
15 them on ---

16 A I forward them on to our latent print examiner.

17 Q And did you test the cell phone for D N A?

18 A I did. I swabbed the -- the exterior sides of the
19 phone.

20 Q And I'm going to show you State's Exhibit 133 and
21 ask you if you recognize that?

22 A Yes.

23 Q Is this the swab you took for D N A from that cell
24 phone?

25 A Yes, it is.

1 MS. MCDUFFIE: Your Honor, at this time we'd
2 offer State's 133.

3 MR. MCCULLOCH: No objection.

4 THE COURT: What is 133?

5 MS. MCDUFFIE: It's a swab from the cell phone?
6 (Whereupon, State's Exhibit Number 133, Swab
7 from Cell Phone, was admitted into evidence.)

8 Q After you processed that cell phone, did you return
9 it to the property and evidence room at Richland
10 County?

11 A Yes, I did.

12 Q And did you have any further involvement in the case
13 after that processing?

14 A I did not.

15 MS. MCDUFFIE: Thank you, Your Honor, no further
16 questions.

17 THE COURT: Cross-examine.

18 CROSS-EXAMINATION

19 BY MR. MCCULLOCH:

20 Q Mr. Oates, you were -- when you arrived, who was
21 there at the impound lot?

22 A At the impound lot? Oh, at the garage?

23 Q I guess, the garage.

24 A Okay. It was myself, Sergeant Richards and
25 Investigator Bouknight.

1 Q All right. And did you arrive together or was there
2 somebody there before you got there? Did y'all kind
3 of converge at the same, what do you think?

4 A To my knowledge, we normally -- in the office, then
5 we converge, you know, to what we're gonna do.

6 Q Now your bench notes tell me that -- it says, I
7 slash Oates were investigating officers. Do you
8 have your bench notes there?

9 A Yes, sir. Yes, sir.

10 Q The second line says, photograph -- investigating
11 officer photographed the exterior and interior areas
12 of the vehicle prior to the search. Then you
13 observed, I guess it's Investigator Richards and
14 Bouknight fingerprint the interior and exterior.
15 Richards used the gunshot residue kit on the --
16 something -- driver's side. Sterile cotton swabs
17 used to collect D N A.

18 So that's essentially what happened. How long
19 did the process take? Just a guesstimate?

20 A A guesstimate?

21 Q 30 minutes, two hours?

22 A A couple of hours.

23 Q Okay.

24 A Just a guesstimation.

25 Q Now, who was in charge of the processing?

1 A Sergeant Richards.

2 Q Richards?

3 A Sergeant Richards, yes.

4 Q And do you take any precautions to prevent spoiling
5 evidence? I mean, do you wear headgear to keep from
6 dropping hairs and gloves and booties and spacesuits
7 or any of that stuff?

8 A No, sir. No, sir, just gloves, latex gloves.

9 Q All right. Did you wear a gun?

10 A Yes, sir.

11 Q Did Richards have a gun as well? Probably everybody
12 has a gun since you're police officers.

13 A Certain -- a certain -- certain types of processing
14 we might remove that for, you know, for
15 comfortability or to process it more efficiently.
16 I recall, we still had our weapons on, yes.

17 Q But you wouldn't remove them for gunshot residue
18 evaluation?

19 A No, sir.

20 Q The -- you mentioned that -- let me see, 126, 127
21 the Solicitor showed you. Let me see if I can find
22 those real quick.

23 (Pause.)

24 Q Let me get you to look at those two. That's State's
25 126, 172. Those are -- 126 is what?

- 1 A That's a picture of the white tissue, front
2 passenger side seat.
- 3 Q Okay. Pretty obviously blood?
- 4 A It's a reddish brown stain, yes.
- 5 Q And it became pretty clearly blood when you tested
6 it with your -- what did you call it, presumptive
7 kit?
- 8 A Yes, presumptive test, yes, sir. That's what we
9 were using then, yes.
- 10 Q You noticed other blood in the vehicle?
- 11 A I did not, no. No, sir.
- 12 Q Let me get you to look at -- in the second
13 photograph 127, I think just shows the same ---
- 14 A Yes.
- 15 Q --- tissue with you -- a little ---
- 16 A Yes.
- 17 Q --- test tube of, what do you call it?
- 18 A That's Hemident.
- 19 Q Hemident.
- 20 A I think that's the manufacturer, yes.
- 21 Q Now, let me get you to look at number 4. I mean,
22 excuse me, State's Exhibit 121.
- 23 A Uh-huh.
- 24 Q But ---
- 25 A I've got it.

1 Q I think you testified that that was an area tested
2 for D N A, right?

3 A Yes.

4 Q And does that look like blood there? It's right
5 above a sticker that seems to be covering what
6 appears to be a blood spatter.

7 A No, sir. I don't recall that being any kind of a
8 stain, no, sir.

9 Q Sir?

10 A Huh-uh. That's a little bit different color there.
11 It's not a reddish brown stain.

12 Q Just red?

13 A Of course, I wouldn't put a sticker on top of a
14 blood stain either. But, yes.

15 Q Did you test it with your kit to see if ---

16 A No, sir.

17 Q --- it was blood?

18 A Huh-uh, no, sir.

19 Q Did you notice any other blood in the vehicle?

20 A I did not, no, sir.

21 MR. MCCULLOCH: Your Honor, if I might,
22 if I can mark something for ID and just show it briefly.

23 THE COURT: Gentlemen, I remind you 4:00 is
24 4:00.

25 MR. MEADORS: Your Honor, if he wants to offer

1 this and show it, we have no objection. But we do object
2 to him showing it to the jury unless he offers it into
3 evidence.

4 MR. MCCULLOCH: Well, let's walk up.

5 THE COURT: The jury should not see this unless
6 it goes into evidence. It's for ID purposes only.

7 (WHEREUPON, a bench conference was held off
8 the record, in the presence of the jury, but out
9 of the hearing of the jury.)

10 Q Investigator Oates, the vehicle that we've been
11 talking about's been, to your knowledge, where since
12 you and the other two investigators worked on it?

13 A It's been in the forensic -- or the compound area..

14 Q Been in the compound ---

15 A Yes.

16 Q --- big fences around it and all that?

17 A Yes, sir.

18 Q Now, without describing the contents of these photos
19 which are offered only for identification, I'm going
20 to ask you -- these are photographs of one of the
21 seats in the vehicle. Did you notice anything like
22 that in your examination of the automobile?

23 A No, sir.

24 Q So you don't have any recollection of that?

25 A Huh-uh, no, sir. I sure don't.

- 1 Q In your examination of the automobile, or the
2 other's examination of the automobile, a jacket was
3 found? Some type of a ---
- 4 A Yes, sir.
- 5 Q --- a coat?
- 6 A Yes, sir.
- 7 Q There are photos of that somewhere around here.
8 (Pause.)
- 9 Q How about State's 110?
- 10 A Okay, yes.
- 11 Q That's a coat. Does it look like it appeared when
12 you and the others went through the vehicle?
- 13 A Yes, sir.
- 14 Q That coat has patches on it?
- 15 A Yes, sir. Uh-huh.
- 16 Q That coat would not be this coat then, presumably?
17 And I'm referring to State's 18.
- 18 A No, sir.
- 19 Q Sir?
- 20 A No, sir.
- 21 Q All right. The fingerprinting was done by whom?
- 22 A Excuse me, I believe I testified that it was --
23 let's see ---
- 24 Q Bouknight?
- 25 A Bouknight, yes, Investigator Bouknight.

1 Q You have any idea why the fingerprints were compared
2 to somebody named Ausha Aquillen (phonetic)?

3 A I have no idea. No, sir.

4 Q Now you took all of these photographs, right?

5 A Of the car, yes, sir. Uh-huh.

6 Q And the State's 110 which shows the jacket also
7 shows the seat in the vehicle on the passenger side,
8 is that correct?

9 A Yes, sir.

10 Q And it shows that seatback tilted back, doesn't it?
11 Tilted away from the dashboard?

12 A It appears, yes, sir.

13 Q Now for this photograph, there is some kind of a
14 folder sticking in there, right?

15 A Right.

16 Q In State's 115, there is no folder, in the same
17 seat, right?

18 A Okay, right. That's what it looks like.

19 Q And in State's 110, the seat back appears to be
20 kicked way back. That's the way you found the
21 vehicle originally, right?

22 A That's original, yes.

23 Q And with a little folder sticking out of it but seat
24 back. And then in State's 130, whose arm is that?

25 A Okay, that is ---

1 Q Bouknight, perhaps? I mean, it's not your arm?

2 A I don't know. It's an arm, I don't know.

3 Q It's an arm and ---

4 A Yeah, it's an arm.

5 Q And the arm is doing what?

6 A It's ---

7 Q Pulling ---

8 A --- pulling back the pocket to the passenger ---

9 Q Pulling that pocket out so you can ---

10 A Yeah.

11 Q --- actually see in the pocket, right?

12 A Uh-huh. Yes, sir.

13 Q So how would a shell get in there?

14 A (The witness shakes head.)

15 Q Casing, that is?

16 MS. MCDUFFIE: Your Honor, objection. Calls for
17 speculation.

18 A I don't know.

19 THE COURT: Well, repeat the question.

20 Q How would a shell casing get in a (indicating) ---

21 THE COURT: Objection's sustained. I mean, he
22 can answer if he wants to but I mean, unless he knows.

23 Do you know?

24 THE WITNESS: No, sir.

25 THE COURT: All right.

1 Q Someone could put it there, right?

2 A Well.

3 Q Sir?

4 A I don't know. I don't know how it got there.

5 MR. MCCULLOCH: That's all we've got, Your
6 Honor.

7 THE COURT: Anything further of this witness?

8 MS. MCDUFFIE: Yes, Your Honor, briefly.

9 THE COURT: Y'all better hurry up, okay?

10 REDIRECT EXAMINATION

11 BY MS. MCDUFFIE:

12 Q Investigator Oates, did you put that shell casing in
13 the seat pocket?

14 A No, I didn't.

15 Q And Investigator -- I'm sorry, Mr. McCulloch was
16 asking you about whether it looked like blood on the
17 gearshift. You said your sticker was over it?

18 A Yes.

19 Q In State's 140, does that appear to be blood?

20 A No.

21 Q And did you swab that area for D N A?

22 A Yes, I did.

23 Q And he was also asking you about a jacket with
24 patches, State's 142?

25 A Uh-huh, yes.

1 Q Is that the jacket you recovered from inside the
2 vehicle?

3 A It is.

4 Q And these photographs are not just taken at the
5 beginning, you take them throughout the entire
6 processing of the vehicle?

7 A That's correct, yes, from beginning to end.

8 MS. MCDUFFIE: No further questions, Your Honor.

9 THE COURT: Anything further of this witness?

10 MR. MEADORS: No, sir.

11 (The witness leaves the witness stand.)

12 THE COURT: Members of the jury, we have I think
13 one more witness. He's a doctor, he's a pathologist, as
14 I understand it. But I'm going to give you a short
15 break. And I've already told the lawyers. I don't care
16 if Gabriel comes down and whistles Dixie. We're stopping
17 at 4:00. And if does a duet with Louis Armstrong of Moon
18 River, we're still stopping at 4:00.

19 MR. MEADORS: State understands.

20 THE COURT: Y'all take a break. Don't talk about
21 the case.

22 (The jury retires from the courtroom at
23 approximately 3:05 p.m.)

24 THE COURT: All right. Bring them in.

25 THE BAILIFF: All the jury's present, Your

DR. CLAY NICHOLS -- DIRECT BY MR. MEADORS:

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1 Honor.

2 (The jury returned to the courtroom at
3 approximately 3:13 p.m.)

4 THE COURT: Call your next witness.

5 MR. MEADORS: Dr. Nichols.

6 THE COURT: Come around, Dr. Nichols.

7 (DR. CLAY L. NICHOLS, having first been duly
8 sworn, testified as follows:)

9 THE CLERK: Thank you. Please have a seat in
10 the witness stand and state your full name for the
11 record.

12 THE WITNESS: Dr. Clay L. Nichols, N-i-c-h-o-l-
13 s.

14 DIRECT EXAMINATION

15 BY MR. MEADORS:

16 Q Good afternoon, Dr. Nichols.

17 A How you doing today, sir?

18 A Doing fine, sir. Would you please tell the jury a
19 little bit about Dr. Clay Nichols, specifically your
20 background, your education, your training, and in
21 particular your training in the field of expertise
22 I've asked you to testify about today.

23 A Okay. My name is Clay Nichols. I'm the Chief
24 Medical Examiner for Richland County. And a medical
25 examiner is essentially the person who performs

1 autopsies who die suspicious or unnatural deaths.

2 I received my bachelor of science degree from
3 the University of Oklahoma, 1981, my MD degree in
4 1985. After that I entered a residence program in
5 both anatomic and forensic pathology at MUSC,
6 completing that in 1989. From '89 to 2000, I was on
7 the faculty at MUSC where I was an associate
8 professor. Following that I entered private
9 practice here in Columbia. I'm also ---

10 MR. MCCULLOCH: Your Honor, I don't want to
11 steal Dr. Nichols' thunder, but I've known him for many
12 years and we certainly will stipulate to his
13 qualifications and his ---

14 THE COURT: That's nice. But if you want to add
15 some more, you can.

16 MR. MEADORS: We so thank Mr. McCulloch and
17 we'll accept that stipulation, Your Honor.

18 THE COURT: All right, sir.

19 MR. MEADORS: It's convenient for everyone,
20 Judge.

21 Q Can you summarize quickly if you've been offered and
22 accepted as an expert in the field of forensic
23 pathology is what we're offering. Very briefly,
24 what's the difference between pathology and forensic
25 pathology?

1 A Pathology is the study of diseases of tissues. We
2 are physicians but rather than seeing patients as
3 our practice, we see parts of patients. And that's
4 not being cute, it's anytime like an appendix is
5 taking out or your tonsils or you have a mole taken
6 off, it's sent to a pathologist for evaluation
7 looking for the presence or absence of disease.

8 They also get experience in doing autopsies
9 which is the dissection of a person after they die.
10 A forensic pathologist has additional training after
11 that basic training in order to determine the
12 differences between natural and unnatural deaths.

13 Q And how many autopsies have you performed?

14 A Thousands.

15 Q And where is your office, so to speak, where you
16 perform this?

17 A Richland Memorial Hospital.

18 Q In the morgue?

19 A Yes.

20 Q And let's -- I guess, let's get right to it, Doctor.
21 Did you have the occasion to perform an autopsy on a
22 one John Adams, if we can start with Mr. Adams
23 first? And if so, could you please tell the ladies
24 and gentlemen of the jury when you did -- and can
25 you kind of go through with them kind of what you do

1 on autopsies and specifically what you did on this
2 case with the body of Mr. John Adams?

3 A Sure, I did the autopsy on Mr. John Adams on
4 February 5th 2007 at 1:30 p.m. An autopsy begins
5 with a phone call, usually from the Coroner's office
6 that there's been a death and arrangement is made to
7 have the appropriate personnel from the Coroner's
8 office and the Sheriff's office available at the
9 time of autopsy so evidence can be collected if
10 necessary, photographs taken if necessary and any
11 information that's available at the time exchanged
12 back and forth between the available agencies.

13 The first thing that happens is that we examine
14 the body with the clothes on, if they have clothes,
15 then the clothes are removed then the body is
16 reexamined again looking for any evidence of injury
17 or cause of death or anything else that's pertinent.

18 After that a dissection is performed where all
19 major organs systems are removed, their weight.
20 They're further dissected down and small pieces of
21 tissue are removed at that time for subsequent
22 microscopic examination.

23 Also during the course of the autopsy, fluids
24 are often collected such as blood or urine for
25 subsequent toxicologic evaluation and that was

1 performed in this case for Mr. Adams.

2 Q Now, starting with your clinical summary, he was 29
3 years old?

4 A Yes, sir.

5 Q Doctor, so as far as your autopsy with your external
6 description, the evidence, the trauma, if you would
7 just tell the jury what you did and your comments,
8 please.

9 A You want the external description described also?

10 Q Briefly.

11 A Briefly. Mr. Adams was a rather large man. He was
12 6 foot tall at 72 inches, weighed 350 pounds and he
13 underwent surgical procedures before he died trying
14 to stop the bleeding, that we'll discuss later, as a
15 result of the gunshot wound that he received.

16 The evidence of trauma, there is a distant
17 perforating gunshot wound to the left lateral
18 abdomen which was around the beltline at a distance
19 of 31 inches from the top of the head and nine
20 inches to the left of midline. The wound is
21 elliptical measuring 0.4 by 0.2 inch. There is a
22 0.1 inch abrasion border from the 2 to 6 o'clock
23 position.

24 The bullet found entered the abdomen at this
25 site traveling to the right virtually 90 degrees,

1 which means it's going pretty much left to right,
2 and slightly upwards. Along its course, the bullet
3 lacerates the inferior vena cava as well as the
4 right iliac vein. The iliac vein is the major vein
5 that drains the blood from the right leg. The vena
6 cava collects the blood -- the blood from the lower
7 part of the body and sends it to the liver to the
8 heart, a major vein.

9 There is an associated retroperitoneal and
10 intra-abdominal hemorrhage. The bullet exits the
11 right lateral abdomen at a distance of 28 inches
12 from the top of the head and nine inches to the
13 right of midline. The exit wound is elliptical
14 measuring 0.2 by 0.5 inch. The bullet exits and is
15 not recovered.

16 MR. MEADORS: If I can approach.

17 THE COURT: Yes, sir.

18 MR. MEADORS: Thank you.

19 Q I'm going to show you what's marked 145 and 146 and
20 could you tell me do you recognize these and do they
21 relate to what just came out of your mouth, what you
22 just testified to?

23 A Yes, they do.

24 MR. MEADORS: Your Honor, we'd offer 145 and 146
25 ---

1 MR. MCCULLOCH: No objection.

2 MR. MEADORS: --- without objection.

3 THE COURT: All right, without objection.

4 (Whereupon, State's Exhibit Number 145, John
5 Adams' Autopsy Photograph of Entrance Wound, was
6 admitted into evidence.)

7 (Whereupon, State's Exhibit Number 146, John
8 Adams' Autopsy Photograph of Exit Wound, was
9 admitted into evidence.)

10 Q State's 145 -- and how do these relate to your
11 testimony?

12 A State's 145 is a close-up photograph of the entrance
13 wound to Mr. Adams.

14 Q And you describe this as a distant?

15 A That's correct.

16 Q What does that mean?

17 A Distant means that the muzzle of the gun, the part
18 that's up here at the front, was far enough away
19 from the victim that when the trigger was pulled,
20 anything else other than the bullet dissipated
21 before the bullet hit the skin.

22 Other things come out of the barrel when the
23 trigger is pulled. You have unburned gunpowder, you
24 have soot, you might have grease or dirt. And at a
25 close range, that will all be deposited on the skin

1 and that can be photographed and analyzed for
2 physical evidence. At some point that, which is
3 individual to that gun being used and that
4 ammunition, when the trigger is pulled, anything
5 that comes out of the barrel is now dissipated and
6 the only thing that strikes the victim is the bullet
7 itself.

8 Q And do you have a range based on your education and
9 training that you have testified to before?

10 A A standard hand gun will get to that range at about
11 18 to 24 inches, some closer and maybe some further
12 away, but as a rough estimate, approximately a foot
13 and a half to two feet.

14 Q So your testimony then based on your education,
15 training and experience and looking at this body,
16 was -- it was greater than that?

17 A Yes.

18 Q And you can't tell us how far?

19 A No. The maximum range is the maximum firing range
20 of that particular weapon.

21 Q 146, what's that document?

22 A State's 146 is a close-up view of the deceased's
23 exit wound.

24 Q Now, Doctor, just without getting up, can you show
25 me here roughly where this bullet went in Mr. Adams?

1 (Pause.)

2 Q If you want to get up, I didn't mean that.

3 THE WITNESS: Your Honor, may I?

4 THE COURT: Yeah, sure. Yes, sir.

5 THE WITNESS: Thank you.

6 (The witness leaves the witness stand.)

7 A Roughly, the entrance is here (indicating), the exit
8 is here (indicating). And this virtually went
9 straight across, to the right and slightly upwards.
10 That's a terrible straight line but.

11 Q That's fine.

12 A That's what it did.

13 (The witness returns to the witness stand.)

14 MR. MEADORS: And for the record, this is 147,
15 without objection, Your Honor.

16 MR. MCCULLOCH: (Affirmative response.)

17 THE COURT: All right.

18 (Whereupon, State's Exhibit Number 147, Poster
19 of Human Body, was admitted into evidence.)

20 Q There's been some testimony, Doctor, Mr. Adams was
21 talking some after he received this bullet, saying,
22 go ahead and help somebody else, and saying other
23 things. Would that be unusual, that he would be
24 able to talk for awhile?

25 A Oh, he'd be able to talk for awhile, yes. The chest

1 cavity where the lungs are, that was not breached.
2 So as long as he could breath and have air in his
3 lungs, he could utter words and talk.

4 Q Do you have an opinion to a reasonable degree of
5 medical certainty as to the proximate cause of the
6 death of one John Adams? If you do, would you
7 please tell the jury?

8 A Mr. John Adams died as the result of a cardiac
9 arrest due to complications of internal hemorrhage
10 due to a gunshot wound to his abdomen. And what
11 that means is that Mr. Adams bled to death in his
12 abdomen as a direct result of the gunshot wound he
13 received.

14 Q If we could turn to body number two, the body of one
15 Shannavia Williams. Did you also have the occasion
16 to inspect Shannavia's body?

17 A Yes, I did.

18 Q And when did you do that?

19 A I did that on February the 7th, 2007 at 1:30 p.m.

20 Q All right. You said February the 7th. That's a
21 little later. Were you aware that there was some
22 organ donation ---

23 A That's correct, yes.

24 Q And is that why this was later?

25 A That's correct.

1 Q Tell the jury again, if you will -- and I'll try not
2 to interrupt you. But if you could tell them what
3 you found when you viewed the body of -- and she was
4 26 years old?

5 A Yes, sir.

6 Q Would you please, however you'd like to, with the
7 external description ---

8 A Okay.

9 Q --- going to the evidence of trauma, please, Doctor.

10 A Okay. Ms. Williams was 5 foot 7, 67 inches. Her
11 weight was estimated at 185 pounds. There was a
12 gunshot wound to the left side of the head in the
13 distance of 2.5 inches from the top of the head and
14 3 inches to the left of midline. The wound is
15 somewhat irregular with lacerated edges. It's
16 located at the junction of the left upper ear and
17 face, approximately here (indicating).

18 No soot of powder stippling is identified. The
19 entrance wound is 0.7 by 0.4 inch in greatest
20 diameters. The bullet is found to enter the skull
21 at this site traveling for 30 degrees to the right
22 60 degrees and no significant deviation from upper
23 or down plane. Along its course, the bullet carves
24 a significant cerebral laceration which means the
25 brain tissue is torn. And laceration of the

1 subarachnoid and subdural hemorrhage.

2 There are also associated skull fractures
3 including the calvarium which is the top of the head
4 (indicating) and the right orbital plate
5 (indicating) which forms the top of your eye socket.

6 The bullet is recovered from the -- right above
7 the right orbital plate. The recovered projectile
8 is a lead medium caliber projectile. It is severely
9 distorted. The number 36 and the initial C.N. are
10 inscribed on the base of the bullet by myself.

11 Q That C.N. would be Clay Nichols.

12 A That's correct.

13 Q And is that so you can later come in and identify it
14 to people this -- ladies and gentlemen like this?

15 A Yes.

16 Q Doctor, you kind of -- you were reading that off but
17 are you taking this information down as you're
18 examining the bodies?

19 A Yes.

20 Q Okay. And that's so you can come back here and tell
21 these folks, this is what I saw and observed like
22 you're doing now?

23 A Yes.

24 Q Okay. And just a few more questions. State's 141,
25 can you put on here, just for purposes, where the

1 bullet would have entered Ms. Williams?

2 A Her ear would have been approximately here
3 (indicating) and the gunshot wound have been in this
4 area (indicating).

5 Q As far as affecting her thinking and breathing, how
6 long would she have -- when would she have died
7 after she received this injury? How long in your
8 opinion based on your background, experience and
9 your expert field?

10 A This could have been immediately fatal. She lived
11 for some time and then her organs were kept alive
12 for transplantation purposes after brain death was
13 declared.

14 Q And I've got just two pictures to show you here. Do
15 you recognize these and do they relate to what you
16 just testified to?

17 A Yes.

18 MR. MEADORS: Your Honor, we'd offer now
19 State's 144 and 143, without objection?

20 MR. MCCULLOCH: No objection.

21 THE COURT: All right.

22 (Whereupon, State's Exhibit Number 144,
23 Shannavia Williams' Autopsy Photograph of
24 Entrance Wound, was admitted into evidence.)

25 (Whereupon, State's Exhibit Number 143,

1 Shannavia Williams' Autopsy Photograph of
2 Recovered Bullet, was admitted into evidence.)

3 Q State's 144 is what, Doctor?

4 A State's 144 shows the head of Ms. Williams and it
5 demonstrates the entrance wound to the left side of
6 her head at the junction of her ear.

7 Q State's 144. And, Doctor, I believe in your -- the
8 evidence of trauma, you described this as a distant
9 shot also?

10 A That's correct.

11 Q Would that be the same, greater than 18 inches?

12 A The same criteria, yes, sir.

13 Q And also I think you said there are no evidence of
14 soot or powder burns.

15 A Right.

16 Q What does that mean?

17 A That means, once again, that would be additional
18 material that would come out of the muzzle of the
19 gun when the trigger was pulled. So once again,
20 this is a distant gunshot wound.

21 Q None of that on her?

22 A No.

23 Q And State's 143 is what, Doctor?

24 A This is a somewhat close-up view of the recovered
25 bullet from Ms. Williams' head.

1 Q And finally, you actually yourself recovered that
2 bullet?

3 A That's correct.

4 Q State's 102, do you recognize that and is that the
5 bullet, Doctor?

6 A Yes, it is.

7 Q After you collected this, what did you do with it,
8 Doctor?

9 A This is transferred to law enforcement for
10 subsequent analysis.

11 Q And was there -- again, did you find a bullet in Mr.
12 Adams?

13 A No, there was no bullet.

14 MR. MEADORS: Your Honor, I believe this is
15 already in, 102. I thought I -- if I did not, State's
16 141 without objection.

17 THE COURT: All right, yes.

18 (Whereupon, State's Exhibit Number 141, Head
19 Form, was admitted into evidence.)

20 Q Doctor, I want to thank you for being here today.
21 And my final question is, do you have an opinion to
22 a reasonable degree of medical certainty, based on
23 the examination of Shannavia Williams' body, as to
24 the probable cause her death? And if you do, sir,
25 would you please tell these ladies and gentlemen of

1 this jury?

2 A Yes, I do. Shannavia Williams died as a result of
3 cerebral laceration due to a distant comma
4 penetrating gunshot wound to her head.

5 MR. MEADORS: Judge, that's it.

6 THE COURT: All right.

7 CROSS-EXAMINATION

8 BY MR. MCCULLOCH:

9 Q Dr. Nichols, you -- from your examination of both of
10 these, you're not able to determine the caliber of
11 the bullet that killed them, are you?

12 A No, I'm not. In fact, I think I listed the caliber
13 as a medium caliber, meaning it's medium size. And
14 a firearms examiner would be necessary to figure out
15 the exact caliber.

16 Q And that's not something you can tell?

17 A Sometimes I can but I usually let it go to the
18 firearms examiner.

19 Q But in this situation, I assume that's not the case?

20 A That's correct.

21 MR. MCCULLOCH: That's all we have, thank you.

22 THE COURT: Have you covered everything, both
23 sides?

24 MR. MEADORS: Yes, sir. Thank you, Doctor, for
25 being here, that's all.

1 MR. MCCULLOCH: Yes, sir.

2 THE COURT: Thank you so much, Dr. Nichols.

3 THE WITNESS: Thank you, Judge Manning. It's a
4 pleasure to be in your court.

5 THE COURT: Good to see you again, sir.

6 (The witness leaves the witness stand.)

7 MR. MEADORS: It's 3:27, Judge.

8 THE COURT: Members of the jury, I take this
9 opportunity, before I send you home for the weekend, to
10 thank you sincerely on behalf of everybody involved in
11 this trial for your patience and attention this week.

12 9:30 Monday? What time would y'all like to
13 start? Let me ask the jury. What time would y'all like
14 to be here Monday morning? Monday is always kind of
15 crazy. I think, regardless of whether we start at 9:30
16 or 10, we'll be able to finish all the testimony by the
17 end of the day. Am I right so far?

18 MR. MEADORS: As far as I'm concerned, yes, sir.

19 THE COURT: Okay.

20 MR. MEADORS: Without a question.

21 THE COURT: And I anticipate giving this matter
22 for you to -- giving this case to you to resolve sometime
23 Tuesday morning, that's what we're looking at. Is
24 everybody on the same page now?

25 (Affirmative response.)

1 THE COURT: Once again, thank you all so very
2 much and have a pleasant weekend. And I'll -- let's say
3 be here at 10:00 first thing. We should be able to get
4 through everything, 10. Even if we go a little bit late,
5 I don't think we'll need to but even if we do, let's say
6 10:00. Monday's always a tough day, Monday morning
7 blues. Everybody will be coming here, y'all got to get
8 up, kids have got to go to school. So let's say 10:00
9 sharp Monday morning.

10 Have a pleasant weekend. Remember, you've got to
11 decide this case based on what you see and hear in this
12 courtroom. And if you inadvertently see something in the
13 paper or hear something on the news, I mean, just block
14 that out of your mind. Try to avoid it if you can.
15 Sometimes it's almost impossible in this technological
16 age, but try and do so. And we'll be happy to welcome
17 you back Monday morning at 10:00.

18 Have a pleasant weekend, ladies and gentlemen.
19 Thank you all so very much.

20 (The jury retires from the courtroom at
21 approximately 3:30 p.m.)

22 THE COURT: Anything further this afternoon,
23 gentlemen and ladies?

24 Well, y'all have a pleasant weekend. Monday's
25 always a crazy day and we all know that, those -- there's

1 going to be people all over the place. So y'all need to
2 come a little bit early, everybody, so we can get started
3 at 10. Thank you.

4 MS. MCDUFFIE: Your Honor, just for the record,
5 the search warrant return is State's 2 for ID.

6 THE COURT: Two for ID, okay. And that covers
7 your examination of that witness about the swab or tissue
8 or something like that?

9 MS. SCHILLACI: (Affirmative response.)

10 THE COURT: Okay, so, thank you all.

11 (The Court was in recess.)

12 MONDAY, OCTOBER 26, 2009:

13 THE COURT: Thank you. Can I see y'all for a
14 minute, the lawyers, please.

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

17 THE COURT: Have you had a chance to explain the
18 question, Mr. McCulloch?

19 MR. MCCULLOCH: Yes, Your Honor.

20 THE COURT: All right. Bring the jury out,
21 please, Mr. Crumpton.

22 (The jury returned to the courtroom at
23 approximately 10:07 a.m.)

24 THE BAILIFF: The jury's all present, Your
25 Honor.

1 THE COURT: Welcome back, Madam Foreman --
2 Forelady and members of the jury. I just mentioned to
3 y'all in chambers that I needed to bring y'all out and
4 ask you a generic question. I've explained or talked a
5 little bit to the lawyers about this question. It's been
6 a long trial. Usually trials don't last much longer than
7 three or four days in this state but it's been about a
8 week, so I need to ask y'all this question.

9 During the past week and especially over the
10 weekend, has anything happened, have you seen, heard or
11 read anything that would affect your ability to be a fair
12 and impartial juror in the trial of this case? Anything
13 at all? Did you discover anything about anybody in the
14 case or any parties to the case or has anything happened
15 that would affect your ability to be a fair and impartial
16 juror?

17 If so, you don't need to tell me out here. I
18 need you to go back to the jury room and write me a note,
19 okay?

20 So the question is this, has anything happened
21 during the course of this week and especially over the
22 weekend that would affect your individual ability to be a
23 fair and impartial juror?

24 If so, just write me a little private note and I
25 will be happy to receive it from you. Go back to the

1 phone number of area code 803-807-8368 on the bill.

2 Q And where had you seen that phone number before?

3 A The cell phone number that was recovered at the 360.

4 Q And that's State's 49 which has already been
5 entered, correct?

6 A That is correct.

7 Q And I'm going to show you what's marked State's 51.

8 Does this appear to be the receipt for the Verizon
9 phone that you just described that you found at 52
10 Riverview?

11 A Yes, sir.

12 Q All right. Did it have a name in here of who -- who
13 the service was going to?

14 A If I recall, I think the first name was Rosalyn.

15 Q Rosalyn?

16 A Yes, sir.

17 MR. MEADORS: Your Honor, we'd offer State's 51.

18 (Pause.)

19 MR. MCCULLOCH: No objection, Your Honor.

20 THE COURT: All right, without objection.

21 MR. MCCULLOCH: Subject -- subject to the
22 earlier discussions we had with respect to the search.

23 THE COURT: Oh, sure.

24 MR. MCCULLOCH: The continuing objection.

25 THE COURT: Yes, sir, 51.

1 MR. MEADORS: Thank you. For the record, this is
2 a 7, Your Honor, not a 4.

3 MR. MCCULLOCH: It's a French ---

4 MR. MEADORS: State's 51.

5 (Whereupon, State's Exhibit Number 51, Verizon
6 Cell Phone Receipt, was admitted into evidence.)

7 Q If you would refer to your notes and see if you had
8 the lady's last name?

9 A No, sir. On the notes I have right here I don't
10 have it.

11 Q But Rosalyn ---

12 A But Rosalyn, I do remember the name Rosalyn, yes.

13 Q What happened to the car, the Chevrolet Impala.

14 A After we conducted the search of the home and got
15 any further evidence from the home, myself, I did
16 follow the tow truck back to our evidence shed at
17 the Richland County Sheriff's Department that's
18 located at 5623 Two Notch Road.

19 Q And while -- while the search of the residence was
20 going on, did anybody go in the Impala, at the scene
21 there?

22 A As far as what I knew when I was there, no, sir.

23 Q I show you what's marked State's 3. Do you
24 recognize this, the tow truck -- a tow receipt?

25 A Yes, sir. It was filled out by Isenhoward,

1 Investigator Isenhoward at the scene.

2 Q And you say you followed it?

3 A Yes, sir. It was a flatbed pickup truck, we had --
4 the reason we got the flatbed pickup is because we
5 didn't want anybody to touch the interior of the
6 vehicle. They have it, you know, towed up on the
7 flatbed.

8 Q And did it stop anywhere before it got to the
9 Sheriff's Department.

10 A No, sir, it did not.

11 Q And did it go to a secure facility once it got to
12 the Sheriff's Department?

13 A Yes, sir, it did, inside the shed.

14 MR. MEADORS: State's 3, I believe without
15 objection, Your Honor.

16 MR. MCCULLOCH: No objection.

17 THE COURT: All right, sir.

18 (Whereupon, State's Exhibit Number 3 was moved
19 into evidence.)

20 MR. MEADORS: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Pause.)

23 Q Is it fair to say that by the time y'all had gone to
24 ■■■■■■■■■■ Mr. Gaskins has been developed
25 as a suspect, correct?

1 A Yes, sir.

2 MR. MEADORS: That's all.

3 THE COURT: Cross-examine.

4 MR. MCCULLOCH: Very briefly, Your Honor.

5 CROSS EXAMINATION

6 BY MR. MCCULLOCH:

7 Q Tom, Mr. Meadors says you've been around a long
8 time?

9 A As far as law enforcement, yes, sir.

10 Q In fact, you've been around so long I think I used
11 to prosecute with you, didn't I?

12 A Yes, sir, you did.

13 Q When Mr. Porterfield -- when you met Mr. Porterfield
14 at the 360, he provided the phone to you, handed you
15 the phone?

16 A Yes, sir.

17 Q Do you know where he kept it or where it had been?

18 A He made a comment that he had originally had it, if
19 I recall correctly, and then I think he said he had
20 given it to one of the DJs and no one responded in
21 reference to it, put it out on the P.A. system, I
22 believe, if anybody owned it. And then he was going
23 to take it to his office.

24 Q Do you remember him telling you he found it earlier
25 in the evening, well before the incident happened?

1 A That is correct, yes, sir.

2 Q Now, your recollection was that you think he said he
3 found it in the parking lot. But would it surprise
4 you that perhaps he's told others that he found it
5 inside the club?

6 A It wouldn't surprise me, no, sir..

7 Q When you went to Riverview, were you able to -- did
8 you -- do you know whether this vehicle was -- that
9 was towed and you followed it to the impound, was it
10 unlocked or locked or do you know?

11 A I can't recall, sir.

12 Q Okay.

13 A But I knew -- we just make sure no one ---

14 Q Nobody went in it while you were there?

15 A No, sir.

16 Q No. Thank you.

17 A Yes, sir.

18 MR. MCCULLOCH: That's all we have.

19 THE COURT: Anything further of this witness?

20 MR. MEADORS: No, sir.

21 THE COURT: You may step down, sir.

22 THE WITNESS: Thank you, sir.

23 (The witness leaves the witness stand.)

24 THE COURT: I don't remember you from the old
25 days.

1 MS. MCDUFFIE: The State calls Investigator
2 Robert Oates.

3 (ROBERT OATES, having first been duly sworn,
4 testified as follows:)

5 THE CLERK: Thank you. Please have a seat in
6 the witness stand and state your full name for the
7 record.

8 THE WITNESS: Robert Oates, O-a-t-e-s.

9 DIRECT EXAMINATION

10 BY MS. MCDUFFIE:

11 Q Investigator Oates, where are you currently
12 employed?

13 A The Richland County Sheriff's Department.

14 Q What are duties with the Richland County Sheriff's
15 Department?

16 A I'm currently a crime scene investigator.

17 Q And please tell the jury a little bit about your
18 education and training in the field of crime scene
19 investigation.

20 A Starting with undergraduate education, obtained a
21 bachelor of science degree from the University of
22 South Carolina and also certified law enforcement
23 officer through the South Carolina Criminal Justice
24 Academy. Currently been in law enforcement for 13
25 years, currently six years as a crime scene

1 investigator.

2 Certificates, training, starting with
3 fingerprint identification and development, palm
4 print identification and development, photography,
5 crime scene photography, advanced crime scene
6 photography, blood pattern analysis, advanced blood
7 pattern analysis, crime scene reconstruction and
8 crime scene processing and evidence collection.

9 Q And have you ever testified as an expert in courts
10 of this state in the field of crime scene
11 investigation?

12 A Yes, I have.

13 Q And how many times?

14 A 10.

15 MS. MCDUFFIE: Your Honor, at this time we would
16 offer Investigator Oates as an expert in crime scene
17 investigation.

18 MR. MCCULLOCH: No objection.

19 THE COURT: Without objection.

20 Q Investigator Oates, on February the 5th of 2007, did
21 you attend the autopsy of John Adams?

22 A Yes, I did.

23 Q And did you collect a G S R kit from Mr. Adams?

24 A Yes, I did.

25 Q Please tell the jury what that is and how you

1 collected it.

2 A There's a prepackaged or package that holds several
3 sticky tabs and also cotton swabs. What we do, we
4 have to break the seal on this package that we
5 receive, it's sealed, and we use sticky tabs
6 basically to collect any G S R metals for possible
7 gunshot residue. We use the sticky tabs first on
8 the top of the -- the top of the palm and also the
9 inner palm on both right and left hands.

10 Q So using my hand as an example, show the jury where
11 you would collect G S R from?

12 A Okay. From this area here (indicating), the back
13 part of the palm, thumb, the little finger, and
14 inside the palm also, from the bottom of the palm
15 area, also to the intermediate or the top -- of the
16 finger area, in the middle area ---

17 Q You do that on both sides of both hands?

18 A Yes, yes.

19 Q And you ---

20 A Yes.

21 Q And you do that with both swabs and sticky tabs?

22 A Yes, uh-huh, yes.

23 Q I'm going to show you State's 135 and ask you if you
24 recognize that?

25 (Pause.)

1 A Yes, that is my signature.

2 Q Is this the G S R kit you collected?

3 A Open it?

4 Q If you would like.

5 A But that is my signature, that is my mark.

6 (Pause.)

7 Q You don't have to open it.

8 A Okay, that's my signature. It will take me forever.
9 It's sealed very well.

10 MS. MCDUFFIE: Your Honor, we would offer
11 State's 135, the G S R kit from John Adams.

12 MR. MCCULLOCH: No, objection.

13 THE COURT: Without objection.

14 (Whereupon, State's Exhibit Number 135, G S R
15 Kit from John Adams, was admitted into
16 evidence.)

17 Q And after you collected this from Mr. Adams, after
18 you collected the swabs and the sticky tabs from his
19 hands, do you also collect a control sample?

20 A Yes.

21 Q And where do you do that from?

22 A It's from a part of the body that's away from the
23 actual palms. It could be the stomach, the side of
24 the stomach, an arm, basically.

25 Q An area where you typically wouldn't expect to find

1 gunshot residue?

2 A Yes, that's correct.

3 Q And you submit all of that in a kit to SLED?

4 A Yes.

5 Q And that is analyzed at SLED not at the Sheriff's
6 Department?

7 A Correct, analyzed at SLED, yes.

8 Q And did you also recover some personal property from
9 Mr. Adams?

10 A Yes, I did.

11 Q And that was turned in to Richland County evidence?

12 A Yes, it was.

13 Q After you attended the autopsy of Mr. Adams on the
14 5th -- on February the 6th of 2007, did you process
15 a 2005 Chevy Impala?

16 A Yes, I did.

17 Q And where was that processing done?

18 A The processing of the vehicle was done at our
19 forensic garage which is behind the main Sheriff's
20 Department building on Two Notch Road.

21 Q And who has access to the forensic garage?

22 A The only people who have access to this garage are
23 crime scene investigators. We're the only ones that
24 have a key to the entrance to this building.

25 Q And when you started processing the vehicle, who

1 started processing it along with you?

2 A Okay. I had with me Sergeant Richards and
3 Investigator Bouknight.

4 Q And who was responsible for -- or who was the
5 primary crime scene investigator on this vehicle?

6 A That would be Sergeant Richards who was our
7 supervisor.

8 Q And then -- and you also assisted in the processing
9 of it?

10 A Yes, uh-huh.

11 Q And what is the first thing that occurred in the
12 processing of this vehicle?

13 A I observed Sergeant Richards collect G S R samples
14 from inside the vehicle.

15 Q And before Sergeant Richards collected the G S R
16 kit, had any other officer entered the vehicle, to
17 your knowledge?

18 A Not to my knowledge.

19 Q Had you processed the vehicle for any evidence
20 before he took the G S R kit?

21 A No, I did not.

22 Q And why is that?

23 A We want to make sure that if any other process is
24 done to the vehicle, inside or out, it could damage,
25 as an example, G S R, gunshot residue or any trace

1 evidence. We want to make sure that's done first
2 before doing anything else.

3 Q And then after Sergeant Richards collected the G S R
4 on the vehicle, what then occurred next?

5 A I photographed the vehicle inside and out and also
6 the vehicle was processed for prints inside and out
7 also.

8 Q And did you assist in the processing for prints?

9 A I did not.

10 Q After the vehicle was processed for prints, what did
11 you then do?

12 A I collected D N A samples.

13 Q And why did you do that?

14 A To attempt and -- attempt to collect D N A samples,
15 possibly from a suspect, confirm suspects.

16 Q And in order to do that, did you label certain areas
17 of the vehicle?

18 A Yes, I did.

19 Q And tell the jury why you did that.

20 A We normally, after taking photographs of a certain
21 area -- it's a form of identification, we would
22 number those or we can use letters. In this case I
23 used numbers.

24 Q And please tell the jury what areas of the vehicle
25 you labeled.

- 1 A The exterior front driver side handle, door handle.
2 I used evidence number 1 there. The interior front
3 driver door, handle, evidence number 2.
4 Q Let me stop you right there. Is that depicted in
5 State's 119 which is already in evidence?
6 A Yes, it is.
7 Q And you placed that marker there?
8 A Yes, I did.
9 Q Because that's an area you swabbed for D N A?
10 A Yes, it is.
11 Q Okay. Keep going, please.
12 A The driver steering wheel, evidence ---
13 Q State's 120.
14 A --- number 3. The exterior passenger side front
15 door handle.
16 Q Which was what number?
17 A Evidence number -- correction, that's my mistake. I
18 jumped ahead. The steering column, the gearshift, I
19 apologize. That's evidence number 4.
20 Q And that was swabbed for D N A?
21 A Yes, it was? Now the exterior passenger side front
22 door handle which is going to be evidence number 5.
23 Q And that's in State's 122 and 123?
24 A Yes.
25 Q And any other areas?

1 A The interior front passenger side.

2 Q And what number did you give to that area?

3 A Number 6.

4 Q And that's in State's 124 and 125?

5 A Yes.

6 Q And you swabbed all of those for D N A?

7 A Yes, I did.

8 Q Explain to the jury how you did that?

9 A Basically we have sterile cotton swabs and we also
10 have swab boxes. Basically we just -- we use, of
11 course, rubber gloves, of course for no
12 contamination. We remove the sterile cotton swab
13 from the container, it's very simple, and then drop
14 distilled water on the tip. In other words, to
15 moisten it in order to try to collect it from the
16 surface.

17 Q And I'm going to show you State's 138. Are these
18 the cotton swabs you submitted for D N A?

19 (Pause.)

20 A Yes.

21 MS. MCDUFFIE: Your Honor, at this time we'd
22 offer State's 138.

23 THE COURT: What number?

24 MS. MCDUFFIE: 138.

25 MR. MCCULLOCH: No objection, Your Honor.

1 THE COURT: Without objection.

2 (Whereupon, State's Exhibit Number 138, Swab
3 from Car, was admitted into evidence.)

4 Q And do you do the processing of this or is that
5 transferred to another individual in your
6 department?

7 A We have another individual that tests D N A.

8 Q After you processed the vehicle for potential D N A,
9 what did you then?

10 A During the initial search of the vehicle and while
11 taking photographs of the vehicle, a spent shell
12 casing was found.

13 Q And was that found by Investigator Bouknight?

14 A Yes, it was.

15 Q And did you collect that from him?

16 A Yes, I did.

17 Q I'm going to show you State's 136 and ask you if you
18 recognize that?

19 A Yes, that's my mark, yes.

20 MS. MCDUFFIE: Your Honor, at this time we would
21 offer State's 136.

22 MR. MCCULLOCH: No objection.

23 THE COURT: All right.

24 (Whereupon, State's Exhibit Number 136, Spent
25 Winchester, was admitted into evidence.)

1 Q After you collected that shell casing, please tell
2 the jury what you then did.

3 A Further search of inside the vehicle, a white, it
4 appeared to be, possible blood stained tissue was
5 atop the front passenger side seat.

6 Q I'm going to show you State's 134. Is that what's
7 in State's 134?

8 A Yes.

9 MS. MCDUFFIE: Your Honor, at this time we'd
10 offer 134.

11 MR. MCCULLOCH: No objection.

12 THE COURT: All right.

13 (Whereupon, State's Exhibit Number 134, Blood
14 Stained White Piece of Tissue, was admitted into
15 evidence.)

16 Q Did you do any further testing on this tissue?

17 A I basically tested to see if -- I used a presumptive
18 test, blood test, to see if it was positive for
19 blood?

20 Q And is that what's depicted in State's 126?

21 A Yes, it is.

22 Q And how did -- what were the results of that test?

23 A It was positive.

24 Q And State's 127, is that a close-up?

25 A Yes, that's a close-up photograph.

1 Q And please tell the jury what is depicted in that
2 photograph?

3 A This is the actual piece of tissue or tissue and
4 that's the stain right there (indicating), the
5 possible blood stain.

6 Q And is that the extent of the blood that you found?

7 A That's the extent, yes.

8 Q And did you also inventory the content and remove
9 various items from the vehicle?

10 A Yes, I did.

11 Q Please tell the jury -- well, we'll go through all
12 of it. There was clothing?

13 A Yes.

14 Q Paperwork?

15 A Yes.

16 Q Drink bottles, things of that nature?

17 A Yes.

18 Q And all of those items were removed and collected by
19 yourself?

20 A Yes, they were.

21 Q Did you do anything further to process the vehicle?

22 A Not to my knowledge, that was pretty much it.

23 Q And then after you finished processing the vehicle,
24 did you do any further processing on the 40 caliber
25 shell casing that was found by Investigator

1 Bouknight?

2 A Yes, I did.

3 Q Please tell the jury what you did.

4 A I returned back to our forensics laboratory and
5 basically processed the spent Winchester 40 caliber
6 for fingerprints.

7 Q And were you able to lift any fingerprints from that
8 shell casing?

9 A No, I was not.

10 Q And did you also process or swab that shell casing
11 for D N A?

12 A Yes, I did.

13 Q And was that forwarded on to the D N A section?

14 A Yes, it was also.

15 Q And is the swab for that also contained in State's
16 138?

17 A Yes, it is.

18 Q And this was forwarded on for further analysis?

19 A Yes, it was.

20 Q And the next day, on February the 7th of 2007, did
21 you receive a cell phone from the property and
22 evidence room at Richland County?

23 A Yes, I did.

24 Q And I want to show you what's already in evidence as
25 State's 49. Is that the cell phone you received

1 from property and evidence?

2 A Yes, it is.

3 MS. MCDUFFIE: Beg the Court's indulgence.

4 (Pause.)

5 Q And how did you process that cell phone?

6 A I used black powder on the phone itself.

7 Q And what is the purpose of you using black powder or
8 what do you do that for?

9 A In order to try to develop a latent fingerprint.

10 Q And did you develop any fingerprints from that cell
11 phone?

12 A Yes, I did. I did develop one fingerprint from
13 that.

14 Q And do you analyze those yourself or do you forward
15 them on ---

16 A I forward them on to our latent print examiner.

17 Q And did you test the cell phone for D N A?

18 A I did. I swabbed the -- the exterior sides of the
19 phone.

20 Q And I'm going to show you State's Exhibit 133 and
21 ask you if you recognize that?

22 A Yes.

23 Q Is this the swab you took for D N A from that cell
24 phone?

25 A Yes, it is.

1 MS. MCDUFFIE: Your Honor, at this time we'd
2 offer State's 133.

3 MR. MCCULLOCH: No objection.

4 THE COURT: What is 133?

5 MS. MCDUFFIE: It's a swab from the cell phone?
6 (Whereupon, State's Exhibit Number 133, Swab
7 from Cell Phone, was admitted into evidence.)

8 Q After you processed that cell phone, did you return
9 it to the property and evidence room at Richland
10 County?

11 A Yes, I did.

12 Q And did you have any further involvement in the case
13 after that processing?

14 A I did not.

15 MS. MCDUFFIE: Thank you, Your Honor, no further
16 questions.

17 THE COURT: Cross-examine.

18 CROSS-EXAMINATION

19 BY MR. MCCULLOCH:

20 Q Mr. Oates, you were -- when you arrived, who was
21 there at the impound lot?

22 A At the impound lot? Oh, at the garage?

23 Q I guess, the garage.

24 A Okay. It was myself, Sergeant Richards and
25 Investigator Bouknight.

1 Q All right. And did you arrive together or was there
2 somebody there before you got there? Did y'all kind
3 of converge at the same, what do you think?

4 A To my knowledge, we normally -- in the office, then
5 we converge, you know, to what we're gonna do.

6 Q Now your bench notes tell me that -- it says, I
7 slash Oates were investigating officers. Do you
8 have your bench notes there?

9 A Yes, sir. Yes, sir.

10 Q The second line says, photograph -- investigating
11 officer photographed the exterior and interior areas
12 of the vehicle prior to the search. Then you
13 observed, I guess it's Investigator Richards and
14 Bouknight fingerprint the interior and exterior.
15 Richards used the gunshot residue kit on the --
16 something -- driver's side. Sterile cotton swabs
17 used to collect D N A.

18 So that's essentially what happened. How long
19 did the process take? Just a guesstimate?

20 A A guesstimate?

21 Q 30 minutes, two hours?

22 A A couple of hours.

23 Q Okay.

24 A Just a guesstimation.

25 Q Now, who was in charge of the processing?

1 A Sergeant Richards.

2 Q Richards?

3 A Sergeant Richards, yes.

4 Q And do you take any precautions to prevent spoiling
5 evidence? I mean, do you wear headgear to keep from
6 dropping hairs and gloves and booties and spacesuits
7 or any of that stuff?

8 A No, sir. No, sir, just gloves, latex gloves.

9 Q All right. Did you wear a gun?

10 A Yes, sir.

11 Q Did Richards have a gun as well? Probably everybody
12 has a gun since you're police officers.

13 A Certain -- a certain -- certain types of processing
14 we might remove that for, you know, for
15 comfortability or to process it more efficiently.
16 I recall, we still had our weapons on, yes.

17 Q But you wouldn't remove them for gunshot residue
18 evaluation?

19 A No, sir.

20 Q The -- you mentioned that -- let me see, 126, 127
21 the Solicitor showed you. Let me see if I can find
22 those real quick.

23 (Pause.)

24 Q Let me get you to look at those two. That's State's
25 126, 172. Those are -- 126 is what?

- 1 A That's a picture of the white tissue, front
2 passenger side seat.
- 3 Q Okay. Pretty obviously blood?
- 4 A It's a reddish brown stain, yes.
- 5 Q And it became pretty clearly blood when you tested
6 it with your -- what did you call it, presumptive
7 kit?
- 8 A Yes, presumptive test, yes, sir. That's what we
9 were using then, yes.
- 10 Q You noticed other blood in the vehicle?
- 11 A I did not, no. No, sir.
- 12 Q Let me get you to look at -- in the second
13 photograph 127, I think just shows the same ---
- 14 A Yes.
- 15 Q --- tissue with you -- a little ---
- 16 A Yes.
- 17 Q --- test tube of, what do you call it?
- 18 A That's Hemident.
- 19 Q Hemident.
- 20 A I think that's the manufacturer, yes.
- 21 Q Now, let me get you to look at number 4. I mean,
22 excuse me, State's Exhibit 121.
- 23 A Uh-huh.
- 24 Q But ---
- 25 A I've got it.

1 Q I think you testified that that was an area tested
2 for D N A, right?

3 A Yes.

4 Q And does that look like blood there? It's right
5 above a sticker that seems to be covering what
6 appears to be a blood spatter.

7 A No, sir. I don't recall that being any kind of a
8 stain, no, sir.

9 Q Sir?

10 A Huh-uh. That's a little bit different color there.
11 It's not a reddish brown stain.

12 Q Just red?

13 A Of course, I wouldn't put a sticker on top of a
14 blood stain either. But, yes.

15 Q Did you test it with your kit to see if ---

16 A No, sir.

17 Q --- it was blood?

18 A Huh-uh, no, sir.

19 Q Did you notice any other blood in the vehicle?

20 A I did not, no, sir.

21 MR. MCCULLOCH: Your Honor, if I might,
22 if I can mark something for ID and just show it briefly.

23 THE COURT: Gentlemen, I remind you 4:00 is
24 4:00.

25 MR. MEADORS: Your Honor, if he wants to offer

1 this and show it, we have no objection. But we do object
2 to him showing it to the jury unless he offers it into
3 evidence.

4 MR. MCCULLOCH: Well, let's walk up.

5 THE COURT: The jury should not see this unless
6 it goes into evidence. It's for ID purposes only.

7 (WHEREUPON, a bench conference was held off
8 the record, in the presence of the jury, but out
9 of the hearing of the jury.)

10 Q Investigator Oates, the vehicle that we've been
11 talking about's been, to your knowledge, where since
12 you and the other two investigators worked on it?

13 A It's been in the forensic -- or the compound area.

14 Q Been in the compound ---

15 A Yes.

16 Q --- big fences around it and all that?

17 A Yes, sir.

18 Q Now, without describing the contents of these photos
19 which are offered only for identification, I'm going
20 to ask you -- these are photographs of one of the
21 seats in the vehicle. Did you notice anything like
22 that in your examination of the automobile?

23 A No, sir.

24 Q So you don't have any recollection of that?

25 A Huh-uh, no, sir. I sure don't.

- 1 Q In your examination of the automobile, or the
2 other's examination of the automobile, a jacket was
3 found? Some type of a ---
4 A Yes, sir.
5 Q --- a coat?
6 A Yes, sir.
7 Q There are photos of that somewhere around here.
8 (Pause.)
9 Q How about State's 110?
10 A Okay, yes.
11 Q That's a coat. Does it look like it appeared when
12 you and the others went through the vehicle?
13 A Yes, sir.
14 Q That coat has patches on it?
15 A Yes, sir. Uh-huh.
16 Q That coat would not be this coat then, presumably?
17 And I'm referring to State's 18.
18 A No, sir.
19 Q Sir?
20 A No, sir.
21 Q All right. The fingerprinting was done by whom?
22 A Excuse me, I believe I testified that it was --
23 let's see ---
24 Q Bouknight?
25 A Bouknight, yes, Investigator Bouknight.

1 Q You have any idea why the fingerprints were compared
2 to somebody named Ausha Aquillen (phonetic)?

3 A I have no idea. No, sir.

4 Q Now you took all of these photographs, right?

5 A Of the car, yes, sir. Uh-huh.

6 Q And the State's 110 which shows the jacket also
7 shows the seat in the vehicle on the passenger side,
8 is that correct?

9 A Yes, sir.

10 Q And it shows that seatback tilted back, doesn't it?
11 Tilted away from the dashboard?

12 A It appears, yes, sir.

13 Q Now for this photograph, there is some kind of a
14 folder sticking in there, right?

15 A Right.

16 Q In State's 115, there is no folder, in the same
17 seat, right?

18 A Okay, right. That's what it looks like.

19 Q And in State's 110, the seat back appears to be
20 kicked way back. That's the way you found the
21 vehicle originally, right?

22 A That's original, yes.

23 Q And with a little folder sticking out of it but seat
24 back. And then in State's 130, whose arm is that?

25 A Okay, that is ---

1 Q Bouknight, perhaps? I mean, it's not your arm?

2 A I don't know. It's an arm, I don't know.

3 Q It's an arm and ---

4 A Yeah, it's an arm.

5 Q And the arm is doing what?

6 A It's ---

7 Q Pulling ---

8 A --- pulling back the pocket to the passenger ---

9 Q Pulling that pocket out so you can ---

10 A Yeah.

11 Q --- actually see in the pocket, right?

12 A Uh-huh. Yes, sir.

13 Q So how would a shell get in there?

14 A (The witness shakes head.)

15 Q Casing, that is?

16 MS. MCDUFFIE: Your Honor, objection. Calls for
17 speculation.

18 A I don't know.

19 THE COURT: Well, repeat the question.

20 Q How would a shell casing get in a (indicating) ---

21 THE COURT: Objection's sustained. I mean, he
22 can answer if he wants to but I mean, unless he knows.

23 Do you know?

24 THE WITNESS: No, sir.

25 THE COURT: All right.

1 Q Someone could put it there, right?

2 A Well.

3 Q Sir?

4 A I don't know. I don't know how it got there.

5 MR. MCCULLOCH: That's all we've got, Your
6 Honor.

7 THE COURT: Anything further of this witness?

8 MS. MCDUFFIE: Yes, Your Honor, briefly.

9 THE COURT: Y'all better hurry up, okay?

10 REDIRECT EXAMINATION

11 BY MS. MCDUFFIE:

12 Q Investigator Oates, did you put that shell casing in
13 the seat pocket?

14 A No, I didn't.

15 Q And Investigator -- I'm sorry, Mr. McCulloch was
16 asking you about whether it looked like blood on the
17 gearshift. You said your sticker was over it?

18 A Yes.

19 Q In State's 140, does that appear to be blood?

20 A No.

21 Q And did you swab that area for D N A?

22 A Yes, I did.

23 Q And he was also asking you about a jacket with
24 patches, State's 142?

25 A Uh-huh, yes.

1 Q Is that the jacket you recovered from inside the
2 vehicle?

3 A It is.

4 Q And these photographs are not just taken at the
5 beginning, you take them throughout the entire
6 processing of the vehicle?

7 A That's correct, yes, from beginning to end.

8 MS. MCDUFFIE: No further questions, Your Honor.

9 THE COURT: Anything further of this witness?

10 MR. MEADORS: No, sir.

11 (The witness leaves the witness stand.)

12 THE COURT: Members of the jury, we have I think
13 one more witness. He's a doctor, he's a pathologist, as
14 I understand it. But I'm going to give you a short
15 break. And I've already told the lawyers. I don't care
16 if Gabriel comes down and whistles Dixie. We're stopping
17 at 4:00. And if does a duet with Louis Armstrong of Moon
18 River, we're still stopping at 4:00.

19 MR. MEADORS: State understands.

20 THE COURT: Y'all take a break. Don't talk about
21 the case.

22 (The jury retires from the courtroom at
23 approximately 3:05 p.m.)

24 THE COURT: All right. Bring them in.

25 THE BAILIFF: All the jury's present, Your

1 Honor.

2 (The jury returned to the courtroom at
3 approximately 3:13 p.m.)

4 THE COURT: Call your next witness.

5 MR. MEADORS: Dr. Nichols.

6 THE COURT: Come around, Dr. Nichols.

7 (DR. CLAY L. NICHOLS, having first been duly
8 sworn, testified as follows:)

9 THE CLERK: Thank you. Please have a seat in
10 the witness stand and state your full name for the
11 record.

12 THE WITNESS: Dr. Clay L. Nichols, N-i-c-h-o-l-
13 s.

14 DIRECT EXAMINATION

15 BY MR. MEADORS:

16 Q Good afternoon, Dr. Nichols.

17 A How you doing today, sir?

18 A Doing fine, sir. Would you please tell the jury a
19 little bit about Dr. Clay Nichols, specifically your
20 background, your education, your training, and in
21 particular your training in the field of expertise
22 I've asked you to testify about today.

23 A Okay. My name is Clay Nichols. I'm the Chief
24 Medical Examiner for Richland County. And a medical
25 examiner is essentially the person who performs

1 autopsies who die suspicious or unnatural deaths.

2 I received my bachelor of science degree from
3 the University of Oklahoma, 1981, my MD degree in
4 1985. After that I entered a residence program in
5 both anatomic and forensic pathology at MUSC,
6 completing that in 1989. From '89 to 2000, I was on
7 the faculty at MUSC where I was an associate
8 professor. Following that I entered private
9 practice here in Columbia. I'm also ---

10 MR. MCCULLOCH: Your Honor, I don't want to
11 steal Dr. Nichols' thunder, but I've known him for many
12 years and we certainly will stipulate to his
13 qualifications and his ---

14 THE COURT: That's nice. But if you want to add
15 some more, you can.

16 MR. MEADORS: We so thank Mr. McCulloch and
17 we'll accept that stipulation, Your Honor.

18 THE COURT: All right, sir.

19 MR. MEADORS: It's convenient for everyone,
20 Judge.

21 Q Can you summarize quickly if you've been offered and
22 accepted as an expert in the field of forensic
23 pathology is what we're offering. Very briefly,
24 what's the difference between pathology and forensic
25 pathology?

1 A Pathology is the study of diseases of tissues. We
2 are physicians but rather than seeing patients as
3 our practice, we see parts of patients. And that's
4 not being cute, it's anytime like an appendix is
5 taking out or your tonsils or you have a mole taken
6 off, it's sent to a pathologist for evaluation
7 looking for the presence or absence of disease.

8 They also get experience in doing autopsies
9 which is the dissection of a person after they die.
10 A forensic pathologist has additional training after
11 that basic training in order to determine the
12 differences between natural and unnatural deaths.

13 Q And how many autopsies have you performed?

14 A Thousands.

15 Q And where is your office, so to speak, where you
16 perform this?

17 A Richland Memorial Hospital.

18 Q In the morgue?

19 A Yes.

20 Q And let's -- I guess, let's get right to it, Doctor.
21 Did you have the occasion to perform an autopsy on a
22 one John Adams, if we can start with Mr. Adams
23 first? And if so, could you please tell the ladies
24 and gentlemen of the jury when you did -- and can
25 you kind of go through with them kind of what you do

1 on autopsies and specifically what you did on this
2 case with the body of Mr. John Adams?

3 A Sure, I did the autopsy on Mr. John Adams on
4 February 5th 2007 at 1:30 p.m. An autopsy begins
5 with a phone call, usually from the Coroner's office
6 that there's been a death and arrangement is made to
7 have the appropriate personnel from the Coroner's
8 office and the Sheriff's office available at the
9 time of autopsy so evidence can be collected if
10 necessary, photographs taken if necessary and any
11 information that's available at the time exchanged
12 back and forth between the available agencies.

13 The first thing that happens is that we examine
14 the body with the clothes on, if they have clothes,
15 then the clothes are removed then the body is
16 reexamined again looking for any evidence of injury
17 or cause of death or anything else that's pertinent.

18 After that a dissection is performed where all
19 major organs systems are removed, their weight.
20 They're further dissected down and small pieces of
21 tissue are removed at that time for subsequent
22 microscopic examination.

23 Also during the course of the autopsy, fluids
24 are often collected such as blood or urine for
25 subsequent toxicologic evaluation and that was

1 performed in this case for Mr. Adams.

2 Q Now, starting with your clinical summary, he was 29
3 years old?

4 A Yes, sir.

5 Q Doctor, so as far as your autopsy with your external
6 description, the evidence, the trauma, if you would
7 just tell the jury what you did and your comments,
8 please.

9 A You want the external description described also?

10 Q Briefly.

11 A Briefly. Mr. Adams was a rather large man. He was
12 6 foot tall at 72 inches, weighed 350 pounds and he
13 underwent surgical procedures before he died trying
14 to stop the bleeding, that we'll discuss later, as a
15 result of the gunshot wound that he received.

16 The evidence of trauma, there is a distant
17 perforating gunshot wound to the left lateral
18 abdomen which was around the beltline at a distance
19 of 31 inches from the top of the head and nine
20 inches to the left of midline. The wound is
21 elliptical measuring 0.4 by 0.2 inch. There is a
22 0.1 inch abrasion border from the 2 to 6 o'clock
23 position.

24 The bullet found entered the abdomen at this
25 site traveling to the right virtually 90 degrees,

1 which means it's going pretty much left to right,
2 and slightly upwards. Along its course, the bullet
3 lacerates the inferior vena cava as well as the
4 right iliac vein. The iliac vein is the major vein
5 that drains the blood from the right leg. The vena
6 cava collects the blood -- the blood from the lower
7 part of the body and sends it to the liver to the
8 heart, a major vein.

9 There is an associated retroperitoneal and
10 intra-abdominal hemorrhage. The bullet exits the
11 right lateral abdomen at a distance of 28 inches
12 from the top of the head and nine inches to the
13 right of midline. The exit wound is elliptical
14 measuring 0.2 by 0.5 inch. The bullet exits and is
15 not recovered.

16 MR. MEADORS: If I can approach.

17 THE COURT: Yes, sir.

18 MR. MEADORS: Thank you.

19 Q I'm going to show you what's marked 145 and 146 and
20 could you tell me do you recognize these and do they
21 relate to what just came out of your mouth, what you
22 just testified to?

23 A Yes, they do.

24 MR. MEADORS: Your Honor, we'd offer 145 and 146

25 ---

1 MR. MCCULLOCH: No objection.

2 MR. MEADORS: --- without objection.

3 THE COURT: All right, without objection.

4 (Whereupon, State's Exhibit Number 145, John
5 Adams' Autopsy Photograph of Entrance Wound, was
6 admitted into evidence.)

7 (Whereupon, State's Exhibit Number 146, John
8 Adams' Autopsy Photograph of Exit Wound, was
9 admitted into evidence.)

10 Q State's 145 -- and how do these relate to your
11 testimony?

12 A State's 145 is a close-up photograph of the entrance
13 wound to Mr. Adams.

14 Q And you describe this as a distant?

15 A That's correct.

16 Q What does that mean?

17 A Distant means that the muzzle of the gun, the part
18 that's up here at the front, was far enough away
19 from the victim that when the trigger was pulled,
20 anything else other than the bullet dissipated
21 before the bullet hit the skin.

22 Other things come out of the barrel when the
23 trigger is pulled. You have unburned gunpowder, you
24 have soot, you might have grease or dirt. And at a
25 close range, that will all be deposited on the skin

1 and that can be photographed and analyzed for
2 physical evidence. At some point that, which is
3 individual to that gun being used and that
4 ammunition, when the trigger is pulled, anything
5 that comes out of the barrel is now dissipated and
6 the only thing that strikes the victim is the bullet
7 itself.

8 Q And do you have a range based on your education and
9 training that you have testified to before?

10 A A standard hand gun will get to that range at about
11 18 to 24 inches, some closer and maybe some further
12 away, but as a rough estimate, approximately a foot
13 and a half to two feet.

14 Q So your testimony then based on your education,
15 training and experience and looking at this body,
16 was -- it was greater than that?

17 A Yes.

18 Q And you can't tell us how far?

19 A No. The maximum range is the maximum firing range
20 of that particular weapon.

21 Q 146, what's that document?

22 A State's 146 is a close-up view of the deceased's
23 exit wound.

24 Q Now, Doctor, just without getting up, can you show
25 me here roughly where this bullet went in Mr. Adams?

1 (Pause.)

2 Q If you want to get up, I didn't mean that.

3 THE WITNESS: Your Honor, may I?

4 THE COURT: Yeah, sure. Yes, sir.

5 THE WITNESS: Thank you.

6 (The witness leaves the witness stand.)

7 A Roughly, the entrance is here (indicating), the exit
8 is here (indicating). And this virtually went
9 straight across, to the right and slightly upwards.
10 That's a terrible straight line but.

11 Q That's fine.

12 A That's what it did.

13 (The witness returns to the witness stand.)

14 MR. MEADORS: And for the record, this is 147,
15 without objection, Your Honor.

16 MR. MCCULLOCH: (Affirmative response.)

17 THE COURT: All right.

18 (Whereupon, State's Exhibit Number 147, Poster
19 of Human Body, was admitted into evidence.)

20 Q There's been some testimony, Doctor, Mr. Adams was
21 talking some after he received this bullet, saying,
22 go ahead and help somebody else, and saying other
23 things. Would that be unusual, that he would be
24 able to talk for awhile?

25 A Oh, he'd be able to talk for awhile, yes. The chest

1 cavity where the lungs are, that was not breached.
2 So as long as he could breath and have air in his
3 lungs, he could utter words and talk.

4 Q Do you have an opinion to a reasonable degree of
5 medical certainty as to the proximate cause of the
6 death of one John Adams? If you do, would you
7 please tell the jury?

8 A Mr. John Adams died as the result of a cardiac
9 arrest due to complications of internal hemorrhage
10 due to a gunshot wound to his abdomen. And what
11 that means is that Mr. Adams bled to death in his
12 abdomen as a direct result of the gunshot wound he
13 received.

14 Q If we could turn to body number two, the body of one
15 Shannavia Williams. Did you also have the occasion
16 to inspect Shannavia's body?

17 A Yes, I did.

18 Q And when did you do that?

19 A I did that on February the 7th, 2007 at 1:30 p.m.

20 Q All right. You said February the 7th. That's a
21 little later. Were you aware that there was some
22 organ donation ---

23 A That's correct, yes.

24 Q And is that why this was later?

25 A That's correct.

1 Q Tell the jury again, if you will -- and I'll try not
2 to interrupt you. But if you could tell them what
3 you found when you viewed the body of -- and she was
4 26 years old?

5 A Yes, sir.

6 Q Would you please, however you'd like to, with the
7 external description ---

8 A Okay.

9 Q --- going to the evidence of trauma, please, Doctor.

10 A Okay. Ms. Williams was 5 foot 7, 67 inches. Her
11 weight was estimated at 185 pounds. There was a
12 gunshot wound to the left side of the head in the
13 distance of 2.5 inches from the top of the head and
14 3 inches to the left of midline. The wound is
15 somewhat irregular with lacerated edges. It's
16 located at the junction of the left upper ear and
17 face, approximately here (indicating).

18 No soot of powder stippling is identified. The
19 entrance wound is 0.7 by 0.4 inch in greatest
20 diameters. The bullet is found to enter the skull
21 at this site traveling for 30 degrees to the right
22 60 degrees and no significant deviation from upper
23 or down plane. Along its course, the bullet carves
24 a significant cerebral laceration which means the
25 brain tissue is torn. And laceration of the

1 subarachnoid and subdural hemorrhage.

2 There are also associated skull fractures
3 including the calvarium which is the top of the head
4 (indicating) and the right orbital plate
5 (indicating) which forms the top of your eye socket.

6 The bullet is recovered from the -- right above
7 the right orbital plate. The recovered projectile
8 is a lead medium caliber projectile. It is severely
9 distorted. The number 36 and the initial C.N. are
10 inscribed on the base of the bullet by myself.

11 Q That C.N. would be Clay Nichols.

12 A That's correct.

13 Q And is that so you can later come in and identify it
14 to people this -- ladies and gentlemen like this?

15 A Yes.

16 Q Doctor, you kind of -- you were reading that off but
17 are you taking this information down as you're
18 examining the bodies?

19 A Yes.

20 Q Okay. And that's so you can come back here and tell
21 these folks, this is what I saw and observed like
22 you're doing now?

23 A Yes.

24 Q Okay. And just a few more questions. State's 141,
25 can you put on here, just for purposes, where the

1 bullet would have entered Ms. Williams?

2 A Her ear would have been approximately here
3 (indicating) and the gunshot wound have been in this
4 area (indicating).

5 Q As far as affecting her thinking and breathing, how
6 long would she have -- when would she have died
7 after she received this injury? How long in your
8 opinion based on your background, experience and
9 your expert field?

10 A This could have been immediately fatal. She lived
11 for some time and then her organs were kept alive
12 for transplantation purposes after brain death was
13 declared.

14 Q And I've got just two pictures to show you here.. Do
15 you recognize these and do they relate to what you
16 just testified to?

17 A Yes.

18 MR. MEADORS: Your Honor, we'd offer now
19 State's 144 and 143, without objection?

20 MR. MCCULLOCH: No objection.

21 THE COURT: All right.

22 (Whereupon, State's Exhibit Number 144,
23 Shannavia Williams' Autopsy Photograph of
24 Entrance Wound, was admitted into evidence.)

25 (Whereupon, State's Exhibit Number 143,

1 Shannavia Williams' Autopsy Photograph of
2 Recovered Bullet, was admitted into evidence.)

3 Q State's 144 is what, Doctor?

4 A State's 144 shows the head of Ms. Williams and it
5 demonstrates the entrance wound to the left side of
6 her head at the junction of her ear.

7 Q State's 144. And, Doctor, I believe in your -- the
8 evidence of trauma, you described this as a distant
9 shot also?

10 A That's correct.

11 Q Would that be the same, greater than 18 inches?

12 A The same criteria, yes, sir.

13 Q And also I think you said there are no evidence of
14 soot or powder burns.

15 A Right.

16 Q What does that mean?

17 A That means, once again, that would be additional
18 material that would come out of the muzzle of the
19 gun when the trigger was pulled. So once again,
20 this is a distant gunshot wound.

21 Q None of that on her?

22 A No.

23 Q And State's 143 is what, Doctor?

24 A This is a somewhat close-up view of the recovered
25 bullet from Ms. Williams' head.

1 Q And finally, you actually yourself recovered that
2 bullet?

3 A That's correct.

4 Q State's 102, do you recognize that and is that the
5 bullet, Doctor?

6 A Yes, it is.

7 Q After you collected this, what did you do with it,
8 Doctor?

9 A This is transferred to law enforcement for
10 subsequent analysis.

11 Q And was there -- again, did you find a bullet in Mr.
12 Adams?

13 A No, there was no bullet.

14 MR. MEADORS: Your Honor, I believe this is
15 already in, 102. I thought I -- if I did not, State's
16 141 without objection.

17 THE COURT: All right, yes.

18 (Whereupon, State's Exhibit Number 141, Head
19 Form, was admitted into evidence.)

20 Q Doctor, I want to thank you for being here today.
21 And my final question is, do you have an opinion to
22 a reasonable degree of medical certainty, based on
23 the examination of Shannavia Williams' body, as to
24 the probable cause her death? And if you do, sir,
25 would you please tell these ladies and gentlemen of

1 this jury?

2 A Yes, I do. Shannavia Williams died as a result of
3 cerebral laceration due to a distant comma
4 penetrating gunshot wound to her head.

5 MR. MEADORS: Judge, that's it.

6 THE COURT: All right.

7 CROSS-EXAMINATION

8 BY MR. MCCULLOCH:

9 Q Dr. Nichols, you -- from your examination of both of
10 these, you're not able to determine the caliber of
11 the bullet that killed them, are you?

12 A No, I'm not. In fact, I think I listed the caliber
13 as a medium caliber, meaning it's medium size. And
14 a firearms examiner would be necessary to figure out
15 the exact caliber.

16 Q And that's not something you can tell?

17 A Sometimes I can but I usually let it go to the
18 firearms examiner.

19 Q But in this situation, I assume that's not the case?

20 A That's correct.

21 MR. MCCULLOCH: That's all we have, thank you.

22 THE COURT: Have you covered everything, both
23 sides?

24 MR. MEADORS: Yes, sir. Thank you, Doctor, for
25 being here, that's all.

1 MR. MCCULLOCH: Yes, sir.

2 THE COURT: Thank you so much, Dr. Nichols.

3 THE WITNESS: Thank you, Judge Manning. It's a
4 pleasure to be in your court.

5 THE COURT: Good to see you again, sir.

6 (The witness leaves the witness stand.)

7 MR. MEADORS: It's 3:27, Judge.

8 THE COURT: Members of the jury, I take this
9 opportunity, before I send you home for the weekend, to
10 thank you sincerely on behalf of everybody involved in
11 this trial for your patience and attention this week.

12 9:30 Monday? What time would y'all like to
13 start? Let me ask the jury. What time would y'all like
14 to be here Monday morning? Monday is always kind of
15 crazy. I think, regardless of whether we start at 9:30
16 or 10, we'll be able to finish all the testimony by the
17 end of the day. Am I right so far?

18 MR. MEADORS: As far as I'm concerned, yes, sir.

19 THE COURT: Okay.

20 MR. MEADORS: Without a question.

21 THE COURT: And I anticipate giving this matter
22 for you to -- giving this case to you to resolve sometime
23 Tuesday morning, that's what we're looking at. Is
24 everybody on the same page now?

25 (Affirmative response.)

1 THE COURT: Once again, thank you all so very
2 much and have a pleasant weekend. And I'll -- let's say
3 be here at 10:00 first thing. We should be able to get
4 through everything, 10. Even if we go a little bit late,
5 I don't think we'll need to but even if we do, let's say
6 10:00. Monday's always a tough day, Monday morning
7 blues. Everybody will be coming here, y'all got to get
8 up, kids have got to go to school. So let's say 10:00
9 sharp Monday morning.

10 Have a pleasant weekend. Remember, you've got to
11 decide this case based on what you see and hear in this
12 courtroom. And if you inadvertently see something in the
13 paper or hear something on the news, I mean, just block
14 that out of your mind. Try to avoid it if you can.
15 Sometimes it's almost impossible in this technological
16 age, but try and do so. And we'll be happy to welcome
17 you back Monday morning at 10:00.

18 Have a pleasant weekend, ladies and gentlemen.
19 Thank you all so very much.

20 (The jury retires from the courtroom at
21 approximately 3:30 p.m.)

22 THE COURT: Anything further this afternoon,
23 gentlemen and ladies?

24 Well, y'all have a pleasant weekend. Monday's
25 always a crazy day and we all know that, those -- there's

1 going to be people all over the place. So y'all need to
2 come a little bit early, everybody, so we can get started
3 at 10. Thank you.

4 MS. MCDUFFIE: Your Honor, just for the record,
5 the search warrant return is State's 2 for ID.

6 THE COURT: Two for ID, okay. And that covers
7 your examination of that witness about the swab or tissue
8 or something like that?

9 MS. SCHILLACI: (Affirmative response.)

10 THE COURT: Okay, so, thank you all.

11 (The Court was in recess.)

12 MONDAY, OCTOBER 26, 2009:

13 THE COURT: Thank you. Can I see y'all for a
14 minute, the lawyers, please.

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

17 THE COURT: Have you had a chance to explain the
18 question, Mr. McCulloch?

19 MR. MCCULLOCH: Yes, Your Honor.

20 THE COURT: All right. Bring the jury out,
21 please, Mr. Crumpton.

22 (The jury returned to the courtroom at
23 approximately 10:07 a.m.)

24 THE BAILIFF: The jury's all present, Your
25 Honor.

1 THE COURT: Welcome back, Madam Foreman --
2 Forelady and members of the jury. I just mentioned to
3 y'all in chambers that I needed to bring y'all out and
4 ask you a generic question. I've explained or talked a
5 little bit to the lawyers about this question. It's been
6 a long trial. Usually trials don't last much longer than
7 three or four days in this state but it's been about a
8 week, so I need to ask y'all this question.

9 During the past week and especially over the
10 weekend, has anything happened, have you seen, heard or
11 read anything that would affect your ability to be a fair
12 and impartial juror in the trial of this case? Anything
13 at all? Did you discover anything about anybody in the
14 case or any parties to the case or has anything happened
15 that would affect your ability to be a fair and impartial
16 juror?

17 If so, you don't need to tell me out here. I
18 need you to go back to the jury room and write me a note,
19 okay?

20 So the question is this, has anything happened
21 during the course of this week and especially over the
22 weekend that would affect your individual ability to be a
23 fair and impartial juror?

24 If so, just write me a little private note and I
25 will be happy to receive it from you. Go back to the

1 jury room, once again, just don't talk about this case
2 and we should be able to start it momentarily.

3 Thank you all so very much.

4 (The jury retires from the courtroom at
5 approximately 10:10 a.m.)

6 THE COURT: Can I see you all up here for just
7 one second.

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

10 THE COURT: I'm going to give them about three
11 minutes to sit down and get ready to come back out.
12 Anything we need to take up before we get started, ladies
13 and gentlemen, anything at all?

14 (No response.)

15 THE COURT: Your first witness is somebody that
16 grew up in Dorchester County, is that right?

17 MS. MCDUFFIE: Apparently so, Your Honor.

18 (Pause.)

19 THE COURT: All right. Is everybody ready then?

20 MR. MEADORS: Yes, sir.

21 MR. MCCULLOCH: Yes, sir.

22 THE COURT: All right. Mr. Crumpton, you may
23 invite them back in, sir.

24 (The jury returned to the courtroom at
25 approximately 10:14 p.m.)

1 THE BAILIFF: The jury's present, Your
2 Honor.

3 THE COURT: Welcome back for the second time
4 this morning, ladies and gentlemen. And I see that no
5 one wrote me a note. So I assume we are ready to go.

6 Mr. Meadors, you may call your next witness.

7 MR. MEADORS: Pleasing Your Honor.

8 MS. MCDUFFIE: The State would call Agent
9 Michael Moskal.

10 (MICHAEL MOSKAL, having first been duly sworn,
11 testified as follows:)

12 THE CLERK: Thank you. Please have a seat in
13 the witness stand and state your full name for the record
14 and please spell your last name.

15 THE WITNESS: Michael Moskal, M-o-s-k-a-l.

16 DIRECT EXAMINATION

17 BY MS. MCDUFFIE:

18 Q Agent Moskal, where are you currently employed?

19 A I'm currently employed by South Carolina Law
20 Enforcement Division commonly known as SLED and
21 assigned to their Trace Evidence Department.

22 Q Please explain to the jury what trace evidence is.

23 A Trace evidence is a type of evidence that is often
24 too small for us to see with our -- with our naked
25 eyes and it's going to require some type of

1 microscopic examination or chemical examination in
2 order to detect it.

3. Q And please tell the jury what sort of examinations
4 you do in the Trace Department at SLED.

5 A In the Trace Department we examine things like
6 residue left over after a weapon's been fired called
7 gunshot residue. We examine clothing from a -- from
8 a shooting to determine how far a weapon was from
9 that article of clothing when it was fired. We'll
10 examine glass fragments from breaking and entering.
11 We examine paint fragments or smears from hit and
12 run or break-ins as well. We examine fibers. We
13 can examine duct tape, bank dye and a couple of
14 other little types analysis.

15 Q And please tell the jury a little bit about your
16 education and training in the field of gunshot
17 residue analysis testing.

18 A I have a bachelors of chem -- or a bachelors of
19 science in chemistry from the College of Charleston.
20 Worked at Summerville High School teaching chemistry
21 for seven years. And at the end of that period, I
22 began working for SLED and went through a six month
23 period where I was trained with in-house under eight
24 qualified G S R technicians or G S R analysts. It
25 included lecture, theory, learning how to use the

1 instrumentation, learning some things about weapons
2 and how they shoot and how the G S R is deposited.

3 At the end of that six month period, I was given
4 a mock case where I had to take it into my own
5 custody, work it just like I would any other case,
6 come up with my results and defend it in a mock
7 trial. And after successfully passing that, SLED
8 qualified me as a G S R analyst.

9 Q And have you ever been admitted as an expert in
10 courts of record in this state before?

11 A Yes, ma'am.

12 Q Approximately how many times?

13 A Nine times in state and one time in federal.

14 MS. MCDUFFIE: Your Honor, at this time we would
15 offer Agent Michael Moskal as an expert trace evidence.

16 THE COURT: Any objection?

17 MS. SCHILLACI: No objection, Your Honor.

18 THE COURT: All right. So admitted without
19 objection.

20 Q Agent Moskal, did you have a chance to examine a
21 G S R kit from a 2005 Chevy Impala in this case?

22 (Pause.)

23 A Yes, ma'am, I did.

24 Q I'm going to show you what's marked as State's
25 Exhibit 103. Do you recognize that?

1 A Yes, ma'am, I do.

2 Q And please tell the jury what that is?

3 A This is an item of evidence. My item number is
4 number 1. It was submitted to SLED as being a G S R
5 kit from a 2005 Chevy Impala for our analysis. And
6 I recognize it because I have my initials and the
7 dates where I finished the analysis on the back of
8 this item.

9 Q And please explain to the jury what gunshot residue
10 is.

11 A Okay. Gunshot residue is a -- is material that
12 comes out of a weapon when it's fired. It includes
13 a whole variety of things. It can be burnt and
14 unburnt gunpowder particles that are emitted when
15 the weapon is fired. It can be fragments of lead
16 that are remained in the barrel from previous
17 firings. It can be dirt. It could be grease and
18 oil from when somebody cleaned that weapon.

19 But what we specifically we look for are
20 components that are inside the primer of that
21 cartridge when it's fired. And the primer is
22 composed of three types of elements primarily. There
23 is going to be lead, barium and antimony. Those are
24 three of the things that help initiate the minor
25 explosion that takes place in there.

1 When it comes out, there is a tremendous amount
2 of heat and a tremendous amount of pressure. And
3 that heat and the pressure together takes those
4 three elements and has the potential to combine them
5 into a single particle. And as part of the cooling
6 process it generally comes out as a round particle.

7 And so that is specifically what G S R is or
8 gunshot residue but we can also get some non-round
9 particulars containing those three or any
10 combination of those three elements, whether it's
11 lead or lead-barium or lead-antimony, any of those
12 types of combinations can also come out.

13 Q And are these three particles, lead, barium and
14 antimony, are those unique to gunshot residue.

15 A The three elements together in a round spherical
16 shape are unique to gunshot residue.

17 Q Was there -- is there anything else that could give
18 you the -- the same elements or composition as
19 gunshot residue?

20 A Yes, ma'am. The three components, lead, barium and
21 antimony, are found in a lot of common materials.
22 We can get round lead by itself off of some Chinese
23 or some cheap Christmas lights have the ability to
24 give off round lead particles. Barium is something
25 that's in a lot of cosmetics like powders so it's

1 something that can randomly be on people for reasons
2 that don't have anything to do with firing a weapon.
3 Antimony is a fire retardant and so by itself it too
4 can be on somebody's person other than firing a
5 weapon. But if we can find those round particles
6 with all three elements, that is unique to gunshot
7 residue.

8 Q And now let's just focus on round lead particles.
9 What else can produce round lead particles?

10 A Round lead particles you can get from fishing
11 weights or from smolting (sic) or from the Christmas
12 lights.

13 Q So with the exception of fishing, smolting (sic) or
14 Christmas lights, if you found round lead particles
15 in a vehicle, what would be the other thing that it
16 would be consistent with?

17 A It's consistent with coming from a weapon that was
18 fired.

19 Q So those are the four things that would produce
20 round lead particles?

21 A To my knowledge, yes, ma'am.

22 Q Please tell the jury your findings when you analyzed
23 the gunshot residue kit for the 2005 Chevy Impala.

24 A Can I back up and add one other thing?

25 Q Sure.

1 A I apologize. Also from brake dust. You can get some
2 round particles of the lead from brake dust as well.

3 Q Let me ask you a question about that. The round
4 lead particles that you would get from brake dust or
5 from fishing weights, would they be the same size as
6 what you would get from gunshot residue?

7 A No, ma'am. The ones that you're going to get from
8 fishing weights or from smelting or from brake dust
9 are going to be larger particles. The particles
10 that come out of gunshot residue are generally in
11 the range of one to 10 micro -- micrometers.

12 Q And how big is that?

13 A A micrometer is in scientific notation one times 10
14 to the negative nine. So if you put a zero, a
15 decimal place, you would go out nine digits to the
16 right and it's that fraction of a meter. So it's
17 very very tiny stuff.

18 Q And, Agent Moskal, if you'll please tell the jury
19 what your findings were with the G S R kit submitted
20 from the 2005 Chevy Impala.

21 A May I refer to my notes?

22 Q Please.

23 A From the 2005 Chevy Impala, I found several types of
24 materials that I could report. May I read the
25 report so that it's all there or?

1 Q Let's start with the upper ceiling marked number 1.
2 Please tell the jury what were your findings for
3 that.

4 A In the upper ceiling that was labeled number 1, I
5 found round lead particles.

6 Q And please tell the jury what your -- if any, your
7 conclusions are based on that.

8 A Round lead particles, again, are something that can
9 come out of a weapon when it's fired. So this does
10 lead to a weapon being fired in that vicinity,
11 especially being on the ceiling.

12 Q And the size of these particles, was that also more
13 consistent with gunshot residue than the other
14 things you described earlier?

15 A Yes, ma'am. They're in that roughly one to 10
16 micrometers size range.

17 Q And you also tested samples labeled upper driver's
18 side, upper window frame and interior driver's side
19 door frame and upper back portion of driver's seat.
20 Please tell the jury your findings as to the test
21 you ran with those areas.

22 A Okay. With the interior driver's side upper window
23 frame, the interior driver's side door frame and the
24 upper back portion of the driver's seat, I found one
25 round lead particle.

1 Q Did you find anything else in those areas as well?

2 A Yes, ma'am, I did. In order for us to report on
3 finding any component of gunshot residue, we have to
4 have two particles or a minimum of two particles,
5 positive particles, in order to report it. So while
6 the report says one round particle, I also had my
7 supported particle which was a non-round three
8 component particle.

9 Q And please tell the jury what three component
10 particle is.

11 A I'm sorry. A three component particle means that it
12 contains those three elements that I mentioned,
13 lead, barium and antimony.

14 Q And so because you found the round lead particle and
15 the three component particles, please tell the jury
16 your findings as to those areas.

17 A With those three areas and also in conjunction with
18 the other things in this vehicle, that is consistent
19 with a weapon being fired in that area.

20 Q Did you also test samples labeled interior driver's
21 side door panel?

22 A Yes, ma'am, I did.

23 Q And please tell the jury your findings as to that?

24 A In that section, the interior driver's side door
25 panel handle, I found non-round particles containing

1 the three elements, lead, barium and antimony.

2 Q And please tell the jury whether or not it is
3 significant that they were non-round particles.

4 A The non-round portion, again, goes back to the area
5 that it could possible come from things other than
6 gunshot residue. And so that's why it's reported
7 out as a non-round particle and not as gunshot
8 residue.

9 Q And do you have any conclusions based on those
10 findings, as to those findings?

11 A Yes, ma'am. Again, with everything in this case, I
12 looked at all of them in the entirety and it all
13 appears to me to be consistent with coming from a
14 weapon that was fired.

15 Q And did you also test samples that were labeled
16 gearshift, steering wheel and upper ceiling 2?

17 A Yes, ma'am, I did.

18 Q Please tell the jury your findings as to those
19 areas.

20 A In the gearshift, steering wheel and upper ceiling
21 number 2, I did not find any gunshot residue or any
22 other round components.

23 Q And so your conclusion as to those areas would be?

24 A Those are negative areas. But negative areas in
25 those three sections doesn't necessarily mean that a

1 weapon was not fired.

2 Q And as to the vehicle as a whole, the gunshot
3 residue kit that you examined as a whole for the
4 vehicle, please tell the jury your conclusions.

5 A Again, when I looked at the whole section or the
6 whole completeness of that G S R kit in those areas,
7 it's consistent with a weapon having been fired in
8 that area.

9 Q Can you date or time gunshot residue?

10 A No, ma'am.

11 Q Please tell the jury a little bit about the nature
12 of gunshot residue.

13 A Okay. Gunshot residue, when it deposits on a living
14 person, is a very fragile type of material. Our
15 body naturally absorbs that material through --
16 through the skin. And it's also something that the
17 more you move and the more you rub your hands and
18 brush your hands across things, it begins to
19 disappear. We typically describe it as like baking
20 flour. If you're cooking in the kitchen you had
21 baking flour on your hand, everything you touch, you
22 begin to move that flour onto that material. And
23 what we find is that after a period of six hours,
24 there will be no more of that gunshot residue from
25 that initial shooting left on your hands.

1 So when we're looking at a G S R kit from a
2 living person, we don't analyze them past that six
3 hour period because of how fragile it is.

4 However, on an inanimate object, something that
5 doesn't have the ability to by itself brush up
6 against things or to absorb that material through
7 its skin or through its outer coating, that material
8 can stay on there indefinitely until it's removed by
9 an outside source.

10 Q And will that material degrade or erode?

11 A No, ma'am, it does not.

12 Q What about -- an animate object like a vehicle in
13 this case, what about a high traffic area like a
14 steering wheel compared to a ceiling? How would
15 that affect the gunshot residue?

16 A Again, the more you touch something that has gunshot
17 residue on it and the more you handle it, those
18 materials begin to disappear just like if you had
19 flour on the counter. The more you brushed across
20 the counter, the materials begin to disappear over
21 time. And so the gearshift and the steering wheel
22 would be some of those areas where it has a lot of
23 traffic and would begin to disappear.

24 Q Did you also in this case have a chance to examine a
25 G S R kit from a John Adams? And I'm going to show

1 you State's 135.

2 A Yes, ma'am, I did.

3 Q And is that the G S R kit you examined from John
4 Adams?

5 A Yes, ma'am. Again, this is my item number 3. It
6 bears my initials and the date where I finished and
7 sealed this. And so, yes, ma'am.

8 Q Please tell the jury how you process a G S R kit
9 from an individual as opposed to an inanimate
10 object.

11 A Okay. When an officer collects a G S R kit, they --
12 first of all, there is an information sheet in there
13 where they fill out the information as to who they
14 are, where they work. Then there's an area for them
15 to put information about the person they're
16 collecting the G S R kit on. It's going to include
17 their name, if they know whether they're left handed
18 or right handed. They can add that information. If
19 there's any debris or blood or dirt on their hands,
20 they record that.

21 Then it records some activities that the person
22 may have gone through between the time of the
23 shooting and their collecting. And at the bottom is
24 going to be the important information for us in
25 terms of what time the shooting occurred and what

1 time they collected it so that we can know it's
2 within that six hour period.

3 In addition to that, is the actual materials
4 that they collect the G S R with. And there's going
5 to be two types of things they use. One is going to
6 be a round aluminum tab with double sided sticky
7 tape on it. And they're going to do that first.
8 And they're going to collect from four areas of a
9 person. They're going to collect the right palm, the
10 right back, the left palm and the left back. And
11 they'll take that little aluminum tab and just dab
12 it across the person's palm, seal it up, and it's
13 labeled left palm or right palm, then they'll do it
14 on the remaining three areas.

15 Once they've done that, then there is a set of
16 cotton swabs and a concen -- or a dilute solution of
17 nitric acid, they moisten the cotton swab with
18 nitric acid and then they run the cotton swabs over
19 those same four areas again, taking each area,
20 putting it in a specific test tube that's labeled.

21 Once they've done that, they take a control
22 sample from that person from somewhere that would
23 not be exposed to a shooting, like the back of the
24 calf or maybe the lower back underneath the shirt.

25 So those are the two types of evidence that they

1. collect. They send in the cotton swabs and the
2. particle lifts.

3. When we analyze them, we start with the cotton
4. swabs first. And what we look for on that is a
5. concentration or an amount of the three elements,
6. lead, barium and antimony. And if it reaches a
7. certain threshold that we have found to be
8. consistent with gunshot residue, then we can go one
9. step farther and look at the tabs and see whether
10. it's round particles.

11. Q And you described earlier a six hour window that you
12. use in analyzing gunshot residue on a living person.
13. What about on a deceased person as in this case?

14. A On an deceased person, again, their metabolism has
15. stopped. They're not brushing their hands against
16. things. So on a deceased person, we can analyze and
17. we'll collect those G S R kits on a deceased person
18. indefinitely.

19. Q Please tell the jury your finding as to the G S R
20. kit you tested on decedent John Adams.

21. A On the G S R kit from John Adams, in those four
22. areas, the right palm, the right back, the left palm
23. and the left back, I found that the quantities of
24. metals present on all four areas did not indicate
25. the presence of gunshot residue.

1 Q And please tell the jury what that means.

2 A What that tells us is that this person was not
3 around a weapon when it was fired, did not handle it
4 or did not shoot, or that it had been removed from
5 an outside source.

6 Q And what could an outside source be?

7 A And outside source could be any type of fluid
8 flowing across the hands. It could be blood flowing
9 across the hands can move it. It can be any type of
10 water solution flowing across it. Something like
11 that does have the ability to remove gunshot residue
12 from a person's hands.

13 Q And in this case, and John Adams in particular, are
14 you aware of whether or not his hands had blood on
15 them when they were tested?

16 A Yes, ma'am. The information sheet that I was
17 describing that the officer will fill out, did
18 indicate on there that his hands had blood on them.

19 Q And in this case, did you also test a black jacket
20 with a fur collar?

21 A Yes, ma'am, I did.

22 Q And what day did you receive that item of evidence?

23 A I do not have my chain of custody with me.

24 Q Let me show you State's Exhibit 148. Is that the G
25 S R kit you collected from the black jacket?

1 A Yes, ma'am, it is.

2 Q And is that dated?

3 A This is dated on the day that I sealed it, yes,
4 ma'am.

5 Q And please tell the jury what that date is.

6 A The day I sealed this was 5/12 of 2008

7 Q And I'm going to show you what's already in evidence
8 as State's Exhibit 18. Is this the jacket you
9 tested for gunshot residue?

10 (Pause.)

11 A Yes, ma'am, it is. Both by looking at the box, on
12 the seal of the box I can see where I signed and
13 dated the box when I completed analysis. And in
14 addition, on the inside of the jacket I wrote the
15 lab number, the date that I did the analysis, the
16 item number and my initials.

17 Q And State's 148, is that the G S R kit you collected
18 from this jacket?

19 A Yes, ma'am, that is.

20 MS. MCDUFFIE: Your Honor, at this time we'd
21 offer State's 148.

22 MS. SCHILLACI: Without objection.

23 THE COURT: All right, without objection. 148
24 is the?

25 MS. MCDUFFIE: G S R kit he collected from the

1 jacket.

2 (Whereupon, State's Exhibit Number 148, G S R
3 Kit for Jacket, was admitted into evidence.)

4 Q Please tell the jury how you collected the G S R kit
5 on this jacket.

6 A Yes, ma'am.

7 MS. MCDUFFIE: Your Honor, if I may have the
8 witness step down?

9 THE COURT: Sure.

10 (The witness steps down from the witness stand.)

11 A When we have an article of clothing come in and we
12 collect G S R from it or collect samples from it
13 looking for G S R, what we do is we look for areas
14 that are most likely to be close to that weapon when
15 it's fired. And for long sleeved garments, the area
16 closest to a weapon when it's fired and most likely
17 to have those particles land on it, are going to be
18 the areas around the wrists because that's going to
19 be close to that weapon when it's fired.

20 And so what we do is we lay a item of clothing
21 -- we take a sheet of butcher paper, lay it out on a
22 table so that it's clean and doesn't have any
23 contamination issues associated with it. Then we'll
24 take that garment and lay it down and we'll take the
25 aluminum sticky tabs that I was referring to and

1 we'll start. We'll do the top of one cuff, we'll
2 finish with that sticky tab and we'll do it until
3 it's no longer tacky. Then we turn the cuff over,
4 we dab the other cuff, the other side of the cuff
5 until it's no longer tacky. And then we do the
6 forearm section. So we take three particle lifts off
7 of each arm on the long sleeve garments.

8 Q And so the only three areas you tested on each
9 sleeve of the garment were what again?

10 A It would be the front cuff, the back cuff and the
11 forearm area on both sleeves. So a total of six
12 sticky tabs were taken off of a long sleeve garment.

13 Q You may take your seat.

14 A Yes, ma'am.

15 (The witness returns to the witness stand.)

16 Q And please tell the jury what your findings were as
17 to the analysis on the jacket.

18 A My analysis on that black jacket was I did not find
19 gunshot residue.

20 Q And does the material or the fibers that make up the
21 jacket have any bearing on your analysis?

22 A Yes, ma'am.

23 Q Please tell the jury about that.

24 A Yes, ma'am. Certain types of materials will hold
25 that gunshot residue more easily than other types.

1 If you have a woven type of fiber or a cotton type
2 of fiber, you have a lot of crevices where those
3 particles are able to land and adhere to them more
4 easily. But if you have a material that's a little
5 -- is more slick or smoother, those particles tend
6 to hit that, bounce or roll right off of it.

7 And so in this particular case, that is a
8 slicker type material. And so it is more conducive
9 to those particles just rolling right off or
10 bouncing off.

11 Q And again, if you could tell the jury your findings
12 as to the black jacket.

13 A My findings on there was that I did not find gunshot
14 residue.

15 Q And your findings as to the G S R kit taken from
16 Defendant John Adams.

17 A From John Adams, the quantities of metal were not
18 consistent with gunshot residue.

19 Q And your findings as to the G S R kit collected from
20 the 2005 Chevy Impala.

21 A In the 2005 Chevy Impala, in various areas, I found
22 round lead particles, one round lead particle, non-
23 round three component particles and no gunshot
24 residue in some areas.

25 Q And based on your analysis as a whole on the

1 vehicle, what are your findings consistent with?

2 A The -- what I found in the vehicle is consistent
3 with a weapon having been fired inside that vehicle.

4 MS. MCDUFFIE: Thank you. Beg the Court's
5 indulgence. No further questions of this witness, Your
6 Honor.

7 THE COURT: All right, Ms. Schillaci.

8 CROSS-EXAMINATION

9 BY MS. SCHILLACI:

10 Q Good morning.

11 A Good morning.

12 Q Now, Agent Moskal, you're testifying about things,
13 samples that were collected by a local agency,
14 correct, in terms of the Impala ---

15 A The Impala and on John Adams, yes, ma'am.

16 Q And so on the jacket, you did that personally?

17 A Yes, ma'am.

18 Q And in terms of the Impala, you weren't out there
19 when those samples were collected?

20 A No, ma'am, I was not.

21 Q And you did not personally examine the car in this
22 case?

23 A No, ma'am, I did not.

24 Q And are you aware that the seats are a soft material
25 in the Impala?

1 A No, ma'am, I am not.

2 Q And do you know why the seats were not tested?

3 A No, ma'am, I do not.

4 Q Now, generally you testified that you're looking
5 ideally for the presence of three round particles.
6 I believe you said that it was antimony, barium and
7 lead?

8 A Yes, ma'am, a particle -- a single particle that has
9 those three elements in it.

10 Q Okay. And that's the protocol that you use to
11 declare something to be gunshot residue or
12 consistent with gunshot residue?

13 A If we actually see a round component, a round
14 particle that has those three elements in it, that
15 is gunshot residue, yes, ma'am.

16 Q And is it correct that the more shots fired would
17 mean a greater likelihood of finding more particles?

18 A Yes, ma'am. The more times you fire the more
19 likelihood of finding G S R there is.

20 Q And because we're talking about things like
21 microscopic levels, thousands of particles can be
22 found, correct?

23 A Potentially, yes, ma'am.

24 Q So potentially thousands can be found. Now how many
25 round lead particles are there in a 40 caliber

1 bullet cartridge?

2 A There's -- there is no data to say that for a single
3 cartridge case, how many particles will come out of
4 it.

5 Q But potentially we're looking at thousands of
6 particles?

7 A I would say hundreds, yes, ma'am. Everything that
8 comes out is not going to be round. So you probably
9 have hundreds of round ones that could come out,
10 yes, ma'am.

11 Q And maybe you talked about this, but is there a
12 standard for the number of particles that you're
13 looking for to be consistent with G S R?

14 A When we look at the two types of tests, yes, ma'am,
15 we do have -- we have different standards for both
16 of them. With cotton swabs we have one threshold
17 that we look for to say whether it's consistent or
18 associated with gunshot residue before we can take
19 it to the second step where we actually look at --
20 at the aluminum sticky tabs. And we have a separate
21 set of conditions for that.

22 And we have to have at least two reportable
23 particles on those round sticky tabs in order to
24 make a call, yes, ma'am.

25 Q Okay. And on inanimate objects such as a vehicle or

1 a jacket, do you ever do cotton swabbing or you only
2 do sticky tabs?

3 A On the vehicle, that varies from agency to agencies.
4 Some vehicles (sic) will do the cotton swabs, some
5 vehicle -- some agencies do not. The issue with
6 doing a cotton swab on the vehicle is, unlike a
7 person where we can get a background level off of a
8 calf or a lower back where it wasn't associated with
9 a weapon being fired, on a vehicle and on a garment,
10 it's difficult to get those background levels and so
11 they don't always do the cotton swabs on inanimate
12 objects, no, ma'am.

13 Q Okay. And on the jacket in this case, you did the
14 sticky tabs, correct?

15 A I did the sticky tabs, yes, ma'am.

16 Q Now, would you explain to the jury what secondary
17 transfer is?

18 A Yes, ma'am. Secondary transfer is, if I were to
19 shoot a weapon and those gunshot residue and the
20 other particles that are associated with gunshot
21 residue were to deposit on my hands and then I go to
22 walk out of this door, out of this room and I open
23 the door, some particles from my hand do have the
24 ability to transfer from my hand to that doorknob.
25 And that's what we call secondary transfer because

1 it's not primarily from the weapon but it's from
2 something that was associated with that weapon being
3 fired.

4 Q Now, when we're dealing with a round lead particle,
5 there's no way to tell if that particle came from
6 secondary transfer or if it came directly from a
7 weapon?

8 A No, ma'am.

9 Q Correct?

10 A No, ma'am. When I look at a single particle, there
11 is no way for me to tell what that individual
12 particle, whether it came from a weapon or whether
13 it came from secondary transfer.

14 Q Okay. So again, just to make sure I'm clear, when
15 we're dealing with a single lead particle, we can't
16 tell whether a direct gunfire or secondary transfer?

17 A No, ma'am, not for a single particle, we cannot.

18 Q And especially when we're dealing with inanimate
19 objects and by that I mean vehicles, jackets,
20 there's no way to tell scientifically when a
21 particle was deposited?

22 A No, ma'am. Unlike with the -- with a living person
23 where we know it's not going to stay on their hand
24 for a period of more than six hours, with an
25 inanimate object, it can stay there until removed

1 from an outside source. So there is no timing
2 available for G S R on an inanimate object.

3 Q And in theory, particles can last indefinitely?

4 A Yes, ma'am, until removed by an outside source.

5 Q And you also can't tell the caliber or the type of
6 gun a particle may have come from?

7 A No, ma'am, you cannot tell caliber or type of
8 weapon.

9 Q Now, looking at the findings with respect to the
10 car, you cannot tell with absolute certainty that
11 there was gunshot residue in the car?

12 A No, ma'am, I did not find gunshot residue but I
13 found materials that are associated with gunshot
14 residue and also come out of a weapon when they're
15 fired.

16 Q Materials that are associated with because again
17 ideally you're looking for those three round
18 particles, lead, barium and antimony?

19 A Correct.

20 Q And the Solicitor went through some of the samples.
21 On the upper ceiling number 1 you've indicated that
22 round lead particles were found but no antimony or
23 barium, correct?

24 A Can I have a minute and look at my notes?

25 Q Absolutely.

1 (Pause.)

2 Q And, Agent Moskal, I'm actually referring to your
3 report if that helps.

4 A Okay, I'll...

5 (Pause.)

6 A In the report, if we don't have a three component
7 particle, it just goes down as round lead. But
8 actually when I look back at the actual picture that
9 I took of these particles, it has round lead and
10 antimony in it.

11 Q Okay. So you're saying that there's round particles
12 of antimony found?

13 A It's a combination of lead and antimony, yes, ma'am.

14 Q That is not indicated in your report?

15 A No, ma'am. The protocol is that if it doesn't have
16 all three components, it just is reported simply as
17 round lead.

18 Q And again in this case, definitely no barium?

19 A Not in that one, no, ma'am.

20 Q And I believe you had even stated that round lead
21 particles is something that can come out of a
22 weapon?

23 A Correct.

24 Q And then going down to the interior driver's side
25 upper window frame, interior driver's side

1 doorframe, upper back portion of driver's seat, you
2 had indicated again one round lead particle?

3 A Yes, ma'am.

4 Q And no antimony or barium?

5 A Can I qualify this?

6 Q Absolutely.

7 A Okay. Again, I said that when we're looking at the
8 aluminum tabs, we need two particles in order to say
9 that something was found positively. When we report
10 it, we report the more positive of the two things
11 that we find.

12 What I found on these areas was the round lead
13 particle, I found a single round lead particle in
14 each of those areas being the interior driver's side
15 upper window frame, interior driver's side doorframe
16 and upper back portion of the driver's seat. I
17 found one round lead particle which by itself would
18 not have been reportable for me and I could not have
19 issued a report stating that unless I had something
20 to go with it. And what I had in this case in each
21 of those areas was one non-round particle containing
22 all three elements, lead, barium and antimony.

23 Q But again that's something not noted in your report?

24 A No, ma'am, it's not. We report the more consistent
25 particle or the particle that's closer to G S R on

1 each of the areas.

2 Q So in this case, out of hundreds of potential
3 particles, you found the one round lead particle ---

4 A Yes, ma'am.

5 Q --- on those areas? And moving down to the interior
6 driver's side door panel and handle, you have
7 indicated non-round particles. And again, you're
8 looking for round particles, correct?

9 A Yes, ma'am. It's -- what I found was the less
10 conclusive non-round particle having those three
11 elements.

12 Q And your report actually says, in terms of the non-
13 round particles, these particles may be associated
14 with gunshot residue. That's not a very strong
15 endorsement, is it?

16 A Correct. It can come from areas other than -- or
17 from things other than shooting a weapon.

18 Q And the last areas that you tested, the gearshift,
19 steering wheel, upper ceiling number 2, you've
20 indicated no gunshot residue?

21 A Correct.

22 Q Now, lead in and of itself doesn't mean that a
23 weapon was fired from a vehicle?

24 A No, ma'am, it does not.

25 Q And I believe you also said -- or you say in this

1 case that the finding of lead would be consistent
2 with gunshot residue?

3 A It's one of the things that comes out of a weapon
4 when it's fired, yes, ma'am. So it is consistent
5 and associated with gunshot residue.

6 Q Okay. And it's also consistent with what else? I
7 believe you have listed some things for the court
8 here.

9 A Yes, ma'am. It can come out of smelting. It can
10 come from fishing weights. It can come from brake
11 dust and it can come from Christmas lights are some
12 areas that we have found lead particles in.

13 Q Okay. Ball bearings, fishing weights ---

14 A Yes, ma'am.

15 Q --- Christmas lights, smelting. And this was -- in
16 terms of the brake dust, this is a 2005 Impala?

17 A Yes, ma'am.

18 Q And if someone was working on the brakes and got in
19 the car, that could have resulted in that single
20 round particle that was found?

21 A Right. If somebody was working on the brakes and
22 there is a potential they could have those particles
23 on their hands. But again, those -- in general
24 those are going to be larger particles than what I
25 found inside this vehicle.

1 Q Okay. Well, are you aware that the samples here
2 were taken inside of a garage?

3 A No, ma'am.

4 Q And are you also aware, have you read articles
5 about lead paint from older homes sometimes being
6 transferred?

7 A Right. You can have lead in the older paints but
8 again, it's not going to be these round lead
9 particles that we're looking for here.

10 Q You had also indicated that you can find barium in
11 cosmetics?

12 A Yes, ma'am.

13 Q And are you aware that the owner of the vehicle is a
14 female?

15 A No, ma'am, I am not.

16 Q And also antimony in fire retardants?

17 A Yes, ma'am.

18 Q Of course in this case we found no barium. Now, we
19 talked about secondary transfer. Now, police
20 officers normally carry guns, do they not?

21 A Yes, ma'am, they do.

22 Q And there is concern expressed in the literature
23 about police officers unintentionally contaminating
24 a sample with their own gunshot residue.

25 A Yes, ma'am, there is.

1 Q And do you have any idea how many officers were
2 involved in taking the samples in this case?

3 A No, ma'am, I do not.

4 Q Do you know how many officers were involved in
5 processing this vehicle?

6 A No, ma'am, I do not.

7 Q Were you aware that one if not all of the officers
8 involved in processing this vehicle were wearing a
9 weapon?

10 A I -- I do not know, I can't tell you.

11 Q But that would be a concern to you?

12 A It does open the possibility for some transfer
13 occurring there, yes, ma'am.

14 Q And would it alarm you if the officer who collected
15 the G S R testified that he goes to the firing range
16 frequently?

17 A Repeat that?

18 Q Would it alarm you if the officer who actually
19 collected the G S R sample, the gunshot residue
20 sample, testified that he frequents the firing
21 range?

22 A During his duty times? If he doesn't wash his
23 hands, yes, ma'am, that does open up some
24 possibilities there.

25 Q And again, you were not there when the samples were

1 taken?

2 A No, ma'am, I was not.

3 Q And isn't it true that the FBI has stopped
4 themselves using gunshot residue testing?

5 A It is true that they have stopped but it has
6 absolutely nothing to do with a fear of
7 contamination. The FBI has -- from what I
8 understand has stated that they stopped it in an
9 effort to concentrate on terrorism, something that
10 they felt was much more important. The numbers of
11 cases they were getting in in a year with gunshot
12 residue were very limited. It was under 10 a year
13 for them. And so what they figured was that it was
14 easier to let state and local agencies handle the G
15 S R and for them to focus on terrorism.

16 Q So it's not your understanding that they were
17 worried about police contamination of gunshot
18 residue?

19 A No, ma'am.

20 Q Now in this case, what did you do to eliminate the
21 other possibilities? Like, for example, secondary
22 transfer by police?

23 A I can't -- I cannot rule that out. But what we
24 typically look at is an overall picture. Again, if
25 it was just one particle or two particles, period,

1 that would kind of alarm me and I'd have to say,
2 yes, that does have a great chance of being from
3 contamination. But with an overwhelming picture
4 across the whole car, it still leads me to, it's
5 more consistent with a weapon being fired.

6 Q Now, you indicated overwhelming picture, but we have
7 round lead particles, not the three components that
8 you're looking for in upper ceiling number 1. We
9 have of hundreds, one round lead particle found on
10 driver's side upper window frame, doorframe, back
11 portion of driver's seat. We have non-round
12 particles being found on the side door panel and
13 nothing at all being found on the gearshift,
14 steering wheel or upper ceiling number two. Is that
15 correct?

16 A That is correct but for each one of those areas that
17 I reported finding something, it has a minimum of at
18 least two particles associated with that area.

19 Q And, Agent Moskal, you cannot testify that a weapon
20 was absolutely fired out of the vehicle?

21 A No, ma'am, I cannot.

22 Q And to a reasonable degree of scientific certainty,
23 you cannot tell the jury the source of that one
24 rounded lead particle?

25 A Not for a single particle. But when you have the

1 entire picture together, it begins to tell you
2 something different.

3 Q Now, how many G S R kits would you say that you've
4 looked at?

5 A I've looked at thousands of G S R kits at this
6 point.

7 Q And have you ever concluded in a report that the
8 particles were consistent with something other than
9 gunshot residue?

10 A In a report, no, ma'am.

11 Q Okay. So you've never indicated in a report that
12 the G S R was more consistent with brake pad (sic)
13 or a secondary transfer by police?

14 A No, ma'am.

15 Q So in your reports, it's consistent with G S R or
16 it's nothing?

17 A Correct.

18 Q Would that be accurate?

19 A Or it's consistent -- or it is G S R in one of these
20 round lead particles, the non-round three components
21 or no gunshot residue found, yes, ma'am.

22 Q Now consistent with only means that it's a
23 possibility?

24 A Correct.

25 Q Is that what consistent with means?

1 A Yes, ma'am.

2 Q Okay. And that also means then that there are other
3 possibilities?

4 A Correct.

5 Q Now, were you asked to analyze G S R kits on any of
6 the following individuals?

7 Christopher Lyles?

8 A No, ma'am, not in this case.

9 Q Epsil Palmer?

10 A Not in this case, no, ma'am.

11 Q Ausha Allen?

12 A No, ma'am.

13 Q Quentin Harris?

14 A No, ma'am, not in this case.

15 Q And I believe you testified that this is the jacket
16 ---

17 A Yes, ma'am.

18 Q --- that you did the G S R testing on? And you
19 found no gunshot residue, is that correct?

20 A That is correct.

21 Q I'm going to ask you to step down, if you would.

22 A Yes, ma'am.

23 (The witness steps down from the witness stand.)

24 Q Now, looking at this jacket, you had talked about it
25 having a slick surface?

1 A Yes, ma'am.

2 Q But the cuffs themselves, that's more of a cloth
3 fabric, is it not?

4 A That is more of a cloth fabric, yes, ma'am.

5 Q And this is the jacket that you tested?

6 A That is, yes, ma'am.

7 Q And no gunshot residue was found?

8 A Correct.

9 Q You may take your seat, thank you.

10 (The witness returned to the witness stand.)

11 MS. SCHILLACI: Beg the Court's indulgence?

12 THE COURT: Yes, ma'am.

13 (Pause.)

14 Q And the last question for you, Agent Moskal, on the
15 jacket, the cuffs, that is the type of cloth, non-
16 slick, it has a weave that would capture gunshot
17 residue particles, correct?

18 A Yes, ma'am, it is.

19 MS. SCHILLACI: All right. I have no further
20 questions.

21 THE COURT: Anything on redirect?

22 MS. MCDUFFIE: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. MCDUFFIE:

25 Q Agent Moskal, please tell the jury again what your

1 findings were as to the 2005 Chevy Impala as taken
2 as a whole?

3 A Taken as a whole, looking at all of the areas and
4 the numbers of materials we found as a whole, is
5 consistent with a weapon having been fired in that
6 area.

7 Q And Ms. Schillaci was questioning you about officers
8 contaminating the area. Do officers typically wear
9 gloves when they process vehicles?

10 A I can't -- they are supposed to, yes, ma'am.

11 Q And would you expect to find gunshot residue or
12 round lead particles on places like the ceiling from
13 transfer from a weapon an officer was wearing?

14 A That would not be something I expected, no, ma'am.

15 Q And would you please tell your findings as to the
16 Impala taken as a whole?

17 A Taken as a whole with the round lead particles, the
18 one round lead particle, the non-round three
19 components, and even with the no gunshot residue in
20 a couple of areas, as a whole to me it is consistent
21 with a weapon being fired inside that area.

22 MS. MCDUFFIE: No further questions for the
23 witness.

24 THE COURT: Anything further?

25 MS. SCHILLACI: Just a few, Your Honor.

RECROSS-EXAMINATION

BY MS. SCHILLACI:

Q Now, again, you testified that your findings on the Impala is consistent with gunshot residue but it's also consistent with other things, correct?

A Correct.

Q And you didn't indicate those other possibilities in your report, did you?

A No, ma'am, the report doesn't say that a weapon was fired there either.

Q So, again, consistent with merely means that it's a possibility that there are other possibilities?

A Correct.

MS. SCHILLACI: All right. I have no further questions.

THE COURT: Anything further of this witness?

MS. MCDUFFIE: We'd ask that he be excused, Your Honor.

THE COURT: Yes. You may step down, sir, without objection, I assume.

(The witness leaves the witness stand.)

THE COURT: You may call your next witness.

MS. MCDUFFIE: The State calls David Collins.

(DAVID J. COLLINS, having first been duly sworn, testified as follows:)

DAVID COLLINS -- DIRECT BY MS. MCDUFFIE:

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1 THE CLERK: Thank you. Please have a seat in
2 the witness stand and state your full name for the
3 record.

4 THE WITNESS: David J. Collins.

5 DIRECT EXAMINATION

6 BY MS. MCDUFFIE:

7 Q Investigator Collins, where are you employed?

8 A I'm -- currently I am on a period of separation due
9 to retirement from the Richland County Sheriff's
10 Department. At the time of this activity, I was
11 employed by the Sheriff's Department and I will be
12 again on November 9th.

13 Q And you are taking a brief separation from the
14 Sheriff's Department?

15 A Yes. When you retire and then go back to the same
16 agency from which you retire, you're required by law
17 to take a 15 day separation.

18 Q And that's what you're currently doing?

19 A That's what I'm currently doing.

20 Q And back in February of 2007, you were employed at
21 the Sheriff's Department?

22 A Yes, I was.

23 Q Please tell the jury your duties with the Sheriff's
24 Department.

25 A I am employed by the Sheriff's Department in the

1 Forensics Services Laboratory where I am a firearms
2 tool marks examiner.

3 Q And please tell the jury what firearms and tool
4 marks examination is.

5 A Part of the tool marks examination is the study of
6 firearms or firearms related evidence as it pertains
7 to any sort of specialized forensics examination.
8 This could involve the comparison of fired specimens
9 to firearms to determine what their origin is. It
10 could also be beyond firearms into the realm of tool
11 marks which would be any examination of marks left
12 by tools on surfaces in an attempt to identify if a
13 specific tool made that mark.

14 Q And please tell the jury a little bit about your
15 education and training in the field of firearms and
16 tool marks examination.

17 A Regarding my education, I have a bachelors degree
18 from the Citadel which I obtained in 1984. After I
19 became employed by the State Law Enforcement
20 Division or SLED, I entered an on the job training
21 program in firearms and tool marks examination.
22 That training began in 1990.

23 I completed that training program and was
24 certified by SLED as a firearms and tool marks
25 examiner in early 1993. The training lasts for at

1 least two to three years and it's all basically on
2 the job training. It's like an apprenticeship.
3 There are no schools that you can go to to learn
4 everything there is to learn about being a firearms
5 examiner although there are some that are -- some
6 schools that you will participate in in addition to
7 your regular training that will assist you.

8 After becoming satisfactorily qualified by SLED
9 as a firearms examiner, I began doing casework on my
10 own and joined our professional association which is
11 the Association of Firearms and Tool Marks
12 Examiners. Through that association and through
13 other courses that I have attended, I have
14 maintained continuing education and training in my
15 field over the years.

16 Q And have you ever been called as an expert in
17 firearms and tool marks examination in the courts of
18 record with this state?

19 A Yes. I have testified as a firearms and tool marks
20 examiner as an expert in South Carolina General
21 Sessions Courts in excess of 200 times. I've also
22 been qualified as an expert in the federal and
23 military court systems and in the States of North
24 Carolina and South -- North Carolina and Georgia.

25 MS. MCDUFFIE: Your Honor, at this time we would

1 offer Investigator David Collins as an expert in firearms
2 and tool marks identification.

3 MR. MCCULLOCH: No objection.

4 THE COURT: All right, without objection.

5 Q Investigator Collins, can you please explain to the
6 jury a little bit about how you perform firearms and
7 tool marks examination?

8 A The first thing that we do when we receive any type
9 of evidence in the laboratory is we take notes as to
10 its condition and its description, its physical
11 characteristics. In the case of a firearm, for
12 instance, we'll take notes as to what make and model
13 and caliber it is, what type of firearm. We'll
14 examine it for any sort of damage or defects or any
15 type of trace material or small hairs, fibers and
16 what not that might be attached to it.

17 We will also do that with fired projectiles and
18 cartridge cases. We'll examine them to determine
19 what caliber they are. In the case of projectiles,
20 this may be difficult due to damage they might
21 sustain when they hit things.

22 The -- additionally we will try to determine
23 what the rifling characteristics are of the firearm
24 that fired them just through a visual examination.
25 We will also -- we typically will take lots of notes

1 about everything that we receive and then we will
2 move on to a phase of more detailed examination.
3 With a firearm that will involve test firing the
4 gun. The reason that we test fire a gun is two-
5 fold. One, we're trying to determine if the firearm
6 functions properly. We're also trying to obtain
7 test standards, bullets and cartridge cases from
8 that gun that we'll microscopically compare with
9 evidence items to try to determine if they have the
10 same origin, if those items were fired by that gun.

11 The way that we can do this is that when a
12 firearm is manufactured, there are various machining
13 processes that leave behind microscopic defects on
14 certain surfaces of the firearm. One of the areas
15 that we're particularly interested in is the inside
16 of the barrel. In many firearms, handguns and
17 rifles, there are spiraling grooves called rifling
18 placed in the barrel that serve to cause the bullet
19 to spin when it leaves the barrel. It serves to
20 stabilize the bullet in flight much the same way
21 that a quarterback tries to throw a spiraling pass.

22 When the bullet passes through the barrel, it is
23 scratched by those imperfections that were left by
24 the manufacturing process and those scratch marks
25 leave a pattern on the surface of the bullet that

1 may be used to identify that particular firearm back
2 to that particular projectile, in much the same way
3 that a fingerprint can be used to identify a person.

4 If we don't have a firearm submitted, what will
5 do is intercompare the evidence items with each
6 other. . We will take a -- for instance, two fired
7 bullets from a scene or two fired cartridge cases
8 from a scene and put them under what we call a
9 comparison microscopic and examine them side by side
10 and look for areas where these microscopic details
11 or these pattern of marks match. If we find
12 sufficient matching characteristics, we can conclude
13 that those two items were fired by the same gun.

14 Q I'm going to show you what's already in evidence as
15 State's 94, 96 and 97, three fired shell casings
16 found at the scene. Would you by chance have
17 examined those?

18 (Pause.)

19 A Yes, I -- I can confirm by markings either on the
20 packages or the items themselves that these are the
21 three fired -- three fired cartridge casings that I
22 did examine in this case.

23 Q And what caliber are those cartridge casings?

24 A Would you like for me to open all of them?

25 Q Please.

1 (Complied.)

2 A Three Smith and Wesson caliber fired cartridge
3 cases.

4 Q And what conclusions if any did you draw as to those
5 three cartridge cases?

6 A After taking my notes as to their condition, as I
7 mentioned before, I microscopically compared these
8 three items with each other because I did not have a
9 40 caliber firearm submitted to me at that time. My
10 comparison results revealed sufficient matching
11 individual characteristics for me to be able to
12 conclude that all three of those had been fired by
13 one gun.

14 Q So all three cartridge casings found in the parking
15 lot were fired by one gun?

16 A That is correct.

17 Q Let me show you State's 136, the shell casing
18 removed from a 2005 Chevy Impala. Did you also
19 examine that?

20 (Pause.)

21 A Yes, I -- this is also another fired 40 Smith and
22 Wesson caliber cartridge casing I examined.

23 Q And what if any conclusions did you draw from your
24 examination of the shell casing found in a 2005
25 Chevy Impala?

1 A That item was microscopically compared by myself
2 against the other three cartridge cases that were
3 submitted and I was also able to conclude that this
4 cartridge case had been fired by the same gun that
5 fired the other three.

6 Q So the three shell casings found in the parking lot
7 and the one found in the 2005 Chevy Impala were
8 fired by the same gun?

9 A That is correct.

10 Q Would it -- the three shell casings found in the
11 parking lot, if a car had run over them or they had
12 been kicked around, would those things replicate the
13 marks that you would be looking for?

14 A No.

15 Q Is there any way to duplicate these marks on a shell
16 casing without firing it from -- by the weapon --
17 from a weapon?

18 A Not that I know of, no.

19 Q And specifically what are you looking for again,
20 please tell the jury?

21 A In the particular -- in the case of these cartridge
22 cases, what I am examining are marks that are left
23 by the slide mechanism of a semi-automatic pistol on
24 the cartridge case. The cartridge cases don't pass
25 down the barrel like a bullet does, be marked by

1 that part of the gun. However, it is marked by
2 other parts of the firearm when the firing takes
3 place. And those microscopic defects are stamped on
4 the surface of the cartridge case in a way that is
5 unique to that particular firearm.

6 Q And you said that these cartridge casings were not
7 traveled down the barrel?

8 A They don't travel down the barrel itself and exit
9 the gun. They would be ejected from the gun at the
10 point of firing. This type of ammunition is
11 consistent with what is commonly found in a semi-
12 automatic pistol. And a semi-automatic pistol is
13 designed to fire one shot each time the trigger is
14 pulled. And when the firing takes place, the fired
15 cartridge case is automatically ejected from the
16 firearm. There's an ejection point on a semi-
17 automatic pistol or a semi-automatic rifle for that
18 matter that would be the -- an aperture in the gun
19 or a hole in the gun that it would be ejected from.

20 Q And please explain how a cartridge case is -- is
21 ejected from a semi-automatic pistol.

22 A When you fire the gun and the bullet exits the
23 muzzle of the gun, almost immediately thereafter the
24 slide of the gun or the bullet will come to the
25 rear. As it comes to the rear, it is pulling the

1 cartridge case from the chamber of the firearm and
2 then when it comes far enough back, there is a
3 mechanism that will kick it from the firearm. It's
4 called an ejector. All this happens very quickly,
5 virtually in the blink of an eye. And it is not
6 done by the shooter, it's actually part of the
7 mechanical process of the gun that happens
8 automatically.

9 Once the cartridge case is ejected from the gun,
10 the slide or the bolt will then return forward under
11 spring tension, picking up the next cartridge from
12 the magazine and loading it into the gun and making
13 it ready to fire again.

14 Q And is there any way to tell an ejection pattern
15 from a weapon, how a specific gun would eject a
16 cartridge case?

17 A You can determine, if you have a firearm, what
18 general direction it will eject a cartridge casing.
19 Most semi-automatic pistols are designed to eject to
20 the right as most shooters statistically are right
21 handed and they make most firearms to eject to the
22 right. A left handed shooter firing some -- a gun
23 that ejects to the right in some instances could be
24 struck by cartridge cases which is not necessarily a
25 dangerous thing it's just annoying. So they tend to

1 place the ejection port so that it ejects to the
2 right for right handed shooters. Only there are
3 some guns that are specially made to eject to the
4 left for left-handed shooters. The vast majority of
5 semi-automatic pistols that we see have the ejection
6 port on the right side of the gun to eject them to
7 the right.

8 Q And how quickly are these cartridge casings ejected
9 from the weapon?

10 A They're -- they come out very quickly. They don't
11 come out with a tremendous amount of force but they
12 come out virtually as soon as the gun is fired,
13 you'll hear the discharge of the firearm and you'll
14 see the cartridge case being ejected.

15 Q And is there any way for you to predict or tell
16 which way a cartridge case will go once it is
17 ejected from the weapon?

18 A Other than the general direction that it would
19 mechanical be tending to eject -- when you talk
20 about the ejection pattern of the gun, you're
21 talking about the ejection direction, that is all
22 hinging upon how the shooter is holding the gun.
23 The correct method to hold a gun is vertically,
24 upright, with the pistol grip in your hand. If you
25 change the angle of the firearm, you are potentially

1 changing the direction in which it will eject. If
2 you're holding it in the natural position, it should
3 eject in a general rightward direction. How far it
4 ejects and exactly what angle from the gun it ejects
5 would be something that you would need to determine
6 through actual testing.

7 Q And again, the three cartridge casings found at the
8 scene and the one cartridge casing found in the 2005
9 Impala, your results were what?

10 A They were all fired by one gun.

11 Q Did you also have a chance to examine two 38 caliber
12 revolvers in this case?

13 A Over time, yes.

14 Q State's Exhibits 47 and 50?

15 (Pause.)

16 A Yes, these are two 38 caliber revolvers I examined.

17 Q And based on your examination of these two firearms,
18 could these have fired the shell casings at the
19 scene and the one found in the 2005 Impala?

20 A No, there's no way that those two revolvers could
21 have fired any of those cartridge cases.

22 Q Could you put 40 caliber ammunition in either one of
23 these revolvers?

24 A No, it simply will not fit.

25 Q And, Investigator Collins, did you have a chance to

1 examine State's 95, a spent projectile that was
2 found at the scene?

3 (Pause.)

4 A Yes, I examined this projectile.

5 Q And please tell the jury what your findings were as
6 to that projectile.

7 A This projectile, based on its physical
8 characteristics and weight, were -- was consistent
9 with being one that would be found in a 40 caliber
10 or 10 millimeter caliber ammunition. It was not --
11 based on the physical characteristics, it could not
12 have been fired from either of the two 38 caliber
13 revolvers.

14 Q And did you also have a chance to examine the
15 projectile removed from Shannavia Williams, State's
16 Exhibit 102?

17 (Pause.)

18 A Yes, I examined this projectile.

19 Q And please tell the jury what if any conclusion you
20 could draw from your examination of that projectile.

21 A This particular item was badly damaged. It is
22 consistent with being the core from a fired bullet.
23 When I talk about a core, in many cases you have a
24 jacketed projectile which is what we normally find
25 in semi-automatic ammunition, semi-automatic pistol

1 ammunition. It has a lead core surrounded by some
2 sort of jacketing material, usually a copper based
3 material. It is not uncommon when a bullet strikes
4 something for the two parts to become separated.
5 The jacket will strip away from the core and you're
6 left with just the lead core and then the separate
7 jacket.

8 When this occurs, you're not able to determine
9 what firearm actually fired the core. The core
10 being protected inside of the jacket never came into
11 contact with the barrel of the gun and thus was
12 never marked in a way that is unique to that
13 particular firearm. What you can sometimes tell is
14 what possible caliber or at least a minimum caliber
15 that could have fired that particular item.

16 In this particular case, while this projectile
17 was not suitable for any type of comparison efforts,
18 I was able to determine that it was, based on its
19 physical characteristics, not -- not suitable for
20 having been -- it was not fired by either of the two
21 38 caliber revolvers.

22 Q So the projectile from Shannavia Williams was not
23 fired by either one of these guns, State's 47 or
24 State's 50?

25 A Yes.

1 Q And there were multiple other fragments you examined
2 in this case, within some walls and whatnot?

3 A There were other items submitted to me, yes?

4 Q And were you able to draw any conclusions based on
5 those bullet fragments?

6 A Yes, I was.

7 Q Please tell the jury what those conclusions were.

8 A There were additionally two bullet jackets or bullet
9 frag -- bullet core fragments that were submitted
10 that were also -- I compared with the 40 caliber
11 bullet that I submitted before.

12 Q That would be what was marked as B at the scene in
13 State's Exhibit 95?

14 A Yes. And those two items when I compared them they
15 were un -- inconclusive. I wasn't able to determine
16 if they were fired by the same gun that fired this
17 particular item. But they were -- they bore similar
18 rifling characteristics. I wasn't -- I just simply
19 wasn't able to determine if they were fired by that
20 same gun that fired this particular projectile.

21 Q And did you do any further analysis as to the items

22 ---

23 A Those -- if I could refer to my notes for just a
24 moment.

25 (Pause.)

1 A The rifling characteristics that were present on all
2 of them were sufficient for me to determine that
3 they were not fired by either of the 38 caliber
4 revolvers that were submitted.

5 Q And I think law enforcement provided you with a --
6 at some point a 40 caliber weapon to test in this
7 case?

8 A Yes, they did.

9 Q And what were your results as to that weapon?

10 A I was able to determine that the -- based on
11 differences in the individual characteristics that
12 that firearm produced, that it did not fire any of
13 the fired cartridge casings from the scene.

14 Q And are you aware of where that weapon was
15 obtained?

16 A It was obtained by the Perry Police Department
17 pursuant to some law enforcement action that they
18 had in their jurisdiction.

19 Q In Perry, South Carolina?

20 A Yes.

21 Q And that did not match any of the evidence you were
22 given in this case?

23 A It did not match any of the fired cartridge cases.
24 I did compare it with the fired bullet fragments and
25 the fired bullet that were submitted in this case

1 and I was -- my results on those comparisons were
2 inconclusive simply due to the damaged condition of
3 those.

4 Q But it did not fire the casings found at the scene?

5 A It did not fire those casings.

6 Q And again, the casings found at the scene and the
7 one found in the 2005 Chevy Impala, please tell the
8 jury your conclusions as to those items.

9 A All four of those fired cartridge cases, the three
10 that were found at the scene and the one that was
11 found in the vehicle were fired by one gun.

12 Q And the item, State's 95, Item B, the projectile
13 found at the scene, was that fired by either State's
14 47 or 50?

15 A No.

16 Q And the bullet found from Shannavia -- from the body
17 of Shannavia Williams, State's 102, was that fired
18 by either State's 47 or State's 50?

19 A No.

20 MS. MCDUFFIE: Beg the Court's indulgence.
21 Nothing further, Your Honor.

22 THE COURT: All right, Mr. McCulloch.

23 MR. MCCULLOCH: Your Honor, this may be
24 difficult because we have several numbers.

25 CROSS-EXAMINATION

1 BY MR. MCCULLOCH:

2 Q Mr. Collins, the exhibit numbers that the
3 Solicitor's been using with you do not correspond to
4 the numbers in your reports, correct?

5 A They do not.

6 Q So we've got that difficulty. We may want to take a
7 moment for me to try to organize some questions that
8 way or I can try to do it during the examination.
9 But the difficulty here is there are a lot of
10 numbers flying around and it may be confusing.

11 THE COURT: I'll give you a shot. Go ahead.
12 Take your time, Mr. McCulloch.

13 Q Mr. Collins, let's start with -- you mentioned that
14 you examined, in addition, the two 38 caliber
15 pistols which are in evidence as State's 47 and
16 State's 50, these two 38 caliber pistols. Those
17 were given to you in the course of this
18 investigation?

19 A Yes, I did.

20 Q And one of those was from Mr. Davis?

21 A I'm not sure who it was recovered from. There were
22 -- one was recovered, according to the notes in my
23 report, from the security guard. The other one was
24 recovered pursuant to, I believe, a traffic incident
25 that occurred in Fairfield County.

1 Q And it was recovered from Mr. Lyles?

2 A I don't know who it was recovered from.

3 Q But you know that you were also provided a 40
4 caliber weapon later, what I'll call an FN gun,
5 Fabrique Nationale. They're manufactured here in --
6 right out on Two Notch.

7 A Many of them are, yes.

8 Q And that was obtained from two people who had been
9 at the 360 club?

10 A That was my understanding, yes.

11 Q Now, as to these casings, there were four casings,
12 shell casings, provided you. Do you have those
13 numbers or the record?

14 A The State's exhibit?

15 Q The exhibit numbers.

16 A No, sir, I don't have the exhibit numbers in front
17 of me. All have in front of me are my item numbers
18 from my report.

19 Q All right, are these little baggies marked, you
20 think, in a way ---

21 A Those are projectiles.

22 (Pause.)

23 Q Well, let's see, we've got State's 97 which is a
24 casing in the parking lot.

25 A That's correct.

1 Q So that's one of them. And we've got State's
2 Exhibit 136...

3 A This is the fourth one. This is the one that I
4 examined that's indicated on the package as being
5 recovered from suspect's vehicle.

6 Q All right. And this is State's 96 which is another
7 parking lot casing?

8 A That is correct.

9 Q Well, there's another bag somewhere with another
10 casing, right?

11 A That is correct.

12 Q Now in your examination of casings, you testified
13 that you do this with a microscope?

14 A Yes, I do.

15 Q So you look through a microscope?

16 A That is correct.

17 Q Do you take microscopic photographs?

18 A At times I do take photographs of my comparisons.
19 We don't base our opinion on the photograph. We
20 base our opinion on what we actually observed in a
21 microscope. We do take photographs at times to
22 document what we see so that we can be reminded
23 later when we're preparing for Court of what we were
24 looking at.

25 Q You also take photographs so you can show the jury.

1 You have these photographs that you can put side by
2 side so the jury can make their own evaluation of
3 the similarity of something?

4 A Typically we don't show those to the jury because
5 sometimes the information there is so minute and
6 quite frankly you wouldn't expect a jury to be able
7 to accurately and adequately determine what we were
8 looking at.

9 Q So you can't trust the jury to look at something ---
10 MS. MCDUFFIE: Objection, Your Honor.

11 MR. MCCULLOCH: Well, Your Honor, I'm on cross
12 ---

13 THE COURT: Just rephrase it.

14 Q So a jury cannot be relied upon to look at the same
15 thing and see the same similarities that you're
16 talking about?

17 A I would think that -- not without the level of
18 training that I have had in this field.

19 Q And there are not the comparative photographs here
20 to give the jury an illustration about?

21 A I don't have any with me, no.

22 Q And there's not any diagram that you've got to show
23 the jury about these characteristics that you
24 noticed as you looked at it, at these several shell
25 casings that you found that were similar?

1 A No, sir, I don't have a diagram.

2 Q In your eyeballing, you're looking at this after
3 your training, is -- it really is eyeballing, isn't
4 it?

5 A It's all visual examination, yes.

6 Q And there's not any way of taking measurements or do
7 this objectively, so to speak? In a sense, there's
8 no -- you don't take out a tape measure and measure
9 a mark and determine its distance or anything like
10 that?

11 A It's all a -- it's all a form of pattern recognition
12 in much the same way a fingerprint examination is
13 done based on a pattern of fingerprint
14 characteristics. However ---

15 Q And absolutely subjective?

16 A It's based on subjective, based on the examiner's
17 training and experience?

18 Q So it's your opinion.

19 A Yes, it's my opinion, yes.

20 Q As to the casings contained in a -- in a weapon,
21 weapons have a tendency to heat up, don't they?

22 A They do.

23 Q I mean, when they're fired successively?

24 A The more you fire, the faster that you fire a semi-
25 automatic pistol or any type of hand -- firearm, it

1 will build up heat, yes.

2 Q And the shell casings are made of some type of
3 metallic substance?

4 A Yes. In this particular case, they're made of a
5 brass alloy type material.

6 Q And in your experience, if things heat up it leads
7 to some deformation, some minute changes in maybe
8 these rifling characteristics you're looking for?

9 A I have seen some deformation and distortion present
10 on some items from impact damage but I've never
11 noted any from heat distortion or what could be
12 attributed to heat distortion.

13 Q Now, this expertise that you have, it's not like D N
14 A, there's no million to one chance, is there? You
15 don't quantify ---

16 A We don't quantify in the basis of statistics, no.

17 Q So it's really all kind of your opinion?

18 A It's my opinion.

19 Q Now, the -- the examinations that you conducted, you
20 actually conducted three examinations, first on
21 February the 7th of 2007, shortly after the
22 shooting?

23 A That's correct.

24 Q Later another examination in June of 2007 when
25 another weapon was provided?

1 A That is correct.

2 Q And then again in what, 2009, February or March of
3 2009?

4 A That was actually October of 2009.

5 Q October ---

6 A This month.

7 Q That was when still another firearm was provided?

8 A That was -- it had already been submitted in
9 evidence and I was not notified as to its presence
10 there. And so I -- when I became aware of the
11 presence of the revolver in evidence, this was the
12 one that was recovered pursuant to the traffic
13 incident in Fairfield County, I then performed that
14 examination.

15 Q So the Sheriff's Department didn't -- they had taken
16 a weapon in that was a 40 caliber weapon ---

17 A This is a 38 caliber firearm.

18 Q A 38, I'm sorry.

19 A Yes.

20 Q The 40 caliber was examined by you when?

21 A The 40 caliber firearm was examined to me in --
22 examined by me in June of 2007.

23 Q And was that sent to you by the Sheriff's Department
24 or was that something you asked for?

25 A That was something that was sent to me by -- it was

1 sent to the Sheriff's Department by the Perry Police
2 Department and submitted to one of our investigators
3 who then logged it into our evidence. And then he
4 let me know that it was there.

5 Q The -- you -- your report indicted -- let's see now.
6 In your February 7th report there was a -- you spent
7 some time analyzing a projectile found in the
8 parking lot.

9 (Pause.)

10 Q Have you seen photos of the scene?

11 A I don't recall that I've seen photos of the scene.

12 Q Have you seen in any form or fashion State's Exhibit
13 52? That's a photograph of the projectile?

14 A Yes, that's the -- appears to be visually consistent
15 with this projectile here ---

16 Q That would be State's Exhibit 95?

17 A State's Exhibit 95. And also, the mark -- there's a
18 B on this package which matches the number which is
19 on this evidence marker.

20 Q So that's B in State's 55?

21 A Yes, sir.

22 Q Now that was found at the scene and it was found by
23 you to be, I think your reports said, most
24 consistent with a 40 caliber or a 10 millimeter
25 weapon?

1 A 10 millimeter -- it's most consistent with bullets
2 found loaded in 40 -- in some 40 Smith and Wesson or
3 10 millimeter auto caliber cartridges.

4 Q And in your report you listed -- after saying
5 including but not limited to, you listed several
6 weapons?

7 A Yes. What we often do in the laboratory is we'll --
8 examining the rifling characteristics and their
9 measurements and we will put all that information
10 into a data base and it will provide for us a list
11 of possible brands or sources of firearms that could
12 have fired that item. That's what I did in this
13 case. And I did produce a list of, in this case,
14 four 40 caliber Smith and Wesson caliber firearms
15 and three 10 millimeter auto caliber firearms,
16 possible sources.

17 Q But as your reports says, that's not an exhausted --
18 exhausted list ---

19 A No, it's not.

20 Q You say it's including but not limited to?

21 A That is correct. The information in the data base
22 is merely as good as what has gone into it. And the
23 information that's in that data base is provided to
24 the FBI by other laboratories. So it's quite
25 possible that there are other brands or sources of

1 firearms that simply haven't been submitted yet that
2 would -- that would match those characteristics.

3 Q So the exhibit projectile we're now referring to
4 could be consistent with other calibers, not just 40
5 caliber or 10 millimeter.

6 A Not so much other calibers, perhaps other brands
7 that are not listed on this particular list of
8 firearms. There are very few other possible calibers
9 of firearms that it could have been -- it's most
10 consistent with a 40 or 10 millimeter auto. There
11 are some other calibers of firearms that shoot a --
12 a similar dimension projectile but they're so
13 statistically seldom encountered that we didn't list
14 them in this case. However, that is why I did use
15 the term, most consistent.

16 Q We do know from your June '07 report that this
17 projectile found in the parking lot could have been
18 fired from that 40 caliber Fabrique Nationale weapon
19 that you examined?

20 A I was not able to exclude it as a possible source.

21 Q And you also looked at several bullets or bullet
22 fragments removed from the wall, on your report
23 number 10, item 10 and item 18. Those also likewise
24 weren't able to be excluded as having been fired by
25 this Fabrique Nationale 40 caliber weapon?

1 A That's correct.

2 Q Number 5 is what, another bullet fragment taken from
3 the wall?

4 A Item 5 is listed as being one fired bullet core from
5 an envelope labeled F at wall -- on wall.

6 Q And if, like these others we've just mentioned,
7 could have been fired from the Fabrique Nationale?

8 A My physical examination of that -- of that core
9 indicated that it was also consistent with a 40
10 caliber size or larger projectile so I cannot
11 exclude that possibility. It was not fired by
12 either of the 38 caliber based on its design but it
13 could have been fired from -- it was consistent with
14 possibly being fired by a 40 caliber or larger
15 firearm.

16 Q And according to that report it was also possibly
17 fired from the 38?

18 A I don't see -- I actually don't find reference to
19 that item in my report. It was listed as an item
20 submitted but I don't see it listed in my report.
21 I'm going by my notes.

22 Q On your February 8th report, Item 5 is one of those
23 items, correct?

24 A Yes, it is, those that were submitted to me.

25 Q And under your result category, it is not one of the

1 items excluded from being fired by the 38 which is
2 referred to as Item 6 there. That's the only 38 in
3 your possession ---

4 A At that time, it was the only 38 caliber firearm in
5 my possession. I don't see it mentioned under Item
6 5 in the report itself.

7 (Pause.)

8 A I believe that was an omission on my part and I'm
9 not sure exactly why that occurred but I do have
10 sufficient data in my notes to say that it wasn't
11 fired from the 38.

12 Q So you now think it wasn't fired from the 38?

13 A I never said that it was fired by the 38.

14 Q The -- you also had, let's see, Item 10 which was a
15 bullet removed from a wall, is that correct?

16 A It is from an envelope labeled outside wall.

17 Q That item could have been fired from this Fabrique
18 Nationale 40 caliber?

19 A It is possible. I could not exclude that item.

20 Q And Item 17, which is in your February '07 report,
21 which is a bullet fragment in a knit cap, also could
22 have been fired from the 40 caliber Fabrique
23 Nationale?

24 A There -- based on the fact that it was unsuitable
25 for any type of examination as far as microscopic

1 comparison, I cannot exclude that. But if I could
2 refer to my notes for a moment ---

3 Q Sure.

4 A --- to get some additional information?

5 (Pause.)

6 A I was simply unable to determine what caliber of
7 firearm that was fired from.

8 Q And the same is true about Items 18 and 57, Item 57
9 removed from one of the victim's bodies and 18 a
10 copper fragment?

11 A Item 18, the copper fragment, I was unable to
12 determine -- my notes indicate it's most consistent
13 with 40 caliber ---

14 Q And 57 ---

15 A --- but I can put ---

16 Q I'm sorry.

17 A And Item 57 was -- I'm referring to my notes again
18 -- as stated before, there's a large number of items
19 here that were examined.

20 Q Now, your expertise with guns does not include
21 determining the caliber of the -- from an injury
22 wound ---

23 A No, it does not. Back to your original question,
24 the -- Item 18 and Item 57, Item 57 was a core and
25 my notes indicate that it's most consistent with 40

1 caliber or 10 millimeter. And, again, but it was
2 also unsuitable for identification with a specific
3 firearm. Item 18 ---

4 THE COURT: Stop. I'll let you finish later on.
5 I'm going to give you a break. Obviously someone needs
6 one. I was going to try to ask Mr. McCulloch whether
7 it's long or short. Now it's time to give you one.

8 Just don't talk about the case. Take your time,
9 refresh yourselves. We'll bring you back out and
10 continue with this -- with Mr. Collins -- Deputy Collins,
11 retired, whatever.

12 (The jury retires from the courtroom at
13 approximately 11:40 a.m.)

14 (The witness leaves the witness stand.)

15 THE COURT: I was trying to get your attention,
16 long or short? You've probably got another 10 or 15 ---

17 MR. MCCULLOCH: 10 ---

18 THE COURT: 10, oh.

19 MR. MCCULLOCH: --- less.

20 THE COURT: Okay. Well, it was close. It was
21 close enough. And I'm sure you could use a break too.
22 How old are you now, 58?

23 MR. MCCULLOCH: Old, 50-old.

24 THE COURT: All right, we'll be at ease.

25 (The Court was in recess.)

1 (The witness returns to the witness stand.)

2 THE COURT: All right, bring the jury in.

3 (The jury returned to the courtroom at
4 approximately 12:02 p.m.)

5 THE COURT: I was told somebody could kill
6 hogs in here. We'll try to elevate the heat.

7 All right. Welcome back, members of the jury.
8 Mr. McCulloch, you may continue with your cross-
9 examination of Deputy Collins -- retired Deputy Collins?
10 All right.

11 CROSS-EXAMINATION CONTINUES

12 BY MR. MCCULLOCH:

13 Q So, Mr. Collins, let me kind of rewind the tape, I
14 suppose, back to where we were. I was talking or
15 asking you about, I suppose, your June '07
16 examination of a 40 caliber Fabrique Nationale
17 weapon.

18 A That's correct.

19 Q I think we established that that was past to the
20 Sheriff's Department by the Perry Police Department,
21 taken from some people who had been at the 360 Club?

22 A That was my understanding, yes.

23 Q And the casings that we talked about or that you
24 earlier testified about, could not have been fired
25 from this 40 caliber Fabrique Nationale?

1 A That was my opinion, yes.

2 Q And in your report of June '07, there were -- and
3 I'll just read them to you because I expect you've
4 got your report there, is the easiest way to do it.

5 Item 4 which was the projectile which we earlier
6 made reference to, it's in evidence, was found in
7 the parking lot?

8 A Correct.

9 Q That was State's Exhibit 55, remember that? I've
10 got it right here, I'm waving it at you.

11 A Oh, yes, sir.

12 Q Item Number 10 which was found, according to the
13 first report, the February report, was labeled
14 outside wall?

15 A Correct.

16 Q Then there was Item 18 which was a copper jacket
17 fragment. And that was found inside? Or does your
18 report from February indicate where it was found?

19 A It doesn't indicate where it was found.

20 Q And then there was Item 5, going back to the June
21 report, found in a wall?

22 A Yes.

23 Q Bullet fragment out of the wall. Item 17 which was
24 a bullet frag -- or a piece of a bullet found in or
25 near a knit cap?

1 A Yes.

2 Q And then 57 which is a bullet or a bullet fragment
3 removed from one of the victims?

4 A Yes.

5 Q And based on your June evaluation of this 40 caliber
6 Fabrique Nationale, the -- none of these items could
7 be excluded by you from having been fired from that
8 weapon, could they?

9 A That is correct.

10 Q Now, were you ever provided a firearm belonging to a
11 gentleman named Epsil Palmer?

12 A Not to the best of knowledge. However, I do not
13 have any precise information as to who these
14 firearms were recovered from or submitted to me
15 from.

16 Q Now you testified a little bit earlier about the --
17 what happens when shell casings are actually
18 ignited, being fired in a weapon. In 40 caliber
19 bullets, are they only fired from automatic weapons?

20 A They only firearms that I am familiar with that we
21 have seen them fired from would be fired from a
22 semi-automatic firearm. However, there conceivably
23 could be single shot pistols or some other strange
24 type firearms that may be also chambered for a 40
25 Smith and Wesson caliber cartridge, it's possible.

1 However, virtually all that we see are fired
2 from semi-automatic pistols.

3 Q And when I say automatic, I guess I'm thinking, what
4 I want to get across to the jury, is that when we
5 talk about semi-automatic, we're talking about
6 ejection type weapons?

7 A That is correct.

8 Q Or weapons that when you pull the trigger and the
9 bullet is ignited, the shell is ejected by the
10 mechanism?

11 A That is correct.

12 Q And if I were sitting in an automobile pointing a
13 gun out of a window at you and I fired (indicating),
14 where would you expect the shell to go consistent
15 with your earlier testimony?

16 A It -- based on what we normally see, that most semi-
17 automatic pistols are going to eject in a rightward
18 direction, I would expect from that perspective that
19 you're showing me there, that they would eject in
20 this direction (indicating).

21 Q So this direction being forward. So if you take my
22 position as I'm demonstrating now (indicating),
23 pointing out of the driver's side window, assuming
24 I'm driving the motor vehicle, the shell casing
25 would go towards the front windshield?

1 A A couple things about ejection patterns. It depends
2 also how far out the window you have the firearm.
3 And that particular firearm, as I stated before, as
4 far as the exact angle to the rear, to the front,
5 those types of characteristics, you would have to
6 test the specific firearm to get those more or less
7 established. There are a lot of variables at work
8 there.

9 The second thing about an ejection pattern is
10 that once a cartridge is ejected, yes it may intend
11 to eject towards the front of the vehicle but it may
12 also bounce or strike some surface in the fire -- in
13 the vehicle and end up somewhere else.

14 So it's very hard to look at the final location
15 of a cartridge case and use that as a means of
16 establishing where the firearm was when it was
17 fired. The variables that could play on that,
18 first, in an outdoor scene if it lands on a paved
19 parking lot, they may not be where they initially
20 came to rest. They could be bouncing around, they
21 could be stepped on, kicked by people as they move
22 into the parking lot.

23 Inside a vehicle, I've seen them bounce to
24 various locations inside the vehicle. It's very
25 difficult to use that type of ejection pattern

1 testing to place a firearm. Typically we do not do
2 it unless we have a lot of the variables nailed down
3 specifically so that we can use that information
4 more precisely.

5 Q Well, you weren't asked to do anything in this case,
6 were you?

7 A No, sir.

8 Q And I think your original answer was that when you
9 fire something, the shell casing goes to the right
10 which in this instance would be towards the front of
11 the vehicle?

12 A Under the situation that you described to me, yes,
13 if the firearm truly does eject to the right as most
14 would.

15 Q And you said that almost there was only what, one or
16 two weapons that eject in a different direction, to
17 the left? None of them eject up, do they?

18 A Sometimes it's up and to the right. But it's not
19 typically straight up. Usually it would be still
20 some rightward dimension because you're trying to
21 get it away from the gun. You don't want it to
22 eject up and then come straight back down. You're
23 trying to get it clear of the firearm and clear of
24 the shooter. So in order to do that, most of them
25 eject to the right. It could be out level or up and

1 to the right. Actually most of them do have a
2 little bit of an upward angle to them. But that
3 would vary depending on the firearm design.

4 Q No matter what, shell casings don't defy gravity, do
5 they, don't have special properties in defying
6 gravity?

7 A That's invariably. Once they are ejected, they are
8 subject to all the rules of physics.

9 MR. MCULLOCH: That's all, Your Honor. Thank
10 you.

11 THE COURT: Anything on redirect?

12 MS. MCDUFFIE: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MCDUFFIE:

15 Q Investigator Collins, the question Mr. McCulloch was
16 just asking about, ejection pattern and all of that,
17 he was asking if you were shooting a gun like this,
18 correct?

19 A Yes.

20 Q What if you were leaning back in the seat and the
21 gun was at an angle, would that change what you just
22 said to Mr. McCulloch?

23 A It still would tend to eject to the right.
24 Depending on the relative -- right, relative to the
25 gun in its normal position. So wherever you place,

1 the gun, by doing whatever positioning you want to
2 do, the gun is going to want to eject to the right
3 from that position.

4 Q And what if you fired the gun like this (indicating)
5 instead of like this (indicating)?

6 A If you turn the gun on its side, it's going to tend
7 to eject more upwards.

8 Q And do you -- once it ejects upwards or to the
9 right, do you have any idea where it could go?

10 A It depends on what it hits along its path.

11 Q So depending upon what it hits, it could depend on
12 where it lands, or change where it might would land?

13 A Yes, that's why we don't typically examine ejection
14 patterns because of all those variables that -- that
15 you described.

16 Q And were you submitted a gun that matched the shell
17 casings in this case?

18 A No, I was not.

19 Q The 40 from the Perry Police Department, did that
20 match the shell casings?

21 A No, it did not.

22 Q And you talked about the different fragments, that
23 they were unsuitable for comparison?

24 A Yes.

25 Q And what does that mean again?

1 A They're unsuitable to determine whether or not they
2 -- they were so badly damaged, either from impact or
3 by virtue of the fact that they were cores of
4 bullets that never came into contact with the
5 barrel, that even if I had the gun that fired them,
6 there was not enough information on those evidence
7 items for me to compare to determine if they were
8 fired by that gun. I would never be able to match
9 them with any gun.

10 Q So you can't exclude them from a gun but you also
11 cannot match them to any gun?

12 A Those that were unsuitable I could not -- I would
13 never be able to match to any gun.

14 Q And ---

15 A But I cannot exclude certain guns.

16 Q And State's 102, the bullet taken from Shannavia
17 Williams' body.

18 A Yes.

19 Q You could exclude that from State's 47 and State's
20 50?

21 A I'm making sure I get my item numbers correct. That
22 is correct. That projectile was not fired by either
23 submitted revolvers.

24 Q And the three shell casings found at the scene and
25 the one found in the 2005 Chevy Impala, your

1 conclusions as the them?

2 A Those all were fired by one gun

3 Q And were those fired by the gun that was submitted
4 to you by the Perry Police Department?

5 A No, they were not.

6 THE COURT: Anything on recross?

7 MR. MCCULLOCH: Beg the Court's indulgence.

8 (Pause).

9 MS. MCDUFFIE: Nothing further.

10 THE COURT: Anything on recross?

11 MR. MCCULLOCH: Nothing further.

12 THE COURT: You may step down sir.

13 (The witness leaves the witness stand.)

14 THE COURT: Call you next witness.

15 MR. MEADORS: Investigator Lindler.

16 (CHRISTOPHER LINDLER, having first been duly
17 sworn, testified as follows:)

18 THE CLERK: Thank you. Please have a seat in
19 the witness stand and state your full name for the
20 record.

21 THE WITNESS: Chris Lindler.

22 DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q Good afternoon, Investigator.

25 A Good afternoon.

1 Q Would you briefly tell these folks about you, where
2 you were born and raised and a little bit about your
3 educational background and where you got into law
4 enforcement?

5 A I graduated -- born and raised in Chapin, South
6 Carolina, went to Chapin High School and graduated
7 from Chapin High School. I went to the University
8 of South Carolina, graduated from the University of
9 South Carolina with a bachelor of science in
10 criminal justice. And I've been working for
11 Richland County Sheriff's Department since 1998.

12 Q And have you held different positions within the
13 Sheriff's Department?

14 A I have. I started out as a road deputy and moved
15 over to the Community Action Team, helped set up
16 crime prevention and crime watches.

17 Q Call that CAT?

18 A CAT Team and in 2004 I moved up into the Criminal
19 Investigative Division where I worked burglary and
20 now I'm a major crimes investigator for assaults.

21 Q And in February of 2007, what role were you in?

22 A I was working burglary and just assisting on other
23 cases as needed.

24 Q Was that how you got involved in this incident at
25 Club 360 on 126 and Bush River?

1 A I did.

2 Q And were you called to the scene of 360 in the early
3 morning hours of February 5th or sometime that day?

4 A Sometime that day we were -- had made it in to
5 headquarters and was asked to assist the
6 investigators that were on scene out there, there
7 were some things that needed to be done.

8 Q And was of those things you were asked to assist in
9 presenting a photo lineup to, in this case, a Erin
10 Hellman?

11 A Yes, it was.

12 Q Can you tell the ladies and gentlemen of the jury,
13 if you remember, where this took place?

14 A It took place at her home.

15 Q I'm going to show you what's marked -- what does
16 that say, State's Exhibit -- is that 7 -- 17?

17 A 17.

18 Q Do you recognize that?

19 A I do.

20 Q And did you have an occasion to show that lineup to
21 Ms. Erin Hellman on February 5th, 2007?

22 A I did.

23 Q And what if anything did you tell Ms. Hellman prior
24 to showing her that lineup?

25 A I told her I was going to show her a lineup with six

1 -- six pictures in it and that she needed to pick
2 the person out that she had seen at the club that
3 night.

4 Q And did you suggest to her in any form or fashion
5 who she should pick out?

6 A No, I did not.

7 Q Did you do like this (indicating) or do like that
8 (indicating) when you were showing it to her?

9 A No, sir. Whenever I show my lineups, I keep them
10 folded up and if it's at somebody's home, if it's --
11 we carry a black portfolio with us and it's covered.
12 And when I show her the lineup, I turn it over and
13 have -- have her look at it and let that person hold
14 it and look at the lineup.

15 Q And after reviewing the lineup, did she pick out
16 anybody she'd seen at 360 that day or the day
17 before?

18 A She did.

19 Q And did she indicate on here that she had done so?

20 A She did.

21 Q How did she do that?

22 A She did so by circling photo number 2. And after she
23 circled photo number 2, it's my common practice to
24 have them initial that photograph and put that day's
25 date on it.

1 Q And who is number 2?

2 A That would be ---

3 Q Is that the Defendant?

4 A That would be the Defendant.

5 Q Down here, did you also get her to sign that she had
6 picked out 2?

7 A I did.

8 Q Okay. And specifically, she picked out number 2 as
9 being the man that what?

10 A The man that -- that she cut off from having alcohol
11 at Club 360.

12 Q And she indicated that on this form, correct?

13 A She did.

14 MR. MEADORS: Your Honor, I think this is
15 already entered as State's 17.

16 THE COURT: All right, sir. Ms. Schillaci.

17 CROSS EXAMINATION

18 BY MS. SCHILLACI:

19 Q Investigator Lindler, I just have two questions for
20 you. Ms. Hellman's ID was limited to identifying
21 the man that she had seen in the bar, correct?

22 A Yes.

23 Q So Ms. Hellman was not a witness to the shooting?

24 A No, ma'am, she was not.

25 MS. SCHILLACI: All right. Thank you, that's

JOHN BARRON -- DIRECT BY MS. MCDUFFIE:

886

1 all we have.

2 THE COURT: Anything further of this witness?

3 MR. MEADORS: We ask he be excused, please,
4 thank you.

5 THE COURT: Without objection, I assume.

6 (The witness leaves the witness stand.)

7 MS. MCDUFFIE: The State would call Investigator
8 John Barron.

9 (JOHN BARRON, having first been duly sworn,
10 testified as follows:)

11 THE CLERK: Thank you. Please have a seat in
12 the witness stand and state your full name for the
13 record.

14 THE WITNESS: My name is John Barron, B-a-r-r-o-
15 n.

16 DIRECT EXAMINATION

17 BY MS. MCDUFFIE:

18 Q Investigator Barron, where are you currently
19 employed?

20 A Richland County Sheriff's Department.

21 Q And what are your duties with the Sheriff's
22 Department?

23 A I'm a D N A analyst.

24 Q And please explain for the jury what you do.

25 A A D N A analyst is a scientist who receives evidence

1 from crime scenes and we basically process that
2 evidence to develop D N A profiles for comparison to
3 individuals involved in cases.

4 Q And please tell the jury a little bit about your
5 education and training in the field of D N A.

6 A Okay. I have a bachelor of science degree in
7 microbiology from Clemson University. I started
8 work at SLED in the 1980's. And at first D N A was
9 not available at that time but I was a scientist
10 working in the forensic science laboratory.

11 In 1999, D N A technology -- or the present D N
12 A technology came online and I transferred into the
13 D N A section and received training at SLED in their
14 training program. The training programs lasted a
15 year and I took qualifying tests to prove that I
16 could do the analysis and interpret the results.

17 Since 2000, I have been a D N A analyst at SLED
18 and in 2004, transferred to the Richland County
19 Sheriff's Department, myself and another analyst
20 from SLED, and set up the D N A laboratory at the
21 Richland County Sheriff's Department.

22 Q And have you been qualified as an expert in court's
23 in this state in the field of D N A?

24 A Yes, I have.

25 Q And approximately how many times?

1 A Approximately 35 times.

2 MS. MCDUFFIE: Your Honor, at this time we would
3 offer Investigator Barron as an expert in D N A.

4 MS. SCHILLACI: Without objection.

5 THE COURT: All right, without objection.

6 Q Investigator Barron, did you receive items of
7 evidence in this case?

8 A Yes, I did.

9 Q Please tell the jury what items were submitted to
10 you for analysis?

11 A I received swabs from a vehicle that included
12 exterior driver door handles, interior driver door
13 handles, steering wheel swabs, gearshift swabs,
14 exterior passenger and interior passenger door
15 handles, swabs from a 40 caliber spent cartridge
16 casing, a swab from a silver and blue cell phone and
17 a known buccal swab from Johnnie B. Gaskins. A
18 buccal swab is simply a swab from the inside of your
19 mouth to give us your known profile. It's a way
20 other than drawing blood which is a little more
21 painful.

22 Q I'm going to show you State's 138. Is that the swab
23 that you examined in this case?

24 A Yes, it is.

25 Q Please tell the jury how you do your analysis.

1 A Well, it's a lot of wet chemistry in a laboratory,
2 but the swabs come in. We cut up the swabs in a
3 sterile environment to make sure there's no
4 contamination. They're put inside of tubes. They're
5 extracted with the proper reagents so that the D N A
6 from the cells that can be pulled out. And then the
7 D N A is purified in a robotic system. The system
8 basically wash -- purifies the D N A by washing away
9 all the extraneous material that's been extracted,
10 cellular debris, trash and dirt and everything else
11 that's present on the swab.

12 The purified D N A is then examined to see how
13 much human D N A is present. Of course, swabbing
14 anything in the environment, you're going to pick up
15 bacteria and D N A but we're only interested in
16 human D N A.

17 So the human D N A then is quantified. If there
18 is enough D N A present, then we proceed to develop
19 a profile. Basically we target the D N A molecule at
20 15 particular points plus the sex gene to determine
21 human identification. If those points match up to
22 an individual, then it is positive identification
23 for that person.

24 Q And Investigator Barron, let's start with your
25 analysis on the spent 40 caliber Winchester shell

1 casing.

2 A Okay.

3 Q Did you extract any D N A from that item?

4 A I attempted to but I did not extract any D N A on
5 that item.

6 Q And the exterior passenger (sic) front door handle,
7 were you able to extract D N A from that item?

8 A Yes, I was.

9 Q And what were your results as to that item?

10 A Well, as expected on a door handle, we got D N A,
11 human D N A and it was a mixture of at least three
12 people. It could have been more than three people.
13 But I did -- was able to say that the D N A from
14 Johnnie Gaskins could have been included in that
15 mixture.

16 Q And that was on the exterior front door handle?

17 A Exterior driver's door handle, is that what we're
18 talking about?

19 Q Yes, I'm sorry, your Item Number 44?

20 A Correct.

21 Q And so there was a mixture and Johnnie Gaskins was
22 included as being a part of that mixture?

23 A Yes.

24 Q And your Item 45, swab from interior driver door
25 handle, please tell the jury your results.

1 A Yes, the results of that was also a mixture. In
2 this case -- in mixtures, we can have what we call
3 equal contribution or fairly equal contribution
4 which we include or exclude people. There are some
5 mixtures what we have what we call a major
6 contributor. In other words, there is a major
7 dominant D N A profile in that mixture that we can
8 discern and compare to an individual. And then we
9 have minor components of it where we know someone
10 else was there but it is really not a whole lot to
11 deal with.

12 In this case, there was a major contributor and
13 it did match Johnnie Gaskins.

14 Q So the major contributor for the swab from the in
15 interior driver's door handle matched Johnnie
16 Gaskins?

17 A That's correct.

18 Q Please tell the jury your results as to your Item
19 46, the swab from the steering wheel of the blue
20 Chevy Impala.

21 A The swab from the steering wheel was a -- we -- I
22 developed a D N A profile that was a single source,
23 not a mixture, that matched Johnnie Gaskins.

24 Q So it was only Johnnie Gaskins' D N A on the
25 steering wheel?

1 A That's correct.

2 Q Please tell the jury your results for Item 47, the
3 swab from the gearshift.

4 A The swab from the gearshift was another mixture.
5 This time a major contributor again was Johnnie
6 Gaskins and there were some other minor
7 contributions from other individuals present as
8 well.

9 Q And please tell the jury your conclusions for your
10 Item 48, swab from exterior passenger front door
11 handle.

12 A Yes. There was a very small amount of human D N A
13 present. I attempted to develop a profile, that was
14 too weak. There was a few D N A fragments present
15 but it was not enough to really do anything with.

16 Q So you were not able to draw a conclusion as to that
17 item of evidence?

18 A That's correct.

19 Q Please tell the jury your conclusions as to your
20 Item 49, swab from interior passenger front door
21 handle.

22 A That swab had a lot of D N A present from many
23 individuals, at least four, could be more. I could
24 not exclude Gaskins as being one of those
25 contributors as well.

1 Q And please tell the jury your conclusions as to your
2 Item 69, the swab from a silver and blue cell phone.

3 A The swab from the cell phone, again, we got good
4 extractions. As expected, a cell phone, you've got
5 your mouth up to it. That was a mixture of two
6 people. The major contributor was -- matches
7 Johnnie Gaskins and there was a minor contributor
8 that I don't know who it belonged to.

9 Q And are you able to come up with any percentages as
10 to the probability that this is Mr. Gaskins' D N A
11 on that cell phone?

12 A Yes. The -- the science of D N A matching is a
13 statistically analysis. When the statistics are so
14 extreme, then it's pretty much an identity. So in
15 this case, those probabilities are those frequencies
16 we see in this profile in the population, we break
17 it down into two population groups, Caucasian and
18 African-American. In the Caucasian population, it's
19 extremely rare, 110 sextillion which is a very rare
20 number, you've probably never heard of it. That's
21 how large it is. It's -- it's 1 followed like 21
22 zeros, so it's a pretty big number.

23 So -- and in the African-American population,
24 it's almost as rare, one in 16 sextillion. So ---

25 Q So, 1 with 21 zeros behind it?

1 A Exactly.

2 Q And how many people are there on earth?

3 A A little over six and a half billion. Which -- like
4 I said, when you -- when you see those kinds of
5 frequencies, it is so rare that in my -- in my
6 scientific opinion, that is that person's D N A.

7 Q And again, you found D N A from Mr. Gaskins on the
8 exterior driver door handle, interior driver door
9 handle, steering wheel, the gearshift, the interior
10 passenger door handle and on the cell phone?

11 A Yes. Some of those were a definite match and some
12 of those were like he could be included in mixtures.

13 Q So you have there was more than one person's D N A
14 present ---

15 A That's right and because the mixture contribution
16 was fairly equal. So, like I said, when there's two
17 or three people contributing to a mixture and it's
18 fairly equal, then it's more difficult to pick one
19 out of -- you know, pick one or two people out of
20 it. But you can say, he's included in that mixture
21 or not included in that mixture.

22 So, in those types of mixtures, he's included.
23 And in some of these mixtures where he's the major
24 contributor, he's definitely involved in that
25 sample.

1 Q Such as on the cell phone?

2 A Correct.

3 MS. MCDUFFIE: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Pause.)

6 MS. MCDUFFIE: Nothing further, Your Honor.

7 THE COURT: Ms. Schillaci.

8 MS. SCHILLACI: Just a few questions, Your
9 Honor.

10 CROSS-EXAMINATION

11 BY MS. SCHILLACI:

12 Q Good afternoon, Investigator Barron.

13 A Good afternoon.

14 Q If Mr. Gaskins had just used the car with his
15 girlfriend, you'd expect his D N A inside, wouldn't
16 you?.

17 A Yes. If someone has access to a vehicle and if it's
18 their vehicle, like your vehicle probably has your D
19 N A on the steering wheel and the door handles and
20 the gearshift knobs.

21 Q Okay. And you were not there when the samples were
22 collected, were you?

23 A No, I was not.

24 Q Okay. And for example, when a sample is taken of
25 the exterior driver's door handle, that doesn't mean

1 that they're swabbing the entire door handle, does
2 it?

3 A You would have to ask the person who swabbed it as
4 to what extent they swabbed the handle.

5 Q Okay. Because again, you weren't there when ---

6 A That's correct.

7 Q --- when the samples were taken. Okay. Now, you
8 were asked to do D N A testing on a bloody tissue,
9 were you not?

10 A A bloody tissue? No, that is not one of the items I
11 have submitted in my report.

12 Q Would you be surprised if Investigator Oates in his
13 report indicated that a bloody tissue was being sent
14 for D N A testing?

15 A I did not read his report.

16 Q But certainly there was no D N A testing done on a
17 bloody tissue?

18 A I did not do any testing on a bloody tissue, no.

19 Q And items are sent to you for testing by the police
20 because they believe that there may be some D N A on
21 it, correct?

22 A Well, it has to be D N A applicable to a case. I
23 mean, I can go to anywhere and pick D N A up and it
24 may be totally irrelevant to a crime.

25 Q Okay. But they're not going to send you an item

1 that's evidence for D N A testing unless they
2 believe there could possibly be some D N A on it?

3 A Unless they believe there could be some D N A, yes,
4 that's true.

5 Q Okay. And you were asked to do D N A testing on the
6 spent shell casing, correct? It's in your report?

7 A Yes.

8 Q And you would expect to find D N A on a shell
9 casing, would you not?

10 A Actually, no. I've done a lot of testing on shell
11 casings and for one reason or another, there's very
12 little D N A present on them. But we do
13 occasionally get something off of a shell casing..

14 Q Okay. But the police did send this to you for
15 testing?

16 A They sent a swab that had -- from a spent Winchester
17 40 caliber casing.

18 Q And there was no D N A found?

19 A That's correct.

20 Q Now, you indicated that you found mixtures of D N A?

21 A That's right.

22 Q And you understand or you're aware that Mr. Gaskins
23 voluntarily gave the D N A sample in this case, were
24 you aware of that?

25 A I'm not aware he voluntarily gave it, no.

1 Q Okay. In terms of the mixtures, you never compared
2 D N A samples with anyone else in this case, did
3 you?

4 A No.

5 Q Ausha Allen?

6 A No.

7 MS. SCHILLACI: Beg the Court's indulgence.

8 THE COURT: Yes, ma'am.

9 (Pause.)

10 MS. SCHILLACI: I believe that's all we have,
11 Your Honor. Thank you.

12 THE COURT: Anything further of this witness?

13 MS. MCDUFFIE: No, sir, Your Honor.

14 THE COURT: You may step down, sir.

15 (The witness leaves the witness stand.)

16 THE COURT: You may call your next witness,
17 after lunch. Let's be back at 2:00. It's kind of
18 chilly, overcast, cloudy. So don't go too far, don't get
19 cold. Be back in the jury room at 2:00. And I'll have
20 some better news when you get back in terms of how much
21 longer it might take. I can't tell you right now but
22 it's keeping with what I previously told you.

23 So have a good lunch. Don't talk about the
24 case. Keep your badges on over the course of the lunch
25 and we'll see you back at 2:00.

1 Thank you.

2 (The jury exits the courtroom at approximately
3 12:33 p.m.)

4 THE COURT: Anything further we need to take up?
5 You have one witness left?

6 MR. MEADORS: Yes, sir.

7 THE COURT: When did Eisenhower take office?

8 MR. ISENHOWARD: When do I?

9 THE COURT: When did he take office, President
10 Eisenhower?

11 MR. ISENHOWARD: Oh, I don't know, I couldn't
12 tell you, after World War II, 1950...

13 THE COURT: Go ahead, keep going. We'll be at
14 ease. See y'all back at 2:00. 1952.

15 (The Court was at recess.)

16 THE BAILIFF: All rise, please.

17 THE COURT: Thank you, ladies and gentlemen.
18 Please take your seat. Can I see y'all for a minute,
19 please.

20 (WHEREUPON, a bench conference was held off
21 the record, in the presence of the jury, but out
22 of the hearing of the jury.)

23 THE COURT: All right is everybody ready?

24 MR. MEADORS: State's ready.

25 MR. MCCULLOCH: Defense is ready.

1 THE COURT: Mr. Crumpton, you may invite them to
2 come back in, sir.

3 THE BAILIFF: All right, sir.

4 (The jury returned to the courtroom at
5 approximately 2:18 p.m.)

6 THE BAILIFF: The jury's present, Your Honor.

7 THE COURT: Thank you, sir.

8 Welcome back once again, Madam Forelady and
9 members of the jury.

10 Mr. Meadors, you may call your next witness,
11 sir.

12 MR. MEADORS: The State would now call
13 Investigator Kevin Isenhoward.

14 (KEVIN ISENHOWARD, having first been duly sworn,
15 testified as follows:)

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand and state your full name for the
18 record.

19 THE WITNESS: My name Kevin Isenhoward.

20 DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q Are you an investigator with the Richland County
23 Sheriff's Department?

24 A Yes, sir, I am.

25 Q Investigator, please tell the ladies and gentlemen

1 of this jury where you were born, where you were
2 raised, your background, your education and in
3 particular your education that led you to law
4 enforcement and your experience in law enforcement,
5 please.

6 A I was born and raised here in Richland County. I
7 went to Spring Valley High School and I graduated
8 from Spring Valley High School. I went to
9 Spartanburg Methodist College in Spartanburg,
10 University of South Carolina. I have a degree in
11 criminal justice.

12 After college I went to the Criminal Justice
13 Academy, started working for the Richland County
14 Sheriff's Department and that's been 12 years now.
15 And started off as a officer here in the courtrooms
16 and moved my way up. Now I'm in the Major Crimes
17 Unit at the Sheriff's office. I'm a sergeant. I
18 supervise investigators who primarily handle robbery
19 and homicide investigations.

20 Q And how long have you been doing that?

21 A Which part?

22 Q The last part, in Major Crimes?

23 A About two and a half years.

24 Q Okay. And last year ---

25 A Supervising.

1 Q Last year you won an award?

2 A Yes, sir, I did.

3 Q What was that?

4 A In 2008 I won the International Investigator of the
5 Year Award.

6 Q Now, explain to the ladies and gentlemen of the jury
7 how a case -- who becomes the chief investigating
8 officer of a case?

9 A Well, it would -- a couple of ways. You can respond
10 out to the scene of the crime and take over the
11 investigation from the initial incident. Or a
12 supervisor could assign you the case to investigate
13 once the report comes in.

14 Q Now on February 4th of 2007, you were at the
15 Sheriff's Department in this same capacity?

16 A Actually, at this point I was just an investigator.
17 I was still assigned to the Major Crimes Unit but I
18 was an investigator, not a supervisor. On February
19 -- on February the 5th, I was working the evenings
20 and I was the on-call investigator.

21 Q What was the evening shift?

22 A The evening shift is for seven days straight we work
23 nights basically. Primarily we work during the day
24 but for that week you work nights through the
25 weekend. You maybe come in at around 3:00 in the

1 afternoon and work 8 and a half hours or until you
2 finish with whatever is going on.

3 Q You said you were on-call, so if anything happened
4 during that time period, you're called?

5 A Yes. And especially if you're the on-call homicide
6 investigator, when you're off you're still on-call.
7 They'll call you at home and tell you if there's
8 something that's happened that requires you to
9 respond and you'll respond from your home.

10 Q Now, in the early morning hours of February 5th,
11 2007 -- 2007, I'm sorry, were you called to Club 360
12 on I-26 and Bush River?

13 A Yes, sir, I was.

14 Q Tell the ladies and gentlemen, do you know what time
15 that was?

16 A It was around 1:00 in the morning I think. I was
17 actually on Broad River Road just a few miles away
18 at an unrelated crime, working that.

19 Q And you left that scene to come here?

20 A Yes.

21 Q Describe for the ladies and gentlemen of the jury
22 your observations as you first came to 360.

23 A When I first arrived I was actually one of the first
24 units on the scene because I was just right down the
25 road. I heard the call dispatched so I decided to

1 respond to it. When we got there, I think -- there
2 were hundreds of people running and trying to get
3 out of the parking lot. They were scared. It was
4 chaotic.

5 I came in, was able to make my way through the
6 parking lot up to the front door. There were other
7 deputies there initially. I will just state what I
8 saw. There was what appeared to be a security guard
9 lying on the -- near the front door. He was later
10 identified as John Adams. He had a gunshot wound
11 which I could see in his abdomen. I continued to --
12 at this point, I'm -- I wasn't sure whether or not
13 the person was still there, the shooter. So I'm
14 obviously, you know, very guarded. I'm moving my
15 way into the club itself to do what we call clearing
16 the building with other deputies.

17 When I move inside the front, I see a female
18 lying on the ground. She had a wound to the head.
19 She's bleeding profusely. Again, we have deputies
20 who are trying to render aid and I'm moving back
21 just investigating the scene.

22 I continue to move back. I can see a trail of
23 blood which to me appeared to be either someone
24 bleeding as they walked or being carried or drug
25 back to the restroom area of the club. There's a

1 pool table nearby that had a pool of blood on it.
2 And when I get probably back to the end of where the
3 trail of blood was, there's another female there
4 with a head wound bleeding.

5 Q What -- what if anything did you and/or the folks,
6 your folks let's just say, do, if anything, to
7 determine who was a patron or who was an employee?

8 A Well, when -- once we feel like we have the scene
9 safe, we need to identify who's there. Identify --
10 and in this case I instructed the officers to
11 separate those people who work at the business from
12 those who are there recreationally and try and
13 determine what -- what they saw, if anything, and
14 make sure we document names.

15 So in this case we had some physical evidence we
16 had to secure, make sure nobody disturbed that,
17 remove them from the scene. I had the officers take
18 the -- the employees to a back area in the club,
19 separate them and then we would -- obviously I
20 called for other investigators to help and then we
21 were going to talk to them individually.

22 Q And you mentioned earlier evidence, was there
23 anything that appeared to you to be of an
24 evidentiary value outside the club?

25 A Yeah. I forgot to mention. When I -- as I was

1 moving in, I'm looking at the ground and, again, we
2 have shattered glass, blood. I did observe shell
3 casings that were visible in the parking lot. I
4 instructed the officers to protect those and make
5 sure they weren't disturbed as I moved in.

6 Q Now you had mentioned earlier one of the security
7 guards appeared to have a gunshot wound to his
8 abdomen, I think?

9 A Yes, he did.

10 Q Did you -- was that person -- was Mr. Adams able to
11 talk when you were there?

12 A Yeah. We were actually communicating with him.
13 Deputy Fisher was telling him, you know, to hang in
14 there that we were going to get some help there.
15 And though injured, you know, he was -- he was
16 communicating with us. He seemed okay at that
17 point. But obviously gunshot wounds are very
18 dangerous.

19 Q Now, at this point did you have an occasion to come
20 in contact with a Lamont Davis?

21 A Yes. Once we, you know, kind of calmed things down
22 a bit, I went out and I'm trying to identify
23 witnesses and I located Mr. Davis, another security
24 guard there at the club and spoke with him about
25 what had -- what happened at the scene.

1 Q As a result of your investigation with Mr. Lamont
2 Davis, did you have a name?

3 A Yeah. Mr. -- I learned that earlier in the evening
4 there was an altercation with an intoxicated or
5 unruly patron which security had escorted out.
6 During that he said -- I learned they had identified
7 him by checking his driver's license or identity, ID
8 card. And that once out in the parking lot they
9 released him. He was escorted to a blue Chevrolet
10 Impala, got into the Impala and drove up to the
11 front door where shots had occurred and the shots
12 had come from the Impala.

13 Q Now, were you at some point after this able to talk
14 or did you talk to another person who was working
15 there named Quinten Harris?

16 A I did. I believe he was another bouncer or security
17 guard, I believe bouncer.

18 Q And as a result of that, did you learn about a
19 fellow names Sydney Williams?

20 A Yeah, I learned that ---

21 MR. MCCULLOCH: Your Honor, I am going to object
22 to this witness detailing what he learned in terms of ---

23 THE COURT: Y'all approach, no run-on objection.
24 That's all right.

25 (WHEREUPON, a bench conference was held off

1 the record, in the presence of the jury, but out
2 of the hearing of the jury.)

3 MR. MCCULLOCH: Thank you, Your Honor.

4 MR. MEADORS: Thank you.

5 Q Did you end up identifying someone named Sydney
6 Williams?

7 A Yes, I did. He was actually being detained at the
8 scene when I got there.

9 Q And who had detained him?

10 A One of the security officers, Epsil Palmer. And by
11 that point he had been turned over from security to
12 one of our deputies.

13 Q So Sydney Williams was now with someone with the
14 Sheriff's Department?

15 A Yes, he was.

16 Q And did you meet Mr. Porterfield?

17 A I did. He was identified as the owner and
18 proprietor of the business.

19 Q And he -- had he identified anybody in the -- his
20 establishment like that night that he knew by name
21 and sight?

22 A He did. He told me that the person who was -- I
23 learned that the person who was removed from the
24 club and identified by the security guards as being
25 escorted to the car and driving that car was a man

1 named John.

2 Q Now, did you have an occasion to interview one Erin
3 Hellman, without saying what she said?

4 A Yes.

5 Q And you mentioned a fellow named Sydney Williams.
6 Did you have an occasion to talk to Mr. Williams,
7 and if so, when?

8 A Immediately after things calmed down, I was able to
9 determine, you know, get a basic idea of what was
10 going on there. I took Sydney Williams to the
11 Richland County Sheriff's Department.

12 Q And did you have an occasion to take a statement
13 from him?

14 A I did.

15 Q And as a result of that, during the course of this
16 investigation, acquire the name of the shooter?

17 A I did.

18 Q And who was that?

19 A Johnnie Walker Gaskins.

20 Q And at this point -- had you gained prior to this
21 any information about a vehicle the person may have
22 used?

23 A Yes, we had both a description and a video. The
24 description was a dark colored or blue Chevy Impala.

25 Q And after talking to Mr. Sydney Williams, did you

- 1 have a vehicle that you believed was involved?
- 2 A Yes. He provided basically the same description.
- 3 Q So at this point in your investigation you had a
- 4 name, a first name?
- 5 A I did.
- 6 Q A last name?
- 7 A Yes.
- 8 Q A car?
- 9 A Yes.
- 10 Q And that's based on interviewing several witnesses?
- 11 A That's correct.
- 12 Q And looking at a video?
- 13 A That's right.
- 14 Q Do you -- did you know Johnnie Walker Gaskins at
- 15 that time?
- 16 A No, sir, I'd never met him or heard of him.
- 17 Q After you had acquired this information, what did
- 18 you do then?
- 19 A Once we had the information and we had him
- 20 identified, we placed a warrant on him and I did
- 21 some research, attempted to identify a possible
- 22 location for him and I did obtain a -- an address
- 23 for him in the Irmo area in Lexington County.
- 24 Q And that address was what?
- 25 A It was -- bear with me.

1 (Pause.)

2 A [REDACTED], again in Lexington County.

3 Q Now, when you were talking to Mr. Williams, were you
4 able to establish or was there a relationship --
5 I'll slow down. I apologize. Was there a
6 relationship that you became aware of between Mr.
7 Williams and the Defendant Johnnie Gaskins?

8 A Yes. I learned that the two were friends. That they
9 knew each other and obviously that he had intervened
10 in his detainment there at the club.

11 Q Were you able to check on -- and all this is just
12 kind of happening, isn't it?

13 A Yes.

14 Q I mean, you're responding and now you're
15 investigating?

16 A Yes, sir. There's a lot of activity, especially
17 early on in investigations, one thing after another,
18 and I have a procedure that we try and follow to
19 identify.

20 Q All right. When you got through talking with Mr.
21 Williams it was what time? Or when you talked to
22 him again, I'm sorry. When did you talk to him?

23 A I talked to him right after we left the club. I
24 would say it was around 2:30, 3:00 in the morning
25 maybe. I don't have the exact time with me.

1 Q And did Mr. Williams go back -- or get back to 360?

2 A Yes, we took him back.

3 Q Are you -- did you check on the victims?

4 A Yes, we did. We checked on their status. I learned
5 that Mr. Adams had passed away and that Shannavia
6 was in dire straits, basically was on life support.

7 Q And were you able to retrieve or did you retrieve a
8 gun from Lamont Davis from 360 or did one of your
9 people do it?

10 A We did learn about a security guard firing a weapon
11 and that the weapon was secured in the trunk of a
12 vehicle, there. Obviously I had contact with other
13 officers who were at the scene still. We advised
14 them and they recovered the firearm from the trunk
15 of this vehicle.

16 Q And what if anything happened to that firearm?

17 A The firearm was obviously taken into our custody and
18 placed in the evidence for future testing.

19 Q Now, the shell casings that were at the 360, what
20 happened to them?

21 A All of those while I was there were photographed,
22 documented and collected and placed into evidence.

23 Q And projectiles also collected?

24 A Yes.

25 Q Now, did you yourself go inside and also look at the

1 inside of 360? Obviously you did.

2 A Yes, sir, I did.

3 Q And this has already been entered. I thought it had
4 not been but State's 13 has. Do you recognize
5 State's 13?

6 A Yes, sir, that's an exterior photograph of the club
7 that night.

8 Q Now, when you were looking through, you yourself,
9 Kevin Isenhoward, with your own eyes, I was going to
10 ask you if you recognize State's 106 and were you
11 involved in picking up a potential piece of evidence
12 out of 106?

13 A Yes, sir, I located a woman's wallet at the scene.

14 Q And will you identify the wallet there, State's 106?

15 A Yes, sir. That's the wallet we collected. Inside
16 was an ID from the victim, I believe Ms. Shannavia
17 (sic).

18 MR. MCCULLOCH: No objection.

19 MR. MEADORS: 139 without objection.

20 THE COURT: What is 139?

21 MR. MEADORS: It's the wallet of Shannavia
22 Williams.

23 (Whereupon, State's Exhibit Number 139, Victim's
24 Wallet, was admitted into evidence.)

25 Q Is that her wallet you found in there?

1 A Yes, sir, it is.

2 Q Does it have her name on there?

3 A Yes, sir.

4 Q And in what proximity was it to her body, if you
5 know?

6 A It was right near the front or I guess just inside
7 the front entrance, just a few feet away.

8 Q Tom Amaro has been with y'all a long time, correct?

9 A Yes, sir, as long as I've been there.

10 Q And did you meet with him with a Verizon phone
11 turned over from Amaro to you and put into evidence?

12 A Yes, sir, it was.

13 Q Now, at some appoint was Lamont Davis released from
14 the hospital? And, if so, did you have occasion to
15 talk to him?

16 A I did we -- I actually went to the hospital and
17 picked him up and it was him and his girlfriend, I
18 believe, or wife. Brought them back to the
19 Sheriff's office. It had been a long night. We
20 actually bought them something to eat along the way
21 and took them back to the Sheriff's office where I
22 interviewed him.

23 Q And you interviewed Lamont Davis at what time
24 approximately?

25 A Let's see. At -- the statements -- the time of his

1 actual statement is 8:10 a.m.

2 Q February 5th?

3 A Yes, sir.

4 Q That's seven hours or so after you got there?

5 A Yes, sir.

6 Q And did Mr. Lamont Davis give you a statement?

7 A Yes, he did.

8 Q Tell you what he observed?

9 A Yes, he did.

10 Q Did you have an occasion to show him a photo lineup,
11 Investigator?

12 A I did.

13 Q And I'm going to show you what I think has already
14 been entered as State's 10 and tell me do you
15 recognize that?

16 A Yes, sir, I do.

17 Q Tell these folks, what -- when you're putting
18 together a photo lineup, what are trying to do? How
19 do you put together a photo lineup. What are
20 looking for and ---

21 A The way we construct a photographic lineup, you have
22 six pictures. Obviously you're going to have a
23 target individual, a person who you believe may have
24 had something to do with the crime in question. You
25 need to find five other photographs that are similar

1 in nature. By similar I mean, basically the person,
2 it's the same race or has the same skin tone, has
3 roughly the same kind of hair or length hair. If
4 there's facial hair, they need to all have facial
5 hair, eyeglasses, anything like that. You want the
6 lineup to be fair, basically, and not suggestive.

7 Q And again, you're at the Sheriff's Department?

8 A Yes, sir, I am.

9 Q Did Mr. Lamont Davis look at this photo lineup which
10 is marked State's 10?

11 A He did.

12 Q And did he pick out anybody?

13 A Yes, he did.

14 Q Did he have any trouble picking out anybody?

15 A No, he didn't, none at all.

16 Q Did you suggest to him who to pick out?

17 A No, sir.

18 Q Did you say, Lamont, pick out number so and so?

19 A No, sir, I didn't say anything to him.

20 Q What number did Lamont Davis pick out?

21 A He identified photograph number 1 which is that of
22 Johnnie Walker Gaskins.

23 Q Did he indicate in any way that he picked him out?

24 A Yes, he circled the photograph, put his initials
25 inside the circle and then filled out basically an

1 affidavit portion where he signs it and I notarize
2 it.

3 Q And he picked out Johnnie Walker Gaskins as what?

4 A He identified him as the person who was shooting at
5 the club.

6 Q As the person who was shooting at the club?

7 A Yes.

8 Q Now, are we still on the morning hours of
9 February 5th?

10 A Yes, sir, we are.

11 Q And at this point, I believe you testified, you had
12 the -- the Defendant identified as the shooter by at
13 least two folks?

14 A Yes.

15 Q And were there other folks that worked in the club
16 that knew him by name and sight and saw him in the
17 club?

18 A Yes.

19 Q What did you do next, if anything?

20 A Well, we had to obviously go out and see if we could
21 locate Mr. Gaskins. And like I said, we had a
22 possible address. We did some procedural things,
23 contacted the Lexington County Sheriff's Department
24 and obtained a search warrant for the location
25 there.

1 Q And that's just because the house was in Lexington?

2 A Yes, sir.

3 Q And if you go to another county you've got to get
4 with that Sheriff's Department?

5 A That's right.

6 Q And were you able to locate Mr. Gaskins at that
7 point?

8 A No, I wasn't.

9 Q At this point in the investigation, did you receive
10 information from another source of that vehicle at a
11 residence? And if so, what was it?

12 A Yes, once we had completed the search at that first
13 residence, we were leaving, we received information
14 that the vehicle and person involved in the shooting
15 there was at [REDACTED]

16 Q 52?

17 A In Richland County.

18 Q And where is that?

19 A It's sort of near River Drive, that area.

20 Q Armed with this information, what did you or what
21 did any of the folks that were working with you on
22 this case do, if anything?

23 A Well, I first contacted some of our uniformed
24 officers who would have been closer than I was. I
25 asked them to -- I provided them with the

1 description of the suspect vehicle and asked them to
2 check the area, which they did, and they contacted
3 me and I learned that they had in fact located a
4 blue Chevy Impala at [REDACTED]

5 Q What did you do then?

6 A We responded there and made contact with some
7 persons who were in the home.

8 Q At [REDACTED]

9 A Yes.

10 Q And as a result of that, did -- were you given
11 permission to look in [REDACTED] initially?

12 A Yes, I spoke with a lady named Andreana Peak and we
13 did receive consent to search. Obviously, I told
14 her what was going on, why I was there, and that I
15 was looking for Mr. Gaskins. Initially she, you
16 know, didn't know.

17 We began to search the house on consent. Once I
18 entered, I almost immediately noticed this black
19 jacket with a fur collar which was laying just like
20 somebody had thrown it on the couch. And I
21 connected that with the information I received at
22 the scene. It was as described by -- being worn by
23 the suspect.

24 Q And we've looked previously at State's 18, I think.
25 Let me make sure. State's 18, you've seen this

1 before?

2 A Yes.

3 Q What is this? What does that appear to you to be?

4 A That's the black jacket with the fur collar, the
5 jacket I collected from [REDACTED]

6 Q What did you do next? What happened next?

7 A Of course, we're searching the house so we're moving
8 from front to back. And we noticed that the
9 exterior of the home had video surveillance. There
10 was a monitor inside this house. So basically you
11 could see anybody coming up to the house. We then
12 turned and could see that the attic, the ladder
13 leading to the attic was open. I asked Ms. Peak,
14 you know, was there somebody -- it concerned us --
15 obviously we were concerned for our safety at this
16 point if somebody knew we were coming and could
17 hide, it would be a very dangerous thing. I asked
18 her if there was anyone inside and she kind of just
19 all of a sudden ---

20 MR. MCCULLOCH: Your Honor, I'm going to object
21 to this. This is hearsay. This person can be brought
22 here to testify ---

23 THE COURT: No run-on objections, hearsay.

24 MR. MCCULLOCH: Hearsay.

25 THE COURT: I think he said, told. We had a

1 sidebar about that earlier.

2 MR. MCCULLOCH: Your Honor, this witness ---

3 THE COURT: Members of the jury, go to the jury
4 room. Don't talk about this case.

5 (The jury retires from the courtroom at
6 approximately 2:47 p.m.)

7 THE COURT: Sorry, I wanted to stop you from
8 run-on objection because you might say something I might
9 have to caution the jury about. That's the only reason.
10 You know the rules, you've got to say hearsay but go
11 ahead now.

12 MR. MCCULLOCH: All right.

13 THE COURT: Make your point.

14 MR. MCCULLOCH: The objection is hearsay. The
15 previous objection that I made based on hearsay you
16 overruled because those people about whom the
17 investigator was recounting their testimony ---

18 THE COURT: I thought he testified they told --
19 okay, go ahead.

20 MR. MCCULLOCH: This witness that he is now
21 talking with and talking about what they -- and
22 presumably he's about to say what they told him, has
23 never testified at this trial.

24 THE COURT: So you -- this is preemptive
25 objection because he's yet to state something that would

1 be objectionable? I'm not trying to ---

2 MR. MCCULLOCH: Doesn't do me any good to let
3 the cat out of the bag.

4 THE COURT: I understand. So your objection is
5 he's fixing to say something that would be objectionable?

6 MR. MCCULLOCH: He is fixing to, Your Honor,
7 that's correct.

8 THE COURT: All right. Mr. Meadors.

9 MR. MEADORS: Your Honor, we're at the point
10 where they're waiting on the search warrant. All he's --
11 I don't know what he's going to say except that he had to
12 stop because the consent was taken away and they went and
13 got a search warrant. I don't know how else you can say
14 that -- it's not being offered as to the truth of the
15 matter. Well, what did you do next? Well, we had to
16 stop because we were told don't, stop and then we had to
17 go get a search warrant. That's what they did in the
18 course of the investigation. So I don't know how else to
19 get it out.

20 MR. MCCULLOCH: Well, Your Honor, my question
21 was to the question leading to an answer about the
22 witness who has never testified about to tell him -- or I
23 presume he was about to say ---

24 THE COURT: I went and we began a search and we
25 had to abruptly stop. Then we went to get a search

1 warrant.

2 All right. Let's take a break. That's how you
3 answer the question without it being objectionable, it
4 seems to me.

5 MR. MCCULLOCH: That's fine.

6 THE COURT: All right, good.

7 MR. MCCULLOCH: That wasn't the answer I was
8 afraid of.

9 THE COURT: But that was the answer that you
10 were trying to solicit.

11 MR. MEADORS: Yes, sir ---

12 THE COURT: All right.

13 MR. MEADORS: --- and they went to get a search
14 warrant.

15 MR. MCCULLOCH: That's easy enough.

16 THE COURT: We -- we're into a search and we had
17 to stop. We left and came back with a search warrant.

18 Thank you, take a break. I've got to give them
19 a chance to go refresh themselves.

20 (The Court was in recess.)

21 THE COURT: I got a note from a juror. I'm
22 having her copy it for both sides. I will share it with
23 y'all simultaneously, that means at the same time.

24 (Pause.)

25 THE COURT: Y'all approach.

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

3 (Whereupon, Court's Exhibit Number 9, Juror
4 Note, was marked for identification.)

5 THE COURT: At the first sidebar, I think he
6 objected, I think properly so, he told me. As a result of
7 the conversation, I did that, okay. So it's semantics
8 but still we've got to follow the rules.

9 We're good then? All right, all right.

10 (Pause.)

11 THE COURT: All right, is everybody ready?

12 MR. MEADORS: Ready.

13 MR. MCCULLOCH: Yes, sir.

14 THE COURT: You can go get the jury.

15 (The jury returned to the courtroom at
16 approximately 3:05 p.m.)

17 THE BAILIFF: The jury's present, Your Honor.

18 THE COURT: All right. Welcome back, Madam
19 Forelady and members of the jury. I shared this note
20 with you all in the jury room and I told you I'd share it
21 with the lawyers. I've got to share it on the record.

22 And the question is: What did Mr. Gaskins say
23 to Mr. Sydney Williams? In his testimony Mr. Williams
24 stated that Mr. Gaskins had said he would do this and
25 this when they were standing by the car. I would like to

1 know what is this and this, Juror Number 21.

2 And I explained to the jury, I told the lawyers
3 and I'll tell y'all for the record, on the way you wonder
4 and then you'll know. Wait until all the testimony is
5 in. Don't worry about any questions. Wait until you
6 hear the State argue, Mr. McCulloch argue, I tell you
7 what the law is and together, collectively, y'all will be
8 able to make a fair and just decision. But don't get
9 ahead of yourselves. On the way we'll wonder and then
10 we'll know. Wait until the end and then if you have any
11 questions, I'm here to receive it or help you out in any
12 way.

13 But with that in mind -- but I appreciate this
14 in that y'all are paying strict and close attention which
15 is what everybody wants in this case. We all want a fair
16 and just verdict. And obviously y'all were paying
17 attention, so I thank you for that.

18 With that in mind, unless there's any exceptions
19 to the words I just gave to the jury, I will invite Mr.
20 Meadors to continue with his direct examination of
21 Investigator Isenhoward.

22 MR. MEADORS: May it please the Court.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION CONTINUES

25 BY MR. MEADORS:

1 Q After initially getting consent to search ■
2 ■■■■■ ■■■■■ was that consent taken away and you
3 got a search warrant?

4 A Yes, sir, we got a search warrant.

5 Q And what relationship, if any, did your
6 investigation reveal between Ms. Peak and Ms. Sykes?

7 A I know that Ms. Sykes is the, I guess, primary
8 homeowner or resident of the location and that the
9 blue Impala is hers basically, owned by her mother
10 but she drives it.

11 Q Okay. And y'all got a search warrant for the ■
12 ■■■■■ ■■■■■

13 A Yes.

14 Q Okay. Y'all, Richland County Sheriff's office.
15 What about the Impala? Was a search warrant
16 obtained for the Chevrolet Impala?

17 A We obtained a search warrant to take the Chevrolet
18 Impala, yes.

19 Q And take us out there, if you would, at ■■■■■
20 ■■■■■ while all this was going on, Investigator.
21 Once y'all arrived, what if anything was done with
22 the Impala?

23 A The only thing we did was we secured it. We didn't
24 enter it. We secured the home. In the interim
25 between removing ourselves from the home and getting

1 the search warrant, we secured the house, the
2 vehicle. In other words, nothing left or got into
3 either one.

4 When we got the search warrant, we searched the
5 home and the vehicle was actually towed from the
6 location to the Sheriff's office.

7 Q And showing you what's marked State's 150, appears
8 to be a document in the back of the seat. Was there
9 documentation found from the search warrant of the
10 vehicle that had some correspondence from Mr.
11 Gaskins in it?

12 A Yes, sir.

13 Q And was that located in this envelope?

14 A Yes.

15 MR. MEADORS: Your Honor, State's 150, I believe
16 without objection.

17 (Whereupon, State's Exhibit Number 150,
18 Photograph of Documentation in Blue Chevy
19 Impala, was admitted into evidence.)

20 Q In addition to that, I'm going to show you what's
21 marked State's 149. Do you recognize that?

22 A Yes, I do.

23 Q Is that also documentation with Mr. Johnnie Gaskins'
24 name on it that was in the Chevrolet Impala?

25 A On the driver's side.

1 MR. MEADORS: And that's State's 149, I believe
2 without objection.

3 (Whereupon, State's Exhibit Number 149, South
4 Carolina Department of Motor Vehicles Report,
5 was admitted into evidence.)

6 Q Where did the Impala go after it left 52 Riverview
7 Court, if anywhere?

8 A It was towed on a roll back and escorted to the
9 Richland County Sheriff's Department forensic garage
10 where it was maintained and searched later.

11 Q Who would have had access to -- access to it prior
12 to the forensic team looking at it?

13 A Just the forensic supervisors and the head of the
14 criminal investigative division.

15 Q So is that's a place where -- it's a secured a
16 facility?

17 A Yes. I don't have access to it.

18 Q You say you do not?

19 A No, sir.

20 Q What relationship if any did your investigation of
21 [REDACTED] reveal about Ms. Sykes and the
22 Defendant, if anything?

23 A They were romantically involved.

24 Q And finally, before we move from there, what results
25 if any did your investigation reveal about a Ausha

1 Allen?

2 A Ms. Allen was a neighbor to [REDACTED] [REDACTED] We
3 spoke with her asking her, you know, whether or not
4 she had seen Mr. Gaskins there. She did know that
5 he, I guess, came to the house.

6 Q Let me ask you this. Did she have access to the
7 Impala?

8 A Yes, she did.

9 Q And as a result of that, what if anything request of
10 her?

11 A We checked her fingerprints.

12 Q How -- did you -- did you ever get the keys to the
13 Impala?

14 A Yes, we did.

15 Q Where did you get them from?

16 A We got them from Ms. Peak who was at the house when
17 we got there. I believe she's the niece of Ms.
18 Sykes.

19 Q Was all of this still on February 5th?

20 A Yes, sir.

21 Q And -- and what time was the search warrant executed
22 on the 5th, just for timeline purposes?

23 A Let's see here.

24 (Pause.)

25 A It would have been around noon I believe. I don't

1 have that -- let's see, yeah, 1 -- 1:15.

2 Q Now, moving on to the 6th, were you still looking
3 for the Defendant? And if so, what did you do to
4 try to find him?

5 A I was still -- yes, I was still looking for him. I
6 went back to --- to try and make contact
7 with either him or family members. And ---

8 Q Were you able to find him on the 6th?

9 A No.

10 Q What if anything did the investigation reveal about
11 Ms. Houston, one of the victims here?

12 A That she, despite the initial indication, she was
13 actually recovering from her wounds.

14 Q On to the 7th, Investigator, what if anything did
15 you do that day?

16 A Again, I went back to Lyndhurst. I left another
17 card and I then went and met with Quinten Harris,
18 one of the other victims.

19 Q And did Mr. Harris give a statement?

20 A He did.

21 Q And sometime that day, did you talk with the
22 Defendant and/or his parents as far as turning
23 himself in?

24 A Yes. Mr. Gaskins' parents called me. Like I said,
25 I had left my card and we arranged for ---

1 Q Strike that. I said on the -- did you call them on
2 the 7th?

3 A Yes.

4 Q Moving ahead to the 9th, did you receive a call from
5 the parents? I apologize.

6 A Yes, I did. They indicated -- we arranged for Mr.
7 Gaskins to come in.

8 Q On February 9th?

9 A Yes.

10 Q And up to the 9th, I think there's been some
11 testimony about it, there was a BOLO -- what's a
12 BOLO?

13 A Be on the lookout for.

14 Q Was information put out that Mr. Gaskins was wanted,
15 the Defendant?

16 A Yes, both internally, law enforcement, you know,
17 within law enforcement and media releases to the
18 general public.

19 Q Now, I believe on the 12th you got information about
20 Mr. Lyles?

21 A Yes, I learned that the second person who had been
22 escorted out by security just prior to the shooting,
23 was actually in handcuffs, was a man named
24 Christopher Lyles and that later after the shooting
25 Mr. Lyles had been involved in a traffic accident in

1 Fairfield County. During that law enforcement
2 response, a firearm had been recovered in the
3 vehicle that Mr. Lyles was driving.

4 Q I skipped over my notes. But back to the 7th,
5 February 7th, did you have occasion to speak with
6 Ms. Sykes?

7 A Yes, sir. I went back to [REDACTED] and met
8 Ms. Sykes.

9 Q As a result of that, were you able to determine
10 whether or not Ms. Sykes was even in town on
11 February 4th of 2007?

12 A She was in Miami, Florida.

13 Q Now, there's been testimony from a fellow named
14 Epsil Palmer?

15 A Yes, sir.

16 Q Did you have an occasion to speak to Mr. Palmer and
17 show him a photo lineup?

18 A Yes, sir. On February the 13th, I met with Mr.
19 Palmer.

20 Q All right. And where was that?

21 A I believe at the Richland County Sheriff's
22 Department.

23 Q And can you tell the ladies and gentlemen of the
24 jury, what if anything did you tell Epsil Palmer
25 prior to showing him the lineup?

1 A Nothing.

2 Q And did you try to -- did you cheat and try to tell
3 him to pick out somebody?

4 A No, sir.

5 Q Did you indicated in any form or fashion who he
6 should pick out?

7 A No.

8 Q And did he look at what's marked State's 9?

9 MR. MEADORS: If I could approach. I apologize,
10 Judge.

11 THE COURT: Yes, sir.

12 Q Did he look at State's 9?

13 A Yes, he did.

14 Q And what is State's 9?

15 A It's a photographic lineup. It's a little different
16 from some of the others. Just out of an abundance
17 of caution, we changed it up a little bit and I
18 showed him this set of photographs.

19 Q Was he able to pick out anybody?

20 A Yes, he was.

21 Q Who did he pick out?

22 A A picture of Mr. Gaskins.

23 Q And did he indicate that he had picked that out?

24 A Yes, he did.

25 Q How?

1 A He circled it, put his initials in it and then
2 signed a affidavit portion which is notarized.

3 Q And what date was that?

4 A That was on the 13th of February.

5 Q And Epsil Palmer, Investigator Isenhoward, picked
6 out -- got John Gaskins as what?

7 A He identified him as the man who was escorted out of
8 the club, who was escorted to a blue Impala and that
9 was the only man in the Impala when shots came from
10 the vehicle and the vehicle drove off.

11 MR. MEADORS: Your Honor, State's 9. It's
12 already in.

13 Q Did you get the gun that Mr. Christopher Lyles had
14 submitted for...

15 A Yes, sir.

16 Q To be looked at?

17 A I got that from the Fairfield County Sheriff's
18 office where it was being stored and took it to the
19 Richland County Sheriff's office.

20 Q And I believe there was also some other information
21 that came up through the investigation about another
22 gun?

23 A Yes, sir.

24 Q And did you submit that?

25 A Yes, sir, I did.

1 Q And was that from the Perry Police Department?

2 A Yes, sir. We received it from the Perry Police
3 Department which was in Aiken County, South
4 Carolina.

5 Q Did you receive some other common information from a
6 fellow named Pickney?

7 A We received some information that we needed to --
8 that said that Mr. Pickney was ---

9 MR. MCCULLOCH: Your Honor, I'm going to object
10 to hearsay, hearsay objection.

11 Q As a result of your investigation, did Mr. Pickney
12 give you any other information that he was involved
13 in this whatsoever?

14 A Yes.

15 Q That he was involved in this whatsoever?

16 A No, we didn't have anything else that confirmed
17 that.

18 Q As a matter of fact, as a result of your
19 investigation, where was Mr. Pickney when this
20 happened?

21 A Atlanta, Georgia.

22 Q Atlanta.

23 MR. MEADORS: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 (Pause.)

1 Q Was there any information during the course of your
2 investigation that that 40 caliber from the Perry
3 Police Department was even at the club that night?

4 A No.

5 Q Now, did you ever find the weapon that -- or find a
6 weapon that would have fired the projectile that
7 matched the casings that you did find? Did we ever
8 find the murder weapon?

9 A No. No, we did not.

10 Q And looking at State's 137, did you take what's
11 called a buccal or buccal swab from the Defendant?

12 A Yes, I did.

13 Q So it later could be tested against other potential
14 evidence?

15 A Yes, I did.

16 MR. MEADORS: 137, I believe without objection,
17 Your Honor.

18 (Whereupon, State's Exhibit Number 137, Two
19 Buccal Swabs from the Defendant, was admitted
20 into evidence.)

21 Q And is the Defendant next to Mr. McCulloch
22 (indicating) the man whose parents called and said
23 they were turning him in on February 9th, 2007,
24 Johnnie Gaskins?

25 A Yes, he is.