VOLUME I of II

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ISAIAH DESHAUN BUTLER,

APPELLANT.

APPELLATE CASE NO. 2021-001272

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

AMBREE M. MULLER
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

S.R. HUBBARD, III
Solicitor, Eleventh Judicial Circuit

205 E. Main St.
Lexington, SC 29072

ATTORNEYS FOR RESPONDENT

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State of South Carolina	)	Court of General Sessions
County of Lexington	)	Eleventh Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2019-GS-32-02879
	)	2019-GS-32-02880
Isaiah Deshaun Butler,	)	
Defendant.	)	

October 11th-14th, 2021

Lexington, South Carolina

B E F O R E:

The Honorable Walton J. McLeod IV, Judge

A P P E A R A N C E S:

Sutania A. Fuller, Assistant Solicitor
Whitney K. Yongue, Assistant Solicitor

On behalf of the State of South Carolina

Jason S. Chehoski, Esquire
Jean M. Popowski, Esquire

On behalf of the Defendant

Reported by: Stacy S. Johnson,
Circuit Court Reporter

be based solely on the evidence as it is presented to you in the trial and on the law as I instruct you during and at the close of trial.

While we're in this trial, I don't see anyone with any sort of notepads, but you won't be taking any notes. I want you to focus all your attention on listening to the questions and the answers of the attorneys and the witnesses and focussing on whatever sort of documents or anything that's presented to you during the trial. You don't need to have a notepad to do that. I want you focussed up here on the witness stand.

We'll obviously go for the rest of the day for now and I'll talk with you when we're done for the day as far as reporting tomorrow morning, but at this point what I'd like for you to do is give your complete and undivided attention to the attorneys as they make their opening statements in this case.

MS. YONGUE: May it please the Court?

THE COURT: Yes, ma'am.

MS. YONGUE: Ladies and gentlemen, this is a violent case and it's a serious case. This is a case about how on August 30th of 2018 that man, Isaiah Butler, took it upon himself to shoot until -- into an innocent crowd of people while driving. And the worst part about it is that that gunfire struck two people. Two people, a

mother and a daughter, who were just trying to leave that place and get out of there. Miraculously, by some miracle those two people pulled through and survived their injuries.

Let me take you to that scene that day and just paint the picture of what was happening. There's a crowd of people outside of an apartment complex minding their own business until a black Range Rover pulls into the apartment complex really fast and gunshots ring out. There's bullets flying everywhere. Everyone is panicking, everyone is screaming, and everyone is just trying to run for their lives to the nearest apartment or wherever so their lives can be spared.

There's a trail of blood leading to one of the apartments nearby and that blood is pooling there. And for what? What is this all over? Ladies and gentlemen, this was all over a cell phone. A cell phone. A petty fight between siblings over a cell phone. Two people were shot over a childish argument over a cell phone.

You're going to hear about a mother who was caught in the crosshairs of that gunfire. She was shot in the chest, the stomach and her arm. Now although she managed to survive her injuries from that day, that horrific day, she has since passed away from unrelated causes that have nothing to do with this case. But,

nevertheless, you will get an opportunity to get to know her, to learn about her story and what happened to her and how she ended up in those crosshairs that day. You'll learn that she was just there to try to get her child out of that place after she learned that she had been threatened. She was there to get her child to safety.

Now she is at the Riverbend apartments here in Lexington county. She's there to get her daughter and before she knew it a black car comes pulling in at a high rate of speed and no sooner did she see that car did those gunshots ring out throughout the whole place and then the chaos that I just described ensued. Those people running, panicking, trying to get to safety. And before she knew it, she felt something hot and realized that she had been shot multiple times.

Her daughter Ebony will take the stand today. She's going to be able to tell you about those petty disputes between those siblings earlier in the day over that cell phone and she'll tell you how Isaiah Butler got involved in those disputes and threatened to shoot her and the others present earlier that day, not even two hours beforehand.

Later on you'll learn from her after her mother comes there to pick her up to get her out of there that

petty fight over that cell phone was still going on. She too -- she saw the defendant's girlfriend walk off from the group of people standing around and what's important is that she saw the defendant's girlfriend motion for someone to come in and before she knew it that black Range Rover was coming around and those gunshots were going off. The next thing she knows she's dripping blood from her head. She realizes she's been shot and she looks over and her mom's been shot as well.

Speaking of the earlier incident about the petty fight over this cell phone, you'll hear from Ms. Zariah Outlaw, one of the siblings who was also present for the defendant's threat to shoot the people there that day, again, not even two hours before, and she will tell you that this just started out as a normal fight between siblings, but it escalated when the defendant, Isaiah Butler, took it upon himself to boldly threaten those present, threatened to shoot them. She'll tell you she didn't take it lightly. She took it -- she took that threat and she perceived that as real and so she did what anyone would do. She called the police to report it.

And you'll hear from our eyewitness, Ms. Iyana Tyus, who goes by the name Georgia. She'll tell you she was present for the earlier disputes over that phone and that

she also was threatened. She witnessed him threaten to shoot everyone present and she was there later on when the gunshots rang out. She'll tell you when she saw that black Range Rover come in, she knew that black Range Rover. She knew the defendant was driving it earlier that day during the earlier dispute. Ladies and gentlemen, she had memorized it. She laid her eyes on it then and she laid her eyes on it now and it was the same car. Not only that, she put her own eyes solely on Isaiah Butler as he was driving that car and shooting into that crowd of people and she will tell you later on she picked Isaiah Butler out of a photo lineup with law enforcement without hesitation. She had no doubt.

Now at the end of the trial this week the judge will instruct you on the law, but today I'm gonna give you a little explanation of it. The defendant is charged with one count of attempted her as it relates to Ms. Ebony Ponds, and one count of assault and battery of a high and aggravated nature for Ms. Larresia Thompson, her mother. And it is the State's responsibility to prove to you those charges beyond a reasonable doubt.

Now, first, attempted murder. The State has to prove that Isaiah Butler, one, attempted to kill another person and with malice. Now what is malice? Malice

simply means that the defendant intended to kill Ms. Ebony Ponds with malice in his heart, which just means ill will, to the point where it drives you to want to try to kill another person.

And, ladies and gentlemen, I submit to you that throughout this trial with the testimony you hear and the evidence you see, you'll see that Isaiah Butler did intend to kill Ms. Ponds. And as I mentioned before, he threatened to shoot them not even two hours before. And if that is not enough, his conduct of shooting into a crowd of people will show -- will show volumes. Now those are the elements of the crime of attempted murder.

Now next, the charge of assault and battery of a high and aggravated nature, the State has to prove that Isaiah Butler unlawfully injures another person and either great bodily injury resulted or it was done by means to cause great bodily injury or death.

Now you will see that the defendant did gravely injure Ms. Larresia Thompson, and this was without justification. At the very least, shooting into a crowd of people is likely to produce death or great bodily injury, and that is just common sense.

And Mr. Isaac Van Duys will take the stand as part of Lexington County EMS and he will describe to you her -- Ms. Thompson's injuries that warranted her being taken

to a Level 1 trauma center and that she was exhibiting symptoms of shock. He'll be able to tell you that her injuries very well could have caused great bodily injury and very well could have caused death.

Now what does beyond a reasonable doubt mean? That is our burden in this case as attorneys for the State and that simply means that at the -- if at the end of today's trial you were left firmly convinced of the defendant's guilt, you must find him guilty.

Now there are very few things in this life that we know with absolute certainty and in criminal cases such as these the law does not require the State to overcome every single possible doubt, we're simply -- we are simply to leave you firmly convinced of the defendant's guilt. And this is a high burden, but it is a burden that we embrace and a burden that we welcome, and we confidently believe that the testimony you hear from that stand and the evidence you see will easily overcome that burden.

So I've given you just a snapshot or a preview of what you're going to see and hear throughout today's trial, but, ladies and gentlemen, you will soon learn what all this boils down to, and that is the defendant making good on his earlier threats to shoot those people, to shoot Ms. Ponds, at the very same location and some of the very same people. Plain and simple, he followed

through. He followed through.

So, again, this is a serious case and it is violent and at the end of today's trial I implore you to do one thing and that is to find the defendant, Isaiah Butler, guilty of attempted murder and assault and battery of a high and aggravated nature.

Thank you.

MS. POPOWSKI: Isaiah Butler is not guilty because he wasn't at the Riverbend apartments at the time of the shooting the night of August 30, 2018. He didn't shoot anybody because he wasn't there. He was with Monee Anderson across the river in the Vista.

Now somebody shot Larresia Thompson and Ebony Ponds that evening and Mr. Chehoski and I are not here today to tell you that that didn't happen because it definitely did and we're certainly not here to tell you that some -- for some reason they deserved that because they certainly did not. But Mr. Chehoski and I are here today because the State has charged our client, Isaiah Butler, with that shooting and we're here to defend him against the State's indictments.

Now the State has a tremendous amount of power, okay? They have a tremendous amount of power and they have a tremendous amount of resources, okay? They have the power to summon us all here today summon, right,

summon y'all here away from your jobs and your families, and they have the power to charge people with crimes.

And with that great power comes the great responsibility of the burden of proof. They must prove their case beyond a reasonable doubt. And a reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act, okay? So you are all reasonable people, so they must provide you with sufficient evidence that leaves you firmly convinced of Mr. Butler's guilt with no hesitation.

So even though the State has this enormous power, you will ultimately decide Mr. Butler's fate. This is your opportunity to serve your community. You all bring unique experiences and unique backgrounds, unique voices to this case. Please use those. Please use those. Make sure your voice is heard. The State may have the power to summon y'all here, but you have the power to hold the State to its burden.

The State in this case will not meet its burden for two reasons. We only need one, but -- but two reasons. The first reason is, is that there's inconsistent accounts of what happened that evening, okay? The State's witnesses' stories don't add up and sometimes they contradict each other. And, two, the investigation in this case is incomplete at best, okay? They -- they

never found a gun, they never connected a gun with the shooting. There are no projectiles that were recovered from the scene. There are no shell casings that were recovered from where they said this shooting happened. And, most importantly, our client gave investigators his alibi at the beginning of the investigation, at the outset, and they never made any attempts to investigate it. So there are a lot of unanswered questions in this case.

The bottom line is Isaiah Butler never shot a gun that evening, especially not into a group of people that included his girlfriend and her baby brother. He wasn't with anyone else that shot a gun that evening and so he didn't attempt to murder anyone or harm anyone at all and the State doesn't have firmly convincing evidence that he did.

Listen closely please to the testimony that is provided for you. Pay attention to the lack of evidence in this case. The State has the ability with all of its power and all of its resources to provide you with the good and the bad and the ugly, so please consider this. We ask that you remember this as you look at the evidence. Question what's provided to you, but most importantly question what is not. See the gaping holes in this investigation and at the end, once you've seen all the

evidence, we're gonna come back in front of you and we're gonna ask you to find Isaiah Butler not guilty.

THE COURT: Madam Solicitor.

MS. FULLER: Thank you, Your Honor.

The State calls Iyana Tyus.

THE CLERK: Raise your right hand, please, and put your left hand on the Bible.

(Whereupon, Iyana Tyus was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there. You can remove your mask. If you'll state your name and spell your last, please, for the record.

THE WITNESS: My name is Iyana Tyus, T-Y-U-S.

IYANA TYUS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. Ms. Tyus, can you start, just briefly, how old are you?

A. I'm twenty-one.

Q. Okay. And back on -- in 2018, the reason why we're here, how old were you?

A. Seventeen.

Q. And do you recall when this incident occurred?

A. August 30th.

Q. And that was August 30th of 2018?
A. Yes, ma'am.
Q. And I'm gonna ask you to speak up a little louder. If you want to pull the mic a little closer to you, you can, okay?
And do you recall where this incident occurred?
A. Yes, ma'am.
Q. Where did it happen?
A. Riverbend. That's the name of the apartments, but [redacted] Riverbend Drive.
Q. Okay. And that's in the West Columbia area?
A. Yes, ma'am.
Q. And that's here in Lexington county?
A. Yes, ma'am.
Q. I want to just talk and get the jury acclimated to what was going on that day. Go ahead and tell the jury what was happening, what was going on, before all this happened.
A. Before all this happened, I was at work, so like before then I really don't know, but I do know it was an altercation over a phone.
Q. Okay. So you were at work. Where were you working?
A. I was working at the McDonald's on Gervais.
Q. And on Gervais, just right across the bridge?
A. Yes, ma'am.

Q. And that day you came home; is that correct?
A. Yes, ma'am.
Q. And where were you living at the time?
A. I was staying with Areauna. We was in apartment [redacted] in Riverbend.
Q. And you said Areauna. Who's Areauna?
A. Areauna's kind of like my sister, but she was Keanna's best friend at the time.
Q. Okay. So we're throwing out a lot of names, so we'll go slow and make sure it's clear. So you were living with a friend that's like a sister?
A. Yes, ma'am.
Q. Okay. And that was at Riverbend?
A. Yes, ma'am.
Q. And then you mentioned Keanna's name. Who is Keanna?
A. Keanna is Ike's girlfriend.
Q. Okay. And, again, we'll explain this, too. Who is Ike?
A. Isaiah Butler.
Q. Okay. And that's Isaiah Butler who's in the courtroom today?
A. Yes, ma'am.
Q. And you said Keanna. Keanna was his girlfriend at the time?
A. Yes, ma'am.

Q. And where did Keanna live then?
A. Keanna stayed in the same apartment complex. She stayed in another building. She was at [redacted].
Q. Okay. So Keanna lived there and who did Keanna live with?
A. She stayed with Isaiah -- well, Zariah Outlaw and Tomiah.
Q. Okay. And you said Isaiah. There's Isaiah Butler. Who's the other Isaiah?
A. Isaiah is Keanna's brother, but she goes by Zariah now.
Q. Okay. And so Isaiah -- Keanna's brother's name is Zariah now?
A. (Nods head.)
Q. And you said Tomiah. Is that another friend that lived there?
A. That was a sister of Areauna.
Q. Sister of Areauna. And they all lived together in apartment [redacted]?
A. Yeah, basically.
Q. And what apartment did Areauna live in?
A. She stayed in [redacted].
Q. Okay. And this was in the same apartment complex?
A. Yes, ma'am.
Q. I'm gonna show you a few exhibits, and show defense

counsel, State's 2 and 3, as well as 4, and ask you if you recognize them. Do you recognize that?

A. It's the apartment complex.

Q. And then looking at 2 and 3, do you recognize those as well?

A. Yes, ma'am. Those are satellite images.

Q. Of the same apartment complex?

A. Yes, ma'am.

Q. The one we're talking about here?

A. Yes, ma'am.

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

MR. CHEHOSKI: Without objection.

THE COURT: All right. State's Exhibit 2, 3 and 4 are admitted in evidence.

(State's Exhibit Number 2, 3 and 4, photographs, were admitted into evidence.)

MS. FULLER: And then permission to publish?

THE COURT: Very well.

MS. FULLER: And I apologize, Your Honor, I didn't ask for permission to move about the courtroom and approach the witness.

THE COURT: Proceed.

BY MS. FULLER:

Q. I'm gonna hand you this laser pointer, and so everyone is oriented with what we're talking about here, looking at State's Exhibit 4, okay, you recognize this is the apartment complex we're talking about?
A. Yes, ma'am.
Q. And you called it Riverbend. Do you see the name up here and it says say Serenity Apartments?
A. Yes, ma'am.
Q. And the address here, [redacted] Riverbend Drive?
A. Yes, ma'am.
Q. And so is that why you call it Riverbend?
A. Yes, ma'am.
Q. And -- but that's the official name of the apartment complex then?
A. Serenity Apartments.
Q. Okay. And then looking at State's Exhibit 2, is that just an aerial of the same apartment complex?
A. Yes, ma'am.
Q. And then looking at State's 3, that's just another angle of it?
A. Yes, ma'am.
Q. Going back to State's 4, can you use that laser pointer I gave you and point out the [redacted] building that you were referencing?
A. The -- the [redacted] building is like right here.

Q. And then you also mentioned G. Where's G?
A. G is right here.
Q. Okay. And so -- just so it's clear, when you talk about where Keanna lived in [redacted] was in this area of the complex?
A. Yes, ma'am.
Q. And then -- my hands look huge. Sorry. And G was up there?
A. Yes, ma'am.
Q. So I want to pick back up with that and just make sure it's clear. When you came back home, who did you encounter?
A. When I -- I took a cab home that day.
Q. Okay.
A. So when I got out the cab the first person I saw was Keanna outside and then everybody else was in the house.
Q. Okay. And who was inside?
A. I believe Isaiah, Keanna's brother, Ebony, and my daughter. And I believe Ike was in there, too. I really can't remember. It kind of...
Q. Okay. And you said your daughter. How old's your daughter?
A. At the time my daughter was like about seven -- seven, eight months.
Q. Okay. And what's your daughter's name?

A. Her name is Melhani.
Q. And you said Ebony. What's Ebony's last name?
A. Ponds.
Q. And who is Ebony?
A. Ebony is kind of like my big sister. We're not blood related, but I call her my sister.
Q. Okay. And then, again, Ike you say is Isaiah Butler?
A. Yes, ma'am.
Q. And do you remember back then how old Keanna was?
A. Twenty-one.
Q. Okay. And how old was Ebony; do you remember?
A. I believe she was twenty-one as well.
Q. Okay. And then Zariah?
A. Zariah, nineteen.
Q. Okay. And later that day -- we've already mentioned Ms. Thompson. Did she also arrive?
A. Yes, ma'am.
Q. But she wasn't there initially when you got home?
A. No, ma'am.
Q. Okay. Just so it's easy for everyone to follow, I'm gonna show you a chart we had prepared, and I'll show defense.

I'm gonna show you what's been marked State's 44 and just run through this again so it's clear. Do you recognize the name Isaiah Butler?

A. Yes, ma'am.
Q. And then your testimony was Keanna Outlaw, she was twenty-one, and was Isaiah Butler's girlfriend?
A. Yes, ma'am.
Q. As well as Isaiah Outlaw's sibling or brother?
A. Yes, ma'am.
Q. And then Isaiah Outlaw goes by Zariah?
A. Yes, ma'am.
Q. And was nineteen and Keanna's brother, sibling?
A. Yeah.
Q. And then that's you in the corner. And then Ebony?
A. Yes, ma'am.
Q. And then what was her relationship to Ms. Thompson?
A. That was her daughter.
Q. Okay. And then Ms. Thompson's down here. Do you remember her age? Was it forty-eight at the time?
A. Yes, ma'am.
MS. FULLER: Your Honor, at this time the State seeks to introduce State's 44 into evidence.
MR. CHEHOSKI: No objection.
THE COURT: State's Exhibit 44 is admitted into evidence.
(State's Exhibit Number 44, a name chart, was admitted into evidence.)
MS. FULLER: I beg the Court's indulgence.

And, Your Honor, if you can ask the jury if they can all see this.

THE COURT: Anyone have any -- everyone can see the board?

MS. FULLER: This way should be better.

BY MS. FULLER:

Q. Okay. And then just to review it, again, for the jury because I did it up there, Isaiah Butler is Ike?

A. Yes, ma'am.

Q. And then you're over here and you go by Georgia and you were seventeen back on August 30th of 2018?

A. Yes, ma'am.

Q. And then Ebony and Ms. Thompson are mother and daughter?

A. Yes, ma'am.

Q. And then over here, I'm pointing to the center, is Keanna and Isaiah, who goes by Zariah, and they were siblings?

A. Yes, ma'am.

Q. And Keanna is Mr. Butler's girlfriend at the time?

A. Yes, ma'am.

Q. So take me through that day. You come home, you go to the [redacted] building. You said [redacted]; is that correct?

A. Yes, ma'am.

Q. And what happens next?

A. So basically they let me know the altercation was going on and like about twenty, thirty minutes after I got home police had been called. That was prior to me getting home though. So after the police left, we went to Keanna's apartment to retrieve some belongings basically.

Q. Okay. And how did you get to Keanna's apartment? And you can point it out on this map.

A. So basically throughout the apartment complex is like cuts instead of walking all the way around. So right here between the [redacted] and the [redacted] building is basically a cut into the next parking lot over here.

Q. Okay. And then looking at State's 2, and just to make sure we're orienting ourselves, is this the same cut you're talking about?

A. Yes, ma'am.

Q. And that's how you would get to the other apartment here?

A. Yes, ma'am.

Q. Okay. So what was the purpose of going to Keanna's apartment that day?

A. We basically went over there to get some belongings.

Q. Okay. And you -- and what happened when you get there?

A. When we walked over there, Keanna and Ike was already outside, so Zariah went upstairs to basically go get her

stuff and Keanna went in behind her and like while they were in the house all you heard was like a whole lot of arguing and yelling and back and forth. So Zariah came outside and Keanna came behind Zariah, but she had like a glass top to a dining room table. She basically busted it over Zariah's head. So after that they got to fighting. Physically fighting. While they were fighting, basically -- me and Ebony were basically like okay, y'all have to stop, this is going too far. Then --

MR. CHEHOSKI: Objection, Your Honor, to the hearsay.

THE COURT: Yeah.

MS. FULLER: We can move forward.

THE COURT: Yes. Please -- please don't testify to what other people said and what other people told you, okay?

THE WITNESS: Okay.

THE COURT: Thank you.

MR. CHEHOSKI: Your Honor, can I ask for limiting instruction to disregard?

THE COURT: You can rephrase the question.

MS. FULLER: Yes, Your Honor. There will be other witnesses.

THE COURT: Okay. But please don't testify to what other people told you.

Go ahead.

BY MS. FULLER:

Q. And then just so it's clear, you, Zariah and Ebony are the ones that walked over from the [redacted] building to the [redacted] building?

A. Correct.

Q. And in the [redacted] building is where Zariah and Keanna and Tomiah lived, correct?

A. Correct.

Q. And then you said you were -- when you guys walked up Keanna and Ike were outside. Were they -- where were they standing when you walked up?

A. They was by a black -- basically a black Range Rover. They was basically by the -- in car and by the car.

Q. Okay. And so that's when you saw the black Range Rover. And who was driving or do you know who drives that black Range Rover?

A. Well, I don't know who it belongs to, but during the time it was Ike driving the car.

Q. All right. I understand that. And so you were talking about there was a fight. You can tell me what you said, you can tell me what Isaiah said, but don't repeat what other people say, okay? It's just the rules of the courtroom, okay?

A. All right.

Q. So what did you observe next?
A. Basically they was fighting, got them -- got them calmed down. Ike got mad because Zariah and Keanna was fighting and during that time it was like okay, well, you shouldn't be fighting a girl, so that's when things basically got heated.
Q. Okay. And then when you say things got heated, what does that really mean?
A. A lot of words were exchanged between everybody basically.
Q. Okay. And this is gonna sound like a child's question. They weren't good words?
A. No, ma'am.
Q. Okay. They were cuss words?
A. Yes, ma'am.
Q. Is that why you're kind of hesitant to say what was said?
A. Yes, ma'am.
Q. Okay. Who was cursing?
A. Everyone pretty much. I know I was definitely cursing.
Q. Okay.
A. Zariah was cussing, Ike was cursing. Ebony. Everybody was just getting into it, saying the words.
Q. Okay. And then what happened next?

A. After that I believe we was like basically on the staircase of Keanna's apartment, so I said something to Ike, Ike said something to me, and me and him started arguing.

Q. And what did you say?

A. I told him that he shouldn't be jumping into siblings' business basically, you know, even though they shouldn't fight, it is what it is basically.

Q. And then when you say he shouldn't be jumping in, what was he trying to do?

A. Like Keanna was basically beating her brother up, but instead of like, you know, trying to like break it up like officially just like egging it on kind of sort of.

Q. Okay. At one point during the fight, did Isaiah -- was he able to break it up at some point?

A. He was able to break it up.

Q. And then it started up again? Is that what happened?

A. Yes, ma'am.

Q. Okay. Just so it's clear -- because you said something about going inside and coming out, and I just wanted to make it clear. And you said something to him and then what did he say to you?

A. Basically he was just like I'll shoot this bitch up.

Q. Okay. And this was after some words were being exchanged back and forth?

A. Yes, ma'am.
Q. And who was he talking to when he made that statement?
A. Kind of to me and Ebony because like -- well, then Isaiah because we were the only ones over there.
Q. Okay. You said kind of and then did this. What does that mean?
A. Like -- not like common sense, but like basically it was towards me, Ebony and Isaiah.
Q. Because you guys were the ones there with the issue with Keanna?
A. Yeah, with the issue with Keanna.
Q. And you mentioned a phone. What was the issue with the phone in this case?
A. Okay. So the phone -- I guess the phone went missing and Isaiah and Keanna was basically like, okay, well --
MR. CHEHOSKI: Objection, Your Honor.
THE COURT: Okay.
BY MS. FULLER:
Q. Without saying that, as it relates to the phone --
A. Yeah.
Q. -- did the phone come up during this time?
A. Yeah, the phone did come up, but it was still missing basically.
Q. Okay. But come up in conversation while y'all were arguing? Did someone --

A. Yes, ma'am.
Q. -- ask for the phone and mention the phone?
A. Yes, ma'am.
Q. Okay.
THE COURT: Madam Solicitor, just help me out with -- help everyone out with letting her finish the question and then give the response. I just don't want everyone talking over everybody.
Thank you.
MS. FULLER: Thank you, Your Honor. I apologize for that.
BY MS. FULLER:
Q. Did you ever see the phone during this altercation?
A. No, ma'am.
Q. Okay. Do you know who had the phone during this altercation?
A. Ike had the phone.
Q. Okay. And how do you know that he had the phone?
A. Isaiah asked for his phone back and it was said I'm not giving you your phone back until Keanna say so.
Q. And who said that?
A. Ike said that.
Q. Just so it's clear for the record, I know -- and when we're saying "he" or "she", I want to make sure it's clear for the record, okay? After that, what happened?

A. After that we kind of left because it wasn't getting nowhere, so the fight got broken up, Ike took Keanna in the house and we went back to our apartment, which is [redacted].
Q. Okay. And then was that incident reported to the police as well?
A. That incident was reported as well.
Q. Okay. And then what happened next?
A. After that I believe that grandma and -- grandma came.
Q. Okay.
A. And we was all at the apartment and Keanna came back to the apartment.
Q. Okay. And you say grandma came. Who are you calling grandma?
A. Ms. Thompson.
Q. Okay. And that's Ms. Larresia Thompson?
A. Yes, ma'am.
Q. Ebony's mother?
A. Yes, ma'am.
Q. Okay. And who else was there at this point?
A. It was me, Isaiah, Ebony, grandma, Princess, Keanna, her little brother was out there, and I think Rosie came. That's like a cousin, a female cousin.
Q. Okay. And so what happened? You said Keanna came back. What happened at that point?
A. So at that point she came back and she entered our

apartment, which was [redacted], and we was trying to get her to leave because it was a whole lot of chaos going on all that day and the police had already been called twice and when you're staying out there at Serenity, the residents, if you have too many altercations with police that can cause you to get evicted for that. That's kind of like in the lease.

Q. Okay.

A. So we was basically trying to get her to go home because, you know, I stayed there, Areauna stayed there, and that was basically a headache, and she didn't want to leave.

Q. Okay. What was -- so what happened next?

A. After that we was basically like okay, you need to go home. She was arguing with all of us. We was basically like you need to go home like, so when she wasn't really trying to comply with us we called Areauna, which was her best friend at the time. We was like okay, well, you need to get your best friend because she's causing drama and she doesn't want to go home.

MR. CHEHOSKI: Objection, Your Honor. Hearsay.

MS. FULLER: No, she's --

THE COURT: I think she's testifying to what she's saying, so.

Thank you though.

BY MS. FULLER:

Q. And then what happened?
A. After that Keanna -- we got Keanna to go outside, but she sat on like the staircase and she had her littler brother's iPad and -- and she was texting Ike and --
Q. And I'm gonna stop you there. How do you know she was texting Ike?
A. Keanna didn't -- well, I was staying with Keanna prior to the incident and I used to use her phone sometimes and I kind of just knew Ike's number because, you know, she was always talking to him basically, so I kind of memorized like the first three numbers of the number.
Q. Okay. And did you did actually see the messages, too?
A. Yes, ma'am.
Q. Okay. And from reading the messages you knew she was messaging Ike?
A. Yes, ma'am.
Q. And do you recall what -- what you saw, what you observed with your own eyes?
A. Keanna basically told Ike, she was like they tried to jump me, they stole my wallet.
MR. CHEHOSKI: Objection, Your Honor, again, to hearsay.
THE COURT: Just, Madam Solicitor, the statement --
MS. FULLER: That she observed. She's testifying to what she observed.

THE COURT: The text she observed. She saw the screen.

Okay. Overruled.

BY MS. FULLER:

Q. And I'm gonna show you what's been marked as State's 26 and ask you if you recognize it? I'm gonna ask you if you recognize it and do you recognize this?

A. Yes, ma'am.

Q. And what do you recognize this as?

A. The text message she was sending to Ike.

Q. Okay. And you recognize this because you actually observed her writing this?

A. Yes, ma'am.

Q. And this was that day when this incident was occurring?

A. Yes, ma'am.

Q. Okay.

MS. FULLER: Your Honor, at this time the State seeks to introduce State's 26 into evidence.

MR. CHEHOSKI: Your Honor, I renew my previous -- previous objections.

THE COURT: Very well. State's Exhibit 26 is admitted subject to previous objection.

MR. CHEHOSKI: Thank you, Your Honor. And we'll address those objections during a break.

THE COURT: Thank you.

(State's Exhibit Number 26, a text message, was admitted into evidence.)

BY MS. FULLER:

Q. And -- and then just so it's clear, this is what we would call the screen shot of the communication?

A. Yes, ma'am.

Q. And this screen shot is something -- the content that was on the device is something that you observed yourself?

A. Yes, ma'am.

Q. And you were able to see who was writing this message?

A. Yes, ma'am.

Q. Okay.

MS. FULLER: And I'd publish now, Your Honor.

THE COURT: Very well.

BY MS. FULLER:

Q. And you talked about saying that you observed on there they're gonna jump me. Is that what's in this column here?

A. Yes, ma'am.

Q. And this was a message you saw and you knew that Keanna wrote?

A. Yes, ma'am.

Q. And then on this side was the person responding?

A. Yes, ma'am.

Q. And you knew that to be Isaiah Butler?

A. Yes, ma'am.
Q. In looking here, it says -- can you read that for me?
A. They -- this nigga stole my money. They tryna jump me.
Q. And then the response here?
A. How he stole your money, where you at.
Q. And W-Y-A-A-A is where you were -- basically where are you, where you at?
A. Yes, ma'am.
Q. Okay. And then the response?
A. Meet me at my house. They made him hide my money in the house. Like I can't find shit.
Q. And then the response?
A. I'm on my way. Tell the nigga stay there. Stay at your house.
Q. And, again, this is what you observed yourself on the iPad?
A. Yes, ma'am.
Q. And so at this point this was all taking place over here where I'm pointing in the [redacted] building area?
A. Yes, ma'am.
Q. And you said she was outside on the staircase using the tablet -- the iPad?
A. Yes, ma'am.
Q. And do you know how you were actually able to obtain

the screen shot of it? Do you remember how you actually got a copy of that screen shot later on to provide to the police?
A. I didn't. I didn't keep it.
Q. But that's what you saw?
A. That's what I saw.
Q. But that ended up in the -- turned over to the police eventually?
A. Yes, because of the tablet.
Q. Got you.
MR. CHEHOSKI: Your Honor, I think that calls for speculation. If she doesn't know how they got it, she can't testify.
THE COURT: Y'all with approach real quick.
(Proceedings held at the bench; not reported.)
BY MS. FULLER:
Q. And then just so it's clear, you weren't the one that physically gave it -- turned the screen shot over?
A. No, ma'am.
Q. Okay. And we can move on from there. So while those messages are going on, what happens next after those messages -- after you see those messages?
A. Okay. So after that happened, we finally got in contact with Areauna and she finally made -- was making her way back to the house. By that time Keanna had left and

went back to her house and she returned, but like she was standing in the little cut that's right there.

Q. I'll put State's 3 up. Well, actually State's 2 is a little bit further out. You said she returned. Where -- and you saw her. Where did you see her when she came back?

A. When she came back, she was basically in that cut right there.

Q. Okay. And then what happened next?

A. We was all outside and Areauna came and she -- Areauna walked towards Keanna so she could kind of explain what was going on. While we was standing outside, grandma just kept saying y'all, we need to leave, I've got a strange feeling, we need to leave, so --

MR. CHEHOSKI: Again, Your Honor. Objection.

THE COURT: Rephrase the question, please.

BY MS. FULLER:

Q. And what happened next? We can move on.

A. Okay. Basically what happened was the black Range Rover came around the corner, but it was the headlights -- I noticed the headlights. Those type of cars, they have like neon lights, so I noticed the headlights first and then once the lights came in full vision you could see it was the black Range Rover.

Q. Okay. And then what happened next?

A. Basically the car had came around the corner and as

soon as it turned the corner all you heard was shots let out. Just like a lot of shots started letting out.
Q. Okay. And could you see where the shots were coming from?
A. The shots were coming from the driver's side.
Q. Okay. And could you see anyone in the car?
A. The person I could see was Ike from what I could tell.
Q. Okay. Could you see anyone else in the car from where you were standing?
A. No, ma'am.
Q. Let me ask you this. Did you see Ike actually shooting out of the car?
A. I could see bullets coming from his side of the window -- his side of the car. So he was driving and it was -- it was dark, but not too dark that you couldn't see, and just like once the bullets come out the gun you could basically see the driver go by.
Q. So you couldn't see the gun, but you can hear the gunshots and see the bullets -- see the fire that comes with the bullets; is what you're saying?
A. Yes, ma'am.
Q. In looking at State's 3, can you describe to the jury where the shooting occurred and where you saw the black Range Rover?
A. Okay. So basically we saw the lights like right here

where you could see the vehicle, so by the time the vehicle got right here you could see the -- actually the make and model of the car, and the car turned the corner about right here.

Q. Okay. And once it turned the corner, do you remember approximately where it was when it started shooting?

A. Probably like right here.

Q. Okay. And do you know what direction the shots were going?

A. They were coming in our direction because we was all outside.

Q. Okay.

A. We was standing like right here.

Q. I want to zoom in a little bit. Do you see Apartment [redacted] on here? Where it would be?

A. It would be at this building, but the one in the back.

Q. Okay. And you said you were standing -- where were you standing?

A. We were all standing out here. So basically Areauna car's parked right there and we was like all around the back right here.

Q. Okay. And we talked about who was outside. Was your daughter outside as well during this time?

A. My daughter was outside. She was actually on the trunk of Areauna's car.

Q. And, again, just so it's clear, it was parked around here?
A. Yes, ma'am.
Q. And so your daughter was on the trunk of the car here?
A. Yes, ma'am.
Q. And where were you -- you were standing near the car?
A. Yes, ma'am.
Q. And what direction were you looking in when you saw the car? Were you facing the apartments or were you facing out in the parking lot?
A. I was facing out in the parking lot.
Q. And so it's clear, when you were standing around this area, you were able to look across here and see the car coming?
A. Yes, ma'am.
Q. Now we talked about the day it happened. Do you remember approximately what time this happened? If you don't, it's okay. Just --
A. I'm not really sure about the time.
Q. Do you remember what the lighting was like outside?
A. It was kind of like, you know, when the sun sets but it's still like a little bit light outside? It's not completely dark, but it's not completely light either.
Q. Okay. And so would it be safe to say it was getting dark?

A. Yes, ma'am.
Q. Some might say it was dark just not midnight black dark yet?
A. Yes, ma'am.
MR. CHEHOSKI: Objection. Leading.
THE COURT: Overruled.
MS. FULLER: Thank you, Your Honor.
BY MS. FULLER:
Q. In the parking lot, were there any other light sources? Were there lights in the parking lot?
A. There was lights in the parking lot.
Q. And can you tell me whether or not they were on?
A. The lights were on.
Q. Can you tell me whether or not these are bright lights or dim lights?
A. They're kind of dim. Just enough to like -- for a person to walk out they can see.
Q. Okay. And even though it was kind of dark and those lights were dim, you were able to actually see who was shooting in this case?
A. Yes, ma'am. Ike had like some ponytails at the time, like some little puffballs I would say, and so I seen that and then his face.
Q. Do you have any doubt in your mind that you saw the person driving the car?

A. No, ma'am.
Q. Do you recall whether or not the windows to the car were up or down?
A. The windows were down.
Q. All the windows or just the driver's window?
A. From what I can recall just like the driver window.
Q. Do you remember how many gunshots you actually heard?
A. No. I just know it was just like a lot of them.
Q. Okay. Do you remember whether or not you called 9-1-1 that night?
A. Yes, ma'am.
Q. And did you call 9-1-1?
A. I did.
Q. And do you recall giving them information about what happened?
A. Yes, ma'am.
Q. And what do you remember, if anything, about that?
A. I know I did like a head count to make sure everybody was in the house and we had actually just like drug grandma back in the house because she was like out on the floor and I did call the -- I did let them know like what I seen and who I saw. I gave them a description of the vehicle and the person that was driving and --

MS. FULLER: Okay. I beg the Court's indulgence.

And if you need a break just let me know, okay?

THE WITNESS: (Nods head.)

BY MS. FULLER:

Q. When you called 9-1-1, you were able to give them a description?

A. Yes, ma'am.

MS. FULLER: Your Honor, can we take a five-minute break?

THE COURT: All right.

Ladies and gentlemen, I'll get you back down to the jury room to refresh yourselves and get you back up here momentarily. Please don't discuss the case or any party involved in the case whatsoever while you're out there.

Thank you.

(Whereupon, the jury retires to the jury room at 4:32 PM.)

MS. FULLER: Your Honor, can we get her some water and just give her a moment?

THE COURT: Do we even need a -- I mean, five minutes is five minutes. They'll be back up here before we -- they'll basically get down here and come right back up. Just to make sure, we don't need any longer than five minutes, right?

MS. FULLER: No. I just wanted to get her some water and refill my water, too, but that's fine.

THE COURT: Okay. She can stay on the witness stand.

MS. FULLER: Okay.

(Recess taken at 4:33 PM.)

(Back on the record at 4:35 PM.)

THE COURT: Are y'all ready?

MS. FULLER: Yes, Your Honor. Thank you.

THE COURT: As soon as you can bring them up, let's bring them up.

(Whereupon, the jury return to the courtroom at 4:41 PM.)

THE COURT: All right. Welcome back. We're gonna pick up where we left off with this witness.

Madam Solicitor.

MS. FULLER: Thank you, Your Honor.

BY MS. FULLER:

Q. And just to go over a few things just to make sure it's clear for the record, okay, you testified that Keanna walked off prior to the shooting; is that correct?

A. Yes, ma'am.

Q. And before the shooting ever happened, did she ever come back to where you guys were standing?

A. No, ma'am.

Q. And --

THE COURT: Was there a response? I didn't hear

an answer. I was looking -- did you --

MS. FULLER: She did. Maybe it wasn't loud enough.

Go ahead and say your answer again.

THE WITNESS: No.

THE COURT: Okay.

BY MS. FULLER:

Q. And prior to the shooting happened, was she -- can you tell me whether or not -- what she was doing when she walked off?

A. When she walked off, she went -- was basically, I guess, going back to her apartment. When she came back -- if she had went to her apartment, I'm not sure. I just know she was in the cut and she had her little brother with her and when Areauna got there Areauna went over there in the cut towards her and while Areauna got -- when Areauna got over there, you kind of see Keanna like move her hand, wave her hand basically.

Q. And when the shooting happened -- you talked about the cut over here. Is this basically where her, Areauna and her little brother stayed the whole time or were they moving around; do you recall?

A. Before it happened that's where they were at.

Q. Okay.

A. But while the shooting was going on, like you can

see her little brother basically running basically through there.
Q. Okay. And we talked about the car coming through. Do you recall what kind of car it was again?
A. It was a black Range Rover.
Q. And previously you testified to seeing Isaiah Butler with a black Range Rover. Tell me whether or not you -- you recall it being the same black Range Rover that you saw again doing the shooting?
A. It was.
Q. And you started to describe where the car came in. Do you mind showing me what way did the car drive in and how did it leave?
A. The car came in from like this direction.
Q. Okay.
A. So by the time I think it was like right here, everybody basically ran in the house. They was in the house.
Q. Okay. So did you ever get to see where the car drove to leave?
A. No, ma'am.
Q. Okay. But it drove that direction into this area here and at that point you ran?
A. Yes, ma'am.
Q. Okay. You talked about seeing Ms. Thompson. Can you

tell me whether or not she was injured?
A. When we saw her -- when I saw her, she was injured. She was basically like laying down, slouched over, but in front of our apartment door. So it was like everybody made it into the house but her.
Q. And do you recall where or how she was injured?
A. I just -- I don't quite remember where or how many. I just know she was bleeding on this side and she couldn't really move her arm.
Q. Okay. And did you see anybody else injured?
A. Ebony. She was -- I believe she was grazed, but she had a wig on so it kind of caught it, but not really.
Q. Okay.
A. So she still got injured, but it wasn't bad.
Q. Okay. And so you were pointing to your head. You're saying that her graze was in her head?
A. Yes, ma'am.
Q. This is going to sound like a strange question, but I'm gonna ask you, did you plan this shooting?
A. No, ma'am.
Q. Did you know this shooting was gonna happen?
A. I took the threat lightly. There's always threats being made, but I didn't expect it to go -- like actually happen.
Q. Okay. And because of the threats that were made

earlier, is there any possible -- tell me whether or not it's possible that because of the threats you visualized it being Isaiah in the car or you actually saw him in the car?
A. No, I actually saw him.
Q. Tell me whether or not you named him because of the earlier threats versus you actually seeing him that night.
A. Well, I actually did see him, but at the same time it was because of the threats that were made.
Q. So it was both?
A. Yes, ma'am.
Q. I started asking you about making the call to 9-1-1 --
A. (Nods head.)
Q. -- and you -- you indicated that -- you started saying that you told 9-1-1 who did it and the details. Do you recall that?
A. Yes, ma'am.
Q. And that night who did you tell 9-1-1 did the shooting?
A. Isaiah Butler. Well, I called him Ike. I think I found out his last name.
Q. Okay. But you recall telling -- do you recall giving that information to 9-1-1 that night?
A. Yes, ma'am.
Q. After that night, do you recall meeting with the police?

A. Yes, ma'am.
Q. And when you met with the police, did they ask you if you could identify the person that did this shooting?
A. Yes, ma'am.
Q. And what do you remember about that? What did they tell you?
A. So basically --
MR. CHEHOSKI: Objection, Your Honor. Again, this --
THE COURT: Rephrase the question.
BY MS. FULLER:
Q. When -- do you recall -- tell me whether or not you were presented with a photo lineup.
A. I was presented with a photo lineup.
Q. And tell me whether or not you recall what the person told -- the officer told you prior to presenting that photo lineup.
A. So basically he was like the person -- the suspect may or may not be in the photo lineup.
Q. Okay. At any point do you recall that officer telling you that the person is in there?
A. No, ma'am.
Q. At any point do you recall them saying Isaiah Butler's picture's in there?
A. No, ma'am.

Q. And were you, in fact, presented with that photo lineup?
A. I was.
Q. And did you make an identification?
A. I did.
Q. Did anybody tell you who to pick?
A. No, ma'am.
Q. Did you hesitate picking?
A. No, ma'am.
Q. And tell me whether or not you were identifying the person who actually did the shooting.
A. I was.
Q. And tell me whether or not you were identifying Isaiah Butler.
A. I was identifying him.
Q. One and the same person?
A. Yes, ma'am.
Q. I'm gonna show you what's been marked as State's Exhibit 1. I'm gonna ask you if you recognize it.
A. Yes, ma'am.
Q. And what do you recognize this as?
A. The photo lineup that was presented to me.
Q. Okay. And how do you recognize it as the photo lineup presented to you?
A. Because I have his picture circle and it's signed and

dated.

MS. FULLER: Your Honor, at this time the State seeks to introduce State's Exhibit 1 into evidence.

MR. CHEHOSKI: Your Honor, I'd renew the previous objection.

THE COURT: State's Exhibit 1's admitted into evidence subject to previous objection.

(State's Exhibit Number 1, a photo lineup, was admitted into evidence.)

BY MS. FULLER:

Q. Looking at State's Exhibit 1, do you recognize your handwriting on this document?

A. Yes, ma'am.

Q. And you recognize this as the photo lineup that you were presented?

A. Yes, ma'am.

Q. And it's dated September 3rd of 2018?

A. Yes, ma'am.

Q. So this is a few days after this occurred?

A. Yes, ma'am.

Q. And just to assist, I'm gonna show you what's been marked as State's 45. I'm gonna ask you if you recognize this as a calendar back in 2018?

A. Yes, ma'am.

Q. And do you recognize the date that it occurred?

A. Yes, ma'am.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 45 into evidence.

MR. CHEHOSKI: No objection.

THE COURT: State's Exhibit 45 will be admitted into evidence.

(State's Exhibit Number 45, a calendar page, was admitted into evidence.)

BY MS. FULLER:

Q. And this occurred on August 30th?

A. Yes, ma'am.

Q. And you were presented a photo lineup on September 3rd?

A. Yes, ma'am.

Q. Do you recognize Isaiah Butler in the courtroom today?

A. Yes, ma'am.

MS. FULLER: Your Honor, at this time permission -- request permission for Isaiah Butler to stand and remove his mask briefly.

THE COURT: Yes.

MR. CHEHOSKI: Renew my previous objection.

THE COURT: Very well.

BY MS. FULLER:

Q. And for the record can you identify the person who did the shooting?

A. That's him.
Q. Can you point him out, please?
A. Yes, ma'am. That's him.
MS. FULLER: Let the record reflect that the witness is pointing to the defendant, Isaiah Butler.
THE COURT: Very well.
MS. FULLER: No further questions at this time.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:
Q. Ms. Tyus, you referred to someone name Zariah in your testimony -- in your direct testimony?
A. Correct.
Q. All right. And in August of 2018, that person went by Isaiah; is that right?
A. That's right.
Q. And Isaiah at that time identified as male?
A. Correct.
Q. All right. And at that time how tall was Isaiah?
A. I'm not sure exactly. Probably like five-six, five-seven.
Q. And how much did Isaiah weigh at the time?
A. I'm not sure.
Q. How tall was -- was Isaiah taller or shorter than Keanna?

A. Probably shorter.
Q. Probably shorter?
A. I'm not sure.
Q. Not sure? What was -- did Isaiah, now Zariah, weigh more or less than Keanna at the time?
A. Weighed more.
Q. And at this time you had been living with Areauna; is that right?
A. That's correct.
Q. All right. And your daughter was living with you as well?
A. That's correct.
Q. All right. Prior to living with Areauna, you actually had lived with Keanna; is that right?
A. I did.
Q. All right. And so -- and at that time Keanna was seeing Isaiah or Ike, right?
A. That's right.
Q. While you were living with Keanna, you did have the opportunity to see Ike?
A. I did.
Q. You didn't have much interaction with him; is that right?
A. No.
Q. But you saw him at the apartment where you were

staying?
A. I did.
Q. While you were giving -- while you were -- you had testified that you had gone up to Keanna's apartment to retrieve some belongings?
A. Correct.
Q. And those belongings were the property of Zariah?
A. That's right.
Q. All right. And you went along with Zariah and you went along with Ebony?
A. That's right.
Q. And you also went along with your daughter; is that right?
A. That's correct.
Q. The belongings, did -- the belongings you were retrieving, did they include furniture?
A. Probably some clothes.
Q. Just some clothes?
A. And like a phone.
Q. And a phone?
A. Uh-huh.
Q. All of his clothes?
A. I'm -- I'm not sure. I just know we went down there to get some of their belongings.
Q. All right. And you testified that -- and apartment

[redacted], that was being leased by Areauna?
A. That's right.
Q. And that was -- and you were staying there?
A. I was.
Q. And you said Tomiah was staying there?
A. No, Tomiah wasn't staying there.
Q. Oh, that's right. Tomiah was staying with Keanna before?
A. That's right.
Q. And there was also Areauna's boyfriend was staying there?
A. That's right.
Q. Did -- and Zariah had spent the night there occasionally, right?
A. Not really, but with the circumstances I believe they were there.
Q. And -- but due to the circumstances he -- he had spent the night there recently?
A. I can't remember if he spent the night or not.
Q. All right. And while you were retrieving Zariah's belonging, that's when you heard the argument?
A. Correct.
Q. All right. And that's where you witnessed the physical fight between Keanna and Zariah?
A. That's right.

Q. All right. And Ebony went to break up the fight?
A. (Nods head.)
Q. And Ike went to break up the fight?
A. That's right.
Q. And Ike successfully put Keanna inside the apartment?
A. Yes.
Q. He did separate the two of them?
A. He did separate them.
Q. All right. And at that point that's when the arguing started?
A. The arguing started before she went in the house.
Q. Well, that's when the arguing started between you and Ike?
A. Basically.
Q. Basically. And that's when the argument started between Ebony and Ike?
A. (Nods head.)
Q. And Zariah and Ike?
A. (Nods head.)
THE COURT: You need to answer the question verbally.
THE WITNESS: That's right.
MR. CHEHOSKI: Please, I do need a verbal answer.
THE WITNESS: All right.
BY MR. CHEHOSKI:

Q. And your testimony is that Ike didn't want Zariah putting her hands on -- on Keanna?
A. Basically, yes, sir.
Q. Right. And at this time Zariah identified as Isaiah?
A. That's right.
Q. And Zariah identified as Isaiah and male?
A. That's right.
Q. All right. And so you were cussing out -- you were cussing them out; is that right?
A. That's right.
Q. And it's at that point that -- and now it's your testimony that -- your testimony is that that's when Isaiah said I'll shoot this bitch up?
A. That's right.
Q. Okay. But he wasn't speaking to any one person, was he?
A. He was speaking to everyone in that vicinity.
Q. To everyone there. Not just to -- not to one person, but everyone there?
A. Everyone there.
Q. So you said -- and did the threats come before or after he took Keanna into the apartment?
A. That was before.
Q. Okay. It came before he took --
A. That was before.

Q. So this is while there was an actual fight going on between Keanna and Zariah?
A. After they was broken up, correct.
Q. Yeah. And so after they were broken up, but before Ike put her --
A. In the house.
Q. -- in the house? And so Ike is making these threats while he's breaking up the fight?
A. They were fighting and so we got them separated. Before Keanna went back in the house everyone was arguing with both of them.
Q. Right. Before Keanna went back in the house. You mean before Ike put Keanna back in the house?
A. That's correct.
Q. All right. And while this all was happening you were shouting at him?
A. I was shouting at him and Keanna.
Q. And Ebony was shouting at them?
A. Correct.
Q. And Zariah was shouting at them?
A. Zariah was shouting at them.
Q. And now when you -- in your statement to law enforcement on September 3rd, this is also when you were saying that he needed to get out before you get pissed off; is that right?

A. That's right.
Q. And you getting pissed off would result in a fight?
A. That's correct.
Q. And that would result in a fight with Keanna?
A. That's correct.
Q. Who Keanna hadn't said anything to you?
A. We all was arguing.
Q. Y'all were arguing?
A. Keanna and I had our own problems going on.
Q. Okay. But she was also fighting with Zariah?
A. Yeah.
Q. So while she's fighting with Zariah she's arguing with you?
A. After they got done fighting, yes.
Q. In this moment of time before Ike put her in the apartment?
A. That's correct.
Q. And so you were threatening Keanna because you were about to get pissed off?
A. I was threatening Keanna.
Q. Yeah. And so you were gonna physically beat her?
A. That's correct.
Q. And Ike took exception to those threats to his girlfriend?
A. I'm sure he did.

Q. Did he say anything that would make you assume that way?
A. The way he threatened to shoot this bitch up.
Q. But I thought he already -- that was -- and, again, this is in this moment of time while he's escorting Keanna into the house and everybody's screaming at each other and he makes this threat while everybody's screaming at each other, he's also taking exception to your threatening -- to your threatening Keanna?
A. I'm assuming.
Q. All right. And after these threats did someone call the police, right?
A. That's right.
Q. And that was Zariah?
A. That was Zariah.
Q. All right. Did you ever see Ike leave?
A. I didn't see him leave.
Q. Okay. Did you ever see -- so you didn't see him leave?
A. No, I didn't.
Q. That would mean you didn't see him get in the black Rover?
A. No, I didn't see him get in the black Rover. We all walked back to our apartment. So when Keanna and -- when Ike took Keanna in the house the second time, we left, so

when we left I didn't see him anymore.
Q. So that means you didn't see if someone picked him up?
A. No.
Q. And you didn't see someone drive him away?
A. No.
Q. And when the police came, you were -- you were more focussed on the missing cell phone; is that right?
A. When the police came?
Q. Yes.
A. No, I was focussed on Keanna.
Q. You were focussed on Keanna?
A. Correct.
Q. And the missing cell phone?
A. No.
Q. No?
A. Unh-unh.
Q. In your -- in a prior hearing, you gave sworn testimony where you said it was just about the cell phone basically.
A. About them arguing basically, yes.
Q. It was just about the cell phone?
A. It was about the phone because it went missing, but this had -- when I got home this was already going on, so I don't know much about that.
Q. All right. And then you -- you said in your testimony

that you saw Keanna texting on the iPad?
A. That's correct.
Q. And you were looking over her shoulder?
A. Basically.
Q. Basically. And she was sitting on the stairs; is that right?
A. She was sitting on the stairs.
Q. So you -- were these the same stairs that went up to Areauna's apartment?
A. No, Areauna's apartment was ground level.
Q. It was ground level?
A. So basically it was an upstairs, a middle floor and downstairs, but the side we were on was the middle floor. If you go to the back of the apartment, it was downstairs.
Q. All right. But these are not the stairs that leads to Areauna's apartment?
A. No, it leads up to the floor above us.
Q. I'm sorry. I don't understand. Are -- would you take -- if you were going from the parking lot to Areauna's apartment, would you take the stairs that Keanna was sitting on?
A. No, you wouldn't. It was ground level.
Q. It was ground level?
A. Yes.
Q. And so you saw that -- you saw that Keanna was texting

Ike that -- that, quote, they were trying to jump me; is that right?
A. Correct.
Q. And that "they" could have included you; is that right?
A. That's right.
Q. Because you had threatened her?
A. That's right.
Q. Uh-huh. Now talking about the shooting, your testimony is that the sun had gone down, but it was still before it had gotten totally dark?
A. That's correct.
Q. Okay. You called -- and you're the one that called 9-1-1?
A. I did.
Q. All right. And you called 9-1-1 after you got in the house, after you got in the apartment, right?
A. That's right.
Q. And after you saw everybody was in there?
A. After I did a head count.
Q. A head count?
A. Uh-huh.
Q. And then you called 9-1-1 as soon as possible?
A. I did.
Q. All right. I also want to ask that you were -- you

were in the -- you were in the parking lot when the shooting happened?
A. I was.
Q. Is that right?
A. That's right.
Q. All right. And you were standing outside the apartment complex -- outside the apartment building? You were in the parking lot?
A. Yeah, I was in the parking lot.
Q. You were in the parking lot and there were a lot of people around you?
A. Kind of sort of. When you say around, in the vicinity of, yeah, but they were behind me.
Q. They were behind you. And that included, again, yourself?
A. (Nods head.)
Q. Your daughter, right?
A. That's correct.
Q. And it included Ebony?
A. Correct.
Q. And her mother?
A. Correct.
Q. And her sister?
A. Who's sister?
Q. Ebony's sister.

A. That's right.
Q. And Ebony's cousin?
A. Uh-huh.
Q. And Ebony's cousin was a male, right?
A. No.
Q. There wasn't the male cousin there?
A. It was female cousin. It was a female cousin that was there.
Q. Is your testimony now that there was not a male cousin there?
A. The male cousin was there, but he didn't -- I didn't see him until after the shooting.
Q. Okay. But you did see a male cousin there, right?
A. After the shooting.
Q. Right.
MR. CHEHOSKI: One moment please, Your Honor.
BY MR. CHEHOSKI:
Q. So when you saw the car, you testified that you noticed the headlights?
A. That's correct.
Q. So I would take that to mean that the headlights were on at that time?
A. They were.
Q. All right. Did you notice if the windows were tinted?
A. No, I didn't notice that the windows was tinted.

Q. But your testimony is that the driver's side window was down?
A. It was.
Q. And that the shots were being fired from the driver's side?
A. Correct.
Q. Okay. But you did not see the gun?
A. No, I just seen shots coming from it. Like when you shoot a gun, it's like you see the sparks. That's all I saw. Well, you hear the shot and you see the fire actually coming out of the gun.
Q. How many shots were fired?
A. I'm not sure. I don't have an answer for that.
Q. A lot? Was it more than three?
A. I'm not sure. I just know it was a lot.
Q. You don't know. And when you called -- so, again, the -- so the shots started firing, you're looking at the car and you see the face while your daughter is sitting on the car, sitting on the hood of another car; is that right?
A. No, she was on the trunk of Areauna's car.
Q. She was on the trunk of a car?
A. Yeah, because Areauna's car was pulled in, not backed in.
Q. Right. And to the best of your knowledge, again, I want to kind of get the timing here, is -- the original

argument happened after you got home from work?
A. Correct.
Q. And you got -- your shift ended about 6:00; is that right?
A. About six, 6:30-ish.
Q. And then you took a cab there?
A. Correct.
Q. And about fifteen to thirty minutes later is when you had the argument?
A. That's right.
Q. And that's where the threats were made?
A. Correct.
Q. Concluding yours to Keanna?
A. Correct.
Q. And then another hour or so is when Ebony's mom comes by; is that right?
A. I'm not sure about how long.
Q. Does that sound about right though?
A. I'm not sure. I just know after we left from Keanna's apartment she came shortly after.
Q. Shortly after. And that's when -- and, again -- and after Keanna's -- or, I'm sorry, Ebony's mother comes by, they don't leave right away?
A. No, we -- actually -- they actually came to get us.
Q. But they don't leave?

A. No.
Q. All right. And they stayed there for an hour?
A. I believe so. I'm not sure about the time.
Q. Maybe more?
A. I'm not sure.
Q. It's possible it's more than an hour?
A. I'm not sure about the timing.
Q. You're not sure, but I'm asking is it possible that it's more than an hour?
A. I'm not sure exactly about the timing.
MR. CHEHOSKI: One moment please, Your Honor.
BY MR. CHEHOSKI:
Q. When you called 9-1-1, you told the dispatcher that two people had been shot; is that right?
A. That's right.
Q. All right. You also told people that someone had been kidnapped; is that right?
A. I don't recall that.
Q. And, again, looking at State's Exhibit 16, you can see that this conversation starts at 8:11; is that right?
A. That's correct.
Q. All right. But we don't know when these -- these later messages are sent; is that right?
A. No.
Q. But the earliest is 8:11?

A. That's correct.
Q. All right. And you would say it's roughly -- it was roughly an hour or so after that -- you saw that is when the shooting happened?
A. Possibly. I'm not sure.
Q. You're just not sure?
A. I'm not.
MR. CHEHOSKI: All right. One more moment, please, Your Honor.
Your Honor, that's all the questions I have pending recross.
THE COURT: All right. Redirect.
MS. FULLER: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. FULLER:
Q. Just to clear up a few things, can you tell me whether or not during this time period you were watching the clock while this was happening?
A. I wasn't really watching the clock. I just know I got off later than usual, so it was kind of already afternoon and so I just know basically how much time -- basically like today. I just know it was afternoon when I got off and by the time everything ended it was night.
Q. Okay. And so on cross you agreed that it was sometime after 6:00, 6:30?

A. Yes, ma'am.
Q. But the official times you weren't keeping up with?
A. No, ma'am.
Q. Just so a few things are clear as well, looking back at State's Exhibit 4, when Isaiah threatened basically to shoot you guys, can you point to the jury where that happened?
A. So we was all at Keanna's apartment over here.
Q. And when you testified you were trying to get Keanna to leave, where did that happen?
A. That happened at our apartment over here in [redacted], Building [redacted].
Q. Okay. And so tell me whether or not this was before or after the police were called prior to the shooting.
A. This was before. So this was before the police was called.
Q. Okay. And when you got off work, were the police called -- I won't say a first or second time, but were they called after the threats were made?
A. They were called. They were called.
Q. Okay. And after the police were called, tell me whether or not that's when Keanna came over here to G.
A. So after the police left, she did come back.
Q. Okay. And so when you were saying you were trying to get her to leave, that was from [redacted]?

A. Yes, ma'am.
Q. When defense was asking you about your statement, the pissed off sentence --
A. Yes, ma'am.
Q. -- do you recall that?
A. Yes, ma'am.
Q. I'm gonna hand you --
MR. CHEHOSKI: Objection, Your Honor. If she remembers, you know, that's -- it's not going to refresh her recollection. She remembers.
MS. FULLER: I haven't asked the question yet.
MR. CHEHOSKI: But she asked -- she answered she remembered that.
MS. FULLER: I'm not gonna argue with him.
THE COURT: What is the question, Madam Solicitor?
MS. FULLER: I asked if on cross she remembered answering his question about the pissed off portion of her statement.
THE COURT: Okay. All right. Do you recall your prior testimony, I think that's fine. Proceed.
MS. FULLER: Thank you.
BY MS. FULLER:
Q. And I'm gonna show you your statement where defense counsel was asking you about being pissed off. Do you recall that?

A. Yes, ma'am.
Q. And in showing this to you, do you recall if that was the first sentence of your statement?
A. No, it's not.
Q. In fact, what page of your statement is that on?
A. It is, I believe, page 2.
Q. And here's the pissed off portion?
A. Yes, ma'am.
Q. And in your statement when you talked about being pissed off, it was testified to kind of isolated, but what were you referring to? What had happened when you made -- prior to you making that statement that you don't want to get pissed off?
A. Because Keanna came back outside. After she got put in the house, she came back outside.
Q. Okay. And so -- just so it's complete for the record, prior to you writing this portion of your statement what was your previous sentence starting here?
A. Keanna is literally drug in the house, but continues to come back outside to hit Isaiah. I was telling Isaiah come on, let's leave. Ike immediately said I got your phone, pussy, but until Keanna say give it back, you ain't getting shit.
Q. Okay. And then your next sentence?
A. So at that point I told Isaiah let's get the fuck home

before I get pissed off.
Q. So when you were talking about getting pissed off, you were talking to Zariah, but Isaiah?
A. Correct.
Q. Okay. And it was after what was happening with Keanna coming in and out of the house?
A. Yes, ma'am.
Q. Okay. I just wanted to make sure that's clear. You weren't the one instigating this situation?
A. No, ma'am.
Q. In fact, is it accurate or not that when you went over to the [redacted] building you actually brought your daughter with you?
A. I did. I had her in the stroller.
Q. And when you brought her with you, can you tell me whether or not you went looking for some sort of fight with your daughter present?
A. That's -- no, I wouldn't fight around my child.
Q. And so tell me whether or not your sole purpose of going over there was to help Zariah.
A. Basically to get his -- or her belongings.
Q. I'm gonna show you a few photos. State's 8, 9 and 13. I'm gonna ask you to take your time and look at them and tell me if you recognize them.
A. Yeah, I recognize these.

Q. And what are those photographs of?
A. Basically where we be standing. In the pictures, you have Areauna's car and then the staircases -- the staircase.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 8, 9 and 13.
THE COURT: Without objection?
MR. CHEHOSKI: One moment please, Your Honor.
(Shakes head.)
THE COURT: All right. State's 8, 9 and 13 will be admitted into evidence.
(State's Exhibit Numbers 8, 9 and 13, photographs, were admitted into evidence.)
BY MS. FULLER:
Q. I'm gonna publish State's 8 and ask you a couple of questions in a second. In that photograph, can you tell whether or not you see Areauna's car?
A. Yes, ma'am. Her car is the green Honda.
Q. And can you use your laser pointer and point it out for the jury?
A. That's her car right there.
Q. And in this photograph, do you see the building numbers?
A. Yes, ma'am.

Q. And, again, can you point out for the jury where [redacted] is?
A. So [redacted] is actually behind this apartment right here. So that rail that's there is actually by our front door.
Q. And on cross-examination defense counsel was asking you about stairwells, stairways going up to the apartment. In this photograph, do you have to take stairs to get to your apartment?
A. No, ma'am. Only if you're coming in from the back side.
Q. And can you point that out when you say the back side? It's probably hard to see in this photo. I'm gonna put 13 up. Is this a -- is this just a zoomed in photograph of the staircase?
A. Yes, ma'am.
Q. And when you say the back side, where's that in this photograph, State's 13?
A. So basically that's the back side right there.
Q. And so when you say that the apartment is the middle level, this is what you were referring to?
A. Yes, ma'am.
Q. And so from the parking lot, one would believe that's the first floor basically?
A. Yes, ma'am.
Q. But if you were coming from the back, it would be the

second floor?
A. Yes, ma'am.
Q. And when you walk out of [redacted], which you testified is back here, I know it's a dumb question, do you walk past the staircase?
A. Yes, ma'am.
Q. And you testified you observed Keanna on the iPad on the stairwell -- on the staircase. Where was she sitting? Was it at the bottom of the staircase or the top?
A. She was on the second stair right there.
Q. And just to be clear, she was sitting or standing?
A. She was sitting.
Q. And when you walked by, were you able to see her communicating on that iPad?
A. Yes, ma'am.
Q. Looking at State's 3, this is just an aerial of the parking lot. Just to make sure it's clear, I'm putting State's 8 on here at the same time. Looking at State's 3, do you see this apartment on here as well?
A. Yes, ma'am.
Q. And I'm gonna focus -- I moved too fast. It's out of focus. Okay. And that would be over here; is that correct?
A. Yes, ma'am.
Q. And where Areauna's car is parked at the time -- let

me ask you this. I'll ask a foundation question first. Was this where Areauna's car was parked when the shooting happened?

A. Yes, ma'am.

Q. And looking at where it's parked here, was that where you pointed out earlier on State's 3 it was parked?

A. About right there.

Q. Okay. And looking at State's Exhibit 9, when you say the trunk of the car, you were asked about that on cross, is that where your daughter was sitting when the shooting happened?

A. Yes, ma'am.

Q. And you were asked about this on cross. Where were you standing when the shooting happened?

A. I was standing right here by the taillight. Actually in front of the taillight.

Q. And when you talked about people standing behind you, if you're standing here where were people standing?

A. Grandma was behind me, so she was like right here, and then everybody else was kind of like between here and in that grass right there.

Q. So would you be considered in the roadway or on the sidewalk? I know. I just have to ask the question.

A. I -- I would be considered in the roadway.

Q. And so when you describe seeing the car come around,

what did you actually do to actually observe the car?
A. Can you ask me that again? I'm sorry.
Q. I know. It was poorly asked. To be able to see the direction or where the headlights were coming from, did you have to turn around at all or were you already facing that direction?
A. No, I was already facing that direction.
Q. And that's because you were standing here in the -- in the parking lot?
A. Yes, ma'am.
Q. Let me double-check one more thing to verify.
MS. FULLER: I beg the Court's indulgence.
BY MS. FULLER:
Q. One more thing to clarify. When -- back to the earlier incident -- I apologize. I just want to make sure it's clear for the record. What happened here in the [redacted] building area, your testimony was that you left after Ike took Keanna in the apartment. Do you remember that?
A. Yes, ma'am.
Q. And when you left, where was Ike when you were leaving?
A. When I left, Ike was probably still in the house. I didn't see him leave.
Q. Okay.
MS. FULLER: No further questions.

THE COURT: Recross.

RECROSS EXAMINATION

BY MR. CHEHOSKI:

Q. How tall are you, Ms. Tyus?

A. I'm sorry?

Q. How tall are you?

A. Five-one.

Q. Five-one. I'm showing you State's Exhibit 13. These railings right here, those -- are those the same that are right here as well?

A. Correct.

Q. All right. And those railings look more than a couple of inches wide; is that right?

A. Correct.

Q. And you're saying that Keanna was sitting on the second step?

A. That's correct.

Q. All right. So when -- are you -- is it your testimony that when you walked by you peeked over that railing to look at her?

A. Correct.

Q. That's what you did?

A. (Nods head.)

Q. And you were -- I just want to make sure I get this right because I think this is real important. You said

that when the -- when the shooting occurred you were standing right by this car?

A. I was.

Q. And Larresia was right behind you?

A. Correct.

Q. And that's when -- I'm showing you State's Exhibit 4. So, again, that was right about here; is that right?

A. Like right here. Right here.

Q. And so this area right here?

A. Correct.

Q. And the car came in this way, right?

A. Correct.

MS. CHEHOSKI: That's all I have, Your Honor.

THE COURT: All right. The witness may step down.

(Witness excused.)

THE COURT: All right, ladies and gentlemen. We've reached our breaking point for the day. I'm gonna ask that you just be in your jury rooms tomorrow morning at -- I kept you a little late today, so I'd ask you to be ready to go at 9:15 in the jury room and we'll start back at 9:30 in the morning.

Tonight don't discuss this case with your family members, don't discuss it with your friends, don't do any independent research of any people involved in this case. Focus on having your mind -- you'll get all the

9:38 AM.)

THE COURT: All right. Please be seated.

Good morning, ladies and gentlemen and Madam Forelady. Welcome back. I hope y'all had a nice evening.

We're gonna pick up where we left off yesterday with the next witness in the State's case in chief.

MS. FULLER: Thank you, Your Honor.

The State calls Isaiah Outlaw.

(Whereupon, Isaiah "Zariah" Outlaw was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there. You can remove your mask. If you'll state your name and spell your last for the record, please.

THE WITNESS: Isaiah Outlaw, known as Zariah.

ISAIAH "ZARIAH" OUTLAW,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. And, Zariah, if you can spell your name Zariah on the record, if you will?

A. Z-A-R-I-A-H.

MS. FULLER: And I beg the Court's indulgence. Is the microphone on?

THE COURT: I'll fix it.
BY MS. FULLER:
Q. Okay. And, Zariah, just so it's clear, is Zariah your legal name now?
A. No, not yet.
Q. Okay. But Isaiah Outlaw is still your legal name?
A. Yes.
Q. But you prefer to be called Zariah?
A. Please.
Q. So, Zariah, we're just gonna go ahead and talk about why we're here and, first, I'm gonna start with making sure this is accurate. State's 44, looking at this, it says Isaiah Outlaw there. That's you, correct?
A. Uh-huh. Yes.
Q. There you go. Thank you. And Keanna Outlaw, who is that?
A. That's my sister.
Q. And what is Keanna Outlaw's relationship to Isaiah Butler?
A. That was his girlfriend at the time.
Q. Okay. And Iyana, also known as Georgia, do you know who that is?
A. Yeah, that's my friend.
Q. And Ebony Ponds?
A. That's a friend as well.

Q. And Ms. Thompson?
A. Ebony's mother.
Q. Okay. So back on August 30th of 2018, where were you living at the time?
A. Me and Keanna were roommates at the time in Serenity Apartments.
Q. Okay. And Serenity, is that located on [redacted] Riverbend Drive in West Columbia?
A. Yes, ma'am.
Q. And do you remember what apartment number you lived in?
A. [redacted] something. I can't remember exactly, but I know it was the [redacted] building.

MR. CHEHOSKI: Your Honor, I think this needs to be moved. Mr. Butler cannot see the witness.

THE COURT: Okay. We can accommodate that.

MS. FULLER: I'll get it. Thank you.

May I proceed, Your Honor?

THE COURT: Yes, ma'am.

MS. FULLER: Thank you.

BY MS. FULLER:
Q. So starting with how we got here, what was -- what was your relationship with Keanna, your sister?
A. Well, through childhood we didn't have like a good relationship and then when we started living together with

her -- her ex-boyfriend now, our relationship got better, and then over time after he did move out and go to the military our relationship didn't -- kind of took a turn for the worse.

Q. Okay. And you said ex-boyfriend. Are you referring to Isaiah Butler in this case?

A. No, his name was James Henderson.

Q. Okay. So prior to Keanna's relationship with Isaiah Butler she was in a relationship with someone James; is that correct?

A. Yes.

Q. And you said moved into together. Where did you move in together?

A. We all moved in together at Serenity Apartments.

Q. And once he moved out and you said went to the military, what was the nature of your relationship with your sister Keanna?

A. It was okay and then she started dating Isaiah and then she kind of got distant and started separating herself from us, so our relationship didn't really -- we didn't really have one that summer.

Q. Okay. Do you have a younger brother?

A. Yes.

Q. And who's that?

A. His name is Micah.

Q. How old was Micah back in 2018?
A. He's ten now, so seven or eight. No, like six or seven.
Q. Okay. Depending on his birthday?
A. Yeah.
Q. And leading up to August 30, 2018, what was going on between you and your sister?
A. Well, Micah was down here and our lights were also off as well because we had became past due, so I was trying to figure out ways to get the lights back on and everything and she wasn't really helping with that, so, you know, we weren't really -- there was a lot of stress on me, so we weren't really, you know, getting along at that time either as well.
Q. And you were nineteen at the time?
A. Yes.
Q. And you said your little brother was down here. Why was he down here?
A. My mother had went on vacation to Jamaica and we said we would watch him while she's down there.
Q. Okay. And so he was just visiting?
A. Yeah.
Q. And you said down here. Where did your mother and your brother live back then?
A. They lived in -- they live in New Jersey now, but it

was Connecticut at the time.
Q. Okay. And so you said there were issues with the electricity?
A. Uh-huh.
Q. So what did you do for electricity?
A. We went to my best friend's house, Areauna Lindsey, she also lived in the complex, so we had went to her house to shower, get air-conditioning, charge our phones and stuff like that.
Q. And do you remember what apartment she lived in?
A. No, I can't remember the number exactly.
Q. Was it the same building?
A. No, it was a different building. If you kind of went through like this cut area and you walked down the hill, then you would be at her building.
Q. Okay. And I'll show you a big photograph shortly.
A. All right.
Q. So leading up to why this happened, what was going on --
A. Well --
Q. -- the day this happened?
A. The day that -- the day that it -- well, the day be -- well, the day that the incident happened, we were -- we were arguing because, like I said, the lights were off and I was stressed about that and then she was talking about

going back to school at that time and, you know, I was happy for her to do that, but I didn't feel like it was an appropriate time to talk about it, and then as well she wanted to put one of our other best friends, Tomiah, out of the house saying that she wasn't contributing to the bills and if she didn't start she would put her out, so that kind of escalated into an argument and then we had ended up getting physical.

Q. Okay. And when you say physical, who got physical with who first?

A. I hit her first.

Q. Okay. And this was on August 30th or when did that happen?

A. The day before.

Q. The day before?

A. Yes.

Q. And why did you hit your sister?

A. Because, like I said, it just had escalated into an argument that really wasn't necessary, so it was just a reaction.

Q. Okay. And did she hit you back?

A. No.

Q. Okay. What happened after that fight?

A. After that fight, I took it upon myself to decide I was just gonna move out, so I ended up staying the night at

Areauna's house and then I was waiting on my check so that I could leave that day.

Q. And you were planning to go somewhere else?

A. Yes.

Q. And where were all your belongings?

A. My belongings were at the apartment, but after the incident she did throw my stuff out and outside.

Q. And when you mean out, like literally, physically outside the apartment?

A. Yeah, she threw it out the window and pushed my bed out the front door.

Q. Okay. And that was on August 29th?

A. Yeah.

Q. And just so it's clear, we have a calendar that's in evidence, State's 45. That would be here, Wednesday, the 29th?

A. Yes.

Q. And then -- so the day of the incident, on August 30th, do you recall the police getting involved?

A. Yeah. Well, the first time they did it was for the incident that happened yesterday. She had called the police. She wanted me to get arrested for the assault, but they said since she didn't call the police the day of they couldn't make an arrest but she can file a complaint and go through the courts and stuff like that.

Q. Okay. And did your sister file a complaint; do you know?
A. No. No.
Q. And -- and so she attempted to press charges on you?
A. Yeah, at the time, but because there was no reaction because I didn't get arrested, she didn't want to press the charges.
Q. Okay. So that was roughly around what time on the 30th that happened; do you remember?
A. It was earlier that morning. Like nine or ten.
Q. Sometime earlier that day?
A. Yeah.
Q. Okay. And then take me -- walk us through the day. What happened next?
A. Then later on that day she took Micah to the pool and then they had came over and she had informed me that Micah needed to take a shower, so I went and assisted him with getting in the shower and then when I came back my phone and she was gone.
Q. What did you do at that point?
A. At that point I was looking for my phone and then I realized she had it, but I didn't go -- I didn't go over there, and then she had came back with --
Q. Well, I'll stop you there. What made you realize that she had your phone?

A. Just out of circumstance. I left it sitting on the couch, went to the bathroom, I come back, my phone and her were gone.
Q. Okay. And what did you do at that point?
A. At that point, like I said, I was just looking for my phone and then I -- and then she had came over with Ike and then I -- and then I had asked her did she have my phone and then she didn't answer, she was just making like smiles and smirks and stuff just trying to antagonize me.
Q. Okay. And you said she came over with Ike. You said the name. I'm just gonna make sure who you were referring to as Ike would be Isaiah Butler?
A. Yes.
Q. Okay. And so she was doing things to antagonize you and then what happened?
A. And then she left and then after that --
Q. What did -- what did you do when she left?
A. Nothing really. We were just waiting on -- I was just trying to figure out what to do because she took my phone, but I didn't want to like attack her again or go there or anything, so I was just frustrated and then Georgia had came back home and then I had told her what happened, and then we had went over to my house to try to get my phone back, and then in the midst of me trying to get my phone back I went inside the house and I was upset, so I started

damaging her property in the household.
Q. Okay.
A. And then at that point she picked up a glass table and she threw it at me and then it shattered all over like the top terrace area and we kind of got into an altercation again. After we were fighting, Ike tried to break us up, and then he said if we don't break it up he was gonna hit me, so we then let each other go, and then after that he showed me that he had my phone and he told me the only way that I would get my phone back is if we fought. And then we all started arguing with him and he was just saying a whole bunch of gang things and that, you know, he'll shoot us and just a whole bunch of stuff.
Q. Okay. Now backing up to before Georgia got home --
A. Uh-huh.
Q. -- at that point do you recall whether or not the police got involved?
A. Oh, yes. I did call the police in the midst of that frustration. I called the police to see if they could get my phone back, but they said since I didn't see it actually on her they can't just go and ask her does she have my phone and search for it and everything. So, yeah, after the police said they couldn't do anything, then that's when we decided to go over and see if I could get my phone back.
Q. Okay. And then moving forward, while words were being

exchanged, do you recall whether or not you were threatened by Ike during that exchange?

A. Yes. Yes, I was.

Q. Okay. And that's what you referred to as shooting?

A. Uh-huh.

Q. Okay. And did you take those threats seriously?

A. I mean, not at first.

Q. Okay.

A. Definitely not. You know, just thought he was just talking, you know. So, no, I didn't take him that seriously first.

Q. After that incident happened, what did you do?

A. After that incident happened, I called the police again because at that point I did see my phone. He had showed it to me, pulled it out of his pocket and then put it back in, but we were walking back to the house so by the time the police did get there we had missed them and I didn't get to talk to the police at that time.

Q. But after the incident happened is your recollection calling 9-1-1 immediately?

A. Yes, I was calling 9-1-1 on the way we were walking back.

Q. Okay. And whose phone did you use since you didn't have your phone?

A. I used Ebony's phone.

Q. Okay. And then just so it's clear, too, when you leave -- you talked about the cut-through going back and forth, who were you with when you went to go get your phone?
A. I was with Iyana and Ebony.
Q. And when you talked about the threats that were made, who were they made to?
A. All three of us.
Q. And this was outside the apartment or inside the apartment?
A. Outside. We were all at that point after -- because we had started fighting and then we had ended up outside and then she threw the glass table and then we were fighting again outside.
Q. Okay. And prior to that when you walked up, do you recall seeing any vehicles driven by Ike out there?
A. Yes, at the time there was a black Range Rover.
Q. Okay. And how did you know that was the vehicle that he was driving?
A. He had pulled up in it, I saw him drive off in it, and then he was also like just around the car, had the doors open playing music and stuff like that.
Q. Okay. And when you say drive off in it, that was on a previous occasion or prior to that night?
A. Yeah.

Q. Okay. I'm just gonna ask you this. Do you believe it was wrong for you to fight your sister?
A. Yes. I've said that all the time.
Q. Okay. Do you regret that decision?
A. Absolutely.
Q. Okay. But you own it?
A. Yes.
Q. Okay. Back now moving to the shooting, how --
A. Uh-huh.
Q. -- how did we get there? So you guys go back to Areauna's place?
A. Uh-huh.
Q. Okay. What happened? Why didn't the incident just die down?
A. Well, after the time when I was in the apartment, I took her wallet as well, so then at that point I had told her I have your wallet, if you give me my phone back, I'll give you your wallet, so then we had decided to make an exchange, but she said Ike still had it and he was gone at the time. So we were waiting on him to come back with my phone and then when he came back to give me my phone I was gonna give her her wallet back.
Q. Okay. And so the whole purpose of you hanging outside, is it accurate to say that you were waiting on Isaiah to come back with your phone?

A. Correct. Yes.
Q. Do you -- I don't know if you remember this, but do you remember approximately how long you were waiting for him to come back?
A. Probably like an hour, hour and a half, I believe.
Q. Okay. And what was happening during that time? Where was your sister? What were people doing?
A. She was -- she was walking around. She was walking back from the apartment. She was also in Areauna's apartment at one point and then she was standing off to the side. She was just moving around.
Q. Okay. Do you know how she communicated with Isaiah to tell him to bring your phone back?
A. Yes, my brother had an iPad and she was using that to text him.
Q. Okay. Do you remember what phone number was associated with that iPad?
A. No, I don't.
Q. Okay. That's fine. And this is your younger brother's iPad?
A. Yes.
Q. And how did you know -- how do you know that she used the iPad to communicate with Isaiah?
A. I saw her use it.
Q. Okay. And when she was using it, where was she?

A. Like I said, she kept moving, so she was either over here on the side -- I saw her using it over here on the side, and then she was also like on the steps and going back and forth to the apartment and everything.
Q. Okay. You said the steps, back and forth, but you said over here on the side. Where is that?
A. Oh, I'm sorry.
Q. I know you know, but to make sure it's clear.
A. Yeah. So we were standing in the parking lot kind of facing this way and over here on the side was another building and some grass. She was over there sitting on the side.
Q. Okay. So but she was moving around using the iPad?
A. Yeah.
Q. Did you actually ever see the messages that she was sending on the iPad?
A. Not the date of. I saw the day after everything when me and my brother were in the hotel room.
Q. And in the hotel room. Where did you actually see the messages? Like physically was it a screen shot or was it on the iPad?
A. It was on the iPad.
Q. Okay. And then how did you know she was communicating with Ike?
A. By seeing those messages.

Q. Okay. So now we're at -- waiting on Isaiah, we're standing outside. What happened next prior to the shooting happening?
A. Nothing really. We was just waiting on him and then the car pulled up and then it rolled down the window and then I heard the first shot and started running.
Q. Okay. You said the car pulled up. What kind of car was it?
A. It was the same black Range Rover.
Q. And do you recall how it pulled into the area?
A. Yeah, it -- because it's like a U-shaped area, so it pulled into that first part and then it started going this way and then the window rolled down and then you just -- I just heard the gunshot.
Q. Okay. Did you actually see the gun?
A. No.
Q. Did you see where the shots were coming from?
A. No. Like I saw the -- I saw the window roll down, so, you know, I'm assuming the car -- because I saw the window roll down and then I heard the shot.
Q. Okay. And so best you can tell the shots were coming from the vehicle?
A. Correct.
Q. But exactly where in the vehicle you couldn't see?
A. No.

Q. Did you stick around to see even more?
A. No.
Q. Okay. Where did you go once the shooting started?
A. I ran into Areauna's apartment.
Q. Okay. Did others run with you?
A. Yeah, the crowd that we were with, Ebony, Areauna, her mom, Iyana, we all kind of like ran into the apartment running back that way to get inside to get away.
Q. Okay. Could you tell whether or not anyone was injured from this shooting?
A. Yes. I saw Ebony get injured and then I also saw her mom get shot as well.
Q. Okay. Do you remember where Ms. Thompson's injuries were?
A. I know it was in one of her arms and then kind of like her torso area.
Q. Okay. And looking at -- I'm gonna show a few things and see what you remember about that day.
A. Uh-huh.
Q. Looking at State's 2, do you recognize that?
A. Yes.
Q. And what is that?
A. That's Riverbend.
Q. Okay. And looking at State's 3, do you recognize that?

A. Yes.
Q. Okay. There should be a laser pointer up there. Going back to State's 2, you talked about the [redacted] building --
A. Uh-huh.
Q. -- you talked about a cut-through and you talked about Areauna's. Can you point out where you recall Areauna's apartment to be?
A. Areauna's apartment is here.
Q. Okay. And where's the cut-through you were talking about?
A. Right -- right here.
Q. And then the [redacted] building?
A. You can't really see it.
Q. You can't really see it?
A. Yeah, not on this diagram, but it was...
Q. I'm gonna put up State's 4 now. Do you recognize that as well?
A. Yeah.
Q. Okay. And do you see the [redacted] building?
A. The thing is in the way.
Q. This is blocking you?
A. Yeah, the white board.
Q. Give me just one second. Is it still blocking?
A. No. And then the [redacted] building was here.
Q. Okay. Now looking at State's 8, do you recognize

that?
A. Yeah, that's right in front of Areauna's apartment.
Q. And do you recognize Areauna's car?
A. Yeah, it's this green Honda right here.
Q. Okay. And so when you testified about taking off running, where did you run to?
A. I was standing right here, ran on this sidewalk right into that apartment door over here.
Q. Okay. And when you testified about Keanna was moving about on the grass area, on the stairwell, do you see that area on the photograph?
A. Yeah, the stairwell and then the grass area is over here on the other side.
Q. On that side?
A. Yeah.
Q. Okay. Just making sure it's clear. And then State's 13, you recognize that as well?
A. Yeah, that's the stairs, and then that's Areauna's apartment door right there.
Q. Okay. So back to State's 8, generally in this photograph where do you remember standing and Ms. Thompson standing and others?
A. Kind of like right here in this empty parking spot right here.
Q. Okay. And you're also circling the sidewalk and

grassy area; is that accurate?
A. Yeah, because we weren't -- we weren't kind of like standing exactly in the parking space. It was more so on like the sidewalk.
Q. And also just so it's clear, too, you weren't just standing still, you guys were talking and moving around?
A. Correct. Yeah.
Q. So generally in that area?
A. Yes.
Q. When the car drove in, you were still in that area prior to the shooting?
A. Yeah. Yes.
Q. And looking at State's 3, can you describe on here for the jury where the car entered the area?
A. Entered here and drove this way.
Q. Okay. And when the shooting started, do you remember where the car was?
A. It was approximately probably about here.
Q. Okay. When you -- when this was happening, can you tell me how dark it was outside?
A. It was pretty dark. There is some streetlights out there, but they're very dim.
Q. All right. And was the sun set at this point?
A. Yeah, it was dark. It was night.
Q. Okay. But you were able to still see the car?

A. Yes. Correct, because of the streetlight.
Q. Okay. So there was some form of light out there for you to see?
A. Yeah.
Q. And it was clear enough for you to see what kind of car it was, too?
A. Correct. Yes.
Q. Now the police eventually arrived on-scene. Do you remember that?
A. Yeah.
Q. And do you remember speaking to the police?
A. Yes.
Q. And do you remember telling them who did the shooting?
A. Yes.
Q. And who did you tell them did the shooting?
A. Ike. Isaiah Butler.
Q. And why did you tell them that Isaiah Butler did this shooting?
A. Because it was the same car from the incident earlier.
Q. Did you see Isaiah Butler in the car when the shooting happened?
A. No.
Q. Did you tell the police that, too?
A. Yes.
Q. And when you were specifically asked?

A. Yes.
Q. But you did give them the name Isaiah Butler that night?
A. Yes.
Q. And the car that came through, how sure are you that it was the same car -- that it was the same car that you saw Isaiah Butler driving?
A. I'm very sure.
Q. And in terms of the timing of it all --
A. Uh-huh.
Q. -- were you still waiting on Isaiah Butler to bring you your phone that night when this happened?
A. Yes.
Q. I'm gonna show you what's identified as State's 26 and do you recognize that as well?
A. Yes, these are the text messages from the iPad.
Q. Okay. And you recall seeing these messages on the iPad yourself after?
A. Yes.
Q. And you saw your sister using the iPad to communicate with Isaiah Butler -- who you believed was Isaiah Butler?
A. Correct, yes.
MS. FULLER: And that's State's 26 for the record.
I beg the Court's indulgence. No further questions at this time.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:

Q. Zariah, how tall are you?

A. Five-eleven.

Q. Are you taller than your sister?

A. Yes.

Q. Do you weigh more than your sister?

A. Yes.

Q. And, Zariah, at the time you were identifying as male; is that correct?

A. Yes.

Q. And you went by your legal name Isaiah?

A. Yes.

Q. You testified that the night before on the -- on the 29th that you and Keanna had gotten into a fight --

A. Uh-huh.

Q. -- that you struck her first and she -- and you had decided to move?

A. Uh-huh.

Q. You did not spend the night in Keanna's apartment that night?

A. No.

Q. You spent the night in Areauna's?

A. Correct.

Q. And Keanna had thrown out your clothes?
A. Correct.
Q. She had thrown out your bed?
A. Correct.
Q. Did you have any other belongings there?
A. No, because my clothes and my bed were gone.
Q. So the next day you go to -- you go back to Keanna's apartment?
A. Uh-huh.
Q. And Ebony is with you?
A. Yes.
Q. And Iyana is with you?
A. Yeah.
Q. Along with her daughter?
A. I don't remember Melhani being there.
Q. She didn't have the stroller or you don't remember the stroller?
A. No.
Q. Fair enough. And you're going over there for your phone?
A. Correct.
Q. All right. Not to pick up more belongings?
A. No.
Q. And at this point you're just assuming that Keanna has the phone?

A. Yes, because it was gone when she came to my house.
Q. Right.
A. Well, Areauna's house.
Q. Right. And this is when another fight started?
A. Yes.
Q. And it was another physical fight between you and Keanna?
A. Yes.
Q. And this is happening outside of the apartment?
A. Yes.
Q. All right. And Ebony is with you?
A. Yes.
Q. And Iyana is with you?
A. Yes.
Q. And Ike is there as well?
A. Yes.
Q. And Ike is actually breaking up the fight; is that right?
A. Yes.
Q. He physically takes Keanna away from you inside the apartment?
A. Yeah, he did do that once.
Q. He did take her to the apartment?
A. Uh-huh.
Q. And at this point then everybody is shouting? You're

shouting at Ike?
A. Uh-huh. Yes.
Q. And Iyana is shouting at Ike?
A. Yes.
Q. And Iyana is making threats?
A. Yes.
Q. And Ebony is shouting?
A. Yes.
Q. And Ike is shouting?
A. Yes.
Q. And all this is while he's breaking up the fight and putting Keanna in the apartment?
A. Yeah, but this was after he showed me my phone and told me that he was going to hit me.
Q. Because you had laid hands on your sister?
A. After she threw a glass table at me. I didn't lay hands on her before she threw a glass table at me.
Q. But you still laid hands on her?
A. After she threw a glass table at me, yes.
Q. That's a yes?
A. Yes.
Q. And that's when he said that you should fight him instead?
A. Yes.
Q. Now your relationship with -- how long have you known

Iyana?

A. At the time I believe about four, five years.

Q. Four or five years. She had lived with you for a period of time?

A. Yeah, she started living with us probably earlier that summer.

Q. And how long have you known Ebony?

A. The same amount of time. I met them both at the same time.

Q. You met both at the same time. And Ebony and Iyana were really close, right?

A. Yeah.

Q. To the point to where they would refer to themselves as sisters?

A. Yes.

Q. Even though they're not biologically related?

A. Yes.

Q. And you destroyed her property. Was this before the argument or after the argument?

A. It was during because I was still asking for my phone back and she was saying she wasn't gonna give it to me and stuff, so I was frustrated and started destroying her property.

Q. Okay. And that would include artwork that she had produced?

A. Yes.
Q. Okay. Were you just tearing it up?
A. Yes.
Q. Was any of it framed?
A. No, they were mostly like canvases and stuff.
Q. That she had spent time on?
A. Yeah.
Q. And the -- and during this -- during this argument that stemmed from this fight --
A. Uh-huh.
Q. -- that was when you said that Ike made a threat to shoot everyone?
A. Yes.
Q. He wasn't armed at the time, was he?
A. I don't know.
Q. You don't remember seeing a gun, do you?
A. No.
Q. All right. And you had testified earlier that you thought it was just words?
A. Yes.
Q. All right. Your bigger concern at the time was that he had your phone?
A. Right.
Q. All right. Later on in the night that's when you said you were waiting for Ike to come back with your phone and

you said you were waiting outside?
A. Uh-huh.
Q. By that time Ebony's mother had arrived?
A. Yes.
Q. All right. And she had also -- Ebony's mother came along with her sister; is that right?
A. Yes.
Q. All right. Someone else had arrived, too. One of her cousins?
A. Yes.
Q. And that was -- do you know -- that was Nashaun Thompson. Does that sound familiar? Is that right?
A. Yeah. Yeah.
Q. And you saw -- and he was there while you're waiting outside?
A. Yes.
Q. And you saw that he was armed with a -- with a gun, right?
A. Yes.
Q. Okay. All right. Also I also want to ask you -- sorry for bouncing back and forth. I just have thoughts going through my head. But when you got -- whose name was on the lease?
A. James's name was originally on the lease and then he had got it turned over to me.

Q. To you?
A. Yeah.
Q. Whose name was on the phone bill?
A. The electric bill?
Q. Yes, the electric bill.
A. James's name was on the electric bill.
Q. James's name was on the electric bill, not yours?
A. No.
Q. Not Keanna's?
A. No.
Q. All right. And looking at State's 3, you were standing in this area right here?
A. Yes.
Q. Is that right?
A. Uh-huh.
Q. And the car came in this way?
A. Yes.
Q. And you -- was it completely dark at the time?
A. Yeah, it was dark, but there's streetlights there.
Q. Okay. But it was dark?
A. Yes.
Q. All right. And when -- were there -- at the time of the incident, were there other cars here as well that had been parked?
A. Yeah, because it was late at night so people were home

from working and stuff, I guess.
Q. All right. And you testified that you didn't see who -- you didn't see the shooter?
A. No.
Q. The windows of the vehicle were tinted, right?
A. Yes.
Q. Were they -- and they were -- were the windows rolled all the way down or just a little bit?
A. From what I saw just a little bit.
Q. Okay. They were cracked?
A. Yeah.
Q. You didn't see a gun?
A. No.
Q. And so you didn't see a gun outside the vehicle?
A. No.
Q. Or like a hand holding the gun while it was outside the vehicle?
A. No. I heard the first shot and then I ran.
Q. And how many shots were there?
A. I can't recall.
Q. All right. It was more than one?
A. Yes, of course.
Q. Okay. Multiple -- so multiple shots. And you're just -- and I just want to make sure, you're saying it's the same kind of car that you saw Mr. Butler with?

A. Yes.
Q. All right. You didn't -- you didn't know the -- the VIN of the car to make sure it's the same car, right?
A. No.
Q. And you didn't -- you didn't see the license plate of the car as it drove through?
A. No.
Q. And you didn't know the license of the car that Mr. Butler drove?
A. No.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. All right. And now you said -- you said that there were streetlights as well; is that right?
A. Yes.
Q. However, in a prior hearing you testified that they were -- the streetlights were dim, not very bright; is that right?
A. Yes.
Q. All right. And like the solicitor stated, you're taking responsibility for the fight that you had with you your sister?
A. The day before, yes.
Q. The day before.
A. Yes.

Q. And that was -- that was your fault?
A. Yes.
Q. You should not the have hit your sister?
A. Correct.
Q. All right. And the table that -- you said she threw a table at you. Did it hit you?
A. Yes.
Q. It did hit you?
A. Uh-huh.
Q. You didn't mentioned that you got hit by a table to the police though?
A. Well, because at that point the -- when I called the police that time, we were already back at the house and I wasn't there when the police showed up at the scene.
Q. But you had a chance to give a statement; is that right?
A. Yes, I did give a statement.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. Do you remember giving a statement to the police?
A. Yeah, I remember giving a statement.
Q. And this was on the same day as the shooting?
A. Yes.
Q. All right.
MR. CHEHOSKI: May I approach the witness, Your

Honor?

THE COURT: Yes, sir.

MS. FULLER: Your Honor, is there a question?

MR. CHEHOSKI: There will be.

Judge, there will be if you give me a moment.

THE COURT: You're gonna have her review it first?

MR. CHEHOSKI: Yes.

BY MR. CHEHOSKI:

Q. Would you please review your statement.

A. Uh-huh. Okay.

Q. In that statement you said that your sister attacked you; is that right?

A. Yeah.

Q. You never mentioned that she hit you with table?

A. Well, it was just a brief summary of what happened. I was trying to get it to fit on the page.

Q. You never told the police explicitly --

A. No, I didn't.

Q. -- you did not -- that she hit you with a table?

A. No, not with a table.

Q. Or with the glass tabletop?

A. No, not in this statement.

Q. Or that she busted a table over your head?

A. No, not in this statement.

Q. And you couldn't see how many shooters there were?

A. No.

MR. CHEHOSKI: One more moment, please, Your Honor.

BY MR. CHEHOSKI:

Q. Did you ever give your sister's wallet back?

A. No.

Q. Did you keep the money that was in it?

A. Yes.

MR. CHEHOSKI: That's all I have, Your Honor, pending recross.

THE COURT: Redirect.

MS. FULLER: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. FULLER:

Q. Just to clear up a few things because you weren't specifically asked. I'm gonna specifically ask you a few things.

A. Uh-huh.

Q. The car, the Range Rover, did you see a license plate on it?

A. I can't recall if I actually saw a license plate on it or not.

Q. Okay. When you say Isaiah Butler's Range Rover, the one he was driving, do you remember even seeing a license plate on it?

A. No.

Q. What was on the license plate?

MR. CHEHOSKI: Objection, Your Honor. He said he -- he just said he couldn't see or remember a license plate.

THE COURT: Why don't you -- very well. Maybe rephrase --

MS. FULLER: I think it's still a fair question.

THE COURT: Well, I don't know. Try to ask do you mean -- ask the question again. I don't want to ask it for you.

BY MS. FULLER:

Q. What was on the license plate?

A. I -- I don't recall. Yeah, I don't --

Q. That's fine. Regarding the glass table --

A. Uh-huh.

Q. -- do you recall -- it's been some time, but would you agree -- tell me if you agree that official records maintained containing statements by you, would they be accurate or inaccurate?

A. Accurate.

Q. Because they were made close to the time?

A. Yeah.

Q. So when you called the police to report the incident, do you recall doing that when you testified on direct walking from the apartment? Do you remember that?

A. Yeah.
Q. I'm gonna approach and show you the dispatch record. Do you recognize that?
A. Yes, that's my name.
Q. Okay. And your name is written next to what?
A. Caller.
Q. And then just so it's clear, when you're calling 9-1-1, do you believe you were giving information to the police?
A. Yes.
Q. Okay.
A. Yeah.
Q. And so when you're talking about a written statement, that's different, correct?
A. Yeah.
Q. But also information to the police?
A. Correct. Yes.
Q. Here where it says caller's statement, what did you report to the police?
A. I reported that sister's boyfriend showed my stolen phone to me and threatened to kill me. Sister got physical with me and also threw a glass table.
Q. Okay. So this glass table that's now become an issue, you reported it to the police?
A. Correct, yes.

Q. It may not be written out in your last statement after you witnessed a shooting?
A. Correct.
Q. And then just so it's clear, looking at your statement, what's the date on your statement?
A. The 30th of August.
Q. Okay. And now this statement was written after the shooting?
A. Correct.
Q. And so this statement was written while you were standing out there with the police?
A. Correct.
Q. Lights and sirens on?
A. Correct.
Q. Ambulances out there?
A. Yes.
Q. And what was your state of mind while you were writing this statement?
A. It was a lot. A lot.
Q. Okay. And so when they asked you to write a statement, were you regurgitating the entire twenty-four hour episode with your sister?
A. Yes, because it was too much to write on one page and it was -- it was -- I was just trying to summarize it on there.

Q. So this was just a summary?
A. Uh-huh.
Q. And just because you didn't write the words "glass table" in it doesn't mean it didn't happen?
A. Correct.
Q. It does not mean it didn't happen?
A. Correct.
Q. And the official records, which we'll authenticate with another witness which summarized what you said, would that be accurate or inaccurate?
A. Accurate.
Q. Now defense counsel asked you about these threats, and it was a very specific question.
A. Uh-huh.
Q. It was -- and you remember answering did Iyana make threats?
A. Yes.
Q. Okay. I'm gonna ask you this question. Did Isaiah make threats?
A. Yes.
Q. Did Isaiah make threats first?
A. Yes.
Q. Then Iyana responded?
A. Correct.
Q. Okay. So the isolated question defense counsel asked

you was out of context?
A. Correct.
Q. And while the fighting was happening, this isn't -- it's hard to describe a fight, so I'm not gonna ask you to reenact it, but tell me if I'm wrong in assuming this.
A. Uh-huh.
Q. You're not standing here, you say something, then the next action, I'm gonna say something --
A. Right.
Q. -- and the next person. Is it everyone just going back and forth?
A. Right. Correct.
Q. It's chaos?
A. Yes.
Q. Okay. This isn't a script, correct?
A. Right. Correct.
Q. And when you were standing here --
A. Uh-huh.
Q. -- and when you looked out prior to the shooting, what car did you see?
A. I saw the black Range Rover.
Q. Okay. Do you have any doubt in your mind that you saw a black Range Rover?
A. No, it was a black Range Rover.
Q. And you're familiar with cars?

A. Yes.
MS. FULLER: I think that's all I need to clarify.
Okay. No further questions at this time.
THE COURT: Recross.

RECROSS EXAMINATION

BY MR. CHEHOSKI:

Q. Zariah, when you gave your written statement to the police, they wanted you to tell the truth; is that right?
A. Yes.
Q. The whole truth; is that right?
A. Yes.
Q. Nothing but the truth; is that right?
A. Yes.
Q. And they gave you as much time as you needed to write your statement?
A. Yes.
Q. They gave you as much paper as you needed to write your statement?
A. Yes.
Q. All right. And you said -- and when -- and let's say when all these threats were made, as the solicitor just stated, it was chaos; is that right?
A. Correct.
Q. And everybody's making threats, everybody's shouting, right?

A. (Nods head.)
Q. And at that time you testified that you thought that y'all were just, you know, just kind of talking trash, they were just words?
A. Well, I knew it was serious enough because me and Keanna had just got into an altercation. I didn't think the shooting part was serious, but I knew it was serious enough because we had just got into an altercation.
Q. But you didn't -- you didn't think the threat was serious?
A. Shooting, no.
Q. And just to be sure, both the altercation on the 29th and the altercation on the 30th were initiated when -- well, the altercation on the 30th was initiated when you went to over to the apartment --
A. Yes, to get --
Q. -- and started destroying your sister's stuff?
A. Yes.
MR. CHEHOSKI: Thank you.
THE COURT: All right. The witness may step down.
(Witness excused.)
MS. YONGUE: The State calls Nikki Rodgers.
THE CLERK: Raise your right hand, please.
(Whereupon, Nikki Rodgers was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat. You can remove your mask. If you'll state your name and spell your last for the record, please.

THE WITNESS: Hi. Nikki Rodgers.

NIKKI RODGERS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. YONGUE:

Q. Good morning, Ms. Rogers. Where do you work currently?

A. Lexington County 9-1-1.

Q. And what is your position there?

A. I'm the chief of communications.

Q. Okay. And what are your duties and responsibilities as chief of communications?

A. So I oversee the whole entire department of 9-1-1 emergency communications to include call-taking, dispatching, budgets, recordings, the CAD reports, everything, hiring.

Q. Going -- I apologize. Going back to August 30th of 2018, what was your position at the time?

A. The same.

Q. Okay. The same duties and responsibilities?

A. Yes, ma'am.

Q. Okay. What is a CAD?

A. It is a computer-aided dispatch report. It is our records management software that shows us what calls are coming in, what we do with them and how we dispatch them out to the field units, what units respond. It's a document that states what occurred.

Q. Okay. What kind -- what kind of information is stored in the CAD specifically?

A. So the CAD report is the caller information that we obtain from the citizen that calls in and then what units we respond and any information that we gather about that event or that scene.

Q. Okay. And is this information taken down right when it was reported or close in time?

A. Yes.

Q. Okay. And after that information is relayed to the dispatcher, what happens?

A. So the dispatcher would keep up with what units are responding and give any additional information that they're receiving from other phone calls.

Q. And are CADs stored in the normal course of business?

A. Yes, ma'am.

Q. And what is the purpose overall of storing this type of information in the CAD?

A. So it helps us -- it's kind of like our records management system where it helps us keep up with what calls

are coming in and that they are completely processed -- processed and sent out to the field units.

Q. Now are the CADs kept on file?

A. Yes, ma'am.

Q. And as the director of Lexington County 9-1-1, are you the custodian of records?

A. Yes, I am.

Q. And as the custodian of records, do you have access to the 9-1-1 calls and the CADs that they are stored in the ordinary course of business?

A. Yes, ma'am.

Q. And is a call-taker also an employee of Lexington County 9-1-1?

A. They are.

Q. And can these records be changed or altered once they are entered -- once that information is entered in?

A. No, once -- once an entry is made it cannot be changed.

Q. Going to August 30th of 2018, did you receive calls for service that day at [redacted] Riverbend Drive here in Lexington county?

A. Yes, we did.

Q. Okay. What was the earliest call that you received that day?

A. The earliest call that we received that day was at

12:06 in the afternoon.
Q. Okay. What was the nature of that call?
A. It was a domestic.
Q. Who was the caller?
A. We have Kenya.
Q. Okay. And what information does she report just in general?
A. She -- she reports that a domestic disturbance had happened yesterday and that she requested the officers to respond.
Q. Okay. And looking at page 3 of that CAD -- or were there any ID checks made at that time?
A. There was.
Q. Okay. And is that done at the request of the officer or someone else?
A. Yes, ma'am, at the request of the officer.
Q. Okay. And what number was this caller calling from?
A. This caller was calling from [redacted]-7570.
Q. Okay. Looking toward -- to the next call received, what time was that?
A. That call was received at 18:07, which is 6:07 PM.
Q. Okay. And who was the caller at that time?
A. Isaiah Outlaw.
Q. And what did he report?
A. He actually reported a civil disturbance that his

sister had stole his phone and would not give it back.
Q. Looking to the third call for service that day, what time was that?
A. That was at 19:30, which would be 7:30 PM.
Q. Okay. And what was the -- and who was the caller at that time?
A. Isaiah Outlaw.
Q. Okay. And what information was given to law enforcement?
A. So it was sent out to the officer that the sister's boyfriend showed up and stole phone and threatened to kill me. Sister got physical with me, also throwing a glass table.
Q. Okay. And was there any suspect information given at this time or the identities of anybody else on-scene?
A. That there was a Kenya Outlaw on-scene.
Q. All right. Was there a driver's license or an ID check done at this time?
A. Yes, there was an ID check of Kenya Outlaw.
Q. What time was that done?
A. That was actually requested at 19:43.
Q. What time?
A. That's 7:43 PM.
Q. Okay. So a driver's license check was done for a Keanna Outlaw at 7:43 PM. Would this indicate that law

enforcement was on-scene by 7:43 PM that night?
A. Yes.
Q. Okay. Looking to -- well, one more question about that call. Does it -- does the CAD indicate what time that law enforcement cleared the scene?
A. The last unit to clear was at 7:58 PM.
Q. Okay. Looking to the next call for service at [redacted] Riverbend Drive, what time was that, the earliest call for that incident?
A. [redacted] Riverbend, that was at 21:12, and that would be 9:12 PM.
Q. Okay. And what was the nature of that call?
A. That was actually a shooting incident.
Q. Okay.
MS. YONGUE: I beg the Court's indulgence.
BY MS. YONGUE:
Q. Going back real quick to the 7:30 CAD. I apologize. I want to ask you a couple of more questions. So looking at page 4 of the 7:30 call for service, was there any suspect information at that time as far as the identity of anybody or a car or anything of the sort?
A. So there was a black Range Rover with a black male subject, approximate age of twenty, with no shirt, black shoes, black sweatpants.
Q. Okay. In regard to the black Range Rover that was

reported, was there any plate information given?
A. With a temporary tag.
Q. And what -- does the CAD indicate what apartment at this apartment complex law enforcement responded to?
A. Yes, it's gonna be Apartment [redacted].
Q. Okay. Ms. Rodgers, I'm showing you what's been marked as State's Exhibit 46. I just want to confirm some of the information that was just put into the record. So you testified that at 12:06 PM there was a domestic disturbance report by Keanna Outlaw?
A. Yes, ma'am.
Q. And caller -- the phone number for that caller was [redacted]-7570?
A. Yes.
Q. Okay. And then the next call for service at [redacted] Riverbend Drive was at 6:07 PM?
A. Correct.
Q. And that was a civil dispute reported by Isaiah Outlaw?
A. Correct.
Q. And then the next call for service was at 7:30 PM?
A. Correct.
Q. And that was a civil dispute reported by Isaiah Outlaw?
A. Correct.

Q. And at 7:43 PM a DMV check for Keanna Outlaw was done?
A. Correct.
Q. And that same CAD would indicate that law enforcement cleared the scene at 7:58 PM?
A. Correct.
Q. And, lastly, the earliest call reporting a shooting was at 9:12 PM?
A. Yes, ma'am.
MS. YONGUE: Your Honor, at this time the State requests to move State's 46 into evidence as a summary of what was just testified to by Ms. Rodgers.
THE COURT: Without objection?
MR. CHEHOSKI: Hold on one moment, Your Honor.
MS. YONGUE: Your Honor, this would be pursuant to 1006, a summary of official records.
THE COURT: Right. I'm just letting them --
MS. YONGUE: I just wanted to make it clear for the record.
MS. POPOWSKI: No objection.
THE COURT: All right. State's Exhibit 46 will be admitted into evidence. Thank you.
(State's Exhibit Number 46, a timeline summary, was admitted into evidence.)
BY MS. YONGUE:
Q. Now looking back to that 9:12 CAD, which was the

earliest call or first caller reporting the shooting, was this call directly to Lexington County 9-1-1 or was it a call that was routed from somewhere else?

A. This call came straight into 9-1-1.

Q. And how many CADs do you have for the shooting incident at [redacted] Riverbend Drive?

A. Twelve.

Q. Would that indicate more than one caller?

A. Yes. There was actually nine callers.

Q. Okay. And how do you know how many callers there are?

A. Because I went through each CAD report and identified each caller separately.

Q. And who was the caller on the 9:12 PM call reporting the shooting?

A. That is going to be Georgia. No, hold on one second. The first caller hung up. The second caller actually was a call transferred over from West Columbia, and these all were coming in at the same few minutes, and then there was a Frederick Glenn.

Q. And the call that Georgia -- the time that Georgia called in, what information does she provide to law enforcement?

A. That she was in Apartment [redacted] and that they needed to be here now. She was hysterical and then she gave some information about a subject in the vehicle.

Q. Looking at page 3 of the -- which is the note section of that call, line 4, what information does she report there?
A. Hysterical caller Georgia. Caller is yelling. States her grandmother is dying and some other family. Nowhere she can go.
Q. Okay. And the next line down from that, does she report any specific person had been shot?
A. Georgia states someone has been shot. Ebony Ponds has been shot and someone has been kidnapped.
Q. Does she provide any suspect information during this call?
A. She did not on that call.
Q. Looking at any of the other calls that came in that night, was any suspect information provided at that time?
A. Yes.
Q. What was that?
A. So there's a caller that called in and says [redacted] building -- Building [redacted], three shots heard, and then they go into saying that --
Q. Well, let me direct you a little more specifically.
A. Heard shots. Saw black truck. Truck took off going towards Cayce.
Q. Looking at the 9:15 call --
A. Okay.

Q. -- was any suspect information relayed in that one?
A. I'm sorry.
Q. Looking at page 36 of 70.
A. Page 36 of 70 --
Q. Well, I should say any suspect information and any information about a vehicle that could have been involved.
A. Page 36 of 70, so there was a black Range Rover that was BOLO'd with paper tags -- with a Right Choice Automotive paper tag.
Q. Looking at page 37, was there any additional suspect information provided at that time?
A. So caller called in and stated that the shooter in the black Range Rover had light skin and his name was Isaiah Butler. States he took off in the Range Rover.
Q. This was a black male description?
A. Yes. Correct.
Q. So you mentioned that a BOLO was put out. What is a BOLO?
A. Be on the lookout for.
Q. Okay. And was a vehicle matching that description located that night?
A. No.
MS. YONGUE: I beg the Court's indulgence.
BY MS. YONGUE:
Q. One more thing on page 37. The call-taker was

Ferguson, about halfway down, what suspect information or description was given to that call-taker. It was --

A. You said Ferguson?

Q. It was, I'm sorry, Conesco, not Ferguson.

A. Conesco?

Q. Uh-huh. I apologize. I was looking one line down.

A. So one of the callers, shooter has left the scene. Shooter is a black male in a black Range Rover. Stolen vehicle, three black males, light skin, and the dispatcher is Conesco.

Q. Okay. And going down the page on that same page, the call-taker was also Conesco, after the caller hung up, the line before, what information was provided to Conesco?

A. Let's see. 822. Both subjects still breathing. Aunt shot in left chest. Mrs. Thompson's cousin shot in the head.

Q. No, page 37 towards the bottom. The call-taker was Conesco.

A. Caller doesn't see anyone on-scene with weapons.

MS. YONGUE: Thank you. No further questions at this time.

THE COURT: Cross-examination.

MS. POPOWSKI: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. POPOWSKI:

Q. Good morning.
A. Good morning.
Q. Do you mind if I look at your report to make sure that it syncs up with mine?
A. Sure.
Q. Thanks. Because I'm having a hard time finding some of these things.
A. Okay.
Q. This is what we have. We have a different format.
A. So they look like they are printed different.
MS. POPOWSKI: One second, Your Honor.
BY MS. POPOWSKI:
Q. I just have a few questions.
A. Okay.
Q. Okay. You testified that there was a caller Georgia?
A. Yes.
Q. And that she stated that Ebony Ponds has been shot and someone has been kidnapped?
A. One second.
Q. And I apologize. I'd give you the page number, but my report seems to not sync up with yours.
A. Yeah, let me find that comment though because I read it straight from the report. And you don't know what page you're referencing? Do you have a page number that you're referencing?

Q. It's -- on my report it's page number 2 and the call reference 311.

MS. FULLER: I think it's 14.

MS. POPOWSKI: I don't have page 14.

THE WITNESS: Tell me your page number that you're looking for again.

BY MS. POPOWSKI:

Q. The prosecutor tells me it's on your page 14.

A. Okay. So Georgia states they need to be there now. Hysterical caller Georgia states her grandmother is dying and some other family member. There's nowhere she can go. Georgia states someone has been shot. Ebony Bonds or Ponds has been shot and someone has been kidnapped.

Q. Thank you.

A. Yes, that was Georgia.

Q. And it's also your testimony that Georgia didn't provide any identifying information of the shooter in that call?

A. Not in that call.

Q. Thank you. Again, I am -- I apologize for the confusion with the -- with the page numbers. Can you look on your page 37 of 70.

A. Okay.

Q. I just wanted to make sure it's your testimony that on line 257 the description given to dispatch was a light

skinned BM, which is black male?
A. Correct.
Q. Thank you. And then on line L900, underneath there, it says shooter comma BM in black Range Rover comma stolen vehicle comma three BM light-skinned. What does that mean?
A. Let me find that.
Q. It's also on the same page.
A. And you said L900?
Q. L900, uh-huh.
A. I do not see that on page 37.
Q. It could be on the following page. Three BM comma light-skinned reported by Conesco. It's the center of the page on page 37.
A. So the entry that says L900 says that he's going code.
Q. Right, and then one, two, three -- three lines down, the description given is three BM, light-skinned.
A. Okay. So that is not necessarily from that unit.
Q. Okay.
A. That just says that the dispatcher took that description from either her -- one second. That was from a caller.
Q. Okay.
A. Not necessarily law enforcement.
Q. And three BM.
A. So shooter is a black male in a black Range Rover,

stolen vehicle, three black males, light-skinned.
Q. Okay. Thank you.
MS. POPOWSKI: No further questions at this time.
THE COURT: Any redirect?
MS. YONGUE: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. YONGUE:
Q. Going back just to flush it out a little bit more about CADs, you mentioned that there were multiple callers reporting the --
MS. POPOWSKI: Objection, Your Honor. Outside of the scope of my cross-examination.
THE COURT: Overruled.
BY MS. YONGUE:
Q. There -- there were multiple callers reporting this shooting that night, correct?
A. Correct, more than one.
Q. Okay. And, in general, when there are multiple callers, is more than one CAD created?
A. They start out with multiple call cards and then they merge them all together so that all of the information from multiple callers can be sent to the responders and all in one document, which means that it's kind of choppy as far as that it's realtime, so if we've got multiple callers on the line there is multiple entries being made within

seconds of each other. So it could be your comments, my comments, whatever citizen is calling in, they're all actually documenting that in realtime.

Q. So would you agree that there's a CAD hypothetically created for one caller, so that caller's notes and then so and so forth for different callers that call in and report the shooting, and then those notes are merged together into one main CAD so to speak?

A. Correct. For each agency, yes.

Q. Okay. And just looking at the CADs, what do the L numbers represent?

A. So that's the law enforcement unit numbers that are responding.

Q. So would that be information that they provide to dispatch?

A. Yes.

Q. Okay. And if it does not have an L number next to that information, what does that mean?

A. That is information that either the call-taker or the dispatcher is documenting in the call card.

Q. Okay. Now what -- looking at the call that -- when Georgia called in to report the shooting, what time did she identify Isaiah Butler as the shooter? We're looking at page 37 of that CAD. A little more than halfway down the page of page 37.

A. Let's see. That would be 21:20, which would be 9:20.
Q. So she identified Isaiah Butler as the shooter at 9:20 PM that night?
A. Correct.
Q. Okay. Now defense counsel asked you about Georgia's comment that someone had been kidnapped. Now looking -- and that was during the 9:12 PM call?
A. Correct.
Q. She had just reported -- or witnessed a shooting, correct?
A. Yes.
Q. And the call notes -- how did they describe her demeanor as she was reporting this?
A. That she was hysterical.
Q. Okay. So if she was -- I apologize. So if she was hysterical as she was on the line, would that indicate -- or would you agree whether that would be easy to understand someone if they were hysterical on the line?
A. It is not always easy to understand people that are on the line hysterical.
Q. So would it may or may not be correct that someone may have been kidnapped?
A. It may or may not be correct.
MS. YONGUE: I beg the Court's indulgence.
BY MS. YONGUE:

Q. And there was a shooting, correct --
A. Yes.
Q. -- that had just occurred or had just been reported occurred at 9:12 is the earliest time that we know of?
A. Correct.
MS. YONGUE: No further questions.
THE COURT: Recross.
MS. POPOWSKI: No further questions, Your Honor.
THE COURT: All right. The witness may step down.
(Witness excused.)
THE COURT: Ladies and gentlemen, we're gonna go ahead and take our morning break, so we'll take a ten-minute break. Please go down to your jury room and refresh yourselves, stretch your legs. Please don't discuss this case or any people involved in the case and we'll have you back up here shortly.
Thank you.
(Whereupon, the jury retires to the jury room at 11:00 AM.)
THE COURT: All right. We'll see you in ten minutes.
(Recess taken at 11:01 AM.)
(Back on the record at 11:14 AM.)
(State's Exhibit Number 50 through 53 were marked for identification.)

BAILIFF: Court is back in session. Keep your seats.

THE COURT: All right. Thank you.

Are we ready for our next witness?

MS. FULLER: The State's ready, Your Honor.

THE COURT: Is defense ready?

MR. CHEHOSKI: Yes, Your Honor.

THE COURT: Bring them up, please.

(Whereupon, the jury return to the courtroom at 11:18 AM.)

THE COURT: All right. Ladies and gentlemen of the jury, please be seated. Welcome back. We'll continue where we left off with the next witness in this case.

MS. FULLER: Thank you, Your Honor.

The State calls Keanna Outlaw.

THE CLERK: Raise your right hand, please, and put your left hand on the Bible.

(Whereupon, Keanna Outlaw was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat up there. You can remove you're the mask if you need to. If you'll state your name and spell your last for the record, please.

THE WITNESS: Keanna Outlaw.

KEANNA OUTLAW,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. Can you spell your last name for the record?

A. O-U-T-L-A-W.

Q. Keanna, how do you know Isaiah Butler?

A. That's my ex.

Q. Can you speak up just a little bit louder?

A. That's my ex.

Q. Okay. Are you are guys still in a relationship today?

A. No, ma'am.

Q. Do you still communicate with him?

A. Yes, sometimes.

Q. But you're not in a relationship now?

A. No.

Q. Okay. And back on August 30th of 2018, you were in a relationship with him?

A. Yes.

Q. And how long were you guys dating?

A. We had been dating since March.

Q. Of 2018?

A. Uh-huh.

Q. So about five months, four months?

A. Yes, ma'am.

Q. As it relates to this shooting incident, we already know that it happened on August 30th of 2018 at Riverbend; is that correct?
A. Yes.
Q. And Isaiah goes by Ike; is that correct?
A. Yes.
Q. And then your sibling is Isaiah Outlaw that goes by Zariah?
A. Yes.
Q. Your brother?
A. Yes.
Q. Okay. And you know Georgia. You guys were roommates and friends at some point?
A. Yes.
Q. And then Ebony?
A. Yeah, I know her.
Q. And then do you know Ebony's mom?
A. No.
Q. Okay. But you know that she was injured in this case?
A. Yes.
Q. Okay. So back on that day you were present for this shooting?
A. Yes.
Q. And where were you?
A. In the parking lot.

Q. Okay. What did you observe during the shooting?
A. The car came in -- into the -- it's like a square. It came in and went back out.
Q. Okay. And the shooting came from the -- the shooting happened and the person shooting was in the car?
A. You said what?
Q. The person that was shooting was in the car?
A. Yes.
Q. And what kind of car was it?
A. It was a black truck.
Q. Okay. Do you know what kind?
A. No, ma'am.
Q. When you say "truck", are you saying SUV or a pick-up truck?
A. Like an SUV.
Q. Okay. And did you see who was shooting?
A. No.
Q. Do you know who was shooting?
A. No.
Q. Okay. Back on August 30th you were living at Riverbend apartments, [redacted]?
A. Uh-huh.
Q. I need a yes or no.
A. Yes.
Q. Okay. And your brother lived there?

A. Yes.
Q. And Tomiah lived there?
A. Yes.
Q. And your little brother was visiting you?
A. Yes.
Q. From up north?
A. Yes.
Q. And you and your brother the day before had got into a fight?
A. Yes.
Q. And then he hit you that day?
A. Yes.
Q. The next day -- or that day or the next day you threw his things out?
A. I threw them out that day.
Q. On the 29th?
A. Yes.
Q. Okay. And was Ike there that day, the day before?
A. Not when I threw his things out. He probably came there like later that night. I can't remember.
Q. Okay. Now the day this happened, Ike was there; is that correct?
A. Huh?
Q. The day this happened, the shooting happened, Ike was there at your place?

A. Yes, during the day.
Q. Okay. And he was driving a black Range Rover?
A. No.
Q. So you've never seen a black Range Rover driving --
A. I've seen a black Range Rover.
Q. -- that someone's driving?
A. No.
Q. So what was he driving?
A. He wasn't driving.
Q. How did he get there?
A. He got dropped off by his sister.
Q. And who's is sister?
A. Her name's Monee.
Q. Okay. And you saw her do this?
A. Yes.
Q. And what time did he get dropped off?
A. I can't remember. He got dropped off like the night before.
Q. Okay. So he was at your house the night of the 29th, is that your testimony?
A. Yeah, he spent the night.
Q. And you're sure about that?
A. Yes.
Q. Okay. And the morning of the 30th he just was still there? He woke up with you in the apartment?

A. Yes.
Q. And you stayed there all day together?
A. Yes.
Q. Okay. And when did he leave that day?
A. I can't remember what time it was, but it was still light outside.
Q. Okay. And how did he leave your apartment?
A. His sister came and got him.
Q. And what kind of car did she drive?
A. I can't remember the kind of car, but it had like a grayish brownish color.
Q. Okay. So back in August of 2018, what kind of car was Isaiah driving then?
A. He didn't have a car.
Q. He didn't have a car at all?
A. No. A lot of times he used his friends' cars, but most of the time he got dropped off.
Q. Okay. So you're -- just to be sure, your testimony is that he didn't have a car?
A. Yes.
Q. At all?
A. No.
Q. Okay. During the earlier -- during the altercation that we know about when Ebony, Iyana and Zariah came over, that was over his cell phone, correct? Your brother's cell

phone.
A. I don't understand your question.
Q. When the altercation happened where you threw a glass table, do you remember that?
A. Uh-huh.
Q. That was over your brother's cell phone?
A. Yes.
Q. Okay. Why did you take his cell phone?
A. Because they sent my little brother away from Areauna's house and he came to my house that morning because they knew I didn't have a key to unlock the door and my little brother said that Isaiah and Tomiah told him that he had to leave because they were talking about coming into my house when I went to work because they knew I worked nightshift and I didn't have a key to that apartment --
Q. I'm -- let me slow you down. I'm confused. You didn't have a key to your apartment?
A. No.
Q. Why don't you have a key to your apartment?
A. Because it was my ex's. It was an apartment in my ex's name and he had the key and he went to the military, but he let me keep the apartment, and he gave his mom the key and she never gave me the key, but since I had a bunch of people staying at the house, there was always somebody

there.
Q. Okay. And so the reason why you took his phone is because of what?
A. Because my little brother said that --
Q. Don't tell me what he said, but what was your reason for taking the phone?
A. I'm trying to tell you. I have a -- I'm talking about the small -- the small brother.
Q. Okay.
A. He came to my house the next day after I kicked Isaiah out and said that they -- that they told him that he had to leave Areauna's house because they told him that they were gonna come in my house and destroy everything while I was at work because they knew I worked the nightshift.
Q. So that's the reason why you took your brother's phone?
A. Yes.
Q. And where did you take it from?
A. From Areauna's house.
Q. And where was your -- where was Isaiah when you took your brother's phone?
A. Areauna's house.
Q. And what was he doing when you took the phone?
A. I can't remember. He was probably like in the living room or something.

Q. Okay. Did he ask for his phone back?
A. Yes.
Q. And why didn't you give it back to him?
A. Because I didn't want to.
Q. That's fair. Okay. The police were called we know at 7:30 and it was reported that Isaiah threatened to shoot this place up during that incident. Were you present for that?
A. Present for what?
Q. When Isaiah made the threat?
A. He didn't make that threat.
Q. So you're saying he didn't make any threat?
A. No, he didn't.
Q. What did he say?
A. He told -- Ebony had told him not to hit Isaiah and he told Ebony that as long as Isaiah didn't hit me he wasn't gonna hit Isaiah. Georgia told him she knew all these different type of gang-affiliated people and he just told her to call them.
Q. Okay. So your testimony is that he never threatened to hurt anybody?
A. Yes.
Q. Okay. The shooting happens. Where did you go after the shooting? What did you do?
A. I told my little brother to get his things so he could

come with me and one of the girls started fighting me, so after that I had just walked to the chicken farm and I used somebody's phone to call him to tell him to pick me up.

Q. Okay. Prior to that happening, did you message Isaiah from your brother's iPad?

A. I messaged him from the iPad before the shooting when I was still out there.

Q. Okay. So I'm gonna show you these messages. Looking at State's 26, are these the messages you sent to Isaiah from your brother's iPad?

A. Yes.

Q. And Isaiah's phone number, is that it up here, [redacted]-8710?

A. Yes.

Q. And you knew it by heart back then?

A. Yes.

Q. It's under Isaiah's name, that same number. [redacted]-8710 is Isaiah phone number?

A. Yes.

Q. And that's the only phone number you communicated with him on?

A. Yes.

Q. And over here where it says Bae, who's writing that?

A. Me.

Q. And then the next message, what does it say?
A. I can't -- I can't see it because I'm blind.
Q. You still can't see it?
A. Oh, now I can see it a little bit.
Q. What does it say?
A. This nigga stole my money.
Q. And then the next one? I'll give you a copy of this.
A. Thank you.
Q. I'll hand you a copy of it so you can have it up there.
A. Thank you.
Q. Can you see better?
A. Uh-huh.
Q. Okay. And so the next message, what did you say?
A. I said they're tryna to jump me.
Q. Okay. And then who's responding?
A. Isaiah.
Q. Okay. And you know that was him responding, he had his phone?
A. Yes.
Q. And what does he say?
A. He said how he stole yo money, where you at.
Q. And then what was your response?
A. I told him to meet me at my house.
Q. And then the next message?

A. I told him that they made him hide the money in the house, like I can't find it.
Q. And that's what you wrote?
A. Like I can't find the shit.
Q. Okay. And then his response?
A. He said I'm on my way, tell that nigga stay there, and he told me -- and he said stay at yo house.
Q. And who are you guys talking about there?
A. When?
Q. In the communication, who are you talking about?
A. When I said he stole my money, I was talking about my little brother.
Q. Which brother?
A. Isaiah.
Q. And then when he says tell him to stay there, who's he talking about?
A. I had called him from the iPad and told him that the -- their cousin was there and that he had threatened me and that's when he texted me and said tell him to stay there.
Q. Okay. And so he came over after that?
A. No, he never showed up.
Q. Why?
A. I don't know.
Q. So you're saying after he said he's on his way he just never came?

A. Yeah, he never -- he never came.
Q. Did you call him and tell him not to come?
A. Yes.
Q. And when did you call him to tell him not to come?
A. When -- it was sometime when I was at Areauna's house. I can't remember what time it was.
Q. Okay. So when he says I'm on my way, did you call him before or after that message?
A. I called him after that.
Q. So after he says I'm on my way, you called him and told him not to come?
A. Yes.
Q. And then he still says stay at your house?
A. He said what?
Q. Then he still -- after you called him, then he sent the message stay at your house? Is that your testimony?
A. I didn't -- I didn't see that message on the tablet.
Q. Okay. So he says I'm on my way and then you call him and tell him not to come?
A. I had to -- I had told him not to come because the cousin was doing too much and there was so many people out there.
Q. I hear you. My question is he sent you the message I'm on my way and your testimony is after he sent that message you called him and told him not to come?

A. Yeah, we had a conversation on -- on FaceTime.
Q. Okay. So you FaceTime'd him?
A. Yes.
Q. And you told him don't come?
A. Yes.
Q. And so when he says stay at your house, you didn't see that message that night; is that what you're saying?
A. I don't remember that message, but I know I talked to him on the phone after that, so I -- I wasn't paying attention to the messages after that.
Q. Okay. So after you called him, after he says I'm on my way, after your phone conversation, you took it -- you understood that he was no longer coming? That's your understanding?
A. Yes.
Q. Now looking at -- I'm gonna show you a couple of things, and this is State's Exhibit 50 for identification, and we'll authenticate it later.

Looking at State's 50, it's gonna be the call log that day for Isaiah from his phone. You used the iPad. The number for the iPad was 914-450-2322 -- 26. Does that sound correct?
A. Yes.
Q. So in looking at this iPad -- I mean, looking at the call log starting here on page 2, do you see that same

number?
A. Yes.
Q. Okay. And I'll leave that with you. I have a couple of questions. So the 914 number is the number for the iPad and looking at that call log that's you calling Isaiah, correct?
A. Yes.
Q. And the time on that call is -- which is line 28, is at 8:12 PM; is that correct?
A. Yes.
Q. Okay. And it has -- for duration it has zero seconds in there and it's logged as a missed call; is that correct?
A. Yes.
Q. Okay. So he didn't answer when you called him?
A. I talked to him on the phone.
Q. No, just answer that question. At 8:12 when you called him he did not he answer, correct?
A. That's what it says on the paper.
Q. Okay. The next line, line 29, is another call at 8:12 from the iPad to Isaiah and it's logged as a missed call as well, correct?
A. Yes.
Q. The next line, 30, at 8:13 PM from the iPad to Isaiah is a missed call as well, correct?
A. Yes.

Q. Line 31, a call at 8:15 PM from the iPad to Isaiah, and that's missed call as well, correct?
A. Yes.
Q. Okay. And so that's four missed calls and he didn't answer; is that correct?
A. Yes.
Q. Now if you flip the page and go to line 37, and you can stay there, but I'll say this. Those missed calls were FaceTime calls, right?
A. Yes.
Q. They were attempted FaceTime's?
A. Yes.
Q. Now looking at line 37, it's an outgoing call from Isaiah to the iPad, but it's a call, not a FaceTime, at 8:29 PM and it's zero duration, so you didn't answer at 8:29; is that correct?
A. Yes.
Q. Then going to line 40, that's the iPad, correct?
A. Yes.
Q. And that's at 8:30 PM; is that correct?
A. Yes.
Q. And it's a FaceTime call for a minute and 22 seconds; is that correct?
A. Yes.
Q. Okay. So at 8:30 PM is when you spoke to Isaiah based

on these records that we'll properly authenticate later; is that correct?

A. Yes.

Q. Now if you'll look down and you'll take your time, can you locate where you spoke again?

A. I can't find the number I called him from because I don't know the number.

Q. Sorry. We'll start -- we're sticking to prior to when the shooting happened.

A. Okay.

Q. So between would be -- we know this text started at 8:11 PM and looking here at this timeline, I don't know if you can see it from there, but the first call reporting the shooting was at 9:12 PM, okay?

A. Okay.

Q. So my question to you is between 8:11 PM and 9:12 PM on those call logs, after the 8:30 call when do you speak to him again?

A. 9:03.

Q. Okay. So let's look at the 9:03 call. That's Isaiah Butler calling -- or FaceTiming the iPad; is that correct?

A. Yes.

Q. And then in the fourth column, what does it say? One, two, three -- fifth column, what does it say?

A. That there's no call. We didn't talk.

Q. Okay. So at 9:03 he attempts to FaceTime you and you didn't answer?
A. Yes.
Q. So I'm gonna show you State's Exhibit 28 and have you take a look at it. This is State's 28 and at the top do you see where it says participant?
A. Yes.
Q. And the phone number there is [redacted]-8710?
A. Yes.
Q. And that's -- that's Isaiah Butler's phone number, correct?
A. Yes.
Q. And then [redacted]-2326, that's the number for the iPad, correct?
A. Yes.
Q. And looking at those messages, you recognize this as messages you sent from the iPad to Isaiah, correct?
A. Yes.
Q. And the responses are messages from Isaiah to you, correct?
A. Yes.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit -- I forgot what I said -- 26? 26 into evidence.

THE COURT REPORTER: No.
THE COURT: 28.
THE COURT REPORTER: 28.
MS. FULLER: What number, 28?
THE COURT: Any objection?
MS. FULLER: Defense, the Judge's waiting.
THE COURT: Without objection?
MR. CHEHOSKI: Without objection.
THE COURT: All right. State's Exhibit 28 is admitted into evidence.
(State's Exhibit Number 28, a text from extraction, was admitted into evidence.)
BY MS. FULLER:
Q. And I'm going to swap out copies. You can look at this one. Looking at State's 28, for the record it's official extractions from Isaiah Butler's cell phone, and what I was asking you up here, that's his phone number, correct, [redacted]-8710?
A. Yes.
Q. And here is the iPad, [redacted]-2326, correct?
A. Yes.
Q. The message here says bae. Do you see that, the first message?
A. Yes.
Q. And on the screen shot it's the same, bae, correct?

A. Yes.
Q. And so the message in State's 26 is what's contained in State's 28, correct?
A. Yes.
Q. So looking through this, bae was sent 8:11:58 seconds, correct?
A. Yes.
Q. And then at 8:15 and 18 seconds after the three missed calls is when you sent that message about your money being stolen, correct?
A. Yes.
Q. And then just to be clear, 8:11 PM would be after the police came after you threw the glass at your brother, correct?
A. Yes.
Q. And we know that they left the scene at 7:58 PM, correct?
A. Yes.
Q. So at that point you left and went back to Areauna's building, [redacted] building, correct?
A. I only went there after he took my money. I was going there to get my money.
Q. So it's a yes?
A. Yes.
Q. Okay. So then at 8:11 that's when you text Isaiah,

8:15 you sent the next text and then at 8:20 you sent the next message, correct?

A. Yes.

Q. He responds at 8:28 and 45 seconds, correct, based on what you see there?

A. Yes.

Q. Okay. And at 8:36 PM you messaged him meet me at my house, correct?

A. Yes.

Q. And based on the call log, you agree that you guys spoke at 8:30 for a minute and 22 seconds?

A. Yes.

Q. So that's at 8:30?

A. Yes.

Q. And you found no call prior to 9:12 that you guys communicated?

A. Yes.

Q. Then you sent another message at 8:36:59, then he responds I'm on my way at 8:38:34; is that correct?

A. Yes.

Q. And then at 8:42 he says stay at your house, correct?

A. Yes.

Q. So you testified previously that after he said I'm on my way you said you spoke to him on the phone before the shooting?

A. Yes.
Q. That's not true, is it?
A. Yes, it is.
Q. What phone did you speak to him on?
A. I spoke to him on the tablet.
Q. After the on my way message?
A. Yes. I don't know where that call's at, but I definitely FaceTime'd him and talked to him and told him not to come.
Q. After I'm on my way you're saying you called him?
A. Yes.
Q. Even though there's no record of the call?
A. Yes.
Q. And you're sure you called from the tablet?
A. Yes, ma'am.
(State's Exhibit Number 54 was marked for identification.)
BY MS. FULLER:
Q. I'm gonna show you State's 54. Can you see this from here?
A. Yes.
Q. So at 8:11 PM that's the message, correct, bae?
A. Uh-huh.
Q. Then 8:12 to 8:15 you called him four times, correct?
A. Yes.

Q. You've got to speak into the microphone.
A. Yes.
Q. At 8:15 you sent that message, correct?
A. Yes.
Q. At 8:20, correct?
A. Yes.
Q. And then at 8:28, correct?
A. Yes.
Q. At 8:29 he attempts to call you, no answer, correct?
A. Yes.
Q. 8:30 you talked for a minute twenty-two?
A. Yes.
Q. 8:36 sent those messages?
A. Yes.
Q. 8:38 he sends that message?
A. Yes.
Q. 8:42 that message came through?
A. Yes.
Q. And then at 9:03 no answer, correct?
A. Yes.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 54 into evidence.

MS. POPOWSKI: No objection.

THE COURT: All right. So admitted. State's Exhibit 54.

(State's Exhibit Number 54, text blowup, was admitted into evidence.)

BY MS. FULLER:

Q. So just so it's clear, there are official records that contain those communications, correct?

A. Yes.

Q. There are official records that contain the missed calls, correct? The four missed calls, correct?

A. Yes.

Q. At 8:12 and 8:15. There are official records that contain the 8:29 call and the 8:30 call, correct?

A. Yes.

Q. There's official records that contain the 9:03 call, correct?

A. Yes.

Q. But you're saying that between the time that he says I'm on my way at 8:38 and 9:03 that those records are deleted?

A. Yes.

Q. Okay. That's your testimony?

A. Yes.

Q. Okay. Then you said after the shooting -- where did you go after the shooting?

A. I walked towards the chicken farm.

Q. Okay. And then where did you go?

A. I used this stranger's phone that worked at the chicken farm to call him to come get me.
Q. Okay. So in looking at his call log after the shooting, if you look at the records, if the number is saved in his phone you see a name, correct?
A. Yes.
Q. Okay. And line 55 and 56, those numbers are not saved in the phone, correct?
A. Yes.
Q. And so it's your testimony you believe that that's when you called him?
A. Yes.
Q. And that's the stranger's phone you believe you used?
A. Yes.
Q. And what time was that?
A. I don't know what time it was.
Q. You can use the records.
A. 9:31.
Q. Okay. And so do you recall calling him once and he didn't answer?
A. No, I can't remember.
Q. Okay. So if this is you calling, you called at 9:31?
A. Yes.
Q. But before that there's no call on these records from another -- another number not saved in this device,

correct?
A. Yes.
Q. And that when you spoke to him on the phone, just so it's clear, you spoke to him on the 979 number, correct?
A. You say what?
Q. When you spoke to him, you spoke to him on the [redacted]-8710?
A. Yes.
Q. And he actually answered or you spoke with him?
A. Yes.
Q. And it was his voice?
A. Yes.
Q. So he had his phone with him?
A. Yes.
Q. We have testimony in of phone number [redacted]-7570. That's your phone number?
A. Yes.
Q. That's still your phone number?
A. Yes.
Q. And where was your phone that night?
A. He had my phone.
Q. And why did he have your phone?
A. Because we were gonna walk to McDonald's to get my brother something to eat, but I had on shorts so I gave him my phone to hold it.

Q. And what time did you hand him your phone?
A. I don't remember what time it was, but it was during the day.
Q. So this was before or after the cops came at 7:30?
A. Before. Before.
Q. So before the altercation with your brother?
A. Yes.
Q. And at what point did he get your brother's phone?
A. I want to say before that, but I can't remember.
Q. And why did you give him your brother's phone?
A. Because I wanted to.
Q. Okay. And your phone, do you remember what kind of phone you actually had back then?
A. It may have been an iPhone 7.
Q. Okay. And you would recognize it now if you saw it again?
A. Yes.
Q. Okay. And after you called him, and we'll just presume it's the 9:31 call, did he come and get you?
A. Yes.
Q. And where did you go then?
A. Like where did he pick me up from?
Q. You said the chicken plant or chicken farm or something, right?
A. That's where I used the phone, but he picked me up

across the street at the Family Dollar that's across the street from the chicken farm.

Q. Okay. Thank you for the clarification. Once he picked you up he was with his sister you said?

A. Yes.

Q. Monee?

A. Yes.

Q. Okay. And where did you guys go after he picked you up?

A. Copper Beach.

Q. Okay. And where's Copper Beach?

A. I want to say down Bluff Road.

Q. In Richland county?

A. Yes.

Q. In Columbia?

A. Yes.

Q. Okay. And why did you go to Copper Breach?

A. Because he had friends that stay out there.

Q. Okay. So after the shooting he picks you up and you guys go together to Copper Beach?

A. Yes.

Q. The three of you?

A. Yes.

Q. Do you remember texting your mother about what happened?

A. I'm not understanding your question.
Q. Do you remember texting your mother about what happened?
A. No.
Q. Okay. I'm gonna show you your phone and ask you if you recognize it.
MS. FULLER: I'll mark it first. It will be just for ID State's 55.
(State's Exhibit Number 55 was marked for identification.)
BY MS. FULLER:
Q. You can go ahead and take it out and see if you recognize it.
A. (Witness complies.)
Q. And this is your phone?
A. Yes.
Q. And the police took your phone to examine it, correct?
A. Yes.
Q. Okay. And to examine it would mean they reviewed the messages and all of that in your device?
A. Yes.
Q. I'm gonna show you -- I'm not introducing because I didn't print a copy, but I'm gonna show you this conversation and just take your time to read it.
A. (Witness complies.)

Q. Do you remember messaging your mother about the incident?
A. Now I do.
Q. Okay. And when you messaged her you told her that you were walking all night, correct?
A. Yes.
Q. Was that the truth or a lie?
A. It was a lie.
Q. Okay. So you lied to your mother the day this happened?
A. Yes.
Q. You also told her that you slept outside, correct?
A. Yes.
Q. And you told her some other things happened to you, too, right?
A. Yes.
Q. And those things didn't happen?
A. No.
Q. Okay. So you lied then?
A. Yes.
Q. To your mother?
A. Yes.
Q. On August 31st, the day after this happened?
A. Yes.
Q. You talked about James, correct? James was your

ex-boyfriend?
A. Yes.
(State's Exhibit Number 52 was marked for identification.)
BY MS. FULLER:
Q. I'm gonna show you State's 52 and ask if you recognize this conversation and I have a few questions about it.
Do you recognize who you're speaking to?
A. Yes.
Q. And who are you speaking to?
A. Ike.
Q. What -- and you're talking about something James said, correct?
A. Yes.
Q. And you can take your time and you can flip through. It's a conversation that took place on September 1st. This would be two days after this shooting happened, correct?
A. Yes.
Q. And you sent Isaiah screen shots of what James said to you, correct?
A. Yes.
Q. And your responses, you wrote those, correct? Like what you sent, you were the one that wrote it?
A. Yes. Yes.
Q. And Isaiah is the one texting you in response as well,

correct?
A. Yes.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 52 into evidence.
MS. POPOWSKI: No objection, Your Honor.
THE COURT: State's Exhibit 52 is admitted into evidence.
(State's Exhibit Number 52, text from extraction, was admitted into evidence.)
BY MS. FULLER:
Q. I'll swap with you. And, again, just to cover this, this is your device, [redacted]-7570, correct?
A. Yes.
Q. And your name's there, Keanna Outlaw?
A. Yes.
Q. And then it's saved as daddy in your phone; is that correct?
A. Yes.
Q. And that's who you're referring to as Isaiah Butler?
A. Yes.
Q. And that's [redacted]-8710?
A. Yes.
Q. And what did you message Isaiah on September 1, 2018, at 5:27 AM?

A. I said -- I said James text me all types of bullshit about you and was calling me stupid saying I'm ruining my life because of you.
Q. And what was his response?
A. He said what type of B-S, L-M-A-O, and tell him he can't -- he can get that smoke if he want it. I'm done with all that acting.
Q. And what does that mean?
A. I'm not sure.
Q. What does smoke mean?
A. I'm not sure.
Q. Okay. And what's your response?
A. I said bae, hush.
Q. And his response?
A. He said I'm just clarifying what he said.
Q. And then on the next page?
A. I sent him a screen shot of what he said. I said he just bringing you up and siding with them 'cause I don't want his ass no more. He's really just mad.
Q. And what does Isaiah respond?
A. He said all right. I'm gonna hit him up, but are you good? Where are you?
Q. And then your response?
A. I said bae, don't say shit to him. It would be pointless and I'm good. I'm with Nae.

Q. And then his response?
A. He said little nigga want some fame, so I guess I done shot every nigga I had beef with since I don't fight.
Q. And then the next message?
A. He said if I hit him up and tell -- ask him if he want some smoke when he get down here he gonna fold that.
Q. And fold means what?
A. I'm not sure.
Q. Okay. And then your response?
A. I said all right. He pissed me off acting like he know you. He must still be mad about you and know.
Q. And his response?
A. He said you doing too much explaining to mother fuckers and that's wild 'cause he ain't say a word to me that day but get in that car and drove off.
Q. And the next message?
A. And I was supposedly with his bitch.
Q. And your response?
A. I said no, I'm not and who bitch.
Q. And the next one?
A. He said you. He came around there to get sadded.
Q. And what's sadded mean?
A. We hurt his feelings.
Q. Okay. And your response?
A. I said I was not his bitch. Shut up.

Q. And then what did Isaiah respond?
A. He said I'm so tempted to text that little soft ass boy on my heart. One thing I cannot stand is a kapper that's this man wanna be me so bad. The military don't make you successful man, boy. Anybody can go to the military. Look at all these veterans that's homeless now.
Q. And now the last page, and this is all a conversation about James and his response to yours and Isaiah's involvement in the shooting, correct?
A. Yes.
Q. And that's what he's talking about?
A. Yes.
Q. This was a screen shot about the shooting and you being involved, correct?
A. Yes.
Q. And Isaiah being the one that did it, correct?
A. Yes.
Q. Okay. And then what is his response here?
A. It says I ain't never want for shit. Man in the military right now and still a bum.
Q. And then your response?
A. I said don't text his ass, bae. Fuck him.
Q. And then what does he message to you?
A. He said I want my round anytime he touch South Carolina and that's on my nana grave, my heart on and all

my homies. It's like that. Making and example out of everybody, but I don't care what people think of you. Two people ain't get whacked because of you at all and he sad 'cause if the situation was still in his hands he wasn't gonna ride for you like me. That's why he's so mad. He would have wanted to talk and shit.

Q. And so he said if you were still with James he would have wanted to talk it out, correct? That's what it says?

A. Yes.

Q. And the opposite of talk it out is what?

A. I'm not sure.

Q. But it's more than talking, correct?

MS. POPOWSKI: Objection, Your Honor. That calls for speculation.

THE COURT: She can answer the question and move on.

MS. FULLER: Thank you, Judge.

BY MS. FULLER:

Q. When someone says that he would have wanted to talk, generally if you -- the opposite of talk is doing something more, correct?

A. I guess, but I'm not sure what he meant in the message.

Q. Okay. And then his next message?

A. He said I never pushed you wrong and I never tell you anything wrong no matter what type of person people look at

me to be. I never encouraged you to be a bad person or none of that shit. I make you good 24/7 and never ever left yo side, but I do my job as your nigga and this bond dumb tight.

Q. So right there he says he does his job as your man basically, correct?

A. Yes.

Q. And that y'all's bond is tight, close, correct?

A. Yes.

Q. And that's sent right after this message where he said if you were still with James he wasn't gonna ride for you like he does, correct?

A. Yes.

Q. And then he says he would have wanted to talk it out -- the situation out, correct?

A. Yes.

Q. Versus taking a different action, correct?

A. Yes.

Q. And then your response?

A. I say we need to fuck stick. I fucking love you.

Q. And that's how you felt about those two messages?

A. Yes.

Q. And this is after two people were shot?

A. That had nothing to do with it.

Q. Y'all are talking about the shooting.

A. No, James used to let me brother hit me and try to talk or stay out the way and just let us fight. Ike said if Isaiah hit me he would hit him, so Isaiah didn't hit me where he was around.
Q. But here he's talking about the shooting, correct? He's saying -- he's talking about two people getting shot, correct?
A. He's talking about that there, but he's not talking about that as opposed to when it comes to James, but talking about James in general just being a punk and not standing up for me.
Q. But Isaiah would stand up for you?
A. Yes.
Q. Okay. He would do what you asked him to do?
A. I wouldn't say that.
Q. You wouldn't?
A. He's not gonna let my brother just put his hands on me.
Q. Well, generally speaking, keeping in mind your phone, you're saying that he wouldn't do what you asked him to do?
A. No.
Q. He's never done what you've asked him to do?
A. It depends on what I ask him to do.
Q. Okay. Now you talked about not knowing any type of car that he drives, correct?

A. Yes.
Q. That he didn't have a car?
A. Yes.
Q. That's your testimony?
A. Yes.
Q. Looking at State's 49, I'm gonna ask you identify it, recognize it, and then I'll move it into evidence.
Do you recognize it?
A. Uh-huh. Yes.
Q. And you're talking to Isaiah again there?
A. Yes.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 49 into evidence.
MS. POPOWSKI: No objection, Your Honor.
THE COURT: All right. State's Exhibit 49 is admitted.
(State's Exhibit Number 49, text from extraction, was admitted into evidence.)
BY MS. FULLER:
Q. Again, this is another conversation between you and Isaiah on August 31st, correct?
A. Yes.
Q. And this is the day after the shooting happened?
A. Yes.

Q. And what does he message you?
A. He said hey, see if my truck still good if you go by there.
Q. And my truck means something that Isaiah owns, correct?
A. Yes, but that wasn't his truck.
Q. What truck is he talking about?
A. He's talking about a red truck. Like a pick-up truck.
Q. And whose pick-up truck is that?
A. His friend, Nasir's.
Q. So he's texting you to see if my truck is still good around there?
A. Yes.
Q. And how did you know he's talking about a different truck than a truck that's not his?
A. Because I know Nasir's truck was out there.
Q. Out where?
A. In the neighborhood.
Q. What does Nasir's truck have anything to do with Isaiah?
A. Isaiah was driving it.
Q. You just said he didn't drive over there.
A. He didn't, but that car was already out there.
Q. Okay. When did Isaiah drive the truck out there?
A. Like a week prior to it.

Q. So he drove a red truck belonging to his friend and left it at Riverbend for a week?
A. Yes, because the engine was messed up.
Q. Okay. So he says see if my truck is still good out there, so he's talking about at Riverbend?
A. Yes.
Q. And you say okay?
A. Yes.
Q. So you went to go see if the red truck was good out there?
A. No, I went out there with my friend to pick up some of my things from the apartment.
Q. So did you see if the truck was good?
A. Yes, I did.
Q. And was it good?
A. It was still there.
Q. The red truck?
A. Yes.
Q. And where was it parked?
A. I want to say like outside of Areauna's house, but down a little bit, down to the next building.
Q. A red truck?
A. Yes.
Q. Okay. And the engine was messed up?
A. Yes.

Q. So it couldn't move?
A. No.
Q. Okay. So on the next page when he says I'm going to get it now, you said going to get what, he says my truck, he's still talking about the red truck?
A. Yes.
Q. But it didn't -- it couldn't move?
A. No.
Q. So what was -- how was he gonna go get it?
A. I don't know.
MS. FULLER: I beg the Court's indulgence.
BY MS. FULLER:
Q. When it comes to your relationship with Isaiah, you say you're not in a relationship with him now; is that accurate?
A. Yes.
Q. What -- what would you consider the state of your relationship now?
A. Sometimes we're good, sometimes we're not.
Q. What does that mean?
A. I don't understand your question.
Q. What does that mean? I don't understand what you said.
A. We don't really talk like that, but we're still -- we still have the same bond because of how we know each other.

Q. Okay. You still love him?
A. Yes.
Q. Okay. You still care for him?
A. Yes.
Q. Would do anything for him?
A. Yes.
Q. Okay.
MS. FULLER: No further questions at this time.
THE COURT: Cross-examination.
MS. POPOWSKI: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. POPOWSKI:
Q. Hi, Keanna.
A. Hi.
Q. So you've testified your sibling, his name was Isaiah at the time, now it's Zariah?
A. Yeah.
Q. You've got -- you have to answer audibly.
A. Yes.
Q. And you testified that -- that Zariah, then Isaiah, was abusive towards you; is that true?
A. Yes.
Q. And he hit you?
A. Yes.
Q. Okay. He tore up your property?

A. Yes.
Q. All right. And so much so that police were called?
A. Yes.
Q. Okay. And when the police came, you -- you didn't press charges because he's family?
A. Yes.
Q. Okay.
MS. FULLER: Your Honor, may we approach briefly?
(Proceedings held at the bench; not reported.)
BY MS. POPOWSKI:
Q. Okay. And in the incident where Georgia was involved, when everybody was -- when you were having that big argument and folks were yelling at one another, Georgia threatened Ike?
A. Yes.
Q. Okay. And threatened you?
A. Yes.
Q. Okay. And the police were called and you said that Ike left?
A. Yes.
Q. Okay. And how did he leave?
A. Nee came and picked him up.
Q. And who is Nee?
A. His sister. Well, he calls her his sister, but they're not a real blood sister.

Q. Is her name Monee?
A. Yes.
Q. Okay. And her last name is Anderson?
A. Yes.
Q. Okay. So you saw -- did you see -- did you see Nashaun Thompson before the shooter -- before the shooting? Sorry.
A. Who?
Q. Nashaun Thompson.
A. Yes.
Q. Okay. And was he looking for Ike?
A. Yes, he was.
Q. And did he have a gun?
A. Yes, he did.
Q. Okay. And at that time you made a decision to FaceTime Ike?
A. Yes.
Q. And tell him not to come?
A. Yes.
Q. And why did you do that?
A. Because he had a gun.
Q. Okay. At some point in all of this you went back to your apartment to look for money?
A. Yes.
Q. Okay. And did you find it?

A. No, I didn't.
Q. And -- but then you returned to the scene?
A. Yes.
Q. Okay. And you -- you didn't have to return to the scene?
A. No.
Q. Nobody called you back to the scene of the shooting?
A. No.
Q. Okay. And you brought your little brother back with you?
A. Yes.
Q. And if you had thought there was gonna be a shooting, would you have brought your little brother back to the scene?
A. No.
Q. I'm gonna -- I'm gonna show you some pictures that have been marked Defendant's Exhibit 1 and 2. I'm gonna show you two photos marked Exhibit 1 and 2, Defense 1 and 2. Do you recognize that parking lot?
A. Yes.
Q. Okay. And does that fairly and accurately depict the -- what is -- tell us what those pictures are of.
A. The parking lot where the shooting happened.
Q. Okay. And are they a fair and accurate representation of the parking lot at the time of the shooting?

A. Not to me because I don't remember and it's a bad angle.
Q. Okay. All right. So once you returned to the scene, you were stopped by Areauna, right?
A. Yes.
Q. In the cut?
A. Yes.
Q. Okay. And you guys were talking, right?
A. Yes.
Q. And at any point in time did you motion to anybody?
A. No.
Q. Okay. But you saw the SUV pull in?
A. Yes.
Q. And you've testified that shots came from the vehicle?
A. Yes.
Q. Okay. What did the windows look like?
A. I really couldn't see. They were tinted or black.
Q. They were darkly tinted?
A. Yes.
Q. And it was dark outside?
A. Yes.
Q. And the parking lot is not well lit?
A. No, it's not.
Q. And you couldn't see the occupants of the vehicle?
A. No.

Q. And you couldn't see how many people were in the vehicle?
A. No.
Q. And you couldn't see who was shooting a weapon?
A. No.
Q. And you didn't see a weapon?
A. No.
Q. And you told police that when it happened you just paused and stood there because you'd never seen anything like that?
A. Yes.
Q. So you were totally stunned?
A. Yes.
Q. Totally surprised by what was happening?
A. Yes.
Q. Okay. And terrified?
A. Yes.
Q. And after the shooting you were threatened on-scene?
A. Yes.
Q. By multiple people?
A. Yes.
Q. By Nashaun Thompson?
A. Yes.
Q. Who had a gun?
A. Yes.

Q. And he pulled his gun on you?
A. Yes.
Q. And then you were attacked by two other women?
A. Yes.
Q. And at that point Areauna came to your defense, correct?
A. Yes.
Q. Okay. And told you to run?
A. Yes.
Q. And when you were running, did you lose any items?
A. No.
Q. You didn't lose your shoes?
A. Yes. Yes, I did.
Q. Okay. Because you ended up barefoot down by the chicken farm, right?
A. Yes.
Q. Okay. And you lost your ID?
A. My ID was in my wallet that my brother still had or it was in the house wherever they hid it at.
Q. Okay. And so you're terrified and you run away?
A. Yes.
Q. And you run down by the chicken farm barefoot?
A. Yes.
Q. And at that point in time you call Ike to come pick you up?

A. Yes.
Q. Okay. I'm gonna stop briefly just -- and just get out of order here for just a second. Do you have -- do you have a complicated relationship with your mother?
A. Yes.
Q. Like the rest of us?
A. Yes.
Q. Yeah. And who hasn't lied to their mother, right?
A. (Nods head.)
Q. Okay. But you call Ike to come pick you up and you don't use your phone?
A. Yes.
Q. Because you don't have your phone?
A. Right.
Q. Whose phone did you use?
A. Some girl's that worked at the chicken farm.
Q. And so just some stranger?
A. Yes.
Q. Okay. And he comes and he picks you up?
A. Yes.
Q. Who was driving?
A. Monee.
Q. Okay. And whose vehicle was she driving?
A. Hers.
Q. And that is what -- can you describe that vehicle

again?
A. It's like grayish brownish color.
Q. Okay. So Ike was a passenger in that vehicle?
A. Yes.
MS. POPOWSKI: Just one second, please.
BY MS. POPOWSKI:
Q. Just two more questions. So when -- when messages come over your phone or an iPad, the notification will come down, right?
A. Yes.
Q. Okay. And so sometimes you can see a message without opening it?
A. Yes.
Q. Okay. And also I know -- have you ever had the experience where a message was sent, but not delivered instantaneously, like somebody's outside of the -- the cell tower range or their phone's off?
A. Like to send a message and it doesn't deliver?
Q. Right.
A. Yes.
Q. Okay. It isn't delivered instantaneously.
A. Yes.
Q. And you're friends with Ebony Ponds?
A. At the time I wasn't.
Q. You weren't. Did Isaiah know Ebony Ponds?

A. No.

MS. POPOWSKI: No further questions, Your Honor.

THE COURT: Redirect.

MS. FULLER: Just briefly.

REDIRECT EXAMINATION

BY MS. FULLER:

Q. When you were waiting on Isaiah to come pick you up, how long did you have to wait?

A. I want to say about fifteen or twenty minutes, but also because of the situation it could have felt like a long time for him to come.

Q. Okay. But that's what you told the police when you talked to them, correct?

A. Yes.

Q. Okay. And do you remember what day you talked to them? Do you remember --

A. No.

Q. -- going in and giving a statement?

A. No, I don't remember the exact date.

Q. Does September 7th sound accurate?

A. If that's the date, then, yes.

Q. Well, on your statement, what's the date?

A. September 7th.

Q. And down here, is that your signature?

A. Yes.

Q. And that's the date?
A. Yes.
Q. Okay. And between August 30th and September 7th, which we'll look here, who were you spending your time with?
A. I'm sorry, what was your question?
Q. Between -- between August 30th and September 7th when you gave your statement --
A. Yes.
Q. -- who were you spending time with? Where were you?
A. I was still in Copper Beach.
Q. With who?
A. Sometimes Ike was there, sometimes it was just his friends. And his sister Monee was staying there, too, so I wasn't by myself.
Q. So by the time you gave your statement since the 30th you were with Isaiah?
A. Yes.
Q. And you were with Monee?
A. Yes.
Q. Before going to the police?
A. Yes.
Q. On the night of the 30th, why didn't you talk to the police?
A. You said on the night of what?

Q. August 30th why did you not talk to the police?
A. Because I was in Copper Beach. I wasn't out there when everybody else was still there.
Q. How about on the 31st?
A. I'm not understanding your question.
Q. You witnessed a shooting.
A. Yeah, I was a witness. A guy put a gun in my face.
Q. Okay. Did you call the police about that?
A. No.
Q. Why not?
A. Because what was the police gonna do about that?
Q. Okay. But you didn't report it to anyone is what I'm asking you?
A. No. No, I just got my stuff and stayed away from where the trouble was at.
Q. Okay. So you didn't talk to the police on the 30th or the 31st, you didn't call them on the 1st, 2nd, 3rd, 4th, 5th or 6th to tell them that someone put gun in your face?
A. No.
Q. Because you didn't feel like that was important?
A. I wouldn't say it's not important. I feel like police don't really protect us like they're supposed to.
Q. Oh, okay. But if it happened, most people would report it, correct?

MS. POPOWSKI: Your Honor -- objection, Your Honor.

MS. FULLER: She asked about her relationship with her mother. I have a great one. She was able be to say that.

THE COURT: Well, I think you can rephrase your question, Madam Solicitor.

MS. FULLER: Okay.

BY MS. FULLER:

Q. You would agree that it's normal to report something that happens, correct?

A. No.

Q. So people putting guns in -- at you, you don't report that?

MS. POPOWSKI: Your Honor, asked and answered.

MS. FULLER: No, it's a different question.

BY MS. FULLER:

Q. You don't report that?

A. No, I personally don't.

MS. FULLER: I think that's all I needed to ask. No further questions.

THE COURT: All right. Recross.

RECROSS EXAMINATION

BY MS. POPOWSKI:

Q. Keanna --

A. Yes.

Q. -- you were called by the State here today, correct?
A. Yes.
Q. And you understand you're under oath?
A. Yes.
Q. Okay. And have you told the truth today?
A. Yes.
MS. FULLER: Objection.
MS. POPOWSKI: Thank you.
THE COURT: Any other questions?
MS. POPOWSKI: No other questions, Your Honor.
THE COURT: The witness may step down.
You can step down, ma'am.
(Witness excused.)
THE COURT: All right. Ladies and gentlemen, what we'll do at this time is we'll go ahead and break for lunch. I'd like you back in your jury room and ready to come on up at 1:45. That's an hour and fifteen minutes.
We'll see you back here in an hour and fifteen minutes. Please don't discuss the case with one another or anyone else during your lunch break. Otherwise, have a nice lunch.
(Whereupon, the jury is excused for lunch at 12:29 PM.)
THE COURT: All right. We'll see everybody after lunch. How about give -- if you don't mind, anyone who's

We're just gonna continue on with the afternoon sort of where we left off with the State calling their next witness.

Madam Solicitor.

MS. FULLER: Thank you, Your Honor.

The State calls Matt Parker.

(Whereupon, Matthew Parker was duly sworn by the Clerk of Court.)

THE CLERK: If you will have a seat over there. State your name, spelling your last, please. And you can remove your mask.

THE WITNESS: I'm Matthew Parker, P-A-R-K-E-R.

MATTHEW PARKER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. Mr. Parker, where are you employed?

A. Right now I work for the Veterans Affairs Police Department in Augusta, Georgia, Charlie Norwood VA.

Q. Okay. And I'm gonna ask you to move the mic a little bit closer to you. I'm not sure I can hear you coming out of the mic. And go ahead and repeat that for me, please.

A. I work for the Veterans Affairs Police Department at Charlie Norwood VA in Augusta, Georgia.

Q. Okay. And back in 2018 where were you employed?

A. I was a Lexington County patrol deputy.
Q. Okay. And prior to working for Lexington County, where were you employed?
A. A civilian hospital security job in Mississippi. Before that, the U.S. Navy.
Q. Okay. And how long were you in the Navy?
A. Five years.
Q. And in terms of law enforcement, how many years have you been in law enforcement?
A. About three now.
Q. Okay. And so you began your law enforcement career with Lexington County Sheriff's Department?
A. Yes.
Q. I want to talk specifically about why we're here. That's August 30th of 2018. Do you recall responding to [redacted] Riverbend Drive that day?
A. Yes.
Q. And approximately how many times did you respond to that location?
A. For the total apartment complex, twice.
Q. Okay. And I want to start with the second response, which was the shooting in this case. Do you recall responding to that?
A. Yes.
Q. And can you describe to the jury what you observed

when you arrived on the scene?
A. When I arrived on the scene, we had got there a little bit about behind the EMS. They were already working on a patient. My initial response was to come up, and I was with my FTO, I'd only been out of the academy a few weeks, and so we pulled up, we both jumped out of the car and went to see if we could help, but luckily EMS had already been on the scene.
Q. Okay. And I'm gonna stop you there. You said FTO. What's an FTO?
A. Field training officer. Whenever a police officer graduates the South Carolina Criminal Justice Academy, when they go to Lexington County they have to go either two or four -- I think it's four, four weeks with one officer and four weeks with another before they're then released to go on their own just to make sure they're up to speed per the sheriff's policy and all that kind of stuff.
Q. Okay. And back in August of 2018, how long had you actually been working in law enforcement?
A. I had worked for Lexington County since January of 2018. I went to the academy, I think, on May 28th and I got back sometime in the middle of August, so only probably two or three weeks maybe.
Q. And so you were basically what we would say fresh out of the academy at this time?

A. Very much so.
Q. For this particular shooting this particular day, do you actually have memory now of it? Because it's been some time.
A. A view of flashes. I remember that morning a couple of things and then that evening, especially because of the nature of the call and some of the visions get kind of scarred or burned in, however you want to say it, because of the severity of their nature.
Q. Okay. So as it relates to this case, did you write a report?
A. Yes, I wrote a supplemental report to the main case.
Q. Okay. And in addition to what is in your report, you have independent recollection as well today?
A. Yes. I'll probably go off the recollection and then refer to the report to make sure that I wasn't, you know, misremembering or anything like that.
Q. Okay. And you're really soft-spoken, so I'm sorry sometimes I'm gonna ask you to repeat things, but if you can just -- I just want to make sure everyone can hear you clearly. And you responded to the shooting incident. We already have in evidence State's Exhibit 46 and we know that the first call reporting the shooting was at 9:12 and so you would have responded shortly after that behind EMS; is that correct?

A. Yes. I would have to check the CAD because I don't remember, you know, what my watch said. If I could quickly look it up.
Q. Okay.
A. I was Unit 253 Alpha, so I would be alongside Wilke, who was my FTO, who was 253.
Q. And do you --
A. The -- the CAD says we arrived at 9:26.
Q. Okay. And that would be to the actual location --
A. Yes.
Q. -- of where this happened? And so when you arrived on-scene, you said you were shortly behind EMS?
A. Yes. We -- EMS had already gotten one -- when I arrived, I followed blood spatter on the area -- or I went towards blood spatter and the sound of people inside, hysterical emotions, and saw EMS working on someone inside and so I said well, EMS is working, so I'm not gonna get in the way, and me and a deputy named Deputy Bice began to set up crime scene tape because obviously it was a shooting.
Q. Okay. I'm gonna reference the CAD as well since you mentioned it and the CAD we've already had testimony would be basically all the dispatch notes and all that that's stored in there; is that correct?
A. Yes, that's how dispatch manages their computer systems and phone calls and units and that kind of thing.

Q. Okay. And you said -- I just want to make sure I follow along, too. You said you were 253?
A. Yes, I was 253 Alpha. The Alpha designation would show that I was a trainee and 253 would be Wilke. Deputy Wilke.
Q. And you said other -- I just want to make sure -- I see that, too. Okay. And other people responded as well, other officers?
A. Yes. Deputy Bice was out there. I remember he was the one who helped me set up the crime scene tape because that's the first time that we had done that for a major crime. We set it up in a large area just like they teach you to do at the academy to make sure that you try and encompass the whole area and then when major crimes got there later it was directed to set up an even larger area because they were trying to see where the truck had drove or the SUV had driven around, but it was Bice, Sanner was on the squad at that time, Sergeant Steele was running, and I think he still is running the 250 squad over there, and I believe that the master deputy was Hoffstetter, but I don't remember if he was on-scene or not. I know it was Steele.
Q. Okay. So multiple people responding to this shooting call?
A. Yes. Not only from the squad, but EMS and then major crimes.

Q. So and all -- and just so it's clear, are you guys lights and sirens when you're responding?
A. Absolutely. Code 3 is what they call it.
Q. Okay. And while you're on-scene you described EMS. Did you know whether or not people were injured when you arrived on-scene?
A. Yes, they were. There were two shooting victims. Both of them were black females. I don't know -- I couldn't tell you which one was being worked on because they had her on the floor, but I know that one -- one was transported while we were there and I don't know if the other one got in an ambulance or not, but I do remember one being worked on and so that's why I didn't go into the -- the apartment they were in. Both because I didn't want to get into EMS's way, but also not to contaminate the crime scene.
Q. Okay. And do you remember where in the apartment complex that was? And I'm gonna show you -- there should be a laser pointer up there. I'm gonna show you State's Exhibit 2, which is an aerial view. Do you recognize this?
A. Yes, that is Riverbend.
Q. Okay. And do you remember where you responded to utilizing this?
A. Yes, it should be -- for the shooting incident, over here where this large tree is.

Q. Okay.
A. Because that's where we tied off one side of the crime scene tape and came around. And we looked for a long time for brass or fragmentation over in this grassy area and I think that major crimes put their crime scene tape over here.
Q. Okay. And what was the point of extending the crime scene area?
A. I was not major crimes at the time; however, it would -- by police policy it would be to extend the area to try and look for shell casings, tire tracks because supposedly the SUV came in and went around this kind of horseshoe here, and so they would be looking for tire tracks so if they found the vehicle later they would be able to match those with the tires. I don't know if they ever did anything like that, but that would be the purpose of extending.
Q. Okay. And you said to look for shell casings. Do you recall participating in the search?
A. Yes, we looked for basically the entire time we were out there for shell casings and bullet fragmentation because when a bullet strikes an area those bullets are a lead core with a copper coat and so when they strike that copper coat will expand and so it's very unusual. Usually you will find brass casings first, but sometimes you can

find little shreds of copper laying around, so we looked for everything and we didn't find anything.

Q. Okay. But you do know you had two gunshot wound victims?

A. Yes, gunshot wound victims and there was a car parked near that large tree. It looked blue, but I believe it could have been green, it was dark, it was nighttime, and it had a -- the back windshield had been spiderweb shattered. The glass hadn't fallen out, but it had shattered, and so we knew that there had been bullet impacts in the area because of the people being struck and the area being struck.

Q. Okay. I'm gonna show you State's 8 since you referenced that vehicle. Is that the vehicle you're talking about here?

A. It is.

Q. And then looking at 9, is that what you were talking about?

A. Yes. That is what we believed to be that little ovular shape that looks as though a bullet hit and then hit an angle because if you hit a target with a bullet that has an angle, the front angle of the bullet will match that angle and kind of skip off, you know, a lot of people know that's called ricochet, and so that's what we thought that was. We looked over in that area off to the right to maybe

see if it had slowed down enough to land in the grass, but we couldn't find it.
Q. Okay. And so we know at least for that projectile, that one wasn't recovered either?
A. Correct.
Q. And how extensively did you and other officers search that area?
A. We used a -- I used an academy tactic since that's what I knew, which was to take my flashlight and look in the grass and like you mow a lawn you just go one way and then you turn and come back the other way and kind of overlap where you've looked already and you go back and forth looking like that, and I did that in grass with a flashlight and then in the parking lot and the immediate area, and I didn't see any kind of glint or anything.
Q. Okay. And so the crime scene was eventually broken down, which means your search was complete and crime scene had finished processing what they needed to do. During that time did you or anyone else recover any brass as it relates to this case?
A. Not that I'm aware of.
Q. Okay. As it relates to this case, while you were on-scene, did you recover any firearms?
A. No.
Q. And while you were on-scene and while the call was

still open, did you know whether or not a vehicle matching the description that you had just -- that you described came in, was that recovered that night as well?

A. The SUV, no.

Q. Okay. When you were on-scene, did you speak with anyone about what occurred?

A. Yes, for -- for the shooting?

Q. For the shooting, yes.

A. Yes, there was -- I spotted a small child, which I had saw earlier in the day, and he was crying very vehemently and so being concerned, I ran over to check on him and he was with a larger male, who was -- identified himself to being Isaiah Outlaw, and I spoke with him briefly about what happened and he seemed to be in a very emotional state.

Q. Okay. You say he was emotional. What do you mean by emotional? Can you describe that for me?

A. Well, the little kid was totally inconsolable, and then Isaiah was still -- had a lot tears, he was very distraught, very stressed out. You know, I would consider it similar to when someone's sort of having a hysterical episode or a panic attack if you were working in healthcare and you see someone. You know, just very emotional is what I would say.

Q. And when you were speaking with him, the crime scene

tape was still up?
A. Yes. Lights were still going, everybody was -- you know, civilians stay out, this is a crime scene.
Q. Okay. And did he still appear to be under the stress of what had just occurred?
A. Yes. Absolutely.
Q. Okay. And what, if anything, did he relate to you about what happened?
A. He told me about how an SUV had driven through. He said that he saw a -- or he got shot at and so I always ask people because I have a little bit of firearms knowledge to describe the weapon, he could not, but he said that it was -- I tried to ask if it had a cylinder on the front like a revolver, which would explain why we didn't have any casings because revolvers don't eject casings, if there was, you know, any -- any shape that he could give me, and he said no, he couldn't see, but he knew that they were shooting from the SUV as it drove through. So that was -- that was the main thing for me was trying to get any kind of identifying remarks about the weapon.
Q. Okay. And you mentioned that the little boy was familiar. Why was that little boy familiar?
A. Because I had responded earlier in the day to another portion of the apartments to -- we got a call for a domestic earlier in the morning and it turned out not to

be a domestic and it took -- well, because South Carolina changed the definition like a year or two before for domestics where it included family members and now it only includes wives, girlfriends, people who share a child in common, and so since there was no one else on-scene we couldn't really process anything so we said okay, we'll wait for the other missing party to contact us, but there had been a fight between a brother and a sister in another part of the complex.

Q. And I'm gonna stop you there. I think we had testimony from communications that that call was at [redacted]. Does that sound right?

A. Yes.

Q. And that occurred at 7:30 and it was actually reported by Isaiah Outlaw. Does that sound right?

A. Yes. I think I misspoke because I said morning. We start at 6:00 PM, so it was my morning. So earlier in the morning, I mean earlier that day.

Q. Okay. So let me ask you that. From what time to what time is your shift?

A. 6:00 PM to 6:00 AM is the nightshift and then every twenty-eight days at Lexington County they rotate and you go 6:00 AM to 6:00 PM.

Q. Okay. So this particular day you got on shift at six?

A. Yes.

Q. And so this was one of your first calls?
A. Yes.
Q. And so at 7:30 is that when you arrived at Riverbend, [redacted]?
A. I believe so.
Q. Well, that's the call you responded to, not exactly when you arrived?
A. Yes.
Q. We also know that at 7:43 Keanna Outlaw's DMV was ran through the system. Do you recall doing that?
A. Yes. I would have asked for her ID and ran it because that's what we do with everybody when we get on-scene is just to make sure there's no wants and warrants and that kind of stuff. We always take their South Carolina ID and run it through dispatch.
Q. Okay. So you would have been there on-scene roughly at 7:43 at the latest, but sometime before then, correct?
A. Yes.
Q. And when you arrived to the [redacted] building, what's on State's 44, do you see that down here?
A. Yeah.
Q. Okay. Who were you with?
A. I was with my FTO, Wilke still.
Q. Okay. And when you arrived, what, if anything, did you observe?

A. We started walking inside and Wilke said hey, that's a nice car for this area, and I looked over, I'm not a car guy, so he said it's a -- gosh, it's a black SUV, brand new, it's a Range Rover, it's a really expensive car to be over here and it doesn't match the other cars at the apartments, so that's why it stood out, and I said oh, okay.

Q. And then anything of note on the Range Rover? Did you recognize the tag or run the tag?

A. Well, we were going to, but we had to go to the domestic, the domestic was more important, I noticed that it had a paper tag and that's what kind of started ringing bells a little bit for us and then, you know, there was somebody coming out of the car, which kind of -- when we were -- when we were coming up, it gave me kind of a sixth -- sixth sense reaction, you know, where you -- you feel like you're watched. Because of my Navy antiterrorism training, I'm always on the lookout for people who are like making hard eye contact with me or, you know, things that are suspicious, and there was a young gentleman getting a phone charger out of the -- out of the car, I believe he was on the passenger side, but as we walked up we noticed the car, Wilke pointed it out, we kept walking towards the apartment and he came around and opened the door and reached in and got out an iPhone charger, I know because I

was using an iPhone at the time, and closed the door back and started walking off, but the whole time when he walked up, was getting it out and then closed it, he only looked down at the charger once the entire time. When he was leaning sideways, he was staring at us, when he was walking off, he was staring at us, so it gave me kind of -- it put me on alert a little bit.

Q. Okay. And this individual on that day, I'm not saying now, but on that day, did you commit his face to memory? Did you remember it on a later occasion?

A. Briefly.

Q. Okay. Do you remember if he was a black male or a white male?

A. Black male.

Q. And do you remember anything that was significant about his face or his appearance?

A. Just that I would hold onto for a moment. There's a lot of different -- I believe phenotypes is the word where people look kind of similar based off their genetics and so I wouldn't want to try and pick someone out of a lineup a year later after that, you know, but for the -- for the day I remembered his face.

Q. Do you remember his hair in any way?

A. It was sort of combed upward at the time --

Q. Okay.

A. -- and frizzy in a sense to where it wasn't -- I couldn't describe the style for you, but it is a style that you kind of see around.
Q. Okay. So you said up, pointing your hands to hair sort of like an Afro out to the side or --
A. Sort of, but not like the classic Afro. Like circular, but like -- just kind of like combed out and upward.
Q. Okay. And you saw him with the black Range Rover?
A. Yes.
Q. Okay. And you move on and you go to the apartment and you speak with Keanna?
A. Yes.
Q. Okay. What, if anything, do you observe when you're approaching the apartment or around the apartment?
A. When I go up the stairs to the apartment, there was a lot of shattered glass and what looked to be someone's -- like a braid, a double braid, that a lot of females wear just laying on the ground, so that was something that kind of piqued my interest, and we made contact with Keanna, ran her ID and all that. There was no power in the apartment and there was a small child. This was the child that I saw crying later and so that's how I made the connection. You know, hey, how did this kid get here and what's wrong. So, you know, the child was very happy at the time, you know,

very -- just a happy kid.

And she was -- so she told us about having an argument with her brother, which is why we got called there. Well, at the time, we just got the call domestic. I don't know if I didn't have my internal up and didn't see the notes, or Wilke didn't, but all we knew was there was a domestic. So once she said it was her brother and he wasn't on the scene, we thought, okay, well, this isn't a domestic by law, it's an assault, and so if the brother -- and she said she didn't want anything done, so we said okay, we'll have to contact the brother and we asked her how could we get in contact with the brother and she had no clue, she was like well, I don't know, he's somewhere, he's probably hanging out with my mom, we said, okay, well, we'll have to wait until he calls us back so that we could get his side of the story or see if there's an assault charge to be made.

Q. Okay.

A. There was nothing else to do, so we cleared the scene.

Q. Now when you responded in the CAD, the notes in the CAD reported -- reported that Keanna's boyfriend stole the phone and threatened to kill Isaiah, as well as gave the black Range Rover with temporary tag information. Were you aware of that at the time you arrived on-scene?

A. That is a very regretful oversight, but, no, we were just issued to a domestic and we went, so all I knew about

that was it was a domestic. That's either because I was driving and Wilke was instructing me or we were -- you know, training was occurring or something like that, but I guess we didn't look at the notes, which it was enormous oversight in this case.

Q. Okay. And so later on, going back to the shooting incident, did you become aware that a Range Rover was potentially involved in the shooting?

A. Yes, very later on. That's when they started issuing out -- because when I initially started taking statements and you just hear SUV from all the witnesses walking around you think like a Trailblazer or something, but at -- towards the end before we cleared they started saying okay, we're on the lookout for a black Range Rover and go oh, okay, that's sort of unusual for this area again, so.

Q. Okay. And then did that trigger a memory of the black Range Rover earlier?

A. Yes.

Q. Okay. Eventually were you shown a photograph of Isaiah Butler while you were on the scene?

A. I was shown a photograph by Deputy Sanner, I believe it was. He said hey, is this the guy that you saw earlier up there at the apartments and I said oh, yeah, it sure is, so that was the same day recognition.

Q. Okay. And so that day when you were shown a

photograph of Isaiah Butler, you were able to identify him as the person you saw earlier with the black Range Rover when you responded at 7:30; is that correct?

A. Yes, because he had -- like I said, he made strong eye contact that I was able to remember at that time.

Q. Okay. And we're talking not even two hours later roughly the shooting -- not even two hours later the shooting happened, but you arrived on-scene sometime later, you're shown the photograph, it wasn't maybe -- probably around two hours later that you saw a photo of him and recognized him? Does that sound accurate?

A. Relatively. I wouldn't say right at two hours because, you know, we were at the crime scene for a long time. I don't remember where in that Deputy Sanner showed me, but it was within the same shift.

Q. Got you. Okay. So that night before you left the scene?

A. Yes.

Q. Okay. That's accurate. I apologize for that. And when you saw Isaiah Butler at -- when you responded to the 7:30 call, what was the lighting like for you to see him?

A. Oh, the 7:30? It was still bright out.

Q. Okay. And did you have any hesitation when you responded after the shooting when someone showed you a photograph of him to identify that that was the person you

saw earlier when you responded at 7:30?
A. No, it was pretty much instantaneous.
Q. Okay. And when you were clearing the scene, we have it down that law enforcement cleared, and I know I'm jumping back and forth, but they go together, so I apologize for that. When law enforcement cleared the 7:30 call, it was 7:58 according to the CAD. When you were coming back out of the apartment, did you see Isaiah Butler again?
A. No, and I was specifically looking for an ambush. As I said, maybe antiterrorism, I was -- I was on the lookout for people around corners. I remember as we came down the stairs, I looked behind the stairs as I came down, just paranoia left over from the military, and I didn't see any people on the way out.
Q. Okay. And do you have any recollection of seeing the Range Rover when you came out prior to clearing at 7:58?
A. I was not looking for it, but I didn't see it.
Q. You didn't see it. You didn't see -- the way it was parked, you were able to tell that it had a paper tag when you were walking towards the [redacted] building where Keanna lived. Was it parked pulled in or was it backed in for you to be able to see the paper tag?
A. It was pulled in. My report said that it had its rear bumper towards the hedge.

Q. Okay. So you would have been parked -- left your patrol car in the roadway?
A. Yeah, we parked -- I think on the other side there's a little -- where it says pet park, there's like a generator or something over there, and we walked across and it was just because Wilke had pointed it out that it was -- it was strange to be there, and then someone was getting in it who was giving us the eyes, that it was kind of like a thing on the way in, but for some reason I guess through talking to Keanna and because her power was out and that kind of stuff, I just -- on the way out I'd forgotten. But we were gonna run it, but on the way out I forgot about it.
Q. Okay. And you don't recall seeing it either?
A. I don't recall, no.
Q. Okay. When -- I'm gonna show you some photographs and then ask you more questions.
MS. FULLER: For the record, State's 5, 6, 7, 10, 11, 12, 14, 15 and 16.
MS. POPOWSKI: No objection, Your Honor.
THE COURT: All right.
BY MS. FULLER:
Q. I'm gonna ask you to take a moment to just look at each photo and tell me if you recognize it -- recognize each one.
A. 5 is the back shot of the crime scene.

Q. Oh, no, just to yourself and then I'll ask you questions. I apologize.
A. Okay. Yes.
Q. And I'll take them back.
MS. FULLER: And at this time -- sorry, I have to move them in first. At this time, Your Honor, the State seeks to introduce 5, 6, 7, 10, 11, 12, 14, 15, and 16 into evidence.
THE COURT: All right. State's 5, 6, 7, 10, 11, 12, 14, 15, and 16, will be admitted into evidence without objection.
MS. FULLER: Thank you.
(State's Exhibit Number 5, 6, 7, 10, 11, 12 14, 15, and 16, photographs, were admitted into evidence.)
BY MS. FULLER:
Q. And I should have asked the question before moving them in, but -- and these don't appear to be altered in any way, correct?
A. Correct.
Q. And these were photographs taken on August 30th after the shooting, correct?
A. Yes.
Q. Okay. And then looking at State's 5, if you can describe to the jury what they're looking at here?
A. All right. So this is the back of the crime scene

van. This is what Lexington County major crimes uses to come in -- or our crime scene deputies will take various pictures. They use them for any kind of serious thing, like a suicide or a death or something like that, they'll come in with this van to, you know, do their investigation. You can see in the front they've the crime scene tape. That's where they chose to end the new crime scene after our initial one, which was around the tree. That's where they set up the larger one.

Q. Okay. And then just so we can catch our bearings on here, what direction -- the apartments, you said it was -- this was the crime scene tape here?

A. Right.

Q. And we know that this [redacted] is over here where this happened. Where is this? What angle are we looking at? Can you tell?

A. Yeah, if you can show the map again.

Q. Yes.

A. That is where the van is parked around there and is facing this direction, it's facing this building right here, and the new crime scene tape looks like it's about there.

Q. Okay. And so here we're basically looking down this way; is that correct?

A. Yes.

Q. Okay. And now looking at State's Exhibit 6, we're looking now where we see the front of the crime scene unit; is that correct?
A. Yes.
Q. Okay. So a similar angle?
A. Yes.
Q. And now looking at 7, can you describe this to the jury as well?
A. Yes, that's the same direction, but it looks like it's from the other side of the crime scene van, so it's not in the shot anymore, maybe it's in front of it, but this is our apartment over here and where the -- the dark car is, I believe.
Q. And then looking at 8, is that what you're referring to?
A. Yes, that's the dark car with the ricochet on the back and the shattered windshield and you can kind of make out right there there's a little hole in that window right there.
Q. Okay. And did you ever recover anything from over there?
A. No.
Q. Now looking at State's Exhibit 10, can you describe this to the jury as well?
A. Yes, that's the back of the dark car that I keep

mentioning. I think I may have called it blue in my report, but I know that another officer called it green, but that's the ricochet where the bullet came in and skipped off and you can see that there's a very dark substance over here, which we took to be blood, and then, you know, it has all the glass stuff. After it skipped off, the whole windshield kind of spiderweb shattered.

Q. Okay. And now looking at State's 11, that's another angle. You described the blood over here. What's also on the side of the vehicle?

A. It could be runoff from the blood. You know, you'd have to test those sort of things in a lab, but it appeared to us to be blood.

Q. Okay. And with blood being on the vehicle there, what, if anything, would that indicate about the person that was injured? Where were they in relation to this vehicle?

A. On the rear side of the car. They could have got hit and leaned into car or that could be spatter from the actual hit. It would have to be, you know, looked at by someone with a certification in that, but it does look like that is where they were.

Q. That someone that was injured was in this area, correct?

A. Yes.

Q. And now looking at State's 12, is that still the car right here?
A. Yes.
Q. And then what's on the ground?
A. Also appears to be blood spatter and that would be heading back towards the apartment where I found them working -- EMS working on the victims.
Q. Okay. And then back to 8, just to catch our bearings here, we're still on this side of the vehicle here going towards the sidewalk?
A. Yes.
Q. And then looking at State's 13, is that the stairwell that's in State's 8 that you remember?
A. Yes.
Q. Okay. And the apartment -- and these are gonna lose some quality on the overhead, I think. Do you recall the ground area over here?
A. Yes, there was blood spatter in several locations over there in front of the door and then just kind of around.
Q. And then looking at this one, which is State's 15, there's another shot of that. Is that what you're describing?
A. Yes, you've got a lot of what I think is blood here and here.

Q. Okay. And then looking at State's 16, that's the entrance to the actual apartment that the victim -- that Ms. Thompson and Ebony, the two people that were injured, were in?
A. Yes. I walked up right here, looked in and saw someone being worked on by EMS in this room, and I moved out of their way so they could work.
Q. And the time that you were there searching, and I know without referring to the CAD it will be difficult, but I do want to be clear for the record, approximately how long do you think y'all spent searching for brass?
A. Any time we weren't putting up crime scene tape or asking civilians to kind of like stay out of the crime scene, we would be pacing around and so what else are you gonna do except for look for brass, so you could say that the entire time that we were on-scene we were looking for brass, we were looking for blood spatter, and any brass we found we would point it out to major crimes and any blood spatter that we found we would point it out to major crimes because we don't want anything missed.
Q. And we know this case was a drive-by shooting, correct?
A. Yes.
Q. In terms of searching for any casings, was there a vehicle -- was the Range Rover recovered that night for you

to search yourself?
A. No.
Q. Okay. Is it possible that some of the casings could have been in the Range Rover as it was driving by?
A. Absolutely. That would be -- if the shooter had thought about doing it beforehand, that would be the thing that you'd want to do, is keep the shell casings from leaving the vehicle and shooting from inside.
Q. And in terms of shooting from -- while you're in the vehicle, what about the ejection pattern of, let's say, a semiautomatic would account for the projectiles -- for the casings to be inside the vehicle?
A. All semiautomatics would be ejecting, in terms of handguns, from the top and the side and in terms of military style either from the side or the bottom, and that would inevitably end up bouncing off the roof inside of the car or bouncing off a side panel and, you know, they would be rolling under the seats and everywhere else, so you would -- you would have a car full of shells.
Q. Okay. Is it accurate to say that ejection pattern or where a casing could be could be somewhat unpredictable considering the circumstances or factors if someone's moving or not?
A. Absolutely. There are minor defects in cases, there are circumstances of the wind. Usually if you're -- if

you're at a shooting range, you'll notice that most of your brass is landing in the same place, but sometimes it will land five, fifteen feet away in any direction or up in the air. It just depends on environmental conditions and how the brass was made and how it formed and all that kind of stuff.

Q. And also depending on the user, the person actually shooting and how they were in their positioning?

A. Yes. And even though like a gun of the same model, if you change -- if you change ammunition type, the brass will be different because of the pressure and the barrel and that kind of stuff, so each gun will have a different pattern, even the same models, and it will change for ammunition and everything else.

Q. Okay. As it relates to this case, there's an incident report that was generated, correct?

A. Yes.

Q. And based on the incident report, I believe you have a copy up there, Isaiah Butler was actually arrested for this shooting, correct?

A. I believe so.

Q. And in the incident report, does it contain information like address, phone number and things of that nature?

A. Hold up here. I've got -- I've got victims.

Q. I'll direct you to page 4 of the report. Do you see that?
A. Yes, there it is.
Q. Okay. And what name is listed there on the suspect list?
MS. POPOWSKI: Objection, Your Honor.
THE COURT: The name on the --
MS. POPOWSKI: Hearsay.
THE COURT: The name on the report?
MS. FULLER: That's correct, Your Honor.
THE COURT: The name of the officer or the defendant?
MS. FULLER: The defendant.
MS. POPOWSKI: Whose report is it, Your Honor?
MS. FULLER: The incident report. We already said that.
THE COURT: All right. Just -- I think he can answer the question.
BY MS. FULLER:
Q. And on the incident report that you responded to, who was identified as the suspect in this case?
A. Butler, Isaiah Deshaun.
Q. And was his home address listed as well?
A. [redacted] Romford Road, Columbia, South Carolina, 29203.
Q. As well as a phone number?
A. [redacted]-8710.

Q. Okay. And that's stored on the official incident report for this case, correct?
A. Yes.
Q. And then just looking over here, [redacted]-8710 is the number that you published?
A. Yes.
Q. And then the address you published is [redacted] Romford Road, Columbia, 29203, associated with Isaiah Butler?
A. Yes.
Q. Okay.

MS. FULLER: I beg the Court's indulgence.

No further questions at this time.

THE COURT: Cross-examination.

MS. POPOWSKI: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. POPOWSKI:

Q. Good afternoon.
A. Good afternoon, ma'am.
Q. So you so far have had three years of law enforcement experience; is that correct?
A. Yes.
Q. And at the time of the incident, you testified you were a brand new officer and that you had a field training officer with you; is that correct?
A. Yes.

Q. And what was his name?
A. Brian Wilke.
Q. Okay. So you had been out of the academy for about a month?
A. About that, yes.
Q. About that. So while you were -- you were essentially shadowing Officer Wilke; is that correct?
A. I would probably use the term "under instruction", but, yes, it's the same general principle.
Q. That's fair. Yes. And y'all taped off the crime scene once you arrived at the shooting scene on August 30, 2018?
A. Yes.
Q. And you participated in creating the crime scene log?
A. I believe I was monitoring it at one point, yeah.
Q. Okay. And you testified that you didn't find any projectiles?
A. Correct.
Q. And no shell casings?
A. Correct.
Q. You were never able to locate a gun in association with this case?
A. Right.
Q. But, Officer, I understand -- did you take any statements from witnesses that night?

A. I don't believe so.
Q. Did Officer Wilke take any statement from witnesses that night?
A. I can't speak for him.
Q. But you were -- you were under instruction with him?
A. Yes, but we were -- after I was out of the academy and I had taken the oath from the sheriff, I was a Class 1 police officer doing my own thing, he was just there to kind of make sure that I didn't mess up reports or that kind of thing, so as I was going around the scene we were kind of independent of each other. He wasn't on me at all times and I wasn't on him, so I can't speak for him.
Q. Okay. And you testified that you -- let's go back to the -- the civil domestic dispute earlier in the day involving Keanna Butler {sic} and Isaiah Outlaw and you -- you said that you saw Isaiah Butler there that day?
A. I was later shown a picture that day and they said is this the same person and I said yes and then later on they said it was Isaiah Butler.
Q. Well, I'm glad you mentioned that. So the question that was posed to you when they showed you the photo at the -- at the scene of the shooting was, is this the guy you saw earlier, correct?
A. Yes.
Q. Okay. Do you know what confirmation bias is? Have

you learned about that in your training?
A. Yes.
Q. Okay. Can you describe what that is?
A. It would be where basically if a -- I'm trying to put it in better -- common words.
Q. Would it be fair to say that it's a tendency to interpret new evidence as confirmation of one's own existing beliefs?
A. Yes.
Q. Thank you. So you reported that you saw Isaiah Butler in the parking lot during the civil -- right before you were responding to the domestic dispute?
A. Yes.
Q. Okay. And he -- you don't know how he got there?
A. No, I do not.
Q. Okay. And you -- he wasn't there when you came back out?
A. Correct.
Q. And you don't know how he left?
A. Correct.
Q. Okay. You said in your report that you didn't have time to stop and check the -- your suspicions about the SUV because of the urgency of the domestic call, correct?
A. Right. We thought there was like an active domestic going on.

Q. Right. I understand. But y'all weren't out there that long, right, because there wasn't a lot to investigate?
A. No, we just got her information, tried to figure out where the brother was, and since he wasn't on-scene we couldn't do anything.
Q. Okay. But -- so once the domestic danger was no longer present, you guys left?
A. Yes.
Q. Okay. But you didn't check for the vehicle afterwards?
A. No, I don't remember --
Q. And you don't know if it was there?
A. No.
Q. So you didn't get a plate number?
A. Correct. It had a paper tag.
Q. And you didn't get a VIN?
A. Correct. We didn't have time to stop.
Q. Okay. And when you wrote that report, the supplemental report in this case, the date on that report is February 11, 2019. Do you know why that is?
A. I do not because I would have written it on that same shift, so I don't know if that's the print date or a review date or if that's when they closed the case or --
Q. Are you looking at your supplemental report right now?

A. Yes, I am.
Q. Will you look up in the top right-hand corner, please.
A. Yes.
Q. It says printed and what's the date when it was printed?
A. February 13, 2019.
Q. And then beside your name it says date and time and it says February 11, 2019?
A. It does.
Q. And then it says supervise review date -- supervisor review date?
A. Yes.
Q. And what is that date?
A. February 11, 2019. However, it says Supervisor Poole, J.A. Poole was my sergeant when I actually got to my permanent shift, so I don't know what computer error occurred with this, but Sergeant Steele was in charge of 250 shift. So Sergeant Steele was 250 shift sergeant and I would be working under him and under FTO Wilke. After I got out of FTO, I went and worked on the 200 shift, which was Sergeant Poole, so I'm not sure if this is a computer error or something like that, but it looks like it because Sergeant Poole was my supervisor in 2019 where as Sergeant Steele and FTO Wilke were my supervisors in 2018.
Q. Do they often have computer errors when it comes to

recording the dates and times of incident reports?
A. I'm not in records, so I do not know.
Q. Do you remember exactly when you wrote this incident report?
A. It would have been that same night because we couldn't have got off shift without putting in our supplemental.
Q. Okay. I'll move on. But you were fresh out of training when this incident happened?
A. Yes.
Q. Okay. So whenever the report was generated, you had had less than a year of law enforcement experience?
A. Yes.
Q. But you had just had instruction on how to write a report, correct?
A. Vaguely.
Q. Okay. But they taught you at -- at the academy that when you wrote a report that it needed to be the complete account of what happened, correct?
A. Yes. They would prefer if you put more detail in.
Q. And it needs to be accurate?
A. Yes.
Q. And thorough?
A. Yes.
Q. Okay. But nowhere in this report is there a mention of a paper tag?

A. I'd have to read over it, but... It doesn't look like it, but, yeah, I did remember there being one on there. It was white and red.
Q. Thank you. When you arrived at the scene of the shooting, was it completely dark outside?
A. Not yet. It was getting dark though because it got dark a little later. I'm not sure why, but it was -- when we first showed up I remember when I was heading towards the door that I could still see, but then later on, it wasn't long, because when the child walked up crying with the other Isaiah, the brother, it was dark at that time.
Q. Okay. So when you first arrived -- you've testified that you first arrived on-scene -- I forgot the exact time. Do you have the exact time?
A. The CAD said 9:26, I think.
Q. Okay. And your -- your testimony is that it wasn't completely dark at that time?
A. I remember being able to see.
Q. Okay. And then it got darker?
A. Yes.
Q. Okay. And you just mentioned Isaiah with the small child?
A. Yes.
Q. And Isaiah told you and -- and it goes along the same lines as what you testified earlier as to what he told you

when he was -- you testified that he was excited?
A. Very much so, yes. He was crying.
Q. Okay. And at that time he told you that the child had just returned to the scene?
A. He said that -- he said the child had come down to be with their mother, I think.
Q. Right. Recently?
A. Yes, recently.
MS. POPOWSKI: I beg the Court's indulgence.
BY MS. POPOWSKI:
Q. Okay. I'm gonna show you what's been marked as State's Exhibit 3.
A. Uh-huh.
Q. Okay. Now if -- if you would help me, how -- right here, this -- this line of spaces --
A. Uh-huh.
Q. -- can you help me, how many -- how many spaces are in that line?
A. I couldn't tell you offhand. I'd have to count each one individually.
Q. I count thirteen or fourteen. Is that --
A. I don't know.
Q. You can take the pointer and count them, if you don't mind.
A. I'll use the laser pointer here. I count seventeen

from this point to this point.
Q. Oh, I'm sorry. Well, I mean just on one side.
A. Oh, on this -- this part here?
Q. Yes, right here.
A. It's fourteen.
Q. Fourteen. Thank you. And then I'm gonna show you what's been marked as State's Exhibit 5, and I don't know why it's blurry like that, but -- there we go. Thank you. And if you look here, that -- that tape right there is the tape that was --
A. Put up by crime scene. That's not what we put up.
Q. Okay. And can you tell me how many spaces are in this photo?
A. It looks like they put from this white car here, and I can't see past the white car, one, two, three, four -- five maybe.
Q. Okay. I'm gonna show you what's been marked as Defense Exhibit 1 and 2.
A. Okay.
Q. Do you recognize what those are photos of?
A. It looks like that apartment complex.
Q. Okay. Does that -- do those photos fairly and accurately depict the parking lot in this case?
A. This first one where it's looking towards the apartments, that looks like the big tree that we tied the

caution tape off for our crime scene, and then from -- when you stand in front of this green car here on the second photo, it does look like that's the way back out.

Q. So other than the cars being different in the parking lot, that -- that is a fair and accurate representation of the parking lot where the shooting occurred in this case?

A. I'm not a photo analyst, but I guess so.

MS. POPOWSKI: Okay. Thank you.

At this time I'd like to move Defense Exhibit 1 and 2 into evidence.

THE COURT: Without objection?

MS. FULLER: I don't know. He didn't -- he didn't affirmatively identify it.

THE COURT: You said he -- are you serious? Are you objecting?

MS. FULLER: I don't think he -- does he know for sure where the angle is in that -- that photograph? Did he recognize it? I didn't hear him say that. Maybe I misunderstand.

MS. POPOWSKI: He identified the photo, Your Honor, as the parking lot in which the shooting occurred.

THE COURT: Defense Exhibit 1 and 2 will be admitted into evidence.

MS. POPOWSKI: Thank you, You Honor.

(Defendant's Exhibit Number 1 and 2, photographs, were admitted into evidence.)

MS. POPOWSKI: Permission to publish?

THE COURT: Please proceed.

MS. FULLER: I apologize, Your Honor. For the record, when were these photographs taken?

MS. POPOWSKI: Last Friday.

THE COURT: Okay.

BY MS. POPOWSKI:

Q. Can you see this photograph?

A. Yes.

Q. Is that -- can you tell me is -- which direction is this facing?

A. Well, it looks like that's -- because I used to patrol Riverbend a lot, but when you come over on that side like the [redacted] and [redacted] apartments, that's a little road maybe.

Q. Okay.

A. But, again, these apartments are all kind of similar, so from this angle I'm not a hundred percent sure, but the other one that you showed me had the big tree in it.

Q. Okay. Let's look at the one, okay?

A. Yeah. So with that tree, that looks kind of more like it. It looks similar to -- again, it was getting -- it's been a while --

Q. Right.
A. -- but I think from -- it looks similar to the tree that we taped off the evidence tape right there and brought it around behind the cars and over here is where I would have looked for the brass and all that kind of stuff and I would have been standing over here with the crime scene log.
Q. And you see the -- the man standing there with the red shirt?
A. Yes.
Q. Okay. And that's about where the victims and the witnesses said that they were standing?
A. I did not speak to the victims because they were under EMS care, but about where he is standing was about where we were standing when we were doing our taping off and the evidence log and that kind of stuff --
Q. Okay. But you're obviously --
A. -- which was around the cars that were hit.
Q. Okay. And you're familiar with the incident report?
A. Yes.
Q. And the -- and the statements that the witnesses gave in that?
A. Sort of, yeah. I don't know verbatim or anything.
Q. Just a few more questions. Thank you.
A. Yes, ma'am.

Q. This was -- you testified that you saw the black Range Rover and the reason it stood out to you was because it was a fancy car in not such a fancy neighborhood?
A. That is why my FTO pointed it out to me. I am from a very poor place in Eastern Tennessee and so it did not stand out to me immediately because I don't know anything about cars.
Q. Fair enough.
A. And when they had initially said, you know, an SUV, I thought like oh, a Trailblazer or something. It was only later when somebody had identified a Range Rover. So, you know, it didn't really -- it didn't stand out to me because it was fancy, it was because my FTO pointed it out for being fancy.
Q. Fair enough. But you recognized this as a high crime area, correct?
A. Relatively. We would go out there on weekends to the E lot and you would just run VINs that you would find parked there. We would often find one or two stolen cars out there on the weekends.
Q. Okay. And, In fact, wasn't there another shooting that took place at this exact apartment complex six days earlier on August 24th of 2018?
A. I don't know. I was too new.
Q. And just one last question. You previously testified

that if someone were to fire a weapon inside of a vehicle that it could deafen them?

A. Deafening would be interesting. It -- it would be very loud, your ears would be ringing for sure unless you were wearing hearing protection. It would be different if you had the windows rolled up or down. If you had the windows rolled up, that would also muffle the sound going towards the outside, but you would run the risk of actually shattering your windows depending on the caliber of the weapon, so just to give an idea of how loud it would be, but if they were firing out most of your noise and muzzle energy is obviously gonna be going out towards where you were firing. But, yes, it would be very loud.

Q. And you have testified in previous hearings that it would most likely cause hearing damage?

A. Your ears would be ringing and it would -- it would not be pleasant.

Q. Okay. Especially if there were multiple people shooting?

A. Yes, because you would -- a gun is louder if it's next to you than if you're shooting.

MS. POPOWSKI: Thank you.

No further questions, Your Honor.

THE COURT: Redirect.

MS. FULLER: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. FULLER:

Q. Now shooting a gun doesn't cause in most situations permanent hearing loss, correct?

A. No. I've been shooting since I was in the Navy. I was an armorer. I have been shooting a lot of guns for a long time and just over the past couple of years have started getting shooter's ear, which is why my left ear hears a little bit dimmer than my right. So it takes a sustained amount of fire to create permanent hearing loss, but temporary hearing loss can be a side effect.

Q. Okay. So that's what you were referring to, just a quick maybe potential thing. I don't mean to ask -- well, I do mean to ask you, so I'm gonna ask you. How old are you?

A. I am thirty-three.

Q. Thirty-three. So although you were less than a month out of the academy, you have life experience, correct?

A. Yes. I was a -- I was a great pain to one of my FTO squads because they could not get a poking reaction out of me like they could the younger guys.

Q. Okay. And that's because of your military background potentially, too?

A. Yes.

Q. And then just being a human being, you have life

experience?
A. Yes.
Q. So my next dumb question, you see my face right now?
A. Yes.
Q. Okay. If I leave for two hours and come back, do you think you would recognize me again?
A. Yes. It's become very difficult lately with the masks, but, you know, when you can see people without masks it's a lot easier, yeah.
Q. How about three hours later?
A. I would say that I would give myself about two or three days before I would be worried about misidentifying someone who had spoken to me.
Q. Okay. And you testified on cross that you're from out of state. You said Mississippi, I think?
A. Yeah. I was -- my family is from Mississippi, I work currently in Augusta, Georgia, I grew up in Eastern Tennessee, and I was born in Nashville.
Q. Okay. Do you know Isaiah Butler?
A. I do not.
Q. Do you have any problems with him?
A. No.
Q. Do you not like -- is that -- do you not like him? I don't if that's a proper sentence. Do you have any issues with him?

A. No, I don't.
Q. So when you were on-scene that night, and I did go ahead and review the CAD, does it sound accurate that you cleared the scene just after midnight?
A. Yeah, that seems like the appropriate amount of time to be on a crime scene like that.
Q. Okay. So sometime after 9:12 and before midnight -- or around midnight, I believe your clear time -- and I'll just show it to you so you can verify it. I just had it. I'm sorry. You said you were 253, correct?
A. Yes. We would -- I would be under his badge thing because we would be in the same car.
Q. And so right here, L253 cleared at what time?
A. 0037, which would be 12:37 in the morning.
Q. Okay. So sometime after 9:12 and 12:37, which would be roughly three hours and twenty-five minutes maybe, in that timeframe is when you were shown a photograph of an individual and you were asked is this the person you saw earlier; is that correct?
A. Yes.
Q. Do you have any reason or motive to identify that person as the same person you saw earlier?
A. You mean ulterior motive to come up with that?
Q. Yes.
A. In that timeframe, no. I just -- they showed me the

picture and I said yeah, that was one of the guys -- or that was the guy.
Q. And do you need formal academy training to remember someone's face?
A. No.
Q. Okay. So you just do that because you're a human being and you have a decent memory?
A. Yes. That is why we have, you know, nonpolice witnesses.
Q. Okay. And so I guess hypothetically if you were not even a law enforcement officer, but the same -- I'll say heebee geebees. You walk up, you see someone there, you walk off, a couple of hours go by and someone shows you a photograph, forget that you're a law enforcement officer, would you have misidentified the person you saw?
A. No, but also because the impression was made because of the hard eye contact because he would -- he leaned into the car and was looking at us the entire time and my threat analyzer was going off. I was saying why is he watching me like this, you know. So when somebody gives you a vibe so to say.
Q. And that's why you remember his face?
A. That's why I remembered for that amount of time.
Q. And you have no motive to make that up?
A. I do not know anyone from this courtroom outside of

the courtroom.
Q. Okay. Also looking at the 7:30 CAD, and referring to this CAD, but I think the jury's aware of what it is, these are the notes that we testified to earlier, it has vehicle information there. What's listed?
A. It says black Range Rover temporary tags.
Q. Okay. And down here as the person?
A. Suspect, black male, age twenty, no shirt, black shoes and black sweatpants.
Q. And so this is information that's recorded in the CAD and it looks like the dispatcher noted time of recording it as what time?
A. 7:36 PM.
Q. Okay. And this is L-253 report CAD card?
A. Yeah, Bradwell. I know him as Brian, but his name is Bradwell.
Q. Okay. But that's 253?
A. Yes.
Q. Okay. And that would have been responding to the call Isaiah Outlaw made at 19:30, which would be 7:30, correct?
A. Yes.
Q. And temporary tag, we interchange that with paper tag?
A. Yes, because until recently South Carolina thankfully finally did the thing where you have a paper tag that is registered, but it used to be you could just get any paper

tag and just write a date on it and as long as you could get ahold of one of those dealer tags, you would have a free, you know, pass.

Q. Okay. I'm gonna show you a couple of more things from the CAD. You were asked on cross about not putting in your report that you saw this Range Rover. I'm gonna show you -- this is the shooting CAD now. You can see where it says gunshot wound, [redacted], so you recognize this as the gunshot -- the shooting incident, correct?

A. Yes.

Q. And looking at L53 comments, the one I'm pointing at here is L53, what was reported to dispatch?

A. It says in reference to apartment at [redacted], domestic.

Q. And what is [redacted]?

A. That was Keanna Outlaw's apartment.

Q. Okay. And [redacted] is [redacted]?

A. C. Yes.

Q. Okay. So it really says [redacted], correct?

A. That's right.

Q. I apologize. I just wanted to make sure it's clear for the record. And this is L53 reporting this in?

A. Yes. So L53 and L53 Alpha, who was me, would have come up at the same point on their CAD because when we start the day we were all issued these laptops which go in

the car and that's where you type your reports and do that kind of thing, so rather than have two laptops in the car I would either bring mine or Brad Wilke would bring his and so we would be L-253 or L-253 Alpha for the day and dispatch would just mark us as a two-man unit instead of one unit.

Q. Okay. But this information reported would have been coming from 253?

A. Yes, it would have been one of us.

Q. Okay. And it says in reference to Apartment [redacted], so this is connecting the shooting to [redacted]?

A. Yes.

Q. Now up here it says L-253 made another remark. What does that say?

A. It says remember parking in front of the black Range Rover.

Q. And then it continues up here?

A. Had chrome bumper.

Q. Okay. And that's from L-253 reporting to dispatch that L-253 remembers -- you remember parking in front of a black Range Rover as it relates to [redacted] incident, correct?

A. Yes.

Q. Okay. And so it may or may not be specifically mentioned in your report, but in the records that were generated that night it was relayed over the radio and to

dispatch that a black Range Rover was parked by [redacted] when you responded earlier; is that correct?

A. Yes.

MS. FULLER: I beg the Court's indulgence just to clear this up.

BY MS. FULLER:

Q. Just -- they're in evidence. I just want to clarify these photographs were recently taken. There's water here and that's why I was asking. It was not raining when you went out there, correct?

A. Correct.

Q. Okay. I don't want that to be confused. And also where this vehicle is and where that individual is standing, I'm not -- I can't tell, so I'm really genuinely asking, was your testimony that where this person is, is over here where -- and I'm gonna find it, I think it's 8. Give me a second. State's 8. Where that person is standing is where this vehicle is; is that accurate? I'm not sure.

A. I also couldn't tell you. It depends on how tall the person is, what angle the camera is and that kind of stuff. The only reason that I know for sure that that's the G portion is because Riverbend is identical housing because they build them for --

Q. Identical housing?

A. Yeah, for physical reasons. So the only reason that I know for that is because that tree is right there and that's what we used to do crime scene tape, whereas the other portions don't have that tree. But E and G look kind of alike. That's why I'm hesitant to say anything looks like anything.

Q. Okay. So you're not sure without more information this angle for sure where it is. I know you were asked on cross and so I just wanted to be clear because I was a little confused.

A. It looks like the area because the tree was there. That's why the other one I'm not a hundred percent sure on because it could be looking out the other way and it's been a year since I've patrolled that area, so with new photographs I don't know.

Q. Right. And then the trees, and this was taken now and this was three years ago, and trees may grow?

A. Yes.

Q. Okay. So this may or may not be the tree you're talking about?

A. It looks very similar.

Q. Very similar. Okay. But in terms of in this photograph, the tree would be going this direction?

A. It would be -- it would be over to the left here. It would not -- so that -- the larger tree would be a little

to the left than what would be considered the center of the photo right there.

Q. And so looking at 3, that's the tree we're talking about?

A. Yeah.

Q. So then looking at State's 8, if this is the tree we're talking about, the car being here, in this photograph they pointed out a man -- well, she pointed out a man when she was questioning you. Is that generally the area where these vehicles are parked in this photograph or am I looking -- I'm really confusing you. But am I'm looking at a different angle?

A. I can't say with a hundred percent accuracy. I wouldn't be comfortable answering.

Q. Okay. And that's fine. I was just a little confused.

MS. FULLER: Okay. I think that's it. Thank you.

THE COURT: Recross.

MR. CHEHOSKI: One moment, please, Your Honor.

MS. POPOWSKI: No further questions, Your Honor.

THE COURT: All right. The witness may step down.

(Witness excused.)

THE COURT: All right, Counsel.

(Proceedings held at the bench; not reported.)

THE COURT: All right. The State may call their next witness.

MS. YONGUE: Your Honor, at this time the State will publish the testimony of Larresia Thompson.

THE COURT: Okay. Madam clerk.

Ladies and gentlemen, our next witness is Ms. Larresia Thompson. She is not available for trial today; however, she did give prior testimony in a hearing where she was subject to both direct and cross-examination in that hearing, and that is the testimony that we will have read to you from the witness stand at this time.

LARRESIA THOMPSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. YONGUE:

Q. Thank you for being here today. Where are you from?

A. I'm originally from Gastonia, North Carolina.

Q. And where do you currently live?

A. Columbia, South Carolina.

Q. How old are you?

A. I'm fifty-one.

Q. So where did you go to school? Just give us some background information.

A. Hunter Huss High School in Gastonia, North Carolina.

Q. And where -- what do you are currently do for a living?

A. I kind of multitask, but healthcare is my passion.
Q. Okay. And going back to August of 2018, where did you live at that time?
A. I stayed off Broad River Road with my daughter on Carriage House.
Q. Who is your daughter?
A. Princess Robbins.
Q. Going back specifically to August 30th of 2018, earlier in the day what were you doing?
A. Earlier that day I was at work.
Q. And what happened? Take me through that day.
A. I worked that day and I got home. I got off around six and came to my daughter's house, went upstairs to relax after getting off work. I was in the process of laying down and just trying to relax and I heard my daughter on the phone and was kind of -- you know, I was like, well, Princess what's going on with Ebony, I heard her say Ebony, so that's how I knew she was talking about my baby girl. So she was like mom, I didn't want to bother you, she said, because I knew you were sleeping and she's like can you watch the kids and I will -- and I was like, well, I heard you talking to Ebony. I was like, you know, what's going on? And she kind of hesitated and then told me that Ebony had been threatened.
Q. And I want to stop you there. What is Ebony's last

name?
A. Ponds.
Q. Okay. Now once you learned that Ebony had been threatened, what did you do?
A. I wanted to go get my child. I knew why she was there -- why she was where -- why she was at where she was. That kind of bothers, you know, as a mother to know your child has been threatened life-wise to be shot. She was threatened like somebody was gonna shoot her.
Q. Okay. And where did you go to pick her up?
A. Riverbend Apartments.
Q. Okay. And is that in West Columbia?
A. Yes, ma'am.
Q. Is that in Lexington County?
A. Yes, ma'am.
Q. All right. About what time did you get there?
A. Seven-ish because I got off at like six and didn't get home until like 6:30. It was -- it was between seven and eight.
Q. All right. And once you first got there, what -- when did -- you got there, what you did you see?
A. When I first got there, I sat in the car for a few minutes. My daughter and my niece got out and went into the house. And, like I said, my -- my daughter briefly was telling me some things that was going on and why we were

going to get Ebony and I was -- and I kind of sat in the car because I knew it was a bunch of young adults and I had to like breathe for a minute. So I got out of the car and went in.

Q. Okay. All right. And you said once you parked you just kind of sat there and took everything in before you got out of the car?

A. Yes, ma'am.

Q. And once you got out of the car, what did you do?

A. I proceeded to go in -- in the apartment. I think it's that last one. I proceeded -- I got out of the car in the parking lot right here and went in the apartment.

Q. What did you do once you went in the apartment?

A. I noticed a bunch of chaos.

Q. Okay. Now you said that you went inside the apartment and there was some chaos. What did -- what do you mean by that?

A. Just young adults. Whatever had happened during that day, a lot of talking, a lot of confusion going on, you know.

Q. And at what point did you or did you ever come back out of that apartment?

A. Yes.

Q. At what point?

A. Several times just to step out, take a breath in, you

know, assess what was going on and seeing what part I played in getting my daughter to come on, you know, let's go. It's just too much.

Q. Okay. Once you were back outside that final time, because I know you said you were in and out, what happened as you were standing out there?

A. Quietness.

Q. Where were you standing? Can you point out for me on that?

A. The sidewalk. I think it's the sidewalk right here.

Q. So where was everybody else standing in relation to where you were?

A. So -- well, the last time I came out, I was by myself --

Q. Okay.

A. -- and then everybody came out.

Q. Okay. Where were they once -- where were they once they did come out?

A. In this area.

Q. So were y'all just standing around?

A. Yeah.

Q. What were y'all doing while you were standing outside?

A. They were talking about, you know, the previous things that had went on that day, which I heard, didn't hear. More my concern was just let's go.

Q. You wanted to get Ebony; is that right?
A. Ebony and let's go. It's too -- it just too much, you know.
Q. And what happened next?
A. I heard my nephew say did y'all see that.
Q. Without getting into what everybody else said, what did you see or hear next?
A. I seen a vehicle come around.
Q. And when you say come around, where did they -- where did the vehicle come around?
A. Here.
Q. And how would you describe that vehicle that you saw come around?
A. Coming around real fast, like turning real fast, gunshots start, hearing gunshots, feeling something hot, realizing that I had got shot because the bullet -- and just hearing gunfire, feeling something hot, and just caught off guard. Just caught off guard.
Q. So you described feeling something hot?
A. I heard gunfire and all of a sudden I'm hot. My arm was just hot, like something burning, you know, and I looked up and I was bleeding and I -- I heard gunfire, still hearing gunfire, still people hollering, running, and, I guess, just really realizing somebody is shooting, really shooting, you know, caught off guard.

Q. Okay. What happened next once you realized that you were injured? What do you remember next?
A. Being in the hallway across the hall from the apartment that we were at.
Q. And what apartment do you remember being in next that you're describing?
A. This breezeway and the apartment to the right, which was in the apartment to the left.
Q. So the next thing you know you were back in that apartment -- or in that apartment?
A. I don't -- I didn't even realize how I got back, but, yes, ma'am.
Q. What specific injuries did you sustain from this shooting?
A. Here, all this blown out from the -- from the injury that the bullet came through here, blowed all this out. It's like a big hole opened. I did not realize I was shot down here at all.
Q. And just for the record, where is down here?
A. Right here, right here, and up under my breast.
Q. Okay. So in your abdomen and your arm?
A. Yes, ma'am.
Q. Do you still -- well, long were you in the hospital?
A. Nine days.
Q. And do you -- do you still have scars?

A. Yes, ma'am.

MS. YONGUE: No further questions at this time.

THE COURT: All right. Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:

Q. Ms. Thompson, I'm very sorry what happened to you. I'm also very sorry that we have to meet under these circumstances, okay, but I do have to ask you some questions. First, you do not know Isaiah Butler; is that right?

A. No, sir.

Q. Never met him?

A. No, sir.

Q. Never even seen him before?

A. No, sir.

Q. The people who were there, you knew them as friends of your daughter?

A. Yes, sir.

Q. Are these people that you knew that were there?

A. Yes, sir.

Q. And you did not know everybody that was there; is that right?

A. Yes, sir.

Q. All right. You left your house at what time; do you recall?

A. I can't -- I know it was -- I got off work at six, got home no later than 6:30. Briefly got home, was able to relax for a short period of time, and then we were off to get my daughter.

Q. All right. And you were living off -- you said off of Broad -- like Broad River area?

A. Yes, sir.

Q. Was that -- was that near Chapin?

A. No, sir. The Broad River -- let me see. Zimalcrest Drive.

Q. Zimalcrest Drive?

A. Uh-huh.

Q. About how long did it take you to get from where you were to --

A. I -- I cannot recollect.

Q. The only reason you were going there was to get your daughter?

A. That's it.

Q. To get Ebony?

A. That's it.

Q. And you said you arrived there sometime between 7:00 and 8:00?

A. A timeframe between -- no later than probably something to eight. You know, between that area.

Q. Right. I'm not looking for an exact time, just to the

best of your memory.
A. Yeah, I can't give you the -- you exact time, but I know it was after seven.
Q. After 7:00?
A. Yes, sir.
Q. And you were there -- at least when you arrived there, you said you spent a moment or two in the car?
A. Yes, sir.
Q. And that was to kind of collect your thoughts?
A. Yes, sir.
Q. All right. And that you went inside the apartment?
A. Yes, sir.
Q. I just want to, again, make sure that I'm understanding all this, and you were there long enough to come back outside of the apartment. You said that you -- you said you saw the chaos?
A. Yes.
Q. And you saw people starting drama?
A. Yes.
Q. All right. You went back outside a number of times?
A. Yes, sir.
Q. And you went back inside a number of times?
A. Yes, sir.
Q. All right. You -- again, you were there long enough to see how everybody was behaving?

A. Yes, sir.
Q. And you were there long enough to tell them that they were acting childish?
A. Yes, sir.
Q. All right. And the only thing you wanted to do was to get Ebony and go?
A. That's all.
Q. All right. It seems to have taken you a long time to get that. In fact, it never actually happened; is that right?
A. Yes, sir.
Q. All right. At some point your cousin arrived -- or, I'm sorry, Ebony's -- your nephew, Ebony's cousin, arrived?
A. Yes, sir.
Q. His name's Nashaun?
A. Yes, sir.
Q. All right. Did you see that he was armed?
A. No, I didn't.
Q. You did not see that?
A. (Shakes head.)
Q. All right. But you also mentioned -- you mentioned that you had parked your car in this area; is that right?
A. A little bit further down.
Q. A little farther down in this area?
A. Yeah, towards this tree.

Q. Towards this tree?
A. Right about up to in there -- in here.
Q. Okay. And the time that you were there, did you ever move your car?
A. Yes, sir.
Q. You did?
A. (Nods head.)
Q. And was anybody in the car when you moved it?
A. No, sir.
Q. Did anybody else move their cars?
A. Not that I know of.
Q. All right. And I want to talk specifically about the shooting and I'm sorry this is going to be hard and I'll try to be as brief as I can. You, when the cars -- when you started hearing the shots, did you -- you did look at the car?
A. Yes, sir.
Q. All right. You saw people shooting from the car?
A. Yes, sir.
Q. You saw more than one person shooting?
A. Yes, sir.
Q. All right. And those shots were being fired from the backseat of the car?
A. Yes, sir.
Q. It was being fired from the backseat of the driver's

side?
A. Yes, sir.
Q. And the backseat of the passenger side?
A. Yes, sir.
Q. All right. You saw -- you saw people were hanging out of the window?
A. Yes, sir.
Q. All right. So their heads were out of the car -- outside of the car?
A. I only seen fire coming from the back driver's side and from my recollection somebody -- you know how a person can be out of the window but shooting over the top of the car, if I'm making any sense?
Q. Right, as if they're -- they're actually like sitting on the --
A. Windowsill.
Q. -- on the place -- on the place where the window would be?
A. Yes, sir.
Q. All right. So, again, they're -- you can see their heads outside the car?
A. I can see an individual coming over the car and I can see --
Q. Yeah. And his head was outside of the car?
A. His what?

Q. Head.
A. Yes, sir.
Q. Yeah. And his shoulders were outside of the car?
A. And I can just see an individual like coming -- trying to come over the top of the car.
Q. Yeah. And so he was shooting with a gun outside of the car?
A. When it comes to that, the back -- the person in the backseat was shooting, but I could see the person over sitting -- like sitting in the window.
Q. All right. And he was shooting?
A. I can't recall if that was -- if that one was, but I know that the gunfire was coming out of the car on the -- on driver's side.
Q. Right.
A. I just seen a body.
Q. You'd seen a body?
A. On the other side like sitting coming over --
Q. Right.
A. -- and you can only see like so much.
Q. Right. And you can see -- I'm sorry -- and you -- you can see that there was another person shooting?
A. Yes, sir.
Q. Okay. And that person was in the backseat of the car?
A. Yes, sir.

Q. Okay. The window was rolled down?
A. A nice -- not at all the way down, but, yeah.
Q. And was -- was the gun outside of the car?
A. All I heard was the gunfire.
Q. And you heard multiple shots?
A. Yes, sir.
MR. CHEHOSKI: One moment please, Your Honor.
BY MR. CHEHOSKI:
Q. And the last couple of questions. Again, you had been there at that apartment complex for -- would it be fair to say roughly an hour?
A. Maybe.
Q. Maybe a little longer?
A. Maybe.
Q. Yeah. When you got there, it was getting to dusk time; is that right?
A. No, it was -- that evening it was still light.
Q. It was still light?
A. Uh-huh.
Q. But it was -- and it had been getting darker?
A. The whole time that I was there it was light.
Q. The whole time you were there it was light?
A. Uh-huh.
MR. CHEHOSKI: All right. That's all I have, Your Honor.

THE COURT: Redirect.

MS. YONGUE: I beg the Court's indulgence.

REDIRECT EXAMINATION

BY MS. YONGUE:

Q. Ms. Thompson, I just want to clarify a couple of things. I know you said that you saw more than -- more than one person shooting, but were you sure where the shots were actually coming from?

A. They were coming from the vehicle.

Q. Okay. Do you -- and are you sure specifically where any shot was coming from?

A. The back side of the passenger side of the vehicle.

Q. And you said --

A. The driver's side. I'm sorry.

Q. The driver's side?

A. In the backseat of the vehicle.

Q. And you said that once the shots rang out, you felt something hot?

A. Yes, ma'am.

Q. Like heat, like a burning?

A. Yes, ma'am.

Q. Okay. And at what -- and at that point you're not sure, but somehow -- how long it was, but you ended back up in the -- an apartment?

A. Yes. Yes, ma'am.

Q. Are the details in between the time that the shots were first heard and the time that you ended back up in the apartment, are those fuzzy or are those clear?

A. Fuzzy.

MS. YONGUE: I beg the Court's indulgence.

No further questions.

THE COURT: Okay. Any recross?

RECROSS EXAMINATION

BY MR. CHEHOSKI:

Q. In previous statements that you've made to law enforcement, Ms. Thompson, you said that there was more than one shooter?

A. Yes, sir.

Q. All right. And you would say that your memory today is not as good as when you made those statements?

A. It's been a while.

Q. It's been a while, right?

A. (Nods head.)

Q. And that's why you made those statements?

A. Things are coming back.

Q. All right. But did you -- you did tell law enforcement that there were multiple shooters that night; is that right?

A. At that time, yes.

MR. CHEHOSKI: Thank you.

THE COURT: All right. The witness may step down.
(Witness excused.)
THE COURT: All right, ladies and gentlemen. We're gonna take a short break, our midafternoon break. We'll get ou back up here in about ten minutes. Refresh yourselves. Please don't discuss the case or anyone involved in the case and we'll have you back up here very shortly.
Thank you.
(Whereupon, the jury retires to the jury room at 3:38 PM.)
THE COURT: All right. We'll be in a short recess.
(Recess taken at 3:39 PM.)
(Proceedings held at the bench; not reported.)
(Back on the record at 3:51 PM.)
BAILIFF: All rise.
THE COURT: Keep your seats. Are we ready to go?
MS. FULLER: (Nods head.)
MR. CHEHOSKI: (Nods head.)
THE COURT: Bring in the jury, please.
(Whereupon, the jury return to the courtroom at 3:53 PM.)
THE COURT: All right. Madam Forelady, ladies and gentlemen of the jury. Please seated. Welcome

back. We're just gonna pick up right where we left off with the next witness in the State's case in chief.

MS. YONGUE: The State calls Isaac Van Duys.

(Whereupon, Isaac Van Duys was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there. State your name, spelling your last. And you can remove your mask if you need to.

THE WITNESS: Okay. My name is Isaac Van Duys. Last name is V-A-N space D-U-Y-S.

ISAAC VAN DUYS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. YONGUE:

Q. Where are you from, Mr. Van Duys?

A. I'm from the Columbia area. I was born in Athens, Georgia, moved to Columbia when I was nine, and grew up and basically have lived here ever since.

Q. And where did you go to school?

A. I went to Spring Valley High School up in the Northeast side and then afterwards I went to the University of Georgia and got a degree in genetics and then went to USC for my master's in biochemistry and then transitioned to Midlands for EMT and paramedic school.

Q. And what -- where do you currently work?

A. I'm currently employed at Lexington EMS working as a crew chief paramedic.
Q. And what experience do you have as a paramedic with Lexington County EMT?
A. I've worked at Lexington for four years as a crew chief paramedic and before that I worked at Richland EMS for two years as an EMT. My current is I've got ACLS, which is advanced cardiac lifesaving, which is by the American Heart Association. So I've got my advanced certification and basic certification, as well as trauma and triage certifications.
Q. What are your roles and duties as a crew chief paramedic?
A. So on our ambulances there are two EMTs. I'm an EMT paramedic and as the crew chief I am solely responsible for the operation of the unit. So we work 12-hour shifts, so I'm -- I am responsible for everything that goes on responding to calls, dealing with patients, transporting and whatever happens at the hospital.
Q. And going back to August 30th of 2018, where were you working at that time?
A. At that time I was on Unit 8 working out of Cayce in the east side of Lexington.
Q. Okay. And what was your position at that time?
A. I was a crew chief paramedic, so the same role I'm in

currently.
Q. All right. And do you remember responding to an incident at [redacted] Riverbend Drive here in Lexington county?
A. I do.
Q. And what is your -- what was the nature of that call?
A. It went out as a GSW, which stands for gunshot wound, and so en route it was upgraded that there was a second gunshot wound patient, so there were multiple gunshot wound patients.
Q. What is your standard procedure for when you respond to these types of scenes?
A. So when dispatch -- dispatch is the people who take the calls for 9-1-1. When dispatch answers calls, they triage the calls based on acuity level and so, for example, Alpha level acuity is a very low acuity, someone who's been sick for several days and just doesn't feel well. As it gets more severe, they move up the levels. The highest acuity level call that we have is called an echo level call and that means that you get fire, a supervisor, police. It's an all-hands-on-deck kind of a call and so gunshot wounds are echo level calls.
Q. Okay. Would this mean that you respond with lights and sirens?
A. Yes, ma'am.
Q. All right. And once you got on-scene, what did you

do?
A. We arrived on-scene first. Fire was right behind us. When we came in, there were several family members who were outside. We pulled in and parked our ambulance in the parking lot and there were family members that were waving us in and directing us into the house. We offloaded all of our equipment and went in to find out what all was going on.
Q. Is this the point that you start triage as you previously described?
A. Yes. So triage is the stage where you decide or you determine the severity of the accident or injuries. With trauma, especially in a case where you're not sure how many patients you have, the triage phase is a kind of group effort where the paramedic identifies the most severely injured patients and addresses them first and then moves down the list trying to get an idea on the scope of the situation.
Q. So you mentioned there were two gunshot wound victims. What were their names?
A. Yes. So we have Ms. Thompson and Ms. Ebony Ponds.
Q. And so during triage, what were your clinical impressions of Ms. Ponds and Ms. Thompson?
A. So when we first went into the apartment, there was Ms. Ponds, who was kind of seated on the chair. Let me

look in my notes and just double-check that. But she had had an injury to the head and she was holding a -- a sweatshirt up to the right side of her head in her temple region that was saturated with blood. So gunshots to the head are very concerning and so she was initially our highest acuity patient and the one that I addressed first.

Q. So Ms. Ponds had the head injury?

A. Yes, ma'am.

Q. What injuries did Ms. Thompson sustain?

A. Ms. Thompson sustained multiple penetrating traumas in her forearm on her actually left side and she also had penetrating trauma to her breast and upper abdomen, which was consistent with gunshot injuries.

Q. I'm about to show you what's been marked for identification is State's Exhibits 20 and 21.

MS. YONGUE: May I approach the witness?

THE COURT: Yes.

BY MS. YONGUE:

Q. Do you recognize these diagrams?

A. Yes. So both of these are indications of where injuries were sustained by the two patients.

Q. And did you mark these circles to indicate those injuries?

A. Yes, I did.

MS. YONGUE: And at this time, Your Honor, I move

to enter State's Exhibits 20 and 21 into evidence.

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibits 20 and 21 are admitted into evidence.

MS. YONGUE: Permission to publish?

THE COURT: Very well.

(State's Exhibit Number 20 and 21, body diagrams, were admitted into evidence.)

BY MS. YONGUE:

Q. Starting with State's Exhibit 20, so starting with Ms. Ponds, describe a little more about her gunshot wound to the head as you were just -- as you were just describing.

A. Yes. So Ms. Ponds was holding the sweatshirt to the right side of her head. When we had her remove the sweatshirt, it appeared like the injury started right above the eyebrow and ran back in a straight line terminating right behind the right ear, so it was just a straight laceration all the way across.

Q. Now you said initially she was determined to be the most critical patient during triage. How, if anything, changed after that?

A. After being able to get a good view of the wound track, there was no skull or brain matter that was visible, so it appears like the bullet did not actually penetrate

into the skull and so it was deemed to be more of a superficial laceration. So it was just -- just a couple of millimeters and it would have been a significantly different story, but she was much more stable than we initially thought.

Q. All right. And moving onto State's Exhibit 21 as it -- regarding Ms. Thompson, describe a little bit more about her injuries and the acuity level as you described.

A. So Ms. Thompson had two on the left arm up by the elbow. In EMS we don't determine what is an entrance or an exit wound because we don't have x-ray vision, so we just document them as two separate wounds, but in their position on -- one on the anterior, one on the inferior aspects of the arm, it appeared like it could have been consistent with through and through, meaning that the round went in one side and out another, but she also had a gunshot wound to the left breast and two in the upper abdomen, and that's what was shown there.

Q. Were her injuries determined to be the most severe?

A. Yes, because of the location of the injuries to the chest and abdomen. You've got a lot of vital organs that are in your torso and also a lot of space for blood to be lost in and so with her condition her skin was what we called diaphoretic, meaning that she's sweating, which is an indication of shock. Also with her difficulty breathing

and her kind of generalized weakness, she was laying on the floor unable to get herself up, so those were the most concerning aspects when we were looking at her.

Q. Could a grave concern also be internal bleeding?

A. Yes. As mentioned, you have a lot of space in your chest and abdomen to bleed into. You can bleed several liters into your chest, as well as several liters into your abdomen, and so she could be losing her entire blood volume very quickly if those had hit major blood vessels.

Q. Now you mentioned shock. What is shock?

A. Shock is a state of hypoperfusion, meaning low oxygen level to the brain. When people are dying, their body is shutting down and not able to transport the oxygen effectively and so the stages of shock that you go through mean that your brain is oxygen deprived and oxygen starved and it only takes about ten minutes of oxygen loss to the brain to cause permanent death and disability.

Q. So what are some common symptoms in general of shock?

A. So shock is shown by several common symptoms. First is rapid heart rate because your body is trying to compensate pumping more blood by speeding up the heart rate. Second is loss of blood pressure. Meaning that even though your body is trying hard, it's -- your pressure keeps dropping due to whatever mechanism is causing it. Third is increased respiratory rate. You start breathing

harder and faster trying to compensate. Fourth is changes in your skin condition. You get pale, you get clammy. Meaning, again, your skin gets wet and diaphoretic, sweaty. And, finally, altered mental status. You start getting confused, you start becoming lethargic or sleepy and then you become unresponsive.

Q. And what, if any, of those symptoms did Ms. Thompson or Ms. Ponds exhibit?

A. Ms. Thompson exhibited a fast respiration rate. She had a decreased oxygen level, meaning that she wasn't getting enough oxygen just due to her injuries. She had the skin condition where she was clammy. She was also altered, she was confused, asked repetitive questions, was real weak, so those were all signs of impending shock.

Ms. Ponds had higher heart rate, it was up in the hundreds, which we determined is tachycardic. So normal heart rates range from sixty, where below that is called bradycardic, and at sixty to a hundred is normal, and then above a hundred is tachycardic, and so Ms. Ponds was tachycardic at a heart rate of 115.

Q. So would you agree that both patients were exhibiting symptoms -- clear symptoms of shock?

A. Yes, ma'am.

Q. So after you complete your triage, what method of treatment do you go into next at that point?

A. So with trauma, which trauma is any bodily physical injuries, the most appropriate methods are trying to stabilize as best you can and then rapid transport to a trauma facility. So in this case Richland Hospital is a Level 2 trauma center and it's the most appropriate for both of these patients, so we -- we rapidly packaged them, meaning we got them stabilized, got them onto stretchers, got them to ambulances, and then we did as much as we could to keep them stable as we transported them emergent to the Richland Hospital.

Q. And with trauma patients such as Ms. Pond and Ms. Thompson, is there some kind of criteria or a certain timeframe that you have to get them to a trauma center such as Richland Hospital?

A. Yes, normally referred to as the -- as the Golden 10, meaning you get them off-scene within ten minutes of your primary like meeting them, your primary assessment, so that's a -- that's a benchmark that you try to make, but it's really as fast as you can is the best, so.

Q. Okay. And so en route to the hospital, what kind of treatment did both of these patients receive?

A. Ms. Thompson was who I transported. She got supplemental oxygen with a nonrebreather mask at fifteen liters, which is the highest volume that we can give, so she was getting a hundred percent oxygen en route. I

established an 18-gauge IV and gave her a normal saline fluid bolus to try and replace any blood that she had been losing and we tried to keep her stable as possible to prevent further injuries of her moving, so we literally physically picked her up and moved her when we got to the hospital.

And for Ms. Ponds, Kyle Williams was the paramedic on the unit that transported her, but he likewise did an IV and gave supplement IV fluid and administered supplemental oxygen.

Q. And once you arrived at the hospital, did you have any further involvement?

A. We dropped the -- we discharged the patients into the trauma rooms. So Richland maintains specific rooms for trauma patients as part of their Level 2 trauma criteria and so in these trauma rooms you have an entire team of doctors and nurses that are specialists and experts in trauma that are already waiting for you because you call in a report ahead of time and let them know what is coming.

And so when I dropped off Ms. Thompson at the trauma bay, we went into Trauma Bay 1, and we transferred her over and gave care directly to doctors who prepped her for surgery and additional efforts to save her life. Ms. Ponds was likewise dropped off into Trauma Bay 2, so both these patients ended up in the trauma bays specific

for these types of traumas.

MS. YONGUE: I beg the Court's indulgence.

BY MS. YONGUE:

Q. So back to when you were describing shock, if patients are exhibiting symptoms of shock, is that life-threatening?

A. Yes. So it's a -- that's the primary identifying characteristic of fatal injuries is all patients who are dying go through these stages of shock just depending on what type of injuries they've sustained and so our job is to try and identify the shock and try and mitigate it en route to the hospital as best we can.

Q. And with patients with gunshot wounds such as the ones we've just described, death is of great concern at that point as you were trying to treat them?

A. Yes. The issue with gunshot wounds is they cause what's called cavitation, meaning that as the bullet passes through the body it sends shock waves out that can cause additional damage inside, and so even though we see the openings we don't know where the bullet has gone or how much damage has been done. So these are -- these injuries are our highest concern and they are exceptionally lethal.

MS. YONGUE: No further questions at this time.

THE COURT: All right. Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:

Q. And you testified that you don't ID which are the entrance wounds; is that right?
A. Correct.
Q. And you don't ID which are the exit wounds?
A. Correct.
Q. Also you found no projectiles in your examination; is that right?
A. No, we don't probe the wound tracks.
MR. CHEHOSKI: That's all I have, Your Honor.
THE COURT: Any redirect?
MS. YONGUE: No further questions.
THE COURT: The witness may step down.
(Witness excused.)
MS. FULLER: Thank you, Your Honor.
At this time the State seeks to move into evidence pursuant to 19-5-520, Court's Exhibit 22 and 23. For the record, State's Exhibit 22 are T-Mobile phone records associated with [redacted]-8710 and the full phone records for August 30th.
And, for the record, State's Exhibit 23 is another portion of the T-Mobile phone records appropriate for the next witness.
THE COURT: That's State's exhibits what?
MS. FULLER: 22 and 23.
THE COURT: Any objection to those exhibits?

MR. CHEHOSKI: Your Honor, there's no objection.

THE COURT: All right. State's 22 and 23 are admitted into evidence.

MS. FULLER: Thank you, Your Honor.

(State's Exhibit Number 22, T-Mobile phone records, and State's Exhibit Number 23, phone records, were admitted into evidence.)

MR. YOUNG: The State calls Brian Travis.

(Whereupon, Brian Travis was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat. You can remove your mask. State your name; spelling your last, please, for the record.

THE WITNESS: Sergeant Brian Travis, T-R-A-V-I-S.

BRIAN TRAVIS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. YONGUE:

Q. Hi, Mr. Travis. Where do you currently work?

A. I work for the Lexington County Sheriff's Department.

Q. And what is your position there?

A. I'm a sergeant in the professional standards division.

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

A. I work internal affairs cases, I do auditing and

policy, as well as I'm a forensic psychophysiologist.
Q. And how long have you been in that position?
A. Just over two years.
Q. Going back to August 30th of 2018, where were you working at that time?
A. I was still at the Lexington County Sheriff's Department.
Q. What role were you in at that time?
A. At that point I worked as the criminal intelligence analyst for the department.
Q. And what duties and responsibilities go along with that position?
A. I mainly focussed on communications analysis and mapping duties, as well as general crime analysis and intelligence analysis.
Q. What sort of training goes into that?
A. I've been through numerous trainings. I've been through foundations and analysis analysts training, which is a forty-hour training course sponsored by the International Association of Law Enforcement Analysts and put on by the National White Collar Crime Center. I've been to training symposiums for the International Association of Crime Analysts and for the International Association of Law Enforcement Intelligence Analysts several years. I went through specific training from

different vendors on their software in communications analysis to include Pen-Link and GeoTime software. And then I've gone to several different one-off courses that deal with intelligence analysts.

Q. Are there any certifications that you get from those trainings or any -- anything else?

A. I was moved out of the position before I went and got a full-on certification in intelligence analysis, but I've been -- like I said, I've been given many certificates of completion for the trainings.

Q. Have you ever testified before as an expert in communications analysis and mapping?

A. I have.

Q. How many times would you say?

A. Thirteen.

Q. Okay.

MS. YONGUE: Your Honor, at this time the State would like to tender Brian Travis as an expert in communications analysis and mapping.

THE COURT: Any objection?

MR. CHEHOSKI: Your Honor, I do have just a couple of follow-up questions.

THE COURT: Okay. Voir dire.

VOIR DIRE EXAMINATION

BY MR. CHEHOSKI:

Q. These classes that you take, they don't come -- they don't end with testing, do they?
A. I don't know that any of them have ended with testing, no.
Q. Again, so the certificates you get, you get the certificates of completion of the course?
A. So the -- like the Foundations in Intelligence Analysts training, there's numerous projects you have to do throughout the course that are evaluated by the instructors to make sure you can show proficiency in it and you have to pass all of those before you can get completion in that training course.
Q. And that's a forty-hour course?
A. It is.
Q. All right. There's also -- you said you -- after you went to the Foundations, you've been to other follow-up courses as well?
A. Correct. I've been to three different week-long courses.
Q. Okay. And are there -- are there projects that you have to complete as well to -- to complete that you have to get signed off on to get your certification of completion for those?
A. Those ones are more symposiums, so it's more -- for those ones, it's more attendance-based. There were some

practical applications courses at some of them working in things like Microsoft Access and some of the different software programs out there.

Q. All right. So these symposiums that are just attendance-based, you just kind of show up and do the hours?

A. Show up and -- some of them are lectures and some of them are practicals where you do what it is they're -- you know, they walk you through different things. A lot of times they focus around specific tasks in Microsoft Access or Microsoft Excel.

Q. Understood.

MR. CHEHOSKI: Your Honor, that's all I have. I'm not objecting to him.

THE COURT: All right.

Ladies and gentlemen, normally when a person testifies, they must testify as to what they either saw or heard, sensed by smell or something of that nature. However, there is an exception when someone's qualified because of education or experience they're permitted to give their opinion in certain areas if the Court qualifies them that way. This witness will be qualified in the area of cellular communications analysis and cellular mapping and to give opinion testimony in that area. That does not mean you must accept the opinion,

but it is evidence for you to use in any way you see fit.

Proceed.

MS. YONGUE: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY MS. YONGUE:

Q. Mr. Travis, you received phone records pertaining to this case, correct?

A. Yes.

Q. I'm gonna show you what's already been entered as State's Exhibit 22. Are these the phone records that you received in relation to this incident?

A. They are.

Q. And what device number are those associated with?

A. You mean phone number?

Q. I'm sorry. Phone number for the device.

A. [redacted]-8710.

Q. And what is the device carrier?

A. T-Mobile.

Q. Okay. And how does T-Mobile -- how do you receive records for T-Mobile? How do they come?

A. They come on a -- they come digitally over an e-mail in secured e-mail format.

Q. And do they send their records in any type of format as far as time?

A. They send all their records in UTC time, which is the

Universal time. It's based off of Greenwich Meantime.
Q. And when they come in UTC time, is there any kind of conversion process that you have to do to convert them to Eastern Standard Time?
A. Yes, depending on the time of year whether it's daylight savings or not, you have to either change it by four hours or five hours.
Q. What was the conversion process that you did for this case?
A. The software I use automatically converts it for me into Eastern Standard Time.
Q. Would that be a four-hour difference for these records?
A. Correct.
Q. Okay. I'm about to show you what's been marked for identification as State's Exhibit 24 and 25. Starting with State's Exhibit 24, do you recognize that?
A. Yes.
Q. What is that?
A. So this is a conversion for all of the calls that we have on the phone records. They are from UTC to Eastern Standard Time and shows it both in 24-hour time and in a 12-hour format.
Q. Okay. And I'm showing you now State's Exhibit 25. What is that?

A. It's just a visual aid to help show you during this timeframe what the range is when you switch from -- because it goes past midnight UTC, it changes the date and it shows you the exact window for that four-hour conversion.

MS. YONGUE: Your Honor, at this time the State would offer State's 24 and 25 into evidence.

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibit 24 and 25 will be admitted into evidence without objection.

(State's Exhibit Number 24, T-Mobile Time records, and State's Exhibit Number 25, UTC conversion records, were admitted into evidence.)

MS. YONGUE: Permission to publish?

THE COURT: Very well.

BY MS. YONGUE:

Q. Now did you generate any -- any kind of map or anything for this case?

A. I did. I generated a few different maps.

Q. Okay. And was that for a specific timeframe?

A. It was.

Q. Okay. Do you -- what was the timeframe for which you generated the map or maps?

A. Offhand it was roughly 6:00 PM until 10:35 PM, I believe.

Q. Okay. Now I'm showing you what's already been entered

as State's Exhibit 23. Do you recognize that?
A. It's the same phone records.
Q. So would that be the abbreviated timeframe that you used to generate the maps for this case?
A. Yes.
Q. Okay. And how many maps did you create?
A. I believe it was two.
Q. Okay. Now --
MS. YONGUE: Permission to publish?
THE COURT: Very well.
BY MS. YONGUE:
Q. All right. These are the abbreviated phone records that you used to generate the maps, correct?
A. Yes.
Q. Okay. And you said that you had to go through a conversion process of a four-hour difference between UTC time and Eastern Standard Time, correct?
A. Correct.
Q. Now looking at this just to make a little bit more sense as to what all of this means, the date column would be -- would represent the phone -- the date that the phone calls were received or dialed; is that correct?
A. So that's the system date that the system records the transaction in UTC time.
Q. And what about the time column?

A. So the time's in a 24-hour format in UTC time.
Q. So you have to convert it to a 12-hour clock and convert it to Eastern Standard Time?
A. Correct.
Q. Okay. What about the duration, can you explain that?
A. The duration is how long the transaction lasted in seconds.
Q. Okay. And call type, what does that mean?
A. In-going calls, outgoing calls, text messages. It's telling you what the type of transaction is.
Q. So MOC, what would that represent?
A. Outgoing call. Mobile outgoing call.
Q. And MTC such as in this one?
A. It's an incoming call. Mobile terminating call.
Q. And direction, what does --
A. If it's in-going or outgoing, so whether they received a call or whether they made a call or --
Q. All right. And then the calling number would represent what?
A. It's the number that's initiating the transaction. So if it's an outgoing call, it's the subscriber. If it's an incoming call, it's the person that's calling them.
Q. And the dialed number?
A. It would be the actual number that was dialed into the phone to make the transaction.

Q. And the called number as opposed to the calling number?
A. So that's the number that they're trying to connect to. The difference is, is in routed calls your dialed number and your calling number -- or called number -- your calling number and dialed number could be different if there's a call routing involved.
Q. What would that mean as far as call routing?
A. If you forwarded your phone calls, if it's routed to voicemail, all those things can change the number, so the number you dial may not be the actual number you end up connected with.
Q. And why would that be?
A. The main reason would be either voicemail or call forwarding.
Q. Okay. What about the destination number?
A. Again, that's tied to where the actual termination of the call is, so whatever number it finally is connected to.
Q. Okay. So for the next page, what would the first LTE site mean?
A. So that is the -- T-Mobile's code for the tower that the initial connection for this subscriber connects to.
Q. So it's for a specific tower that it connects to?
A. Correct. It's the identification their system has for that specific tower.

Q. So would you say if someone is making phone a call that it would likely utilize the nearest cell tower?
A. Correct.
Q. All right. And the sector ID in the second column?
A. Every tower is broken up into sectors. They're directional antennas, so they can only face one direction. Generally, they'll have three sections on a tower, each one covering 120 degrees to create a full circle, so it's telling you which one of those antennas it's hitting off of.
Q. And what about the azimuth that it describes here. What is the azimuth?
A. The azimuth is the actual direction that antenna points, so it's a fixed direction that it points in, so that's on a 360 degree north, south, east, west scale.
Q. Now the next two, do those represent the latitude and longitude coordinates of where the device is at?
A. Correct. Those are the GPS coordinates for the tower itself.
Q. So that would be the tower that the device is utilizing?
A. Correct.
Q. The specific location?
A. Uh-huh.
Q. And then the next column, what is that address

pertaining to?
A. So the next four columns are all the street addresses that the company has for their towers. So you have the street address, the city, state and the zip code for where it's physically located as set by whatever county or city based on tax maps.
Q. Now we've previously talked a little bit about the conversion time. Now just looking at this table that we just talked about, the conversation chart, compared to the abbreviated records that you used to generate the maps that you reviewed ahead of time, do these match up as far as the conversion?
A. Correct. So you can see the first entry on the -- the reference table is for 6:10 and 40 seconds PM, which associates with the first call that's on this abbreviated phone record.
Q. What about the next one?
A. And then you see the next one, it's the same thing, so they just go down in order converting each one in order.
Q. And this would be the 12-hour clock as opposed to the 24-hour clock?
A. Correct.
Q. And you reviewed those and they did align with each other as far as the conversion?
A. Correct.

Q. And this is the second visual aid that we discussed as State's 25. Can you just walk us through this type of visual aid and how the conversion was done?

A. So on the -- on the top box you can see in Universal time it says from 10:00 PM till midnight. That equates for our local time, which is Eastern Standard Time, of 6:00 PM to 8:00 PM. And then on the right side of that block is just highlighting that time window. On the bottom block, it would go into the next day from midnight to four AM, which associates the 8:00 PM till midnight. So when we're talking about on -- in UTC it went into August 31st, but locally we still see that as August 30th.

Q. Okay. Now looking at -- you mentioned cell towers previously. I just wanted to expand on that a little bit. What is the cellular network comprised of?

A. So there's a lot of parts at work. The one we're most commonly used to is the handset or your actual cell phone. It's a really fancy radio. When you go to make a call, you're connecting through your cellular network to the -- generally the closest tower. The call is then routed from the tower to a switch, the switch then routes it from -- to the switch closest to the person you're trying to reach. It could be a landline, it could be within the same mobile network, it could be a different mobile network. Once it transfers to the end switch, it will then transfer to

either a physical phone line or another cell tower, which then connects to another handset completing the -- the call.

Q. So how does the cellular network work off the cell tower?

A. So it all works off of radio waves running basically the gamut from about 600 megahertz to about 2,000 megahertz of frequency and so the phone puts out a radio signal and the tower puts out a radio signal and they're able to send and receive those radio signals back and forth.

Q. And you mentioned previously a -- the sector that was on one of the columns on the records.

A. Correct.

Q. What is a sector and how does that relate to the makeup of the tower itself?

A. So, again, the sector is a directional antenna. Prior to cell phones, the only thing was radio signals, which was just an omnidirectional antenna. It was basically a big antenna and it had a circular wave that went out. The problem was is that you get big dead spots because if you put a bunch of them together, the signals don't always meet. Scientists came up with the idea of a cellular network creating a system of towers with directional antennas instead of omnidirectional antennas to give complete coverage. So what happens is all of these towers

are set up with directional antennas and so that way they don't have any dead spots. And, of course, the longer we go the more coverage there is because, of course, no company wants their customers not be being able to make a call.

Q. Okay. So when somebody makes a call, I just want to make sure this is clear for the record, it would utilize -- that device would utilize the nearest tower?

A. So there's a lot of factors that go into the tower access, but the primary one is gonna be proximity to the tower. Whenever you go to make a phone call, it's always gonna attempt to go through the closest tower because the closer you are, the better the connection, faster the connection, but there are other factors that can delay that. If there was a problem with the tower, the tower's overloaded, they can be routed, but, again, proximity to tower is always the primary factor in determining what tower you're gonna utilize.

Q. And I'm sorry to jump around a little bit. I wanted to go back to these records. So at -- right here on August 30th of 2018 at -- let's see -- this would be what time when you do the conversion?

A. 7:45 PM.

Q. Okay. Now it says a duration of eleven seconds. Is that a connected call or would that be something that went

to voicemail or call forwarding?
A. So eleven seconds -- it starts the time as soon as you press send or the other person presses send, but as far as if they answered it, if it rang and they hung up, there's -- on this record there's no way of saying for sure which one that was.
Q. All right.
A. There's no routing code under the service code to show that this one was sent to voicemail, so it was either a very brief call or it didn't -- nobody picked up and it didn't go to voicemail.
Q. And I'll ask the same question for the next attempted -- at least attempted call at what would be 7:51; is that correct?
A. Correct.
Q. With a duration of four seconds?
A. Most likely it would not have connected in that brief of time.
Q. And then down here at 8:33 with a duration of one second, what would that be?
A. It most likely would not have connected.
Q. So you mentioned that you generated two maps for this case, correct?
A. Yes.
MS. YONGUE: I beg the Court's indulgence.

BY MS. YONGUE:

Q. I'm about to show you what's been marked for identification as State's 48. Do you recognize this?

A. Yes. This is one of the maps that I made.

Q. And what is the timeframe that this shows?

A. 6:10 PM until 8:55 PM on August 30, 2018, for phone number [redacted]-8710.

Q. Okay. And does it fairly and accurately represent the map that you generated for that timeframe?

A. Yes.

Q. And has it been altered or changed in any way since you created it?

A. Not that I can see.

MS. YONGUE: Your Honor, at this time the State moves to admit State's 48 into evidence.

MR. CHEHOSKI: Without objection.

THE COURT: State's Exhibit 48 is admitted into evidence.

(State's Exhibit Number 48, a diagram of calls, was admitted into evidence.)

MS. YONGUE: Permission to publish?

THE COURT: Very well.

BY MS. YONGUE:

Q. Okay. So looking at this map here for 6:10 PM to 8:55 PM on August 30th of 2018, so explain to me the

process of how you generated this map.
A. I use a mapping program called -- made by Esri called ArcMap, which is the standard mapping program for pretty much all mapping professionals, and I take those GPS coordinates that are given on the mobile phone records and plot them onto the map. I then label them with the time of the connection and I put a visual representation of the azimuth for that tower sector.
Q. And explain, again, what the azimuth is?
A. So, again, it's the -- it's the direction that the antenna faces from the tower.
Q. Now looking at this map, what is the earlier time or at least pinpoint that you plotted on this map? I don't know if you can see that.
A. It's gonna be at that 6:10, the first record on that phone record there at 6:10 and 40 seconds is the earliest one.
Q. Okay. And can you point out for the jury the incident location of [redacted] Riverbend Drive?
A. On the map it's the yellow -- it's at the end of the yellow box.
Q. You can use the laser pointer. I apologize.
A. So it's actually -- sorry -- right about there.
Q. Okay. And show, again, with the laser pointer where's the 6:10 call.

A. The tower is right here on Leaphart Street.
Q. Okay. So if you were at [redacted] Riverbend Drive in West Columbia and you made that call at 6:10, would that device be utilizing or likely be utilizing that tower?
A. Yes.
Q. Now moving onto 7:30 PM or approximately 7:30 PM, is there a call utilizing a tower in this area at that time?
A. The same sector of the same tower is utilized at 7:37.
Q. So, again, if you're at [redacted] Riverbend Drive, would that -- would your device being utilizing that tower?
A. Yes, most likely.
Q. Now does the device continue to utilize that tower for some period after that?
A. You can see the next transaction at 7:45 PM has now -- it's the same tower, but you can see it's a different sector. So because these are directional antennas, in order to hit off this sector there would almost have to be movement from at least this side of the tower to this side of the tower.
Q. Okay. Now there was previous testimony that law enforcement cleared the scene at 7:58 PM. So if you're saying that at 7:45 PM that would indicate movement, would that mean that the device is leaving that location?

A. Most likely.
Q. And if you were at [redacted] Riverbend Drive or moving away from [redacted] Riverbend Drive, would you be utilizing that tower or would that device be utilizing that tower?
A. If you started to move from this area and you crossed up this way or if you go all the way around down to this side, then you would use that side of the tower.
Q. But the device would be moving away at that point?
A. Correct.
Q. Now after -- now that the device shows that it is moving away, in what direction does it seem to be moving?
A. So it looks like it goes up towards 26, Interstate 26, and goes along -- because you have at 7:51 in this direction and then shortly after it's -- this is I-20, Interstate 20, and now you're starting to -- you're right off the -- the tower here, which would indicate based off of, you know, my training and experience would be most likely someone went up 26 to 20 and went 20 eastbound.
Q. Okay. Now there was also previous testimony that the defendant, Isaiah Butler, who's address is [redacted] Romford Road, Columbia, South Carolina, 29203, can you point out the general area on this map as you see it of where that would be?
A. Right here where that little triangle sticking up is.
Q. Okay. And after that, does the device utilize any

other towers?
A. So you have -- you have these towers here that would be in that general area and then it goes down towards Columbia through these towers, and you can't see it, but it ends up down -- down here.
Q. Where is down there?
A. That's off of Bluff Road.
Q. Okay. Do you know where Copper Beach would be?
A. It's an apartment complex on Bluff Road.
Q. Okay. If you were at Copper Beach, would you likely be utilizing that tower with your device?
A. It's right about here.
Q. And what time was that?
A. 8:55 PM.
Q. 8:55 PM. Okay. So at 8:55 PM that device is utilizing a tower in the vicinity of the Copper Beach apartment complex off of Bluff Road?
A. Correct.
Q. Now the second map that you said that you generated for this case, was those -- was that map for the same phone number?
A. Correct. It was just a later time period.
Q. And that would be the [redacted]-8710?
A. Yeah.
Q. And for August 30, 2018?

A. Correct.
Q. I'm showing you what's been marked as State's Exhibit 47. Do you recognize that?
A. Yeah, this is the second map, same phone number, same date, but instead it's from 8:59 PM until 10:25 PM.
Q. And does it fairly and accurately represent the map that you generated?
A. Yes.
Q. It hasn't been altered or changed in any way since you generated it?
A. Not that I can tell.
MS. YONGUE: At this time, Your Honor, the State seeks to introduce State's 47 into evidence.
MR. CHEHOSKI: Without objection.
THE COURT: State's Exhibit 47 is admitted into evidence.
(State's Exhibit Number 47, a diagram of calls, was admitted into evidence.)
MS. YONGUE: Permission to publish?
THE COURT: Very well.
BY MS. YONGUE:
Q. Okay. So looking at -- I'm gonna move into the incident location again. Can you point out the incident location of [redacted] Riverbend Drive?
A. It's right there. It's actually all of this area that

kind of loops there.
Q. So does the device utilize the tower that would service [redacted] Riverbend Drive on the night of August 30, 2018?
A. Yes.
Q. What's the earliest time?
A. 9:07 PM.
Q. Okay. And that would be in West Columbia?
A. Correct.
Q. And looking back at the phone records at the 9:07 call, which is right here at the bottom, what was the duration of that call?
A. 495 seconds, which is eight minutes and fifteen seconds.
Q. You said eight minutes and fifteen seconds?
A. Uh-huh.
Q. Okay. So if you were at Riverbend when this call at 9:07 was made, that device would be utilizing that tower?
A. Correct.
Q. Now the timeframe -- we previously discussed that the device went back to the vicinity of Copper Beach apartments off of Bluff Road down there in the bottom corner on right-hand side?
A. Correct. It's farther down from what you can see though.

Q. Right. Now what is the timeframe if you were travelling from down here off of Bluff Road to [redacted] Riverbend Drive driving-wise? Approximately.
A. Maybe -- I guess it depended on lights and traffic and stuff, but I'd say ten to fifteen minutes tops.
Q. Okay. And once that device begins to utilize the tower that services [redacted] Riverbend, how many transactions were there off of that tower at that time?
A. Six.
Q. And what side of the tower does that device utilize?
A. The one that points at sixty degrees, which is the one pointing towards the [redacted] Riverbend.
Q. Now earlier testimony was that the earliest call reporting the shooting at [redacted] Riverbend Drive was at 9:12 PM. Is the device utilizing a tower that services [redacted] Riverbend Drive at 9:12 PM?
A. So that 21:07 call that was eight minutes long, eight minutes would go until 21:15 so that would cover a 9:12 because that's 9:15.
Q. And what about -- are there any further transactions off of that tower after that time?
A. So then you have 9:22, 9:22 and 42 seconds, 9:31 and 12 seconds, 9:31 and 3 seconds and 9:31 and 24 seconds.
Q. All right. Now going back to this map, I'm gonna try to put them side by side so we can compare. I'm trying to

focus it. Right here was where you testified that there was a call from the device that utilized this tower that services [redacted] Riverbend at 7:37 PM, correct?

A. Correct.

Q. And then we go back to later on at -- during the 9:07, the timeframe that he was at -- that the device was utilizing that tower, was it utilizing the same side of the tower as the 7:30 call?

A. It was.

Q. And I'll show at this later map again. At any time does the device leave this location?

A. If you'll go down, you can see there at 22:25, which is 10:25 PM, it's at the Bluff Road tower by 77.

Q. Okay. Now at 9:31 PM that night on August 30th, if you -- would the device be twenty-five -- let's see.

MS. YONGUE: I beg the Court's indulgence.

BY MS. YONGUE:

Q. At 9:31 PM could the device be twenty-five minutes away from that tower? And for reference here's the 9:31 call.

A. As far -- I mean, as far as by car, no.

Q. What about fifteen minutes away?

A. No.

Q. Now could a device be at Copper Beach apartment complex down here at Bluff Road, could the device be there

and be twenty-five minutes -- or could you be at Copper Beach and utilize that tower in West Columbia?

A. Anything's possible. It would be extremely unlikely.

Q. It's possible but not probable that that would occur?

A. Correct. I mean, the chance of that happening would be so infinitesimally small I don't know if you could put a number on it.

Q. So during the time of the shooting at 9:12 or the first call reporting the shooting at 9:12, the device is utilizing the tower that services [redacted] Riverbend, the incident location?

A. Correct.

MS. YONGUE: I beg the Court's indulgence.

BY MS. YONGUE:

Q. Okay. So we had previous testimony that the chicken plant or chicken farm nearby, I believe it would be -- is this, I may be wrong, but this general area, if you are at that -- in that general area, would a device be utilizing this tower?

A. Yes, it would. It's Columbia Farms Processing Plant. It's like right up -- right about there.

Q. Would it be the same side of the tower?

A. Yes.

MS. YONGUE: No further questions at this time.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:

Q. Investigator Travis, this map here on State's 47, you said the azimuth is just a directional line; is that right?

A. Correct.

Q. And the directional line is essentially the midpoint of the area; is that correct?

A. Correct. It's the exact direction it points and then the band width is roughly 60 degrees to each side.

Q. 60 degrees to each side, so it -- again, using the tower that the State -- excuse me -- using the tower that the State was discussing in their direct testimony, this one would cover about, again, roughly 60 degrees, which would be roughly zero degrees; is that right?

A. Exactly.

Q. And then up -- all the way up to 120 degrees?

A. Correct.

Q. And this azimuth line is two miles long; is that right?

A. The way it's drawn on there it equates to three miles on the map.

Q. It's three miles. Okay. Thank you for correcting me. And so that three miles essentially ends at this endpoint right here; is that correct?

A. Correct.
Q. And so that -- that area of coverage would be three miles -- consisting of up to three miles this way, up to zero degrees, right, and up to three miles at 120 degrees; is that right?
A. It's a broad kind of cone. The exact direction and stuff like that we can't say for sure, but that's a good ball park.
Q. It's a ball park and it's essentially the generally accepted standard as you would -- as you've learned?
A. Right.
Q. And in -- like you said, in a phone that's connecting to a tower you said that the general rules is gonna be proximity?
A. Correct.
Q. But this -- really the general rule, it's going to connect with the tower with the best signal?
A. So generally it's proximity, but it relies on a lot of factors.
Q. Right.
A. The next biggest after proximity is gonna be network congestion, like how many people are using it at the time.
Q. Like traffic?
A. Right.
Q. And so if -- if a closer tower is overwhelmed with

traffic, then it's going to look for the best signal?
A. It's not --
Q. Or it's gonna go to the next tower or whatever the next -- it's going to find the best signal; is that right?
A. I don't want to -- it's not signal because the signal is always gonna be strongest at the closest tower because wave propagation, it deteriorates over distance and other factors --
Q. Yeah.
A. -- but it's gonna go to where it gives the customer --
MS. YONGUE: Your Honor, I just ask -- I just ask that he allow Mr. Travis to answer the question.
MR. CHEHOSKI: I wasn't saying anything.
THE COURT: So noted.
Finish your answer.
THE WITNESS: It's gonna go to wherever is going to get their customer connected in acceptable terms. So it won't be as strong of a signal per se, but it will give them the connection they want.
BY MR. CHEHOSKI:
Q. Right. So it's going to seek the connection?
A. Correct.
Q. All right. Now something -- you said that there were some things that --

THE COURT: Mr. Chehoski, real quick.

Ladies and gentlemen, everybody stand up. Just move your body around a little bit.

All right. Have a seat.

Continue.

BY MR. CHEHOSKI:

Q. You said that, you know, the -- the factors of proximity and congestion are the most likely factors?

A. Correct.

Q. There are factors that do not come into play such as county lines; is that correct?

A. That's correct.

Q. And river boundaries?

A. Correct.

Q. All right. And state lines?

A. Correct.

Q. So you could be in Rock Hill, North Carolina, and possibly connect with a tower -- or let me just say you could be at Carowinds, because that's right on the border on the South Carolina side and connect with a tower in North Carolina?

A. Correct. Because Carowinds splits the county -- or the state line.

Q. Right. So, again, just because you're in one state doesn't mean that you have to connect with a tower in the

same state?
A. Correct. It's gonna be physical factors that influence, not imaginary boundaries.
Q. Right. So -- and just because you're in Richland county doesn't mean you'd connect with a tower that's in Richland county?
A. Correct. It -- it's not gonna pay attention to county lines.
Q. Right. And so as this azimuth here states, this azimuth crosses over into Richland county?
A. The azimuth does, correct.
Q. Correct. All right. And just to be clear, you're just identifying the tower that the call -- that the phone is communicating with in this, correct?
A. Correct.
Q. You're not identifying the location of the phone?
A. Correct.
Q. And are you familiar with what a drive test is?
A. Are you talking about with a network engineer testing it by actually mapping the cellular data?
Q. Right. And testing the strength of the signal.
A. Correct.
Q. Did you conduct a drive test on this?
A. I have neither the equipment nor the background to do that.

Q. But there is software available to law enforcement that allows you to do that?
A. There's no software that would allow law enforcement to do a wave propagation map. There's some software that alleges to do that, but scientifically backed I would argue that's not accurate.
Q. All right. One minute.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. All right. And looking at State's Exhibit 22 -- no, I'm sorry, 23, this call here that starts at 1:07:42, right --
A. Yeah.
Q. -- and adjusting for UTC, that would be 9:07:42 PM or 21:07 in 24-hour time; is that right?
A. Yes.
Q. And that lasts for 495 seconds?
A. Correct.
Q. And, again, broke down into minutes, that's eight minutes and fifteen seconds, right?
A. Correct.
Q. So that call would continue for -- from 1:07:42 for another eight minutes and fifteen seconds?
A. Correct.
Q. And so that would end at 1:15:57, correct?

A. Correct.
Q. And that would be 9:15:57, correct?
A. Correct.
Q. And as you heard, we have testimony that the first call was at 9:12; is that correct?
A. (Nods head.)
Q. So, I mean, again, at 9:12 that call would have been ongoing at that time; is that correct?
A. Correct.
Q. And it would have -- in fact, it would have been -- had been continuing for at least five minutes prior to that call being made?
A. Correct.
MR. CHEHOSKI: One moment, please, Your Honor.
That's all I have for now.
THE COURT: Redirect.
MS. YONGUE: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. YONGUE:
Q. Okay. So -- well, if someone is at [redacted] Riverbend Drive at 9:07 PM and they have this device, the [redacted]-8710, would they be utilizing this tower?
A. Yes.
MS. YONGUE: No further questions, Your Honor.
THE COURT: Recross.

RECROSS EXAMINATION

BY MR. CHEHOSKI:

Q. This tower doesn't solely service [redacted] Riverbend Drive; is that correct?

A. Correct. More than just that one place would use that tower.

Q. More than that one place. In fact, it covers up to the three-mile area for the 120-degree area; is that right?

A. Without doing a propagation map, it's most likely in that area and not a full three miles, but it covers a wide area.

Q. It covers a lot of area that includes parts of Richland county?

A. Possibly, but not probably.

Q. It could include parts of Richland county?

A. Again, it could possibly, but it's not probable.

Q. Yes, sir.

MR. CHEHOSKI: Thank you.

THE COURT: All right. The witness may step down.

(Witness excused.)

THE COURT: All right, ladies and gentlemen. We're gonna break for the day at this point. I'd like you to be back in your jury rooms tomorrow morning at 9:15. Obviously if something comes up with traffic, please let us know and, otherwise, have a pleasant

MS. FULLER: Thank you, Your Honor.

The State calls Ebony Ponds.

THE CLERK: Raise your right hand.

(Whereupon, Ebony Ponds was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat. You can remove your mask. If you'll state your name and spell your last, please, for the record.

THE WITNESS: My name is Ebony Ponds. My last name is spelled P-O-N-D-S.

EBONY PONDS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. And good morning, Ebony.

A. Good morning.

Q. Just looking over here at State's 44, your name is up here?

A. Yes, ma'am.

Q. That's you, correct?

A. Yes, ma'am.

Q. And we see Ms. Thompson's name here?

A. Yes, ma'am.

Q. And who is Ms. Thompson to you?

A. My mother.

Q. And Ms. Thompson's not here today; is that correct?
A. No, ma'am.
Q. And where is Ms. Thompson?
A. She passed away on the 26th.
Q. On the 26th of when?
A. September.
Q. Of what year?
A. This year.
Q. And when she passed away, it was unrelated to this case; is that correct?
A. Yes, ma'am.
Q. Okay. Now going back to why we're here, over here we have the defendant's name, Isaiah Butler. Ike. You know him?
A. Yes, ma'am.
Q. You also know him as Ike?
A. Yes, ma'am.
Q. We have Keanna Outlaw?
A. Yes, ma'am.
Q. And how do you know Keanna?
A. I was best friends with one of her friends, Areauna Lindsey, and they had known each other for I think ten, eleven years, so when I became best friends with Areauna I became friends with Keanna Outlaw and her brother, Isaiah Outlaw.

Q. Okay. How about Iyana?
A. Iyana, I've been friends with her for about six years, and that's my mom's goddaughter.
Q. Okay. Back on August 30th of 2018, you ended up at Riverbend in West Columbia; is that correct?
A. Yes, ma'am.
Q. And that's in Lexington county?
A. Yes, ma'am.
Q. And that's where the shooting that happened in this case took place, correct?
A. Yes, ma'am.
Q. And what were you doing there that day?
A. I had an interview, so I stayed the night at Areauna's house in Riverbend, and that was the [redacted] apartment. I went over there the night before and Keanna and Isaiah had been arguing. So I went over there. My interview was at 10 AM the next morning, so I got up the next morning and I walked to my interview down the street.
Q. And where was your interview?
A. Circle K.
Q. Okay. And so you -- and an interview, just so it's clear, you were applying for a job there?
A. Yes, ma'am.
Q. And it was close to Riverbend?
A. Yes, ma'am.

Q. Where were you living at that time?
A. At the time I was with my sister on Broad River Road.
Q. And did you have a vehicle?
A. No, ma'am, I did not.
Q. Is that why you stayed the night over there?
A. Yes, ma'am.
Q. Because it was closer?
A. Yes, ma'am.
Q. And because she was your friend?
A. Yes, ma'am.
Q. And so it wasn't unusual for you to stay the night with her?
A. No, ma'am.
Q. Okay. And just so it's clear, you were twenty-one at the time?
A. Yes, ma'am.
Q. Okay. Now you mentioned that the Keanna and her brother Isaiah, Zariah, were going back and forth. Were you present for some of that argument on the day of the 30th?
A. I wasn't -- you mean, the day of the shooting or the day before?
Q. Okay. I did say day of the shooting, but I'll talk the day before. Were you present for that day before, too?
A. I wasn't present when they fought the day before, but

I was present after when Isaiah came to Areauna's house to stay the night to kind of separate his self from all the drama.

Q. Okay. And then so the next day, the day of the shooting, you went to your interview and you came back?

A. Yes, ma'am.

Q. What happened then?

A. Well, I went to my interview around 10:00. I got back around probably like 10:45 and when I came back to the house I was there probably thirty minutes and I went and laid in Areauna's room to take a nap and then Keanna kept coming back and forth to the door with her little brother. Their lights at their apartment were off, so when she was coming back and forth we would always let her in because she had her little brother and he had to eat, shower. Whatever he needed he came to Areauna's house for. So the first time she came to Areauna's house, she was threatening to call the police for why they fought the day before and there was a big argument and then she left and that's when the police showed up.

Q. Okay. And then what happened when the police showed up?

A. They were talking about the altercation between Isaiah and Keanna, but there wasn't really much they could do because there wasn't a phone call made the day of.

Q. Okay. And later on that day, did you and Isaiah encounter Keanna again?
A. Yes, ma'am.
Q. And tell me about that.
A. Well, the next time we encountered Keanna, Keanna came and I was in Areauna's room taking a nap and Isaiah, I remember him coming in Areauna's room because that's where the bathroom was, the only bathroom was. So he came in there and then when he left back out he was like where's my phone and I heard him talking to Keanna and Ike and basically Keanna took his phone off the couch and wouldn't give it back to him for whatever reason and then an argument started over that and we just told Keanna to leave, so that's when they left and I told Isaiah to call the police again.
Q. Okay. And so you were present for when he called the police?
A. Yes, ma'am.
Q. And whose phone did he use to call the police?
A. My phone.
Q. Okay. And we already have official records in or testimony in that that call took place at 6:07. Does that sound accurate?
A. Yes, ma'am.
Q. I know you weren't checking the time, but that's what

the official records say. And he used your phone to make that call?
A. Yes, ma'am.
Q. And is it accurate that he reported his phone missing?
A. Yes, ma'am.
Q. And did the police show up following that call?
A. For the phone call, yes, ma'am, because I remember that they came out around three times that day, two or three times.
Q. Okay. And what, if anything, happened after the 6:07 call reporting the stolen phone?
A. After that, when Georgia got off work -- because I was watching her daughter that day after my interview, so when Georgia got off work we kind of like filled her in on everything that was happening that day with the incident, and her and Keanna already had their own issues as far as Keanna put her stuff out of her house, so I told Isaiah and Georgia, I was like let's go get all your stuff from over there so they don't have reason to come here, you don't have reason to go there, and when we went up there that's when Keanna and they started fighting.
Q. Okay. And so who went? You said we. Just so it's clear, who went up there and where is up there?
A. Okay. I'm sorry.
Q. No, you're fine.

A. It was me, it was Georgia, even Mehlani, and everybody there.
Q. And who's Mehlani?
A. Georgia's daughter.
Q. And how old is Mehlani?
A. At the time, I think Mehlani was one or about to be one in probably like a couple of months. Like eight months.
Q. Okay. And you said you went up there and where's up there?
A. We went to Keanna's apartment.
Q. Do you remember what building that was in?
A. The [redacted] building.
Q. Okay. And so what happened when you got there?
A. Well, when we got there, me and Georgia originally stayed downstairs because they were just -- they were supposed to be getting stuff and coming back. So when they went in the house, Ike was already -- he was outside on the porch on the little breezeway area, so that's when Keanna and Isaiah started fighting inside the house and when they came out the house door I heard them fighting, I ran up there to break it up. And I guess Ike thought that we were trying to jump Keanna and he was threatening me the whole time while I was trying to break them up.
Q. Okay.

A. So me and Ike were trying to break Keanna and Isaiah up and just the whole time while I'm trying to break them up Ike is threatening me and then Georgia and Keanna start arguing, and it was just a whole lot that day. And that's when Keanna, she threw a glass table at Isaiah's head, and after that, once the shooting threats start happening, I kind of was just like -- me being the oldest out of the three that walked up there, I was just like we need to go, and once we left we called the police when we got to Areauna's house again.

Q. Okay. I want to slow you down there. Looking at State's Exhibit 4, we've been talking about this, and just so we're on the same page, the [redacted] building is here; is that correct?

A. Yes, ma'am.

Q. And then the [redacted] building is over here?

A. Yes, ma'am.

Q. And Keanna's apartment was on -- you said upstairs, so you had to walk up the stairs?

A. Yes, ma'am.

Q. And y'all -- you and Georgia stayed downstairs while --

A. Georgia, she had the stroller, so she didn't come up the stairs at all because she had Mehlani. I went up the stairs as soon as I heard them fighting, like physically

fighting, so I went up the stairs to break them up.
Q. Okay.
A. And after that everything was just escalating, the glass was thrown, and it was just --
Q. A lot?
A. Yeah, a lot.
Q. When you said Ike started making threats, what were the specific threats he made?
A. That he would shoot us.
Q. And he was talking to who?
A. Me, Isaiah and Georgia.
Q. Okay. When you walked up there, did you see -- or that day did you ever see a car associated with Ike?
A. Yes, ma'am. It was a black Range Rover and I know that because I'd previously seen him driving that Range Rover.
Q. Okay. And any doubt in your mind that was a Range Rover?
A. No, ma'am.
Q. Any doubt in your mind that it was black?
A. No, ma'am.
Q. So you also said when you went back or were going back to Areauna's apartment, you, again, called the -- or Isaiah you say called the police?
A. Yes, ma'am.

Q. And whose phone did he use then?
A. My phone.
Q. Okay. And were you present for when he reported what happened to the police?
A. Yes, ma'am.
Q. Did you guys wait any amount of time to report that?
A. No, ma'am.
Q. And so it was immediately after the threats were made --
A. Yes, ma'am.
Q. -- and the altercation?
A. Yes, ma'am.
Q. In terms of threats that Georgia may have made, did you hear her make any threats?
A. I heard her and Keanna arguing, yes, ma'am.
Q. Okay. Did she instigate the argument?
A. No, ma'am. Threats were made towards Keanna after she started arguing with everybody just because we were trying to break up the fight.
Q. Okay. And so -- and then in terms of the threats that Ike made, did Georgia threaten Ike first?
A. No, ma'am.
Q. So Ike made threats first?
A. Yes, ma'am.
Q. And Keanna was -- and there was a lot of cursing, a

lot going on?
A. Yes, ma'am.
Q. Now you get back and we know based on official records that Isaiah called the police again at 7:33 -- 7:30 PM. The police came out and cleared the scene at 7:58. Now the police didn't speak to you guys?
A. No, ma'am.
Q. Because they went to the other apartment; is that correct?
A. Yes, ma'am.
Q. And so did you know the police showed up that day?
A. I don't remember the police coming after that incident, but I definitely remember us calling as soon as we got back to the house.
Q. Okay. And how long did it take you to walk from the [redacted] building to the [redacted] building?
A. Literally maybe like two minutes.
Q. Okay. It's not a big apartment complex?
A. No, ma'am.
Q. Okay. Even in some aerials or photographs looking like overhead, some photographs may make things seem bigger or further apart than they are, it's really not that big of a place?
A. Yes, ma'am.
Q. Now let's -- so we're at the police being called and

you end up back at Areauna's. What happens next?
A. After we ended up at Areauna's house, once we called the police I did call my mom to come get me and Georgia. My mom showed up and my sister with my cousin Rose.
Q. I'm gonna stop you there. Did you place the call directly to your mom or to your sister?
A. To my sister.
Q. Okay. Who -- and do you know if your sister and your mom were together?
A. My mom -- we both stayed with my sister at the time.
Q. Okay. So that's the same sister you're referring to that you lived with on Broad River?
A. Yes, ma'am.
Q. And so you placed the call back home --
A. Yes, ma'am.
Q. -- and you spoke with your sister?
A. Yes, ma'am.
Q. And who ended up coming up there?
A. It was my sister, my cousin Rose, and my mom.
Q. Okay. And do you remember how long after the threats were made they arrived? And if you don't, that's fine.
A. No, ma'am. It had to be maybe like thirty minutes. Twenty or thirty minutes maybe.
Q. Okay. And then what happened next?
A. I called my cousin Nashaun as well because of the

threats that were being made and once they showed up that's when we were all standing outside and we called Areauna as well because we needed to tell her everything that was going on at her house throughout the day and so once we called Areauna we were all standing outside and Keanna just was walking back and forth kind of with the iPad and her little brother and so when we -- okay. So let me say it this way. Keanna, she was coming through the little cut that --

Q. And there's a laser pointer up there.

A. Yes, ma'am. So Keanna was coming through this little cut while we all were standing outside right here and Keanna kept going into Areauna's house and we were like why are -- do you keep coming back, like there's no reason for you to be here and you're causing drama at Areauna's house and she's not home, so everyone one by one went up to Keanna asking her to leave and she was like I don't have to leave, this is my friend's house. So at that point we attempted to call Areauna and once Areauna pulls up outside, that's when she went directly to Keanna to talk to her and see what was going on.

Q. And --

A. I'm sorry.

Q. No, you're fine. I'm gonna stop you there. I know you were trying to get it all out. You said went up to her

and you were talking about Keanna and Areauna. Where was Keanna at that point when Areauna walked up to her?

A. When Areauna walked up to Keanna, Areauna and Keanna were right here in this area.

Q. Okay. So just in front of the cut but in the grass sidewalk area?

A. Yes, ma'am.

Q. Okay. And after that happened, what happened next?

A. After Areauna walked up to Keanna, I remember my mom saying that something felt weird and we all needed to go in the house, and after she said that a truck came around this way right here and they started shooting and right when they got literally like right this way when they was coming around to Areauna and Keanna they slowed down with the shooting right there, they stopped shooting, and then when they kept coming around they started back shooting at us and everybody started running.

Q. Okay. Okay. I'm gonna show you -- if you need a moment, just let me know, okay?

A. (Nods head.)

Q. I'm gonna show you State's 8 and just, for the record, you were pointing over here. Is this accurately the area that you guys were standing in?

A. Yes, ma'am.

Q. And in this photograph do you see Areauna's car?

A. Yes, ma'am.
Q. And can you point it out for the record?
A. (Witness complies.)
Q. Okay. And do you remember where you were standing when the shooting started?
A. Over on the side of the car where the bullet hole is.
Q. Okay. And when you saw the car come in -- I'm looking for State's 3, I believe. Looking at State's 3, can you go ahead, and this is a zoomed in of the area, go ahead and describe to the jury when you first saw the vehicle.
A. The vehicle pulled in from around this way, the entranceway.
Q. Ebony, I'm so sorry. I can't hear you.
A. I'm sorry. The -- the Range Rover pulled in from around this way by the entrance of the apartments and came driving in and right when they got like about here they started shooting.
Q. Okay. And you said "they" and I know sometimes we use singular "they" or plural "they".
A. Yes, ma'am.
Q. Are you -- are you suggesting there was more than one person in the car?
A. No, ma'am.
Q. Okay. Do you know how many people were in the car?
A. No, ma'am.

Q. Could you see from where you were standing?
A. No, ma'am, I couldn't see how many people were in the car, but it was just a lot of bullets flying.
Q. Okay. And then you were testifying that when the vehicle got to a certain spot it stopped shooting?
A. Yes, ma'am.
Q. And that would be in front of where Keanna was standing?
A. Yes, ma'am.
Q. And then once it circled around again it continued shooting?
A. Yes, ma'am.
Q. Now I'm showing you State's 9, 10 and 11. You testified where you were standing when this happened. Looking at 9, is that the vehicle we're talking about?
A. Yes, ma'am.
Q. And, again, in 10 and now in 11 we see what appears to be blood on that vehicle?
A. Yes, ma'am.
Q. Were you injured during this shooting?
A. Yes, ma'am.
Q. And is that the general area you were standing in?
A. Yes, ma'am.
Q. And when did you realize that you were injured?
A. All I know is when the shots first start ringing out,

I couldn't really move, but I felt something hot on my head. I had on a big fluffy wig and I was kind of frozen and something was just like run and so when I tried to start running, I fell, and that's when the bullet flew past the -- flew past my head and hit the window that has the bullet hole in it, and then when I ran in the house they was telling me like there's blood, where's the blood coming from, I didn't notice that I was bleeding, and that's when we took my wig off and we saw that -- we saw all the blood and we saw that I was bleeding out. And I didn't -- I didn't know where it was coming from. Like I knew it was coming from my head, but I didn't know how bad it was because they wouldn't let me see it.

Q. Okay. And let's talk about what you had on your head. You said a wig?

A. Yes, ma'am.

Q. How big was your wig?

A. It was a big curly wig. Yes, ma'am.

Q. Little like a natural --

A. Yes, ma'am.

Q. -- curly wig?

A. Yes, ma'am.

Q. And then underneath the wig, how was your hair?

A. I think I had it braided. I'm not sure.

Q. Okay. And did you have a wig cap on?

A. Yes, ma'am.
Q. Okay. And so all of that was on your head?
A. (Nods head.)
Q. And then the bullet was still able to somewhat penetrate?
A. Yes, ma'am.
Q. But it didn't actually go into your skull, but it kind of grazed?
A. It grazed, yes, ma'am.
Q. And when you got inside is when you really realized that you were shot?
A. Yes, ma'am.
Q. Now your mom, there's testimony she was injured, too.
A. Yes, ma'am.
Q. Looking at State's 8, do you recall generally where your mother was standing?
A. Yes, ma'am. Everybody was right here except for Mehlani was on the hood -- I mean, the trunk of the car and Georgia was back here with Mehlani and my mom was standing right beside Georgia on the side of the car.
Q. Okay. And did you see your mother's injuries?
A. We didn't know that she was shot until they brought her in the house and laid her on the floor and I didn't get to see her -- her full injuries until we got to the hospital.

Q. Okay. But you were aware then that she was injured, too?
A. Yes, ma'am.
Q. And when first responders came in as well?
A. Yes, ma'am.
Q. And you said when you got to the hospital. Did you go by ambulance to the hospital?
A. Yes, ma'am.
Q. And so did your mother?
A. (Nods head.)
Q. You described the vehicle that came in as a Range Rover. Do you recall what color it was?
A. It was black.
Q. Do you have any problems with your vision in terms of identifying a vehicle?
A. No, ma'am.
Q. In terms of the lighting that day, what was the lighting like out there?
A. Yes, ma'am. So during the incident, like when we were standing outside and Keanna was coming back and forth, since it was summertime it was like around 7:00 and it wasn't dark yet, it wasn't completely dark, you could tell the sun was setting, but by the time they started shooting it was dark, but there are streetlights out there.
Q. Okay. And so you were still able to see?

A. Yes, ma'am.
Q. Any doubt in your mind what kind of vehicle you saw?
A. No, ma'am.
Q. I want to show -- we haven't talked about this yet, but I do want to ask you do you recall seeing Keanna use an iPad while she was there going back and forth?
A. Yes, ma'am. She was on the iPad all that day.
Q. Okay. And whose iPad was that?
A. Her little brother Micah's.
Q. Okay. And now there's some messages that I want to show you and ask you do you recall seeing them as soon as I find them. It appears to be State's 26, it's a screen shot, and I'll ask you if you recognize it?
A. Yes, ma'am. Yes, ma'am.
Q. And do you know whether or not this screen shot was provided to law enforcement?
A. Yes, ma'am.
Q. And how did law enforcement obtain this screen shot?
A. I gave it to them.
Q. And these messages were messages that Keanna was sending to --
A. To Ike. To Isaiah.
Q. Okay. Also I'm gonna show you a couple of photographs for me. And I'm almost done, okay?
A. Okay.

Q. For the record, it's State's 17, 18, 19. I'm gonna hand you State's 17, 18 and 19, and ask you if you recognize these photographs?
A. (Nods head.)
Q. Okay. Looking at State's 17, who's this a photograph of?
A. It's a picture of me.
Q. And looking at 18, who is this a photograph of?
A. My mom.
Q. And 19?
A. My mom.
Q. And these depict the general area of the injuries sustained?
A. (Nods head.)
MS. FULLER: At this time, Your Honor, the State seeks to introduce 17, 18 and 19 into evidence.
MR. CHEHOSKI: No objection, Your Honor.
THE COURT: State's Exhibit 17, 18 and 19 are admitted in to evidence.
(State's Exhibit Number 17, 18 and 19, photographs, were admitted into evidence.)
BY MS. FULLER:
Q. Okay. And publishing in front of the jury, is this a photograph of you?
A. Yes, ma'am.

Q. And that would be -- you don't have a wig on in this photograph?
A. No, ma'am. They took it off.
Q. And that was to provide treatment?
A. Yes, ma'am.
Q. Okay. And that's where the bullet shot you in the head?
A. Yes, ma'am.
Q. And then State's 18 is a photograph of who?
A. My mom.
Q. And this is just some of her injuries that she sustained?
A. Yes.

MR. CHEHOSKI: Your Honor, we request a recess.

THE COURT: All right. Let's take a five-minute break head, ladies and gentlemen. Head on back to your jury room and please don't discuss the case. We'll get you back in here momentarily.

Thank you.

(Whereupon, the jury retires to the jury room at 9:58 AM.)

THE COURT: All right. Let's take a few moments.

Ms. Popowski, the witness is gonna step to the restroom. She's not gonna discuss the case with anyone and then come right back, okay?

MS. POPOWSKI: Thank you, Your Honor.
(Recess taken at 10:00 AM.)
(Back on the record at 10:05 AM.)
MS. FULLER: Your Honor, I think we're ready whenever you are.
THE COURT: Are you ready to proceed?
MS. FULLER: Yes, Judge. Thank you.
MR. CHEHOSKI: Your Honor, one matter I need to address. It's my understanding that when the witness left the stand to use the restroom that she was instructed to go in there alone.
THE COURT: I said that she was gonna -- or I said that she was gonna leave and was not gonna discuss the case with anyone.
MR. CHEHOSKI: Understanding that, Your Honor, as I was coming out of the restroom and Ms. Ponds was going in, Ms. Tyus did go into the restroom with her, and that was concerning to me because she still is on the stand and still under oath and --
THE COURT: Who was she talking with?
THE WITNESS: My sister. She was making sure I was okay.
THE COURT: Okay. Thank you, Ms. Ponds.
Well, you can just say what you saw.
MR. CHEHOSKI: Your Honor, all I saw was someone

going in the restroom after the witness and she is still under oath.

THE COURT: Understood. And I can --

Ms. Ponds, did you discuss your testimony with anyone?

THE WITNESS: No. No, sir.

THE COURT: Okay.

Let's bring -- let's go ahead and get the jury back up and if we need to take another break, we can do so, but let's just push forward.

(Whereupon, the jury returns to the courtroom at 10:09 AM.)

THE COURT: Please be seated.

All right. Ladies and gentlemen, we just took a short break. We'll continue where we left off before.

Madam Solicitor.

MS. FULLER: Thank you.

BY MS. FULLER:

Q. And, again, I'm just publishing State's 18 and 19 and these are photographs of Ms. Thompson?

A. Yes, ma'am.

Q. And this is some of her injuries that night?

A. (Nods head.)

MS. FULLER: No further questions at this time.

THE COURT: All right. Cross-examination.

CROSS-EXAMINATION

BY MR. CHEHOSKI:

Q. Ms. Ponds, I am sorry for your loss and you understand that I do have to ask you some questions, right?

A. Yes, sir.

Q. You did not know Mr. Butler very well, did you?

A. No, sir.

Q. Yet you were very close with Ms. Tyus?

A. Yes, sir.

Q. You've known her how long again?

A. About six, seven years now.

Q. You sometimes refer to her as your sister?

A. Yes, sir. I refer to her as my sister all the time.

Q. And you would refer to her daughter as your niece?

A. Yes.

Q. You're also close with Isaiah Outlaw?

A. Yes, sir.

Q. Who's now Zariah?

A. Yes, sir.

Q. I want to talk, again, about this argument that you had earlier in the evening --

A. Yes, sir.

Q. -- about a couple of hours before the shooting.

A. Uh-huh.

Q. You had gone there with Isaiah; is that right?

A. Yes.
Q. And Iyana had -- Iyana, Georgia, had gone with you as well?
A. Yes.
Q. All right.
A. As well as Melhani.
Q. Right. Mehlani was in the stroller?
A. Yes.
Q. You were going there to get his stuff?
A. Yes.
Q. You were already aware of the previous altercations that Isaiah had had with his sister?
A. Yes.
Q. And Isaiah had spent the previous night with Areauna?
A. Yes, sir.
Q. In the same apartment you were staying in?
A. Yes, sir.
Q. And he had brought his stuff with him then, right?
A. No, he had -- he brought a bag, but that was all.
Q. Brought a bag. Now you stated in your testimony that you heard the fight going on inside?
A. Yes, sir.
Q. And that's when you went up the stairs?
A. Yes, sir. And they were moving back outside.
Q. Ike was outside; is that right?

A. Yes.
Q. All right. And then you were trying to break up the fight?
A. Yes.
Q. And Ike was breaking up the fight?
A. Yes.
Q. In fact, Ike actually physically put Keanna back in the apartment?
A. And Keanna came back outside.
Q. And he did it again, too?
A. Yes, and Keanna kept coming back outside.
Q. All right. But -- so Ike was trying to break up the fight?
A. Yes.
Q. And while this is all happening, Iyana's shouting at Keanna?
A. Uh-huh, because Keanna was threatening --
Q. And Keanna was shouting, too?
A. Yes.
Q. Ike was shouting?
A. Uh-huh.
Q. You were shouting?
A. Yes.
Q. Isaiah was shouting?
A. Yes, sir.

Q. And this wasn't like a script where one would speak and then the other would speak?
A. No, sir.
Q. You were all shouting over each other?
A. Uh-huh.
Q. And it's during this chaos is when these threats were supposedly made?
A. Yes, sir.
Q. All right. And you think they were made toward the three of you?
A. Yes, sir.
Q. All right. And you didn't see Ike with a gun then?
A. No, sir.
Q. He was not armed?
A. Not that I know of.
Q. You didn't see him -- he didn't show a gun, did he?
A. No, sir.
Q. After that confrontation, the four of you left?
A. Yes, sir.
Q. You didn't go back up there?
A. No, sir. We went to Areauna's house. We went back up there later to get Isaiah's phone.
Q. All right. And when you went back up there later, Ike wasn't there, was he?
A. I don't know, sir.

Q. Okay. You didn't see him leave?
A. No, sir.
Q. You did not see how he left?
A. No, sir.
Q. And, again, you had barely known Ike at all?
A. No, sir. I had seen him a couple of times in passing and I saw the black Range Rover he was driving each time.
Q. Okay. But, again, you didn't know him?
A. No, sir.
Q. And after this confrontation is when you called your cousin; is that right?
A. Yes, sir.
Q. Your cousin's name is Nashaun?
A. Yes, sir.
Q. You called him before you called your sister?
A. I called him after I called my sister.
Q. And the purpose of calling your sister --
A. Was to come get me.
Q. -- was to come get you?
A. Uh-huh.
Q. To get out of that area?
A. Yes, sir.
Q. You had testified that you had a job interview earlier in the day?
A. Yes, sir.

Q. And it's true that you actually had a second interview the next day?
A. Yes, sir.
Q. And that would have been the purpose of you staying there?
A. Yes, sir.
Q. Okay. However, you would have been able to make arrangements to -- to get there the next day without staying there, right?
A. Yes, sir, but it would have been easier with me staying there because I was planning on staying there with Areauna after I got the job.
Q. It was -- right. That was your plan?
A. Uh-huh.
Q. But given the circumstances you wanted to leave?
A. Yes, sir.
Q. And given the circumstances you would have been able to make arrangements to make that interview the next day?
A. Yes, sir.
Q. All right. Even though you didn't have a car --
A. Yes, sir.
Q. -- you would have been able to get transportation?
A. Yes, sir.
Q. And you lived in Columbia; is that right?
A. Yes, sir.

Q. All right. You remember testifying at a prior hearing; is that right?
A. Yes, sir.
Q. And you had testified that you didn't see who the shooter or shooters were?
A. Yes, sir.
Q. You did testify there were a lot of bullets?
A. Yes, sir.
Q. And you testified that you believed there were too many bullets for it to be one shooter?
A. Yes, sir.
Q. And you testified that the windows of the car were rolled up?
A. Yes, sir.
Q. And rolled up not all the way up, but --
A. Partially.
Q. -- not rolled all the way down either?
A. Uh-huh.
Q. And the windows were tinted?
A. Uh-huh.
Q. And so even if you were looking --
THE COURT: Ms. Ponds, when you're giving responses, try to use yes and no. Those uh-huh's don't show up too well in the record.
THE WITNESS: Yes, sir.

MR. CHEHOSKI: Thank you, Judge.

And thank you, Ms. Ponds.

BY MR. CHEHOSKI:

Q. Even if you were able -- you were trying to look for the shooter, you wouldn't be able to see him or her?

A. No, sir.

Q. And you also testified in a prior hearing that you thought the car could have been a Jeep?

A. That's because this is my first time doing a trial and I'm in front of someone who shot at me, so I have PTSD and I was nervous.

Q. And it's also that cars may not be your thing?

A. No, but if I saw that car I would know it.

Q. All right. But you testified that -- in a prior hearing that you thought it was either a Jeep or a Hummer?

A. Yes, because of the build of the car. If I saw the car, I would know the car.

Q. That time after that confrontation that you -- that Isaiah called the police, he called using your phone?

A. Yes, sir.

Q. And after calling you went to Areauna's apartment?

A. When my mom got there. Are you speaking about after the glass table incident?

Q. After the confrontation when -- where the threats were supposedly made.

A. Uh-huh.
Q. And you -- Isaiah called the police?
A. Yes, sir.
Q. Called the police using your phone?
A. Yes, sir.
Q. But you never met with the police?
A. No, sir.
Q. Despite having your phone being called to report it?
A. No, sir.
Q. And Isaiah didn't meet with the police?
A. No, sir.
Q. Now -- again, you said you had called your sister?
A. Yes, sir.
Q. And your sister lived with your mother?
A. Yes, sir.
Q. All right.
A. My mother lived with my sister. I'm sorry.
Q. And you called Nashaun?
A. Yes, sir.
Q. And you said, again, it took about -- you said it took about thirty minutes for your mom to arrive with your sister?
A. Just about. I'm not sure. Approximately.
Q. Your best memory is that's the rough timeframe; is that right?

A. Twenty to thirty minutes.
Q. And the only reason you called -- called them was to pick you up?
A. Yes, sir.
Q. Yet you didn't leave with them?
A. No, sir.
Q. And you continued to stay there?
A. Yes, sir. We were all standing outside just talking around the cars.
Q. Nothing was keeping you from leaving?
A. No, sir.
Q. And you were there for roughly an hour or so?
A. Yes, sir.
Q. Maybe an hour and a half?
A. I'm not sure.
Q. All right. But in that ball park --
A. Yes, sir.
Q. -- about, right?
A. (Nods head.)
Q. And in that timeframe Nashaun arrived as well?
A. Yes, sir.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. And Nashaun arrived as well and he was armed with a weapon?

A. Yes, sir.
Q. He had a gun on him?
A. Yes, sir.
Q. That was the only gun you saw up until that point?
A. Yes, sir.
Q. And you also testified that there would have been no reason for Keanna to come back?
A. (Nods head.)
Q. Did she know that Isaiah had taken her wallet?
A. I think she found that out. I think Isaiah even said that to her. Like if you give me my phone back, I'll give you your wallet back --
Q. Right.
A. -- but she said Ike had Isaiah's phone.
Q. Right. But Isaiah Outlaw, now Zariah, had her wallet?
A. Yes, because she took his phone out of the house where he was staying.
Q. So that would -- that would not have been a reason to come back down to the apartment? Is that your testimony?
A. Not if she didn't have his phone.
Q. And, again, this whole confrontation that happened at Keanna's apartment happened because y'all went there?
A. Yes, sir, but we went there to get items of Isaiah's so that we wouldn't have to go there and she wouldn't have to come back down there.

Q. Right, went there because you and Iyana and Isaiah went there?
A. And Mehlani went there.
Q. You're not suggesting that Mehlani had a role in this altercation, are you?
A. No, but you're not stating that Melhani was with us and she was.
Q. Okay. But Mehlani was in a stroller, so --
A. But she was also with us.
Q. I'm sorry. It's really not important.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. You had testified that you had stayed with Areauna in the past?
A. Yes, sir.
Q. All right. Were you aware of a -- of another shooting that happened at that apartment complex?
A. No, sir.
Q. And in this case, once the shooting started you said you froze a little bit, right?
A. Yes, sir.
Q. And then you ran?
A. Yes, sir.
Q. Okay.
MR. CHEHOSKI: One moment. There's one more thing,

I think.
BY MR. CHEHOSKI:
Q. In looking at this State's exhibit here, you said there were streetlights; is that right?
A. Yes, sir.
Q. Okay. Is that one right here?
A. Yes, sir.
Q. Is that another one right there?
A. Yes, sir.
Q. Is that the only ones that there are in this?
A. Yes, sir.
Q. All right. Not counting this one right here in the corner?
A. No, sir.
Q. Because there's buildings in between?
A. Uh-huh. Yes, sir.
Q. All right. And just the last question I have is do you still feel that there were too many shots for it to be just one person as you testified earlier under oath?
A. There were a lot of shots. I've never been shot at before. I really don't know if there one person that was shooting a lot of bullets.
Q. But too many for it to be one shooter?
A. Yes.
MR. CHEHOSKI: Thank you.

THE COURT: Redirect.

MS. FULLER: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. FULLER:

Q. On August 30th did you go to [redacted] Riverbend looking for a fight?

A. No, ma'am.

Q. Looking for a confrontation?

A. No.

Q. Did you even know this was gonna happen?

A. No.

Q. For the 7:30 incident when the glass table was used --

A. Yes, ma'am.

Q. -- you didn't speak to the police that day for that incident. Is it because you weren't at [redacted] where they arrived -- when they arrived?

A. I think the police -- like the officer already stated yesterday, I think they went straight to Keanna's apartment because we didn't see them. We had only spoke to them when we called them. That's all.

Q. Okay. So they never came to [redacted] building where you were?

A. No, ma'am.

Q. Okay. So you didn't even know that they had arrived?

A. No, ma'am.

Q. It wasn't as if you willingly avoided the police after that incident?
A. No, ma'am.
Q. You and Isaiah took it upon yourself to report those threats?
A. Yes, ma'am.
Q. And what happened?
A. Yes, ma'am.
Q. When it comes to the actual shooting, the Range Rover --
A. Uh-huh.
Q. -- do you have any doubt in your mind that it was a Range Rover you saw?
A. No, ma'am.
Q. Do you have any reason to make that up?
A. No, ma'am.
Q. When it comes to seeing it earlier that day, do you have any doubt in your mind that you saw it earlier that day?
A. No, ma'am.
Q. And on prior occasions --
A. No, ma'am.
Q. -- driven by Isaiah Butler?
A. No, ma'am.
Q. Any reason to make that up?

A. No, ma'am.

MS. FULLER: I think that's it. Thank you, Your Honor.

THE COURT: Recross.

MR. CHEHOSKI: No, Your Honor.

THE COURT: All right. The witness may step down.

(Witness excused.)

MS. FULLER: Thank you, Your Honor. The State calls Shannon Dykes.

THE CLERK: Raise your right hand, please.

(Whereupon, Shannon Dykes was duly sworn by the Clerk of Court.)

THE CLERK: Thank you. If you'll have a seat. You can remove your mask if you need to. If you'll state your name and spell your last, please, for the record.

THE WITNESS: Shannon Dykes, D-Y-K-E-S.

SHANNON DYKES,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER:

Q. And where are you currently employed?

A. Lexington County Sheriff's Department.

Q. And what is your current position there?

A. I'm assigned to the fugitive unit. I'm also assigned to the U.S. Marshals Fugitive Task Force.

Q. And what is your current rank?
A. I am an investigator.
Q. Okay. So, Investigator Dykes, how long have you been with the Lexington County Sheriff's Department?
A. Almost -- let's see. A little over eleven years.
Q. And you indicated that you're with the fugitive task force. What is the fugitive task force?
A. We go after -- my position, since I'm assigned to the U.S. Marshals Service, we go after violent fugitives.
Q. All right. And in terms of going after them, is that to serve arrest warrants?
A. Yes.
Q. Okay. I want to talk to you about a warrant that you assisted in serving back for an incident that occurred on August 24th of 2018. So you were looking for another individual in this case for a shooting at Riverbend. Do you recall that?
A. Yes.
Q. Okay. And that individual -- that incident, was that a murder case?
A. Yes.
Q. And that occurred at [redacted] Riverbend Road --
A. Yes.
Q. -- Drive. Sorry. As it relates to that shooting incident, was that an isolated incident where a victim was

actually lured and targeted at Riverbend?
A. Yes.
Q. And so that's completely unrelated to this case?
A. Yes.
MR. CHEHOSKI: Objection to leading.
THE COURT: Certainly, Counsel, you can lead somewhat, but, please, let's build a little bit more of a foundation next, please.
MS. FULLER: Thank you.
BY MS. FULLER:
Q. And that warrant, can you tell me what agency issued that warrant for that individual?
A. Lexington County Sheriff's Department.
Q. And was the warrant actually served in that case?
A. Yes.
Q. And was that individual arrested?
A. Yes.
Q. And where was he arrested?
A. In Arizona.
Q. And this was completely unrelated; is that correct?
A. Yes.
Q. As it relates to this case, did you assist with the service of warrants for Isaiah Butler?
A. Yes.
Q. And when did you -- on what date did you locate --

let me ask you this. Were there two warrants obtained on September 5th of 2018 for Isaiah Butler? Is that correct?
A. Yes.
Q. And on what date did you locate Isaiah Butler?
A. September 11, 2018.
Q. And where was he located?
A. He was located at [redacted] Southern Drive, Apartment [redacted].
Q. And is that apartment complex commonly referred to as Copper Beach, the prior name?
A. At that time, yes. At that time it was called the Southern apartment complex.
Q. Okay. And do you know that apartment to also be referred to as Copper Beach?
A. Yes.
Q. And that apartment complex is down Bluff Road?
A. Yes.
Q. And can you tell me whether or not Keanna Outlaw was in the apartment when you located Isaiah Butler?
A. Yes.
Q. And you indicated that was on September 11th, correct?
A. Yes.
Q. So looking at this, is that accurate, on the 11th that he was located, Isaiah Butler?
A. Yes.
Q. What, if anything, was in his possession when you

located him?
A. His cell phone.
Q. And the cell phone that was located with him, what did you do with that device?
A. I turned it over to case detective Lyons.
Q. Okay. And so the device that is logged into evidence associated with Isaiah Butler would be the device that you seized from him --
A. Yes.
Q. -- when you located him?
A. Yes.
MS. FULLER: No further questions at this time.
THE COURT: Cross.

CROSS-EXAMINATION

BY MR. CHEHOSKI:
Q. Investigator Dykes, the -- the arrest warrant from the incident on August 24th, when was that served?
A. I don't have that information in front of me.
Q. Do you know if that warrant was still pending at the time you served this warrant?
A. He was held on an NCIC hit out of Lexington County Sheriff's Department in Arizona, so he would not have made it back to us yet at that time.
Q. Was he in custody at the time these warrants were issued?

A. I don't have the arrest date in front of me for Mr. Coburn. I can certainly get it.
Q. All right. And after you took Mr. Butler into custody, you brought him to Lexington County?
A. He as transported by one of my partners, but I followed behind them, yes.
Q. Followed behind?
A. Yes.
Q. And brought him to Lexington county?
A. Yes, sir.
Q. And did you -- did you handle the turning over to Lexington County sheriffs or from the service of the warrant?
A. I turned him over to Detective Lyons along with his property.
MR. CHEHOSKI: All right. Thank you.
THE COURT: Any redirect?
MS. FULLER: None, Your Honor.
THE COURT: The witness may step down.
Thank you.
THE WITNESS: Thank you.
(Witness excused.)
(State's Exhibit Number 56 through 58 was marked for identification.)
MS. FULLER: The State calls Mike Phipps.

THE CLERK: Raise your right hand.

(Whereupon, Michael Phipps was duly sworn by the Clerk of Court.)

THE CLERK: Thank you. If you'll have a seat, please. State your name and spell your last for the record.

THE WITNESS: Michael Phipps, P-H-I-P-P-S.

MICHAEL PHIPPS,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. FULLER;

Q. And where are you currently employed?

A. With the Lexington County Sheriff's Department.

Q. And what is your current position with the Lexington County Sheriff's Department?

A. I'm a forensic technology examiner.

Q. And what exactly do you do as a forensic technology examiner?

A. I look at digital evidence or devices for digital evidence, such as cell phones, computers, any other Internet or digital-type devices and try to extract that data in criminal investigations.

Q. And how long have you been doing that?

A. Thirteen years with cell phones specifically. A little bit less with computers.

Q. And how long have you been in law enforcement?
A. Twenty-four years.
Q. And in terms of the examination of cell phones and other digital evidence, what is your training, experience and education?
A. I've accumulated over 800 hours of training in digital forensics as a whole; 266 hours in cell -- cell phones specifically.
Q. And do you keep up with current technology as it relates to cell phone examination?
A. Yes. I'm currently a member of IASIS and also attend training on a yearly basis.
Q. And what is IASIS?
A. It's an association for the education of forensic examiners.
Q. And have you testified in court previously as an expert witness in this field?
A. Nineteen times.
Q. And I was gonna ask how many times. But, yes, nineteen times. Thank you.
MS. FULLER: Your Honor, at this time the State seeks to introduce -- and, I apologize, is it investigator?
THE WITNESS: Yes, investigator.
MS. FULLER: Investigator Mike Phipps as an expert

in the area of cell phone examination -- cell phone and digital forensics -- cell phone examination and digital forensics.

MR. CHEHOSKI: Your Honor, request additional voir dire.

THE COURT: Very well.

VOIR DIRE EXAMINATION

BY MR. CHEHOSKI:

Q. Mr. Phipps, how many devices have you examined?

A. I don't have a running total. We do yearly statistics that run into the neighborhood 130 to 150 devices per year roughly.

Q. And have you received your Cellebrite certification?

A. I have.

Q. Okay. When did that happen?

A. February 23, 2018.

Q. February 23, 2019?

A. '18.

Q. Have you ever been prevented from giving expert testimony in any other case?

A. No, sir, I have not.

Q. And how many extractions have you completed?

A. Over a thousand.

Q. What is the difference between an extraction and an analysis?

A. Well, the extraction is the actual recovering of the data off of the device. That data is usually most of the time raw binary data and has to be processed and postprocessed with a forensic tool and the analysis comes after that data has been processed.
Q. All right. And what is -- all right. Do you validate your findings?
A. Yes, we use other tools to cross-validate and confirm the findings of our tools.
Q. What tools do you use?
A. Cellebrite Physical Analyzer and Magnet Axiom are the two primary tools we use for mobile forensics.
Q. And you said Cellebrite Physical Analyzer. That's what does the --
THE COURT: Counsel, are we getting into cross-examination or qualifications now?
MR. CHEHOSKI: These are qualifications, Your Honor.
THE COURT: All right. Well, it's starting to...
BY MR. CHEHOSKI:
Q. And does Cellebrite teach their certified examiners to validate their finding?
A. They do.
MR. CHEHOSKI: Your Honor, that's all I have. No objection.
THE COURT: All right. Ladies and gentlemen, this

witness will be qualified in the area of cellular phone extraction and analysis and digital forensics and to give opinion testimony in that area. That does not mean you have to accept the opinion, but it is evidence for you to use in any way you see fit.

MS. FULLER: Thank you, Your Honor. May I proceed?

THE COURT: Yes, ma'am.

MS. FULLER: Thank you.

CONTINUED DIRECT EXAMINATION

BY MS. FULLER:

Q. Investigator Phipps, did you have the opportunity to perform a cell phone analysis on two devices as relates to this case?

A. Yes, ma'am.

Q. And I'm gonna hand you -- I'm gonna mark it first. I apologize.

(State's Exhibit Number 59 was marked for identification.)

BY MS. FULLER:

Q. I'm gonna hand you two devices. One that's premarked as 59 for identification, as well as 55 that's already been identified, and ask you if you recognize them?

A. Yes, ma'am. I do.

Q. And how do you recognize them?

A. We use a tracking number called a PR number and it's

a number that's unique to this specific piece of evidence, then that coupled with the phone description, the phone number associated with the device, and then my seals and the initials on the packaging.

Q. And as it relates to those devices, I'm gonna hand you what's been premarked as State's 43 and 57, and ask you if you recognize them.

A. Yes, ma'am. I do.

Q. And what do you recognize those as?

A. They're disks that -- of data that I burned that have the cell phone extractions for the two phones that you handed me here.

Q. Okay. And just for ID purposes, can you go ahead and explain to the jury your method of analyzing these devices?

A. When we get cell phones in a lot of times they're -- they're locked, so we have forensic tools that are able to either bypass those locks or brute force, a PIN code or password, to gain access to the device. Running these forensic tools then gives us access to the actual raw data on the phone and depending on the model phone and the type of phone, whether it's an android or Apple, we can either get usually what's called a logical extraction, which is kind of what you see is what you get off the phone, or a file system extraction. A file system extraction is akin to when you go into like file explorer on your computer and

see the full file structure of everything on your computer. It pulls all of that off. And then occasionally we get what's called a physical, which is just the raw binary data, so it's everything on the phone not really relying on the phone's operating system to give us access to that.

Q. And when you use this method to examine a device, does it alter the contents or anything found on the device? Is there is any danger or risk of that happening?

A. It doesn't alter the contents we find. Things do change on the device when we're accessing it and in some instances the tool we use actually installs a client on the phone to facilitate offloading of that data, but the data that's there when the phone is turned in and we receive it does not get changed.

Q. Okay. And so what you're referring to is I would say something in the background is placed on the phone, but in terms of the contents of the front end, I know it sounds real basic, it's not altered at all?

A. That's correct.

Q. Okay. And in terms of recovering deleted data on the device, do you have technology that can potentially recover deleted information?

A. Sometimes. Again, that usually relies on what type of extraction we get. So if we get a file system extraction, when you get the file systems you get the databases off the

device, so those databases sometimes retain the information in them, they just have them earmarked for deletion. When you delete a text or a photo, it doesn't necessarily go away immediately. The database just marks it; hey, this is a free space to use again, so in those instances, we can recover it because it's still there. In other instances, we actually carve for the header information for those -- those files. We can recover partial files from -- from that type of process.

Q. And there are instances -- or tell me whether or not there's instances where deleted data simply can never be recovered.

A. Certainly. I mean, the phone -- with flash memory on a phone things are constantly moving around and changing due to the housekeeping features of the -- of the memory, so things get overwritten quite frequently.

Q. And does your method of analysis create content on the device?

A. The only thing that it creates is, like I mentioned before, sometimes a client which is like a little application gets installed on the device, but it doesn't change what was already there on the device.

Q. So if the user sent or received a text message, the user would have been -- the user of the device would have done that, the analysis could not have created a text

message?
A. Right.
Q. Okay. And the analysis could not have deleted a text message; is that accurate?
A. That's accurate.
Q. So if content is there, the user placed it there, where if content is removed, the user removed it. Is that accurate?
A. That's accurate.
Q. Does the extraction technology update yearly or periodically?
A. It does. As you can imagine, operating systems are changing. Apple pushes new operating systems out on a very regular basis, so that changes the way those forensic tools have to interact with it, so it's a moving target. It's something that's almost updated on a monthly basis.
Q. And as it relates to one of the devices in this case, did you perform a second analysis on it?
A. We did. We went back at a later date because the tools and technology had changed to the point we could then get what I was referring to as a full file system extraction.
Q. Okay. And so in this case when -- when you went back and performed a full file system, were you able to recover additional data?

A. We did recover some additional data, yes, just by virtue of its granting more information.
Q. And some of that data would have included social media posts or chats or things of that nature that were previously deleted?
A. Potentially, yes.
Q. Okay. I'm gonna show you for identification purposes State's 56 and ask if you recognize it?
A. I do. This is the full file system acquisition I was referring to.
Q. Okay. I'm gonna hand you State's 58 and ask if you recognize this?
A. I do.
Q. And what is that? What is that you're looking at?
A. It's a -- it's the cover sheet to the physical analyzer report for an iPhone 6S that we examined in this case.
Q. And what report is that device -- no. What device is associated with that report? I apologize.
A. That is -- it's right here. That would be the State's Exhibit 55 iPhone. It's listed here as an iPhone S, but it's a 6S.
Q. Okay. And what phone number is associated with that device?
A. The phone number for this device is [redacted]-7570.

Q. Okay. And we already have testimony in the record that [redacted]-7570 is associated with Keanna Outlaw. Is that accurate?

A. Yes, ma'am.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 58 into evidence.

And I'll show it to defense counsel.

MR. CHEHOSKI: No objection, Your Honor.

THE COURT: State's Exhibit 58 is admitted into evidence.

(State's Exhibit Number 58, an extraction report, was admitted into evidence.)

MS. FULLER: I'm publishing State's 58 at this time.

BY MS. FULLER:

Q. At the top of the report it indicates extraction report, Apple iPhone logical. Is that accurate?

A. Yes.

Q. Can you see it?

A. I can. Yes, ma'am.

Q. Okay. And down here it has examiner name on it. Is that your name?

A. It is.

Q. And so this would be an extraction that you actually performed yourself?

A. It is. Yes, ma'am.

Q. And looking down here, you indicated the phone number associated with it?
A. Yes.
Q. Am I pointing accurately at the phone number you published to the jury?
A. It is. Yes, ma'am.
Q. And it's [redacted]-7570. Is that accurate?
A. It is, yes.
Q. And then you indicated what type of iPhone it was. Is that where I'm pointing?
A. Yes, the 6S.
Q. We have some exhibits already in evidence and I just need you to authenticate them. Looking at State's 52, it's already been admitted, can you tell whether or not that conversation was from this extraction associated with [redacted]-7570?
A. Yes, ma'am. It is.
Q. And did you have an opportunity to attempt to locate that communication on the other device that you extracted?
A. I did and we could not find this exchange of communication on the defendant's phone.
Q. And what would that indicate?
A. That the -- that these texts occurred, but were deleted from the defendant's phone.
Q. Okay. And publishing, again, for the record

State's 52, this would a communication exchange about the shooting between the defendant and Keanna Outlaw. Is that accurate?

A. Yes, ma'am.

Q. And for the record, the defendant's phone number is [redacted]-8710?

A. It is.

Q. And then showing you a similar extraction summary report marked as State's 27, I'm gonna ask you if you recognize it?

A. Yes, I do.

Q. And how do you recognize it?

A. It has all the indicators, the case number, the PR number I was referring to indicating the specific item of evidence, and the description and the phone number belonging to the defendant.

Q. And that's belonging to which device? Is that Exhibit 59?

A. That is correct. State's Exhibit 59.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 27 into evidence.

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibit 27 is admitted into evidence.

(State's Exhibit Number 27, an extraction report,

is admitted into evidence.)
BY MS. FULLER
Q. And, similarly, the extraction report name's listed up here, correct?
A. That's correct.
Q. And then your name down here as examiner?
A. It is.
Q. And looking down here at the phone number that was published, is that [redacted]-8710?
A. Yes, ma'am.
Q. And then above it, it has an Apple ID. Can you publish that for the record?
A. Let me find my find my copy here. It's got Isaiah.Butler38@gmail.com.
Q. And this was a device associated with the defendant in this case?
A. It is.
Q. And when questioned about State's 52, this communication exchange about the shooting and you said you examined the extraction associated with State's 27, it was not on that extraction?
A. That's correct.
Q. Also in evidence to authenticate -- it's already in evidence -- to authenticate is State's 28. Do you recognize that as an exchange on the defendant's device

as well?
A. It is.
Q. And recognizing State's 49, do you recognize that as an exchange on Keanna Outlaw's device?
A. Yes, ma'am.
Q. And publishing, again, for the record State's 28, the communication prior to the shooting, and State's 49, the communication about the truck.
MS. FULLER: I'm looking for ID Number 50.
I beg the Court's indulgence.
THE COURT: Do you want to take a moment and we can...
All right, ladies and gentlemen. Let's take a very short break here and I'll get you back up here as soon as possible. Please don't discuss the case and I'll get your back up here momentarily.
Thank you.
(Whereupon, the jury retire to the jury room at 10:56 AM.)
(Recess taken at 10:56 AM.)
(Back on the record at 11:05 AM.)
THE COURT: All right. Are we ready to go?
MS. FULLER: Yes, Your Honor.
THE COURT: All right. Let's bring them back up, please.

(Whereupon, the jury return to the courtroom at 10:08 AM.)

THE COURT: All right. Please be seated. We'll pick up right where we left off.

Madam Solicitor.

MS. FULLER: Thank you, Your Honor.

BY MS. FULLER:

Q. Investigator Phipps, I'm gonna show you State's Exhibit 50 and ask you if you recognize it?

A. Yes, ma'am, I do.

Q. And what device -- what exactly are you looking at?

A. It's the output of the call logs for a date range from the defendant's phone.

Q. Okay. And the date on that is August 30, 2018?

A. Correct.

Q. Okay. And the -- the call log -- the report that's generated for the call log for that day, does it appear to be altered in any way?

A. It does not.

Q. And when that report was generated, did the extraction -- and I know I asked earlier, but I want to ask specifically for this, could the extraction, the method that you used, have removed or added any details on that call log?

A. It would not have.

Q. Okay. So if anything wasn't there, it simply just didn't happen?
A. Or was deleted.
Q. Deleted by the user?
A. Right.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 50 into evidence.
MR. CHEHOSKI: Without objection, Your Honor.
THE COURT: All right. State's Exhibit 50 is admitted into evidence.
(State's Exhibit Number 50, a call log, was admitted into evidence.)
BY MS. FULLER:
Q. Publishing this call log, there are numbers, as well as names underneath the numbers. What would the names indicate on this call log?
A. The names are -- are pulled from the address book for the phone, so whatever user assigned a name to that specific number and it appears there in that column.
Q. Going to page 3 of this call log, yesterday we were attempting to locate communication from 914 -- and I'll zoom in -- [redacted]-2326. We see communication here in line 40 at 8:30 PM. Prior to 9:12 PM, can you take a moment to review the call log and let me know if you see

any communication that indicates that two devices spoke together, actually communicated together, [redacted]-2326?

A. It was Line Item 50 we're looking at?

Q. Looking at Line Item 40, that phone number, attempting to locate communication with that devise, again, prior to 9:12 PM.

A. I'm sorry. I'm a little confused with the question. Line Item 40, specifying this 914 phone number area code --

Q. That's correct.

A. -- and you're asking if it appears before that point in time?

Q. Appears again after that prior to 9:12.

A. I got you. At 9:03 there's an outgoing call to that number.

Q. And does it -- and does it indicate any connection?

A. The duration is listed as seconds and it was a -- specifically that type of call is a FaceTime, so it was an attempt to make contact via FaceTime that was not completed.

Q. And after 9:03, do you see an attempt or a communication with that device prior to 9:12 PM?

A. I do not.

Q. Okay. And what's already in evidence as State's 23, which is mobile records for the same phone number, [redacted]-8710, associated with this individual, the defendant,

we know that these records are in UTC time. On your report, it's UTC minus four. Can you explain that to the jury?

A. Most times are recorded in UTC time just because it's a standard regardless of what time's on your end. So for Eastern Standard Time, it's minus five for our time zone, and then during daylight savings it's minus four. So you take the UTC time and subtract that time offset to get local time or, in reverse, if you've got UTC time you would add that back in.

Q. Okay. And so looking at this, looking at Line Item 40, the 8:30 call, that would be 8:30 Eastern, correct?

A. Correct.

Q. And then the attempted call down here would be 9:03 PM Eastern?

A. That is correct.

Q. I'm gonna show you State's 53 and 51, similarly, just two different formats, but the same information, and have you identify it.

A. Okay.

Q. And what do those appear to be?

A. Well, they're incoming and outgoing calls to the 914 area code number. The -- State's 51 includes one dated back in September 2nd -- or let's see which way this is running here. Yeah, all the way up through September 2nd.

Q. And then one is in a PDF and one's in Excel?
A. Correct.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 51 and 53 into evidence.
MR. CHEHOSKI: Without objection.
THE COURT: All right. State's Exhibit 51 and 53 are admitted into evidence.
(State's Exhibit Number 51, a call log extraction, and State's Exhibit Number 53, call detail records, were admitted into evidence.)
BY MS. FULLER:
Q. And looking at State's 51, this is just another call log. It just filtered out just communication with the defendant's device and the 914 number; is that correct?
A. It is.
Q. And looking at State's 53, basically the same data, just in a different format, correct?
A. That's correct. It's the omitting one call that's seen on the other.
Q. Which would be that September 2nd call?
A. Yes, that is correct.
Q. So looking at State's 53, this is just the 914 number and the defendant's device pulling all the calls or communications for August 30th; is that correct?
A. It is.

Q. And here is it clear to show that between 8:30 and 9:12 there was no communication outside of the 9:03 call that wasn't answered?
A. You're speaking of the 8:30 PM call?
Q. Yes. So between 8:30 and 9:12, was there any evidence of communication between those two devices?
A. Well, the one specifically at 8:30 and 30 seconds it's showing a duration of one minute and 22 seconds.
Q. And after that?
A. After that, no.
Q. Okay. I want to show you State's Exhibit 40 and ask you if you recognize it.
A. I do.
Q. And what do you recognize that to be?
A. It's a web search history for the defendant's phone on a specific topic that he searched for concerning a vehicle.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit -- is it 40?
THE WITNESS: 40. Yes, ma'am.
MS. FULLER: -- 40 into evidence.
MR. CHEHOSKI: No objection, Your Honor.
THE COURT: All right. State's Exhibit 40 is admitted into evidence.
(State's Exhibit Number 40, a web search history,

was admitted into evidence.)
BY MS. FULLER:
Q. And can you describe to the jury what the web search was in this case?
A. The Item Number 1, the top line, is showing, if you lok at the URL, it's a Google search. Specifically someone typed in the Google search window specific search terms. In this case, the terms were what kind of gas do a 2009 Range Rover take.
Q. And then Line Item 2, 3 and 4, can you explain those to the jury?
A. Those are the URL's that were returned as a result of that search as it populated.
Q. And what is the date and time of -- of the search?
A. August 29th at 11:15 PM.
Q. Looking -- I'm gonna hand you now State's 41 and ask you if you recognize it.
A. Yes, ma'am, I do.
Q. And what do you recognize that to be?
A. Again, this is another web search on the defendant's phone for a specific search term surrounding an auto dealership.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 41 into evidence.
MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibit 41 is admitted into evidence.

(State's Exhibit Number 41, web search extraction, was admitted into evidence.)

BY MS. FULLER:

Q. And can you explain to the jury State's 41 what exactly was the web search?

A. The first line, Line 1, is a Google search for the search terms of Right Choice Automotive.

Q. And on what date and time was the search performed?

A. August 29th at 11:43 am.

Q. I'm gonna show you State's Exhibit 35 and ask you if you recognize this?

A. I do.

Q. And what do you recognize that to be?

A. It's a specific instant message exchange between the defendant and someone that he has listed as Sissypooh in his address book surrounding a -- a vehicle.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 35 into evidence.

MR. CHEHOSKI: Without objection.

THE COURT: State's Exhibit 35 is admitted into evidence.

(State's Exhibit Number 35, an instant message extraction, was admitted into evidence.)

BY MS. FULLER:

Q. Looking at State's 35, the participants, who are the participants on this exchange again for the jury?

A. It's the -- it's the defendant listed at the top there under owner and then a phone number that he has recorded in his address book as Sissypooh.

Q. And for the record that's [redacted]-4715?

A. That's correct.

Q. And can you publish the messages for the record?

A. Yeah. The defendant's phone sends a text that says hell, yeah, got a paper tag for my truck. The response back is aye or yeah.

Q. Ay?

A. Uh-huh.

Q. What -- what date and time did the defendant send that message?

A. That was August 29th at 12:10 PM.

Q. And, again, there's been testimony by the custodian that a Right Choice Automotive paper tag was involved in this case. What time, again, was the Right Choice Automotive search completed?

A. 11:43 AM.

Q. And the message about the paper tag, was that the same day?

MR. CHEHOSKI: Your Honor, I'm sorry. I have an

(Whereupon, the jury return to the courtroom at 11:32 AM.)

THE COURT: All right. Please be seated.

Ladies and gentlemen of the jury, welcome back. We're gonna pick upright where we left off with this witness.

MS. FULLER: Thank you, Your Honor.

BY MS. FULLER:

Q. Investigator Phipps, looking at the search for Right Choice Automotive, what time, again, for the record was that search performed and the date?

A. That was August 29th at 11:43 AM.

Q. And then the text message, what was the date and time?

A. August 29th at 12:10 PM.

Q. And we have a calendar already in evidence. Just so it's clear, August 29th is reflected here, the day before this incident occurred?

A. Yes, ma'am.

Q. I'm gonna show you State's Exhibit 29 and ask if you recognize the entire exhibit?

A. Yes, ma'am, I do.

Q. And what do you recognize that to be?

A. They're image files that were recovered from the defendant's phone.

MS. FULLER: At this time, Your Honor, the State

seeks to introduce State's Exhibit 29 into evidence.

I'm showing to defense counsel.

Without objection?

MR. CHEHOSKI: Yeah.

THE COURT: State's Exhibit 29 will be admitted into evidence.

(State's Exhibit Number 29, extraction images, was admitted into evidence.)

BY MS. FULLER:

Q. Publishing State's 29, can you describe to the jury what exactly they're looking at here?

A. They're image files, specifically of a vehicle, that were searched for that I searched for within the contents of the phone. The files appear to be similar in nature as far as the type of vehicle and its location.

Q. And in terms of information associated with the image, can you tell me whether or not the device actually took this photograph?

A. Sometimes, and in this case in reference to Image Number 1 that's listed there, there's actual metadata associated with the image, so you can see that it's listing an Apple iPhone 7 Plus is the device that took that image, the date and time the image was captured and then the actual latitude and longitude of the location of where the photo was taken.

Q. And that's all included in the metadata?
A. It is.
Q. And what was the capture date of that photograph?
A. That is August 28, 2018, at 6:35 PM.
Q. And the image file number would be 285?
A. Correct.
Q. And looking further down as well, there's similar images. Going to Number 4, again, was that also captured on the device -- captured by the device?
A. Yes, ma'am, it was.
Q. And what's the date and time?
A. August 28, 2018, at 6:35 PM.
Q. And on the next page, are these also photographs captured on the device?
A. It is. In this instance, we're not looking at the original raw image, we're looking at an attachment, but it still has the metadata associated with it.
Q. And what was the capture date?
A. August 28, 2018, at 4:52 PM.
Q. And for all of these images, looking at the calendar that we have in evidence, that would be this August 28th of 2018?
A. Yes, ma'am.
Q. Two days prior to the shooting incident in this case?
A. That's correct.

Q. And on the last page of the attachment, we have two additional images as well. Looking at 291, did that also include metadata?
A. It does.
Q. And this was captured on the device as well?
A. It is. It's in specifically a path that shows that it was sent out as an attachment to a text message.
Q. I'm gonna show you what's been marked as State's 30, 31, 32 and 33, and ask if you recognize these?
A. I do.
Q. And how do you recognize these documents?
A. They're the images that were printed from that report showing the file name as far as the image number. The other document --
Q. And 33?
A. State's 33 is a Google map overlay showing the approximate location of the GPS coordinates or latitude and longitude that were reported in the metadata for those images.
Q. And in this case, did you have an opportunity to physically confirm the latitude and longitude?
A. I did. I physically drove out to that location.
Q. Okay. And can you tell us whether or not you were able to confirm the address is [redacted] Romford Road in Columbia, South Carolina?

A. It was.
Q. And, for the record, that's the defendant's address?
A. That's correct.
Q. And the vehicle appears to be parked in a driveway?
A. It is.
Q. I'm gonna show you State's 34 and ask you if you recognize it?
A. I do.
Q. And how do you recognize 34?
A. That's a photo that I took on the day that I went out to verify the location.
Q. And that's at [redacted] Romford Road?
A. It is.

MS. FULLER: Publishing -- at this time State's seeks to introduce 34 into evidence.

THE COURT: 34?

MS. FULLER: Did I miss -- 31, 32 -- 30, 31, 32, 33, and 34 into evidence.

MR. CHEHOSKI: That's without objection, Your Honor.

THE COURT: All right. So State's Exhibit 30, 31, 32, 33, and 34 are admitted into evidence.

(State's Exhibit Number 30, 31, 32, 33, and 34, photographs, were admitted into evidence.)

BY MS. FULLER:

Q. Publishing State's 34, can you describe to the jury this photograph?
A. Yes. The location of [redacted] Romford is to the immediate right where the vehicle is in the driveway and you can see that driveway, the ivy bank and the brick wall there.
Q. Looking at State's 33, can you describe this to the jury as well?
A. It's an aerial photo. It's not real clear, but the location of [redacted] Romford Road is the portion of the rooftop that you can see above that titled Image 0284.
Q. Okay. Now publishing State's 31, this is Image Number 291. Is that accurate?
A. It is.
Q. And what is this image of?
A. It's an image of a Range Rover sitting in the driveway at [redacted] Romford Road.
Q. What color is this Range Rover?
A. It's black.
Q. And looking at State's 32, Image 284, what is this an image of?
A. The same thing. The same black Range Rover in that driveway at [redacted] Romford Road.
Q. And looking at State's 30, Image 285, what's that an image of?
A. The -- the same vehicle.

Q. And that's in the driveway of the defendant's home?
A. It is.
Q. I'm gonna hand you State's Exhibit 39 and ask you if you recognize it?
A. I do.
Q. And what do you recognize that to be?
A. It's an exchange of instant messaging between the suspect's phone and the phone number of [redacted]-1143.
Q. And what date is that text exchange on?
A. August 31, 2018.
Q. Okay.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 39 into evidence.

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibit 39 is admitted into evidence.

(State's Exhibit Number 39, a text extraction, was admitted into evidence.)

BY MS. FULLER:
Q. Publishing State's 39, again, the participants? This is the defendant's device; is that correct?
A. That's correct.
Q. And communicating with that phone number?
A. Yes, ma'am.
Q. And publishing for the record, please, what is the

first message that we see?
A. The first message comes from the other phone. They text what's up, then the defendant's phone responds with nothing, laying low, I done did some S-H-I-T. L-L-S-M-H -- well, L-L-S, laughing like S-H-I-T, and S-M-H, shaking my head.
Q. And what date and time was that message sent?
A. August 31, 2018, at 11:47 PM.
Q. And the response?
A. The response back from the other phone was W-F-T you do.
Q. And what was the defendant's response?
A. L-O-L. They putting that West Columbia shooting on me, but it's a he say, she say S-H-I-T.
Q. And the response?
A. The response back was D-F or da F-U-C-K is the usual interpretation.
Q. And the defendant's response?
A. Yeah, L-O-L.
Q. And then the other person?
A. They come back with stay your ass home, L-O-L.
Q. And the defendant's response?
A. Is L-O-L, I am for real. For real.
Q. I'm gonna show you State's 42 and ask if you recognize it? And do you recognize that?

A. I do. It's a web history from the defendant's phone.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's 42 into evidence.
MR. CHEHOSKI: Without objection.
THE COURT: State's Exhibit 42 is admitted into evidence.
(State's Exhibit Number 42, web history extraction, was admitted into evidence.)
BY MS. FULLER:
Q. And looking at State's 42, what is the date and time of the earliest web history?
A. It starts on August 30, 2018, at 10:18 PM.
Q. And what is the -- what is being searched here?
A. WLTX.com.
Q. And what is WLTX?
A. It's a news media outlet here in town.
Q. And going on down, what -- what does it appear to be that the defendant is searching from August 30th to through 31st as well?
A. News outlets, news coverage.
Q. Relating to what?
A. The responses back to his searches center around the shooting in West Columbia.
Q. And looking at the next page, does that carry over as

well?
A. It does.
Q. Okay. And these are different news websites?
A. They are. WIS-TV specifically.
Q. I'm gonna show you what's been premarked as State's 37 and ask you if you recognize it?
A. Yes, ma'am, I do.
Q. And how do you recognize that?
A. It's, again, an exchange of instant messages between the defendant's phone and the phone number [redacted]-4719.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 37 into evidence.
MR. CHEHOSKI: Without objection.
THE COURT: Okay. State's Exhibit 37 is admitted into evidence.
(State's Exhibit Number 37, an instant message extraction, was admitted into evidence.)
BY MS. FULLER:
Q. And publishing for the record, this is the defendant's phone again communicating the number; is that correct?
A. It is, yes.
Q. And what's the date of the earliest communication for this text exchange?
A. September 3, 2018.
Q. At what time?

A. 9:16 PM.
Q. And can you publish for the record what the defendant states?
A. Defendant sends a text outgoing says I got a 2009 Range Rover I'll sell right now for 500 to 600.
Q. And then the response?
A. For real. For real.
Q. And then on the next page, what does the defendant send?
A. He says that's the Rover and there's an attachment specifically with Image 0291.
Q. And that's the same image that we just -- and I'll publish again for the record, Image 291. That's this image of the Range Rover in defendant's driveway that's messaged on September 3rd?
A. It is.
Q. And if you'll publish the next message.
A. It states to make that bitch yours, all you need is a salvage title and change the VIN. Every street N-I-G-G-A know that 5- to 600 hundred it's yours.
Q. And then what's the response?
A. What's wrong with it.
Q. And the defendant's response?
A. Nothing. That's --
Q. And the response?

A. That's got tags question mark.
Q. And the defendant's response?
A. I've got a paper tag on it right now.
Q. And I apologize, the last message, can you publish that again? I apologize.
A. I -- I got a paper tag on it right now.
Q. And that's referring to the Range Rover earlier?
A. Yes.
Q. I'm gonna show you State's 36 and ask you if you recognize it?
A. I do.
Q. And what do you recognize that to be?
A. It's an instant messaging between the defendant's phone and a phone number that he has assigned to an individual in his address brook at Skeemood or Skeemodd.

MS. FULLER: At this time the State seeks to introduce State's 36 into evidence.

MR. CHEHOSKI: 36?

MS. FULLER: 36.

MR. CHEHOSKI: Thank you.

THE COURT: Without objection?

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: All right. So admitted.

(State's Exhibit Number 36, an instant message extraction, was admitted into evidence.)

BY MS. FULLER:

Q. Publishing State's 36, again, that's the participants you just previously published?

A. It is.

Q. And this is the defendant's phone?

A. Yes, ma'am.

Q. And publishing the first message, what's the date and time of that first message in this text exchange?

A. August 31, 2018, at 9:59 AM.

Q. And what is the message?

A. The defendant's phone texts out I ain't by my truck right now, some S-H-I-T happened. I'm gonna have to tell you, but you might got to come -- just come straight down here 'cause I ain't got no gas either.

Q. And what is the response?

A. Where's it and he says S-T, but then corrects to at, where's it at.

Q. And then what does the defendant reply?

A. The truck you want in Keanna neighborhood.

Q. And then the next page, what does the recipient reply?

A. Where's yours.

Q. And the defendant's response?

A. Down the street from there.

Q. And then keep publishing, please.

A. The response back is aight, fixing to swerve that way,

and then the defendant responds back let me know when you close, the response from that is so what's up with the speakers and the defendant responds you can still get them N-I-G-G-A.

Q. And, for the record, that last message was sent August 31, 2018, at 10:37 AM; is that correct?

A. That is correct.

Q. And then picking up the text exchange August 31st at 10:50 AM, can you publish that?

A. I-E.

Q. Ay. And then the defendant's response?

A. Yo.

Q. And continue publishing.

A. Bra, low key after that shit. You got to chill, bra. Don't need S-H-I-T to happen to your ass.

Q. And the defendant's response?

A. I'm gonna get -- I'm going to get my Rover and bring it back to Copper and hell, yeah, I'm chillin' bra for real.

Q. And the next response?

A. S-H-I-T dead.

Q. And then the recipient's response?

A. Let me hold it tonight.

Q. And the defendant's response?

A. The Rover question mark.

Q. And then just to finish publishing the text exchange.
A. Ya, later tonight, aight, if you gonna buy the speakers just pull up to Copper after you go get the key from Knot.
Q. I'm gonna show you State's Exhibit 38 and ask you if you recognize it?
A. I do.
Q. And how do you recognize it?
A. It's, again, an instant messaging between the defendant's phone and the phone number [redacted]-4719.

MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 38 into evidence.

MR. CHEHOSKI: Without objection.

THE COURT: State's Exhibit 38 is admitted into evidence.

(State's Exhibit Number 38, an instant message extraction, is admitted into evidence.)

BY MS. FULLER:
Q. And, again, for the record who is sending this message?
A. The defendant's phone sends the message.
Q. And what date was this message sent?
A. September 3, 2018, at 8:50 PM.
Q. And looking at the calendar, how many days after the shooting was this message sent?

A. Four days.
Q. If you'll go ahead and publish the message for the record.
A. It says we got into some -- something with some stone N-I-G-G-A-S from the other side, so right now I can't even get rid of S-H-I-T for a couple of days. We shot at the N-I-G-G-A-S and they all be by the house plotting and S-H-I-T, so I've got to be pulled up for just a little bit until S-H-I-T good, but I wanted to hold that S-H-I-T for a couple of days to shake something.
Q. Going back to State's Exhibit 28, I have a couple of questions about the extraction. This is a text exchange between the defendant and the iPad and there's been testimony that that was Keanna Outlaw. When looking at the message, there's a date and time here. What does that date and time signify?
A. It's the date and time that the message was sent.
Q. Okay. And then over here it says read. What does that indicate?
A. Confirmation that the message was read by the -- the recipient.
Q. And what time was that message read?
A. At 8:28 PM.
Q. Similarly, again, this is the -- looking at the second message, this is when the 914 number sent the message to

the defendant's phone?
A. That's correct.
Q. And that's at 8:15 PM?
A. Yes, ma'am.
Q. And, again, when was it read?
A. On the 30th at 8:28 PM.
Q. Similarly, the next message, when was it sent to the defendant's phone?
A. On the 30th at 8:20 PM.
Q. And when was it read?
A. The 30th at 8:28 PM.
Q. So defendant responds, correct?
A. He does.
Q. And what time did he send his message?
A. At 8:28 PM.
Q. And there's status, delivered and read. What does that indicate?
A. That -- the delivered is obviously the system confirming that the message went through to the server, and then read, the recipient actually read it, opened it.
Q. Looking here at this message, I'm on my way, what time was this message sent?
A. 8:38 PM.
Q. And this is on August 30th of 2018?
A. It is. Yes, ma'am.

Q. And, again, delivered and read, what does that indicate?
A. That it reached its intended recipient and they looked at it or someone looked at it on the phone.
Q. Okay. But these messages, based on your extraction, were confirmed to be delivered to the device?
A. Correct.
MS. FULLER: I beg the Court's indulgence.
BY MS. FULLER:
Q. And just so it's clear, for the "I'm on my way" message, when did the recipient read that message?
A. The 30th at 9:15 PM.
Q. So someone on that device read the message at 9:15 PM?
A. Yes, ma'am.
Q. And we have testimony of the shooting at 9:12, so that message was read after the shooting?
A. If that's the case, yes.
MS. FULLER: No further questions.
THE COURT: Cross-examination.
MS. FULLER: I beg the Court's indulgence.
THE COURT: Oh, yeah.

CROSS-EXAMINATION

BY MR. CHEHOSKI:
Q. Investigator Phipps, you're just examining the phone; is that right?

A. Yes, sir.
Q. All right. And the messages that you're finding on the respective phones, they're just messages that were sent by the phone?
A. Correct.
Q. Right. You cannot identify who with actually sent the phone?
A. That -- that's correct.
Q. And so you just know who -- who the phone belonged to at least according to your cover sheet?
A. Yes, sir.
Q. And the messages that are on it?
A. That's correct.
Q. And when you do an extraction, that typically comes with -- you say like all the text messages, correct? Or all -- you get the text messages that you can recover?
A. Yes, sir.
Q. All right. Because there are -- you had said that there are some items that had been deleted?
A. Yes, sir.
Q. And some items that have been deleted can never be recovered?
A. Correct.
Q. But you can get -- you can get the text messages you can recover, you can get the phone calls you can recover,

correct?
A. Yes, sir.
Q. You can get the web pages that the phone had -- had seen that you can recover?
A. Yes, sir.
Q. You can get all the contacts that are on the phone?
A. Yes, sir.
Q. Or that you can recover?
A. (Nods head.)
Q. And the extraction, the full extraction, when you print it out, could be several thousand pages long?
A. That's correct.
Q. And you said in this case you did a logical extraction; is that right?
A. Which phone are we speaking of?
Q. On State's Exhibit 42 and 58.
A. Are we speaking to the iPhone 7 Plus or the 6S?
Q. I'm sorry?
A. Which phone are we speaking to?
Q. I'm sorry. That's -- 58 would be the one associated with [redacted]-7570?
A. Yes. To my recollection, that was a logical.
Q. Yeah. And the other one was Exhibit 27, which was the [redacted]-8710?
A. Yes, sir.

Q. And those were both logical extractions; is that right?
A. We did a second extraction on the 7, the iPhone 7. We did get a file system extraction on that one in addition to the logical.
Q. Now when you -- so when you do the analysis, what software do you use?
A. Primarily Cellebrite's Physical Analyzer, but also Magnet Axiom is also used.
Q. Okay. And we -- we saw in the exhibits that the -- the times were originally in UTC time, correct?
A. Yes, sir.
Q. And they've been converted to Eastern Daylight Time?
A. That's correct.
Q. And that's the software that does that?
A. It does.
Q. Okay. And it's not your job to find the people who these messages were sent to; is that right?
A. No, sir.
Q. All right. And it's not your job to follow up and confirm all these; is that right?
A. It is not.
THE COURT: Mr. Chehoski?
MR. CHEHOSKI: Your Honor?
THE COURT: I want everyone in the courtroom to

stand up.

All right. Move your body around a little bit.

All right. Have a seat.

BY MR. CHEHOSKI:

Q. And like I -- I asked earlier, you don't know who's physically sending these messages?

A. No, sir, I do not.

Q. You just know that they're on the phone?

A. That's correct.

Q. It could be somebody who's not the owner?

A. Possibly.

Q. And these exhibits that we just saw, they were excerpts of fuller messages; is that right?

A. Yes, sir.

MR. CHEHOSKI: All right. Thank you.

I don't think I have anything else, Your Honor.

THE COURT: Any redirect?

MS. FULLER: No, Your Honor.

THE COURT: All right. The witness may step down.

(Witness excused.)

MS. FULLER: At this time, Your Honor, the State rests.

THE COURT: Very well.

Y'all come up real quick.

(Proceedings held at the bench; not reported.)

THE COURT: All right, ladies and gentlemen. At this time I think we'll go ahead and just break for lunch. I've got some matters to take up with the attorneys. If you could just be back in your jury rooms at 1:15. 1:15.

Please don't discuss this case with anyone while you're out on your lunch break or do any sort of independent research of any of the issues or the people involved in this courtroom.

So, otherwise, have a nice lunch and we'll see you back in here in a little over an hour.

Thank you.

(Whereupon, the jury was excused for lunch at 12:08 PM.)

THE COURT: All right. Yes, sir.

MR. CHEHOSKI: Your Honor, the defendant and defense move for a directed verdict of not guilty on both charges, for the ABHAN and the attempted murder. At the end of the State's evidence, incorporating all prior motions and objections, the State has not satisfied the standard of enough -- of the sufficiency of evidence, not talking about its weight, but the sufficiency of evidence, that any reasonable juror could find the defendant guilty of the charges. Again, incorporating all prior motions and all prior objections, and we move for a directed verdict of not guilty.

THE COURT: Very well.

Any response from the State?

MS. FULLER: Your Honor, we respectfully request that Your Honor deny the defense's motion. I believe that there's been sufficient testimony and evidence presented. And like defense counsel correctly stated, right now we're concerned with the existence or nonexistence, not the weight of the evidence.

THE COURT: Okay. Well, the record will reflect that all your previous motions are renewed -- previous motions and objections are renewed at this stage. Also, I think there's sufficient evidence at this time, both direct and circumstantial, to submit to the finder of facts, so those motions -- your directed verdict motion's respectfully denied.

So we've got a little over an hour. Your witnesses arrive around one-ish; is that right?

MR. CHEHOSKI: (Nods head.)

THE COURT: Okay. I'm gonna have at least a good idea of the jury charge here shortly, which I can show to you. I don't want to get into what your timeline is for the day, but generally I -- if we get into afternoon testimony my inclination would be to -- and then you rested, my inclination would be to come back in the morning to argue and charge then.

Today's Wednesday, right?

MR. CHEHOSKI: Wersday?

THE COURT: Weresday.

Madam Solicitor.

MS. FULLER: Your Honor, I'm not sure if now would be appropriate to advise the defendant if his right to testify while we're in this break or do you want to do it before we come back from lunch?

THE COURT: I was probably gonna do it afterwards to see if they were gonna -- but, no, we can do that at the beginning -- as soon as we get back from lunch, all right?

MR. CHEHOSKI: Yes, sir.

THE COURT: Y'all have a nice lunch. See you afterwards.

MS. FULLER: Thank you, Judge.

(Whereupon, a luncheon recess was taken at 12:11 PM.)

(Back on the record at 1:24 PM.)

BAILIFF: Court will now come to order. The Honorable Judge Walton McLeod presiding.

THE COURT: Good afternoon. Be seated. Thank you.

When we broke for lunch, we had just finished directed verdict motions. I will now read the defendant -- is something going on?

MS. POPOWSKI: Your Honor, if I may, I have a quick motion.

THE COURT: Okay.

MS. POPOWSKI: We would ask that Your Honor take judicial notice of the fact that it was dark at the time of the shooting.

I'm gonna provide you with a printout from the Almanac and a printout from the National Weather Center that basically outlines that not only had the sun gone down, but twilight had ended well before the time of the shooting.

THE COURT: Okay.

MS. FULLER: Your Honor, for the record -- are you moving this into evidence?

MS. POPOWSKI: No, I'm just asking the judge to take judicial notice of the fact.

MS. FULLER: Your Honor, I think it would be appropriate to take judicial notice astronomical twilight ended at 9:18 PM, which would indicate in the period between the nautical twilight, not twilight and astronomical twilight, that there's still light into the sky and --

MS. POPOWSKI: That's not actually true, Your Honor.

MS. FULLER: -- I just am reading --

MS. POPOWSKI: I haven't actually finished speaking.

THE COURT: One at a time. One at a time. Come on.

MS. FULLER: I thought you were done. I apologize.

MS. POPOWSKI: That's okay.

THE COURT: All right. So judicial notice -- let's see here.

Okay. So this is for -- I think I've seen Almanac.com, Weather.gov.

MS. POPOWSKI: And I have other sources, Your Honor. I just -- I just provided those two as they are readily reliable sources.

THE COURT: Sure.

MS. POPOWSKI: And in the definitions of twilight, you'll see that under astronomical twilight it says that the sky illumination is so faint that most casual observers would regard the sky as fully dark, especially under urban or suburban light conditions.

But if -- if the prosecution wishes for you to -- to outline that nautical twilight ended at 8:47 and that astronomical twilight didn't end until 9:18, that's fine, that's true, but we just would ask that then that -- that section of the astronomical twilight definition be explained to the jury.

THE COURT: And by explained to the jury you mean in the charge? I mean, right now or --

MS. POPOWSKI: In your -- yeah, when you take

judicial notice of the --

THE COURT: Well, I can take judicial notice right now between the lawyers and put it on the record here, but my thought would be to just explain it when I charge that the Court has taken judicial notice of what the sunrise, sunset, applicable twilights were.

Now you're not asking -- are you asking for this form to go to the jury or for me to publish the information on the form?

MS. POPOWSKI: Publish the information, Your Honor.

THE COURT: All right. Anything else for the moment?

MS. POPOWSKI: Not from me, Your Honor.

THE COURT: Madam Solicitor.

MS. FULLER: Thank you, Your Honor.

I would actually request that while Your Honor takes judicial notice of this document, I have no objection to it, but I have no objection to submitting it into evidence so the jury can have this itself, as well as a diagram at the bottom to actually understand the different levels of twilight, Your Honor.

THE COURT: I would -- the only thing I might suggest, which actually I think that would be -- I'd much rather give them this and just say that we're taking judicial notice during the charge and that there's

documentation in evidence, so just to look at it. You may want to get a color copy.

MS. FULLER: I have no problem. I will print it.

THE COURT: Okay.

MS. POPOWSKI: Thank you.

THE COURT: All right. So pursuant to Rule 21, the Court will take judicial notice of the sunrise, sunset and twilight periods for the Columbia, South Carolina area on August 30, 2018.

I'm just gonna call this a joint exhibit since y'all both agree to it. Well, I'll -- you put it up. It's Defense Exhibit 3. How about that?

MS. POPOWSKI: Thank you, Your Honor.

THE COURT: So Defense Exhibit 3 is admitted into evidence without objection.

THE COURT REPORTER: No, it's actually 4.

THE COURT: Excuse me 4. We'll get you a color copy, but that's what we have for now.

THE COURT REPORTER: Okay. Great. Thank you.

THE COURT: Anything else for the moment?

MS. FULLER: Yes, Your Honor. Just briefly.

During the last witness there were a number of exhibits that were introduced. Each time that there was an edit to redact out gang reference, I went and whispered to defense counsel just so that he was aware

that "On Blood" and stuff was removed. I believe that would be without -- that would have drawn an objection from defense. I just wanted to make sure it's on the record that that was done prior to entering those exhibits into evidence.

THE COURT: Do you concur, Mr. Chehoski?

MR. CHEHOSKI: I concur.

THE COURT: All right. Anything else?

All right. When we broke for lunch, the State had rested and we heard directed verdict motions. It's now time for the defense to have the opportunity to put up their case.

I need to ask the defendant to stand. If you'd raise your right hand, please.

(Whereupon, Isaiah Deshaun Butler was duly sworn by the Court.)

THE COURT: All right. Mr. Butler, at this time I'm gonna explain to you some of your -- your rights. If you do not understand anything I say, please let me know. If you want me to explain anything further in more detail, please let me know that as well.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And I need you to speak up just a little bit so the court reporter can hear you, all

right?

THE DEFENDANT: Yes, sir.

THE COURT: We've now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. The amendment states, in part, no person shall be compelled in any criminal case to be a witness against himself. This means that you cannot be required to testify in this case. You have the right to testify on your own behalf; however, no one can make you testify. This is a personal right and no one can waive this right except you.

If you decide to testify, you'll be subject to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or a false statement or crimes punishable by imprisonment for more than one year and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: If you decide to testify, this decision on your part must be freely, voluntarily and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify.

Now you may certainly talk with your attorney at this time to discuss this matter further or family or a friend, but the final decision on whether you testify or not is to be left entirely up to you.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Do you understand what I've explained to you, everything here?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I've explained to you?

THE DEFENDANT: No, sir.

THE COURT: Have you discussed with your lawyer

whether you should testify or not?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And do you wish to talk with your lawyer any more at this time?

THE DEFENDANT: No, sir.

THE COURT: Okay. Do you wish to testify?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Very well.

Are you ready to present?

MR. CHEHOSKI: Your Honor, before -- sit down.

Your Honor, I think there -- is there any record for impeachment that's gonna be introduced against Mr. Butler?

MS. FULLER: I don't believe he has -- I don't believe that he has any convictions that would be appropriate, but let me double-check.

It looks like the charges were dismissed.

Are you aware of the conviction in Richland?

MR. CHEHOSKI: Your Honor, I cannot answer that question.

MS. FULLER: Oh, well, then that's fine. I'll run a new rap sheet.

I beg the Court's indulgence if the defense won't let me know.

THE COURT: I'm missing it. It was just asked --

MS. FULLER: If I can have a moment, I'm gonna run a new rap sheet and I'll answer the question shortly.

THE COURT: Very well. Stand at ease.

(Recess taken at 1:34 PM.)

(Back on the record at 1:37 PM.)

MS. FULLER: Judge, here's the colored copy.

THE COURT: Is this the judicial notice thing?

MS. FULLER: Yes.

THE COURT: Ms. Popowski, do you want to see it?

MS. POPOWSKI: I'm not thrilled by the picture that's gonna be given to them, but -- I mean, the picture looks like it's -- but, I mean, I understand it's just the picture on the website.

THE COURT: Is that the black and white version I just saw?

MS. POPOWSKI: Well, on the black and white version that I gave you, it didn't have a picture. It just had the information.

THE COURT: Okay. That's what I was talking about right there.

MS. POPOWSKI: Okay.

MS. FULLER: I think he just went to the website and just hit print, so that's what printed.

MS. POPOWSKI: That's -- I mean, that is the picture on the website. I just don't know that -- yeah.

THE COURT: Well, my goal was to try to --

MS. POPOWSKI: Could we do the black and white of the almanac and then the color of the other one?

THE COURT: Well, I think -- I don't remember seeing this, so that's why I'm confused.

Okay. That's why.

MS. POPOWSKI: I don't really think they needed the picture and I don't think it adds anything. In fact, I think it could suggest --

THE COURT: Why didn't it print out?

MS. POPOWSKI: I don't know.

THE COURT: Yeah, my intent wasn't to add a picture of the horizon.

MS. FULLER: Well, Your Honor, when you're -- when you go to the almanac and you just click printer-friendly version, that's what generates and that's what was printed. So it's straight from the website.

MS. POPOWSKI: And I'm not disputing that. I'm just saying I don't know that it's necessary.

THE COURT: Well, I just don't know --

MS. POPOWSKI: I mean, it's sort of suggestive.

THE COURT: Well, I don't know -- or unsuggestive depending on how you look at it. It's just a picture. It doesn't say what time it applies to, does it?

I tell you what I want to do. I want to use the front page and the back page because that's what I saw and I like that, so.

MS. POPOWSKI: Thank you, Your Honor.

THE COURT: Madam Court Reporter.

(Defendant's Exhibit Number 4, weather documentation, was marked and admitted into evidence.)

THE COURT: Are we still waiting on the updated rap sheet?

MS. FULLER: Yes, Your Honor.

Your Honor, once we get it, we can confirm, but it looks like there's gonna be two counts of stolen vehicle from 2020. It looks like he did actually plead to it.

MR. CHEHOSKI: And, Your Honor, we would ask that those be excluded under 403, being more prejudicial than probative. And I think it's Rule 609 as well.

THE COURT: Madam Solicitor, anything you want to reply to first or no?

MS. FULLER: I didn't hear you.

THE COURT: Any response to Mr. Chehoski as far as excluding the stolen vehicle charges?

MS. FULLER: Your Honor, I think it's perfectly appropriate. This case is attempted murder and armed robbery and when it comes to 403 balancing, it's not the same or similar act. It is definitely a crime of

dishonesty. That would go directly towards impeaching the witness -- the defendant's testimony, so I think it's appropriate and I don't think it should be excluded pursuant to 403 or 609.

And just to also add, Your Honor, 609(a)(2), actually no balancing test is required in terms of crimes of dishonesty.

THE COURT: Well, I see that in the rule as well and I think we always have to consider 403 regardless.

MS. FULLER: I apologize, Your Honor. I can't hear you.

THE COURT: Excuse me. I see that in the rule as well, but I think 403 is always out there on any evidence if it's unduly prejudicial, but I think under the circumstances, you know, it is a crime, you know, involving dishonesty and it certainly -- certainly has a tendency to go towards the credibility of a witness, which under these circumstances I think it's important. I don't think it's -- I mean, there's different levels of -- stolen vehicle has monetary benchmarks; does it not?

MR. CHEHOSKI: It is a property crime, Your Honor.

THE COURT: Right. Right. I'm saying there are different levels.

MS. FULLER: Yes. He was convicted of the two to

ten.

THE COURT: Okay. So while all evidence could have the tendency to be prejudicial, I don't think it's unfairly prejudicial under the circumstances and impeachment will be allowed of that conviction.

MR. CHEHOSKI: And, Your Honor, I would also -- on a second basis, I would ask that it be excluded since we do not have certified convictions -- certified sentencing sheets of the convictions since it's been listed -- it's been stated in the court that there were two counts -- or two convictions of possession of stolen motor vehicle. According to what I saw on the public index there's only one and so now if the State's asking for two, again, these rap sheets can be wrong, so that's why we'd ask for the certified convictions.

THE COURT: Okay. Well, that -- that would be from a clerk of court?

MR. CHEHOSKI: From the Richland County Clerk of Court, yes.

MS. FULLER: Your Honor, that's correct. We don't have certified convictions, Your Honor, but relying on the public index I do see two indictment numbers suggesting two separate crimes, but I will check on it again to be certain.

THE COURT: Well, to be clear are you -- I mean, do

you intend to put him up right now or do you have any other witnesses before him?

MR. CHEHOSKI: I have one witness who's probably not very long, Your Honor, but --

THE COURT: All right. Well, I don't see why we don't have time to contact the clerk of court in Richland county to see if we can get a scanned copy of the certified convictions.

MR. CHEHOSKI: I understand, Your Honor.

THE COURT: So I think they'll try to do that and then I'll certainly defer to try to get a certified public record, I'm fine with a copy at this point, but we'll get through your first witness and then we'll take this up again.

MR. CHEHOSKI: Yes, sir.

THE COURT: Are we ready to bring the jury up?

MR. CHEHOSKI: (Nods head.)

THE COURT: All right. Is the State ready?

MS. FULLER: Can I go to the restroom real quick? But I'll be ready. I'm sorry. I apologize.

MR. CHEHOSKI: May I bring my witness in?

MS. FULLER: But I'll be back before the jury gets in here.

THE COURT: Okay.

All right. Bring up the jury, please.

(Whereupon, the jury returns to the courtroom at 1:51 PM.)

THE COURT: All right. Please be seated.

Madam Forelady and ladies and gentlemen of the jury, welcome back. I hope you had a nice lunch.

When we left the State had rested their case. You'll now have the opportunity to hear from the defense.

MR. CHEHOSKI: At this time, Your Honor, the defense calls Monee Anderson.

THE CLERK: Raise your right hand.

(Whereupon, Monee Anderson was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat over there. You can remove your mask.

THE WITNESS: Yes, ma'am.

THE CLERK: If you'll state your name and spell your last for the record, please.

THE WITNESS: Monee Anderson.

MONEE ANDERSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CHEHOSKI:

Q. Please lean into the microphone so we can hear you better.

A. Monee Anderson.

Q. Spell your last name, please.
A. A-N-D-E-R-S-O-N.
Q. All right. Ms. Anderson, tell us a little bit about yourself. How old are you?
A. Twenty-two.
Q. And where do you live?
A. Columbia, South Carolina.
Q. How long have you lived in Columbia?
A. Twenty-two years.
Q. Do you want to be here today?
A. Not really. I'm in school.
Q. All right. What are you in school for?
A. Cosmetology. I graduate next week.
Q. Congratulations.
A. Thank you.
Q. Do you know Isaiah Butler?
A. Yes.
Q. How do you know him?
A. He's a really good friend. Like a brother.
Q. All right. What is your relationship with Mr. Butler now?
A. We don't really communicate as much. I've been focussed on school.
Q. All right. Back in 2000 -- in August of 2018, was your relationship different than it is now?

A. Very much. You couldn't find one without the other.
Q. And when you two communicated, would you -- how often would you communicate by phone?
A. Every day all day long.
Q. All right. Would that include even when you were together?
A. Yes. We could be in separate rooms and I'd call, be lazy, not go to the next room.
Q. Does that include text messages too?
A. Yes.
Q. All right. And you said and phone calls?
A. Yes.
Q. Okay. Did Isaiah Butler have a car at the time?
A. No, he always drove my car for the most part.
Q. All right. And how -- is that how -- is that how he got around?
A. For the most part. Either I took him or if I didn't feel like it, he'd take my car.
Q. All right. How well do you remember the date of August 30, 2018?
A. It's a long time ago.
Q. A little more than three years?
A. Yeah.
Q. Do you remember being with Isaiah Butler that day?
A. Yes.

Q. All right. Tell me what you remember.
A. I remember getting him from his mom's house that morning, being with each other, taking him to Keanna's, picking him back up. Basically we was with each other all day.
Q. Now you said you took him to see Keanna?
A. Yes.
Q. Where was that?
A. In West Columbia. It was in an apartment.
Q. All right. Do you remember which apartment?
A. Riverbend, I believe.
Q. Okay. All right. Do you remember when you dropped off Isaiah?
A. I can't remember the exact time. I know it's morning time.
Q. All right. Did you go back?
A. Yes.
Q. All right. Do you remember what time you went to go pick him up?
A. No, sir. It was about afternoon time I went and got him.
Q. But you -- and so when you went back the other time, what was the reason you went back to Riverbend?
A. There had been some type of -- I don't want to say altercation, but going back and forth verbally, and so I

went to go get him.
Q. All right. You picked up Isaiah?
A. Yes, sir.
Q. Where did you go next?
A. We used to hang out in Copper Beach, so I'm not sure if that's exactly where we went. That's my go-to though because we used to always hang out there.
Q. All right. Do you know if you may have dropped him off at home?
A. Yes, we did. I might -- I don't know.
Q. All right. But -- all right. You may have dropped him off?
A. Yes.
Q. After you may have dropped him off, did you see him again later in the day?
A. Yes, I did.
Q. Do you remember what you were doing?
A. We were supposed to go eat.
Q. Do you remember where?
A. Old Chicago, which is my favorite.
Q. And where is Old Chicago?
A. It's downtown on Gervais Street close to Wet Willie's.
Q. All right. I'm going to put up State's Exhibit 47.
A. Okay.
Q. All right. Do you have a laser pointed up there?

A. Yes.
Q. Okay. Can you show me where Gervais Street is?
A. I can't see that far. I don't know where it is honestly.
THE COURT: Can you zoom it in?
A. Hampton, Taylor -- I'm sorry. Gervais Street's right here. It's gonna be around here.
Q. And about where is Chicago Pizza?
A. This is the bridge, so it should be right up in here somewhere maybe.
Q. All right. Thank you. Now you say you're -- the plan was to go to Old Chicago Pizza. Did you physically arrive to Old Chicago?
A. We got there. We had some friends out there we were meeting as well, but we never sat down to actually eat.
Q. Okay. Why was that?
A. I'm not sure.
Q. All right. Did you have to leave?
A. Yes, we did end up leaving. I know that.
Q. Okay. Do you remember where you went?
A. We had got a phone call from Keanna when we were on the way back to Copper Beach. I'm not sure around what time, but I know we went to get her.
Q. And after getting a phone call, without telling me what was said, what did you do next?

A. I drove to get Keanna.
Q. All right. And where did you go from there?
A. I believe there was like a Family Dollar or dollar store, something, I'm not sure exactly where, but it was like a store I picked her up from basically.
Q. After -- again, in all this time were you in the same place with Isaiah Butler?
A. Yes.
Q. All right. On that night were you aware that there was a shooting?
A. Not that I remember.
Q. Did you become aware that a shooting had taken place?
A. I believe so. Yes, sir.
Q. And when did you -- when did you find out about the shooting?
A. I'm guessing -- I don't know. I don't want to lie to you. Either that very night -- or I was a server, so the next day it had to have been. It couldn't have been a big time gap.
Q. It would have been within twenty-four hours?
A. Yes, sir.
Q. Okay. And do you know what time the shooting took place?
A. No, honestly.
Q. Okay. Did you ever speak to law enforcement about

what happened in 2018?
A. I don't think so. No, sir.
Q. How about 2019?
A. No.
Q. How about 2020?
A. No.
Q. And at any time during those years, did anybody from law enforcement reach out to you?
A. I had people reach out to me, but not like consistent, if that makes sense.
Q. All right. Anybody from law enforcement though?
A. Oh, no, sir.
Q. And you didn't -- did you go speak to law enforcement on your own?
A. No.
Q. And why was that?
A. I don't deal with cops. I'm a good kid. I don't really --
Q. I understand. All right. And, Monee, what is your phone number?
A. [redacted]-4715.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:
Q. All right. I'm showing you State's Exhibit 50 and at Line 52, that number [redacted]-4715, is that you?

A. Yes, sir.
Q. Okay. And there was -- it looks like according to these records, you were on the phone with Isaiah beginning at 9:07?
A. Yes, sir.
Q. And you were on the call for eight minutes and fifteen seconds?
A. Yes, sir.
Q. And we have had testimony that -- that this -- that the first reported call -- first reporting of this shooting was at 9:12 PM and you would have been on the phone with him at that time, right?
A. Yes, sir.
Q. Okay. And do you recall any phone call that you had with Isaiah Butler where you heard gunshots?
A. No.
Q. Okay. Do you recall being in a car with Isaiah Butler with a gun?
A. No.
Q. Do you have any hesitation saying that?
A. No, sir.
Q. Any reason you would make that up?
A. No, sir.
MR. CHEHOSKI: One moment, please, Your Honor.
BY MR. CHEHOSKI:

Q. And to be clear, y'all would talk on -- would y'all talk on the phone even if you were in the same place?
A. Yes, all the time. More often than not honestly.
Q. All right. And humor this old guy here. Why is that?
A. I'm lazy, so we could have been -- he could have been outside and I was in the house and instead of taking that long walk, especially in the hot summer, I'd call him and be like what are you doing or come here or whatever the conversation might have been. I could have been upstairs. The same thing.
Q. And would he do the same?
A. Yes, sir.
Q. All right. And would -- so would those kinds of phone calls be at all uncommon?
A. No, not at all.
MR. CHEHOSKI: Please answer any questions from Ms. Fuller.
THE COURT: Cross-examination.
MS. FULLER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. FULLER:
Q. Monee, I have quite a few questions for you. Just so I correctly state this, on direct testimony you told defense counsel that you're a good kid; is that correct?

A. Yes.
Q. That's what you stated?
A. Yes.
Q. And you also stated on direct that you don't recall ever being in a car with Butler with a gun; is that accurate?
A. Yes, ma'am.
Q. That's what you stated?
A. Yes, ma'am.
Q. I'm gonna show you some text messages. You said your phone number is [redacted]-4715. That's correct, right?
A. Yes, ma'am.
Q. Go ahead and take your time and look over this message between you and Isaiah.
A. Yes, ma'am.
Q. And your testimony is that you're a good kid?
A. Yes, ma'am.
Q. Despite this conversation?
A. Yes, ma'am.
Q. So how do you explain this?
A. I don't know, ma'am.
Q. Go ahead.
A. What are you asking?
Q. How do you explain this conversation?
A. I still need you to ask another question.

Q. What are you guys talking about in this conversation?
A. Oh, the statements in the conversation was he said that he had a lick on a Glock.
Q. And what's a lick?
A. I don't know how to explain.
Q. What's a lick?
A. I don't know how to explain.
Q. Try.
A. I don't know. I don't the best words for it. I'm not sure how to.
Q. It's not anything good, is it?
A. No, ma'am.
Q. No, it's not. And your response when he said that was basically that you're saying when and you're heading there, to Copper, correct?
A. Yes, ma'am.
Q. Now look at these messages -- oh, let's wait on that for a second. And this conversation was on September 3rd of 2018, correct?
A. I didn't look at the top part.
Q. Okay. Go ahead and look at the date. September 3, 2018, correct?
A. Yes, ma'am.
Q. Now go ahead and look at these messages and what date are those messages?

A. This is 8-28-2018.
Q. And go ahead and take your time and review those.
A. Yes, ma'am.
Q. And what's going on in this message?
A. It states -- I told him I'll be on the way, he says now, I said yes, successful night.
Q. And what date are these messages?
A. 8-28.
Q. And what time?
A. They're at four.
Q. The first message when you said be on the way on the first page.
A. 12:31:41.
Q. AM, correct?
A. Yes, ma'am.
Q. And then he says now question mark and that's at 12:31 AM, correct?
A. Yes, ma'am.
Q. Then you respond at 12:32, yes, correct?
A. Yes, ma'am.
Q. And then at 4:00 AM he says successful night, correct?
A. Yes, ma'am.
Q. And y'all were not up to anything good that night, were you?
A. I'm not sure honestly.

Q. Okay. Your response was sure was, correct?
A. Yes.
Q. And then his response talked about how fast your car filled up, correct?
A. Yes.
Q. And wasn't sure what made him want to do a lick that night, correct?
A. Yes.
Q. And you were with him?
A. I guess so according to these messages.
Q. And you've testified that you're a good kid, correct?
A. Yes, ma'am. I still am a good kid and still stand by that statement.
Q. And so this night would just be what?
A. What do you mean?
Q. This is nothing good, is it?
A. No, it's not good.
Q. Okay. Now you testified -- I just want to make sure it's clear before I ask some questions, that you were with him on August 30th, correct?
A. Yes, ma'am.
Q. You said you -- go ahead and run me through that. You said you picked him up or dropped him off on the 30th? What was your testimony?
A. I picked him up that morning from his mother's house.

I dropped him off at Keanna's house and then picked him back up from there.
Q. So and this is on August 30th?
A. Is that's the day we're talking about?
Q. Right.
A. Yes, ma'am.
Q. You said you picked him up from his mother's house?
A. Yes, ma'am.
Q. And that's on Romford Road in Columbia?
A. I just know how to get there. I really don't know the address.
Q. Okay. But it's in Columbia?
A. Yes, ma'am.
Q. And so on the morning that this happened your testimony is that you picked him up from there?
A. Yes, ma'am.
Q. So if Keanna said he stayed the night with her on the 29th and he woke up there the morning of the 30th, are you lying or is she lying?
A. It's three years ago. We might not remember exactly whether he spent the night or whether he was at his mother's house. He was between the two places all the time.
Q. Okay. But this day's important you would agree, correct? August 30, 2018, is an important date to

remember, correct?
A. You want my honest opinion?
Q. Yeah.
A. Not to me it's not. It's a regular day.
Q. Okay. But you were brought here because you were important on that day, correct?
A. Yes, ma'am.
Q. But you don't remember that day?
A. It was three years ago.
Q. It's yes or no. Do you remember that day or not?
A. I remember some of that day.
Q. Okay. And so do you remember previously stating that when you went to pick him up from Keanna's place that the cops were not there, correct?
A. No, I believe the cops were there when Keanna -- when I picked him up. I'm not sure honestly.
Q. So you remember seeing the police there when you picked him up?
A. Yes, there was a police truck outside.
Q. You remember that now, but back in July when asked you did not? I just need a yes or a no.
A. Yeah.
Q. Back in July when you were asked if you remember the police being there when you went to pick him up, you said no. Now you're saying yes?

A. Yes.
Q. Okay. Looking at this call log, State's 50, starting up here, Line 18, that's an outgoing call from Isaiah to you at 6:10 PM, correct?
A. Yes, ma'am.
Q. And you're on the phone for seven minutes and nine seconds, correct?
A. Yes, ma'am.
Q. And then we'll look for you again. Down here, Line 24, an outgoing call to you, 7:46 PM, and that -- the duration is indicating twelve seconds. Did you speak to him?
A. I don't remember.
Q. 7:46 PM he's calling you, okay? Again, at 7:51 he's calling you, four seconds. Did you speak to him?
A. I don't remember.
Q. Now the police were called to Riverbend at 7:30 PM, the cops were there between 7:30 and 7:58. So if you were there to pick him up when the cops were there, it was between 7:30 and 7:58. You would agree, correct?
A. Is this talking about the morning altercation --
Q. Okay.
A. -- because that's where I was speaking on.
Q. What morning altercation?
A. When they had an altercation that morning.

Q. They who?
A. I guess it was Keanna and her -- I don't know who it was honestly. I went and picked him up.
Q. Okay. So you picked him up earlier in the day?
A. Yes. We were already with each other by the time later on that day came.
Q. Okay. So let's talk about that. So at 7:30 you were together?
A. I believe so. Yes, ma'am.
Q. So what time did you pick him up on the 30th then?
A. I don't remember. It was afternoon time.
Q. So the cops were called at 12:06 PM, at 6:07 and 7:30.
A. Yes, ma'am.
Q. Keanna's already testified that Isaiah was at her place at 7:30, so you were there for the altercation, too?
A. I wasn't there for the altercation. I picked him up. I just don't know the timing is what I'm letting you know.
Q. And I'm not trying to confuse you.
A. Yes, ma'am.
Q. You confused me when you said the morning.
A. I'm sorry. I just was -- I didn't know the timing.
Q. Okay. So there's already -- and I didn't mean to talk over you. There's already testimony in the record by

Keanna that Isaiah was here for the 7:30 incident.
A. (Nods head.)
Q. And that you picked him up --
A. Yes, I did pick him up.
Q. -- after the 7:30 incident.
A. I did --
Q. So did you pick him up -- wait for me to finish, please. Did you pick him up after the 7:30 altercation?
A. Yes, ma'am.
Q. And if you were there when cops were there, you would agree based on this where it says the call was reported at 7:30 and the cops left at 7:58, that you would have had to have gone there between 7:30 and 7:58. You agree with that?
A. Yes, ma'am.
Q. If you saw police officers?
A. Yes, ma'am.
Q. Looking at the call log, he's calling you at 7:46?
A. Yes, ma'am.
Q. Prior to that it appears that you speak at 6:10?
A. Yes, ma'am.
Q. So between 6:10 and 7:46, when did he call you to pick him up if he was there for the fight around 7:30?
A. If he called me at 6:00 for the first time, he probably was calling me to come and pick him up.

Q. Got you. So it took you an hour and a half to go pick him up?
A. Ma'am, I have a life outside of him. I really do. Not trying to be rude, but I have a life outside of him. It probably did honestly.
Q. Okay. So the answer to my question is what?
A. Yes.
Q. Did it take you an hour and a half to go pick him up?
A. Yes, ma'am.
Q. So you're saying when he called you at 6:10 is when he told you to come get him? Is that your testimony?
A. I believe so.
Q. Okay. I'm gonna show you what I'm gonna mark as State's Exhibit 60. I'll give you time to review it.
(State's Exhibit Number 60 was marked for identification.)
BY MS. FULLER:
Q. Do you recognize that?
A. No, ma'am. I know it's some text messages between me and him though.
Q. But that's your phone number and his phone number, correct?
A. Yes, ma'am, it's my phone number.
Q. Okay.
MS. FULLER: At this time, Your Honor, the State

seeks to introduce State's 60 into evidence.

MR. CHEHOSKI: Without objection, Your Honor.

THE COURT: State's Exhibit 60 is admitted into evidence.

(State's Exhibit Number 60, text message extraction, was admitted into evidence.)

BY MS. FULLER:

Q. Looking up here, once it focuses, you're Sissypooh, [redacted]-4715, correct?

A. Yes, ma'am.

Q. And this is Isaiah's phone, [redacted]-8710, correct?

A. Yes, ma'am.

Q. This message from Isaiah to you says what are you doing LOL, correct?

A. Yes.

Q. And he sent you this message at 6:05 PM, correct?

A. Yes, ma'am.

Q. And here it says delivered at 6:06, correct?

A. Yes.

Q. But it says it was not read by you until 8:36 PM. Do you see that?

A. Yes, ma'am.

Q. Then at 7:47 PM he texts you answer ASAP and it was delivered at 7:47 as well, correct?

A. Yes, ma'am.

Q. And it was read by you at 8:36 PM, correct?
A. Yes, ma'am.
Q. So when I asked you back looking at State's 50 between 6:10, Line 18, and Line 24 when he called you to come pick him up, where is that call or where is that message?
A. There's one at -- I can't say. I'm not sure.
Q. At 7:46 he calls you, at 7:47 he texts you answer ASAP. What would that indicate?
A. Pick up the phone.
Q. Because you didn't answer, correct?
A. Yes, ma'am.
Q. So when you look at the 7:46 call, you did not answer this call?
A. Yes, ma'am.
Q. In fact, you did not read this message until 8:36, correct?
A. Yes, ma'am.
Q. When you read the message at 8:36, you responded what's wrong, I just woke up, correct?
A. Yes, ma'am.
Q. And I woke up suggests you were sleeping, correct?
A. It does.
Q. And comparing that to when the messages were read, both the 6:05 message and the 7:47 message, you didn't read both of those until you woke up at 8:36 PM, correct?

A. Yes, ma'am.
Q. But your testimony is that you guys were together?
A. Yes, ma'am.
Q. And where were you together while you were sleeping?
A. Ma'am, I am not sure where I was sleeping at or where this conversation was. I don't remember it at all honestly.
Q. But this is the reason why you're here. You're his alibi.
A. Yes, ma'am.
Q. So we need you to remember. So looking at State's 40 -- State's 48 that's already in evidence, the attempted call here, this is in military time, there was a call at 7:45:51 is what the network received it as, the phone time is a few seconds off, but looking at State's 23 you would agree that this is your phone number here, [redacted]-4175, correct?
A. Yes, ma'am.
Q. That he's attempting to call you, correct?
A. Yes, ma'am.
Q. And based on this map when he's attempting to call you, and I'll zoom in, you're familiar with Riverbend Drive, correct?
A. A little bit.
Q. And that says [redacted] Riverbend, correct?

A. Yes, ma'am.
Q. And when he's attempting to call you, he's hitting off of tower in this area in West Columbia, correct?
A. Yes, ma'am.
Q. So if you guys are together, are you sleeping somewhere in West Columbia at this time?
A. We had a couple of friends that stayed all over. I could have been at a friend's house. I'm not sure honestly. I don't remember.
Q. Could have been at a friend's house. Were you at a friend's house or were you at home sleeping?
A. Ma'am, I don't remember. It was three years ago.
Q. Now looking at -- he messaged you be ready at 8:41 PM, correct?
A. Yes, ma'am.
Q. And then you read that message at 8:42, correct?
A. Yes, ma'am.
Q. But prior to him sending that message, he attempts to call you again, correct, at 8:34 PM?
A. Yes, ma'am.
Q. And then as soon as you responded you just woke up, which is at 8:36 and 18 seconds, he called you at 8:36 and 37 seconds, correct?
A. Yes, ma'am.
Q. And it appears that you guys spoke for a minute and

43 seconds, correct?
A. Yes, ma'am.
Q. What did you guys speak about? Don't remember. Got it.
MR. CHEHOSKI: Your Honor, allow her to answer the question if she can.
THE COURT: I didn't see the witness, but you may answer the question.
THE WITNESS: What was the call about?
BY MS. FULLER:
Q. Yes.
A. It could have been about coming to get him.
Q. Okay. So your testimony now is that at 8:36 PM, that minute and 43 call, was to go get him from where?
A. My testimony from the beginning has been that I didn't know what time I went and got him.
Q. That's right. Now my question for the 8:36 call, is it your testimony now that this could have been when he called you to come get him?
A. Could have been. I'm not sure.
Q. So at what point after 8:36 did you guys decide that you were gonna go to Old Chicago?
A. It could have been on the phone call at a minute and 43 seconds.
Q. So at 8:36, this was either a conversation about going

to eat --
A. It could have been a conversation about both honestly.
Q. Okay. So at 8:36 is when you went to go pick him up?
A. I believe so. I'm not sure what time I went and picked him up.
Q. So then at 8:41 he texts you to be ready, correct?
A. Yes, ma'am.
Q. Then at 8:42 you say okay, correct?
A. Yes.
Q. And at 8:58 you say I'll meet you there, where you at, correct?
A. Yes, ma'am.
Q. And at 8:58 he responds by Gamecock stadium, correct?
A. Yes, ma'am.
Q. And that's on Bluff Road?
A. Yes, ma'am.
Q. Looking back at his call records at 8:38, this is you calling him, [redacted]-4715, correct?
A. That's on the 31st, not on the 30th.
Q. Right. So there's been previous testimony that this is in UTC time, but this would be -- Eastern time would be 8:38, okay? But you just need to acknowledge your phone number. This is your phone number?
A. Yeah, that's my phone number.
Q. Okay. And that's you calling him, correct?

A. Yes, but that time of day after the trial date we're talking about August 30th, not August 31st.
Q. Right. And, like I said, this is not in Eastern time --
A. Oh, okay. I'm confused.
Q. -- these records, so it's four hours difference.
A. Okay. Okay. Okay.
Q. So you would subtract the four hours and then it will August 30th.
A. Yes, ma'am.
Q. Okay. There was previous testimony to that. So that's you and then down here, again, where you call him, [redacted]-4715, correct?
A. Yes, ma'am.
Q. It looks like 29 seconds, correct?
A. Yes, ma'am.
Q. Then 9:07 PM called again. He calls you, correct? 49 -- that's your phone number, [redacted]?
A. I can't see where you're pointing at.
Q. Okay. It zoomed out. 9:07, outgoing, [redacted]-4715, correct?
A. Yes, ma'am.
Q. And then at 9:22, [redacted]-4715, correct?
A. Yes, ma'am.
Q. And that's you again?

A. Yes, ma'am.
Q. Looking at State's 47, those calls that you just identified, at 9:07 and 9:22, are over here in West Columbia?
A. Yes, ma'am.
Q. So at 9:07 and 9:22, were you with him in West Columbia?
A. Yes, ma'am.
Q. You were?
A. If our phone calls are right there, had to be. I'm not sure.
Q. So you were with him in West Columbia on August 30th?
MR. CHEHOSKI: Your Honor, I think the State is confusing, so I would ask her to clarify, please.
THE COURT: That will be fine. But you can --
Counsel, why don't you ask the question again just for clarification.
Thank you.
BY MS. FULLER:
Q. Just for clarification, your previous testimony was that you guys were together this night, correct?
A. Yes, ma'am.
Q. And you said you were gonna go to -- that you went to Old Chicago, correct?
A. Yes, ma'am.

Q. And that you left, correct?
A. Yes, ma'am.
Q. And that you were on the way back to Copper Beach, correct --
A. Yes, ma'am.
Q. -- when he received a call from Keanna --
A. Yes, ma'am.
Q. -- to come get him -- to come get her?
A. Yes, ma'am.
Q. And your testimony is you drove?
A. Yes, ma'am.
Q. Now looking at State's 47, the calls with you and him together, his phone is hitting off of a tower in West Columbia, so my question to you is if you guys were together were you in West Columbia with him the night this happened?
A. I was with him the night of August 30th.
Q. Were you there when the shooting happened?
A. I didn't know about a shooting.
Q. So you're on the phone while you're together in the car?
A. Just because we were together doesn't mean we were in a car. We could have stopped at a gas station. There's plenty of stores on the way there in West Columbia, all of that, for us to have been on the phone and still been

together.
Q. Do you remember previously stating that that night between 9:00 and 9:15 you were at Copper Beach with him?
A. I never placed the time so, no, ma'am.
Q. Okay. Do you remember stating that that night you were at Copper Beach? Correct?
A. I said I could have been there, yes, ma'am. That was my go-to place. That doesn't mean I was there. I didn't remember. I said I could have been there.
Q. Okay. Do you remember stating initially that you did not pick up Keanna?
A. No, ma'am, I don't remember.
Q. So if an investigator heard you state that, they would be lying?
A. No. If there's two against one, it couldn't have been a lie. I just don't remember.
Q. Okay. But your testimony now is that you did go and pick up Keanna?
A. Yes, ma'am.
Q. Even though previously you stated you did not?
A. Yes, ma'am.
Q. I'm gonna show you what I'm gonna mark for ID as State's Exhibit 61 and 62 just to review what we just covered.
A. Yes, ma'am.

(State's Exhibit Number 61 and 62 were marked for identification.)

BY MS. FULLER:

Q. And we'll focus on the read.

A. Okay.

Q. What we just discussed was the 7:45 call, correct, acknowledging your phone number?

A. Yes, ma'am.

Q. And we know that at 8:36 is when you read the messages and you indicated you were asleep, correct?

A. Yes, ma'am.

Q. So these earlier calls were not answered, correct?

A. Yes, ma'am.

Q. We acknowledged that he texted you answer ASAP, correct?

A. Yes, ma'am.

Q. And we talked about the 8:36 call right after you woke up, correct?

A. Yes, ma'am.

Q. And we talked about the 8:38 call, correct?

A. Yes.

Q. And then the message to be ready?

A. Yes, ma'am.

Q. And then your response was okay?

A. Yes, ma'am.

Q. And then meet you there, Gamecock stadium, correct?
A. Yes, ma'am.
Q. And then we discussed these other calls down here, correct?
A. Yes, ma'am.
MS. FULLER: At this time, Your Honor, the State seeks to introduce into evidence State's 61 and 62.
MR. CHEHOSKI: Your Honor, I do have an objection.
May we approach?
THE COURT: Sure.
(Proceedings held at the bench; not reported.)
THE COURT: Proceed.
MS. FULLER: Thank you, Your Honor.
Are they in evidence?
THE COURT: This is State's Exhibit 61 and 62?
MS. FULLER: That's correct, Your Honor.
THE COURT: State's Exhibit 61 and 62 will be admitted subject to objection.
MS. FULLER: Thank you.
(State's Exhibit Number 61 and 62, phone communications, were admitted into evidence.)
BY MS. FULLER:
Q. I'll give you your own copy up here.
A. Yes, ma'am. This is the same thing?
Q. Yes. So you don't have to step down.

And then just to cover again what I asked you there you where the jury couldn't see -- are you okay?
A. Yeah, I'm cold. I'm sorry. I get the chills.
Q. Okay. And so at the top we talked about the 7:45 call where I showed you the text message at 8:36 where you said what's wrong, I just woke up, correct?
A. Yes, ma'am.
Q. And I showed you where you read the previous messages, correct?
A. Yes, ma'am.
Q. And that would indicate that the previous calls were not answered, correct?
A. Yes, ma'am.
Q. And that would be the 7:45 call, correct?
A. Yes, ma'am.
Q. The 7:51 call?
A. Yes, ma'am.
Q. And the 8:33 call, correct?
A. Yes, ma'am.
Q. Also the message -- the answer ASAP message was not read until 8:36 PM, correct?
A. Yes, ma'am.
Q. And then you guys finally speak at 8:36 PM once you wake up, correct?
A. Yes, ma'am.

Q. And then at 8:38 the defendant calls you again and you guys speak for a minute and six seconds, correct?
A. Yes, ma'am.
Q. And then at 8:41 he texts you to be ready, correct?
A. Yes, ma'am.
Q. And then at 8:42 you say okay, correct?
A. Yes, ma'am.
Q. And at 8:55 he calls you, correct?
A. Yes, ma'am.
Q. And then at 8:58 you told him that you'll -- I'll met you there, where you at, correct?
A. Yes, ma'am.
Q. So reading a message like that at 8:58, would that indicate you guys were together or not together?
A. Not together.
Q. Then at 8:58 he responds with his location by Gamecock stadium, correct?
A. Yes, ma'am.
Q. Looking at this map of a call at 8:59, do you see Bluff Road?
A. Yes, ma'am.
Q. Then do you know whether or not the Gamecock stadium is on Bluff Road?
A. It is.
Q. It is, correct?

A. Yes, ma'am.
Q. And defendant's phone is hitting off a tower on Bluff Road, correct?
A. Yes, ma'am.
Q. And you would acknowledge that 8:58 he was by the Gamecock stadium, correct?
A. Yes, ma'am.
Q. And reading these messages would indicate you were not there, correct?
A. With him. Yes, ma'am.
Q. And then at 8:59 -- and just to be fair to you because we don't have it, it's too late to get it, we don't have your location information, so we're just relying on what you're telling us today, okay?
A. Yes, ma'am.
Q. So at 8:59 you call him, correct?
A. Yes, ma'am.
Q. Then at 9:07 while his phone is hitting off of a tower near the crime scene, you're on the phone with him, correct?
A. Yes, ma'am.
Q. And I'm gonna ask just one more time, you weren't together at 8:58. At 9:07 you're on the phone again. Were you guys together at 9:07?
A. We were together.

MS. FULLER: I beg the Court's indulgence.
BY MS. FULLER:
Q. I'm gonna show you what I'm gonna mark for ID as State's 63 and take your time and review both pages.
(State's Exhibit Number 63 was marked for identification.)
BY MS. FULLER:
Q. You've reviewed them?
A. Yes, ma'am.
Q. And do you recognize that to be communication between you and Isaiah on September 7th?
A. Yes, ma'am.
MS. FULLER: At this time, Your Honor, the State seeks to introduce State's Exhibit 63 into evidence.
MR. CHEHOSKI: No objection.
THE COURT: State's Exhibit 63 is admitted into evidence.
(State's Exhibit Number 63, an instant message extraction, was admitted into evidence.)
BY MS. FULLER:
Q. And there's previously a calendar in evidence. You knowledge this is a calendar, correct?
A. Yes.
Q. This is State's 45 and on September 7th that's when Keanna goes and gives her statement to the police, correct?

A. Yes, ma'am.
Q. And you knew she went to give her statement that day, correct?
A. Yes, ma'am.
Q. You guys had been staying together and hanging out together since the shooting and up until that day, correct?
A. Yes, ma'am.
Q. So on September 7th at 3:40 PM Isaiah texts you she still hasn't hit you up, correct?
A. Yes, ma'am.
Q. And H-Y-U for the record is hit you up, correct?
A. Yes.
Q. And you say no, correct?
A. Yes.
Q. And you're talking about Keanna, correct?
A. Yes.
Q. And then he responds at 3:40 shaking my head, two H's, correct?
A. Yes.
Q. And he tells you that he's going to jail, correct?
A. Yes.
Q. And you testified that you didn't know when this shooting happened, correct? Or you didn't know when you found out about it, correct?
A. Yes, ma'am.

Q. Then you respond L-M-F-A-O, correct?
A. Yes.
Q. Which is laughing my A off, correct?
A. Yes. Yes, ma'am.
Q. And then he responds for real, bra, it's been dumb long, man, probably putting some pressure behind Keanna, correct?
A. Yes.
Q. Because he knows she's going in for that interview, too?
A. Yes.
Q. You then you kind of ignore him and say on the way back, you can take the car, correct?
A. Yes.

MS. FULLER: No further questions at this time.

THE COURT: Redirect.

MR. CHEHOSKI: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. CHEHOSKI:

Q. First question, is this the -- when Ms. Fuller indicated that she had spoken to you before, was that a face-to-face conversation?
A. No.
Q. Was that over the phone?
A. Yes. I was at school.

Q. Okay. And before walking into this courtroom, have you ever seen them before?
A. No.
Q. All right. The State spent a lot of time talking about a tower in West Columbia. Do you see this red line right here?
A. Yes, sir.
Q. Do you know what that line indicates?
A. No, sir.
Q. Okay. That is what's called the azimuth, which is essentially the direction that the tower is pointing.
MS. FULLER: Objection, Your Honor.
THE COURT: I think in order to set up the question, I'm gonna let him lay a foundation. We've heard testimony about the lines.
MR. CHEHOSKI: Right. And we have --
THE COURT: He's not gonna give any opinions about what he thinks the line is or this or that is.
BY MR. CHEHOSKI:
Q. And, again, this line -- we've had testimony that this line shows where the -- the direction that the antenna is pointing.
A. Yes.
Q. This line is, also we've had testimony, is approximately three miles long according -- on this map.

A. (Nods head.)
Q. Now this line -- also we have testimony that this line is essentially the midrange of the range of the tower, which would begin from zero degrees, which would be straight up and down, to 120 degrees, all right? Are you following me so far?
A. Yes, sir.
Q. All right. Does this line extend into Richland county?
A. I would guess so. Is that the words "Gervais Street"? I don't know. I can't see that far obviously. I'm sorry.
Oh, yes, sir. That's Elmwood.
Q. Yeah. And you see this line right here, that would be the river, right?
A. Yes.
Q. Okay. And east of the river would be what county? Would it be Richland or Lexington?
A. I don't know.
Q. Okay. And Columbia -- you would agree that this part of Columbia is in Richland county?
A. Yes, I do know that part. I'm sorry. I didn't know the east and west. Sorry.
Q. And across the river would be Lexington county?
A. Yes, sir.
Q. Okay. And, again, this line comes across the river?

A. Yes, sir.
Q. Now the State just peppered you with a whole lot of questions with text messages and phone call records. If they had asked you those questions in 2018, would your memory have been better?
A. Yes.
MS. FULLER: Okay. Objection at this point, Your Honor. This is his witness. He is leading. He's asking things outside of the scope. It's been going on.
THE COURT: There was -- I'm gonna overrule your objection. There was a lot of testimony about that map and locations, so obviously you'll keep it to a certain scope, but for now overruled.
BY MR. CHEHOSKI:
Q. Okay. And I'll ask the question again. If they had asked you those questions in 2018, do you think your memory would have been better?
A. Yes.
Q. Is it still your testimony that you were with Ike on August 30th of 2018?
A. Yes, sir.
Q. Is it still your testimony that you did not --
MS. FULLER: Objection, Your Honor. Leading.
THE COURT: Ask the question.
BY MR. CHEHOSKI:

Q. All right. Did you hear gunshots when you were talking -- at any point in time when you were talking to --

A. No, sir.

MS. FULLER: Objection, Your Honor. Leading.

THE COURT: Overruled. Ask the question.

BY MR. CHEHOSKI:

Q. Did you hear gunshots during any phone call with Ike on August 30th?

A. No, sir.

MR. CHEHOSKI: Thank you.

THE COURT: All right. Recross.

MS. FULLER: I don't have any, Your Honor.

THE COURT: Very well. The witness may step down. You're free to go.

(Witness excused.)

THE COURT: All right, ladies and gentlemen. We're gonna take our midafternoon break here at this time. Head down to the jury room and refresh yourself. We'll get you back up here in a few minutes. Please don't discuss the case or any anyone involved in the case or in the courtroom.

Thank you.

(Whereupon, the jury retires to the jury room at 2:48 PM.)

THE COURT: All right. Mr. Chehoski, do you want

to submit your objection to 61 and 62?

MR. CHEHOSKI: Thank you, Your Honor.

In reference to State's Exhibit 61 and 62, during testimony I made an objection at a sidebar to State's 61 and 62 being admitted into evidence as being just really demonstrative evidence and cumulative testimony. I just want to say, again, for the record that the Court did state on the record that the objection was overruled, but, again, I just wanted to state that the basis for the objection was that it was demonstrative and should be used in closing, and I don't think anything further needs to be added to that, at least on my part.

THE COURT: All right. And it was overruled. I thought it was an appropriate summary as has been used throughout the trial.

Thank you.

All right. Anything else for the moment and then we'll take short break here.

MS. FULLER: Yes, Your Honor.

Just briefly for the record, we obtained the conviction from Richland County. It is one count of possession of stolen vehicle. That's all they had.

THE COURT: All right. So one count.

MR. CHEHOSKI: And I'll renew my objection to that as well.

THE COURT: All right.

MS. FULLER: But -- but the defendant is wanted. He has a warrant for his arrest out of North Myrtle Beach stemming from a warrant from June 25th of 2021.

THE COURT: All right. So we'll deal with that later. We'll deal with the conviction today.

Okay. Well, refresh yourselves and we'll get going in a few minutes.

Mr. Chehoski, I don't --

MR. CHEHOSKI: Your Honor, I would -- okay. Well, I guess since it's been brought up, I would ask that that be excluded as, again, highly prejudicial. It's not -- obviously it's not a conviction.

THE COURT: I didn't think --

MS. FULLER: I wasn't gonna use it. I was just letting the Court know.

THE COURT: Okay. Well, the jury doesn't need to know and they won't, so.

MR. CHEHOSKI: Okay.

THE COURT: Again, any other potential witnesses you expect other than your client at this point?

MR. CHEHOSKI: No, Your Honor.

THE COURT: Okay.

All right. We'll be back momentarily.

(Recess taken at 2:51 PM.)

(Back on the record at 3:01 PM.)

BAILIFF: All rise.

THE COURT: Be seated. Thanks.

Is the defense ready to proceed?

MR. CHEHOSKI: We are, Your Honor.

THE COURT: Is the State ready to proceed?

MS. FULLER: Yes, Your Honor.

THE COURT: Bring the jury up, please.

(Whereupon, the jury returns to the jury room at 3:04 PM.)

THE COURT: All right. Please be seated.

Ladies and gentlemen, welcome back. We're just gonna pick up where we left off for our next witness in the defense's case in chief.

MR. CHEHOSKI: The defense calls Isaiah Butler.

THE COURT: Very well.

THE CLERK: Raise your right hand.

(Whereupon, Isaiah Deshaun Butler was duly sworn by the Clerk of Court.)

THE CLERK: If you'll have a seat and state your name and spelling your last name.

THE WITNESS: Isaiah Butler.

ISAIAH DESHAUN BUTLER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CHEHOSKI:

Q. Mr. Butler, introduce yourself to the jury, please.

A. My name is Isaiah Butler. I live in Columbia, South Carolina. Graduated from Eau Claire High School.

Q. How old are you?

A. Twenty-three now.

Q. And what kind of work do you typically do?

A. I did a lot of warehouse work.

Q. And what do you like to do for fun?

A. Well, I play basketball and play my games.

Q. Can you be a little more specific about your games?

A. Like game systems, PS5 and Xbox, stuff like this.

Q. Are these video games?

A. Yes, sir.

Q. Okay. Right off the top Mr. Butler, I have to ask you an uncomfortable question. You have a conviction for possession of stolen vehicle?

A. Yes, sir.

Q. All right. Let's get right to it. Did you shoot Ebony Ponds?

A. No, sir.

Q. Did you shoot Larresia Thompson?

A. No, sir.

Q. Did you have anything to do with the shooting?

A. No, sir.

Q. Were you at Riverbend Apartments at the time of this shooting?
A. No, sir.
Q. Do you own a Range Rover?
A. No, I don't own a Range Rover.
Q. Have you ever owned a Range Rover?
A. No, I never owned a Range Rover.
Q. How well do you remember the day of August 30, 2018?
A. I remember earlier that morning before -- maybe before noon Monee picked me up from my house, she dropped me off at Riverbend with Keanna.
Q. All right. And who is Keanna to you?
A. That was my girlfriend at the time.
Q. All right. And what is your relationship with Keanna now?
A. We still conversing here and there, but it's not how it used to be.
Q. All right. What do you know about Keanna's relationship with Isaiah, now Zariah, Outlaw?
A. Once I came around, it was kind of off and on. They was still -- well, from what I seen they would -- they would argue a lot, but when I was around Zariah or Isaiah, he -- he would never like put his hands on her. So I seen a lot of arguments verbally, but not a lot of physical.
Q. All right. And what was -- well, what would -- how

would you characterize their relationship on August 30th of 2018?
A. There was already on-going problems because the lights had been turned off. Keanna was basically upset that Isaiah had spent his half for the lights and he didn't get paid until like later on that week, so -- let's see. He didn't get paid until later on that week and there was already previous fights going on with them before the incident date.
Q. You testified just a moment ago that you did go over to Riverbend Apartments that day?
A. Yeah, I went over earlier that day.
Q. All right. And how did you get there?
A. Monee dropped me off.
Q. And where did -- if she dropped you off, she picked you up from somewhere, so where did she pick you up?
A. Oh, she picked me up from my house.
Q. All right. While you were over there, did you become aware of an issue regarding Zariah's cell phone?
A. Yes, sir.
Q. Tell me what you know about that.
A. Keanna -- well, when I first got there, I kind of had laughed because when I -- when I got there to the apartment I had seen that she had threw all his stuff out, so I kind of laughed and I told her like you -- you crazy and she was

like no, that the day previous that he had put his hands on her, so that's why she did it.

As far as going through the day, I remember we was walking to the pool. We was with her little brother. We was walking to the pool doing a lot of moving around and at some point she had took his phone. When we went by the -- when we went by the pool, she told me that she had threw the -- threw the phone in the -- in the bushes area near the pool and I told her to get the phone out of the bushes and that's when I retrieved the phone and I told her that I would hold the phone because she had told me about him attacking her previous and I told her that I will hold the phone and when I see him that I would like approach him about putting his hands on her.

Q. Uh-huh. Did -- did that moment that you just told us about, did that moment arrive that day when you had talked to Zariah -- or Isaiah, now Zariah, about that?

A. Yes, it did.

Q. Okay. Tell me what -- tell me about that situation.

A. Me, Keanna and her little brother Micah, we was standing on the sidewalk, we was about to go get some food, but we was speaking of whether we was gonna go to the little corner store or actually walk all the way to the McDonald across the bridge. As we were standing there, Ebony, who I know as Georgia -- at the time I didn't know

none of them, but I know their names, and Isaiah, they came across the parking lot. At that time I had the phone because she had gave it to me, so I had the phone in my pocket, which I had her phone as well, and I had my phone because she wanted me to hold her phone because she didn't have no pockets. As they came across, Isaiah went straight upstairs to -- towards the apartment. Once he got in the apartment, Keanna followed after him. I was still down the stairs, so once they entered the apartment I came up the stairs because I knew there was about to be some kind of conflict. You heard a lot of booming and a lot of stuff going on in the house, which I don't know if it was physical yet or he was tearing stuff up or who was doing what, but it leaded out in the -- in the living room area and you could see them physically fighting. So as they broke apart, Isaiah came out on top of the porch and Keanna came behind him and had picked up a glass table and threw it at him. So at this point there's a door right across from them, which is they neighbor. They was fighting in front of they door in the -- in the corner area near the railing. I went over there and I grabbed them and I moved them apart. Now at this time while I'm trying to break them apart, Ebony was on the stairway and she said Ike, don't hit him. I said I'm not gonna hit him if he -- if he stops sitting her. So I broke up the fight and I put

Keanna in the house. I started to talk with Isaiah and I told him that I had his phone. I never pulled out the phone and showed him. I told him I had his phone and that I would give it back to him if, you know what I'm saying, he stop putting his hands on his sister. Keanna tried to run out the house again because she heard Isaiah basically saying -- like I don't know what be going on between them or whatever, but I was there a lot so I seen a lot that went on.

She came out the house again and she tried to run towards him and I grabbed her again and I put her inside the house again and I closed the door and me and Isaiah was talking and I was telling him like basically like I had the phone, stop putting his hands on his sister, and in the mix of that Georgia butts in and started making threats. At that time things just -- we started arguing back and forth. She threatened me, I threatened her, and even though she threatened me, everything was light, it wasn't nothing serious. And at that time --

Q. Let me stop you there because I want to kind of back up. When you said it wasn't nothing serious, what were the nature of the threats being made?

A. She said something about getting somebody to do something to me, like harm me, shoot me.

Q. All right. And what were the threats that you were

making?
A. I made basically the same threats, that I'd get somebody to do something to her.
Q. All right. Did you have a gun on you at that time?
A. No, sir.
Q. Did you show anybody a gun on you at that time?
A. No, sir.
Q. All right. Once -- how did that -- now let me ask, you know, in that confrontation who was shouting?
A. Nobody was shouting. The only person that said something was Georgia and kind of us having words. Nobody was shouting. Once she told them that -- once Georgia told them like let's go, y'all, he -- he's childish, he -- he's doing too much, after the -- after the threat, they started to walk off. When they started to walk off, I leaned over the rail like still like on the confrontation between me and I called her a skank. Keanna came out of the house and they proceeded to walk across the parking lot towards back to the other apartment, which is [redacted], through the -- through the cut. I even asked her if she wanted to fight Keanna. It was that simple.
Q. All right. After that confrontation, do you remember if police were called?
A. Yes, police was called.
Q. All right. What interactions did you have with police

on -- in that timeframe?
A. None at all.
Q. Did you see them?
A. Yeah, I seen them.
Q. Did they talk to you?
A. No.
Q. Did you talk them?
A. No.
Q. Did you see law enforcement leave the area?
A. No.
Q. Okay. How did you leave?
A. Monee picked me up. She came through the parking lot. The truck was like basically just sitting in the roadway. Before she got there -- I seen her before she seen me, I started walking down the sidewalk towards her, and got in the car with her.
Q. All right. And after -- and just where -- where did you go from there?
A. From there I went home.
Q. All right. Did you have a cell phone on you when you left?
A. Yes, sir.
Q. How many?
A. Three.
Q. Whose?

A. Mine, Isaiah's and Keanna's.
Q. Why did you have Keanna's phone?
A. Keanna didn't have no pockets and once -- once she seen them coming over, she gave me the phone to hold it.
Q. All right. After you left, did you have any further communication with Keanna?
A. Yes.
Q. All right. How did you interpret the information that you got?
A. She was texting me off her little brother's iPad.
Q. All right. And you were -- were you familiar with that number?
A. No, I'm not familiar with it. I didn't know it.
Q. All right. How did you know it was her?
A. Because we was texting each other.
Q. From that number?
A. Yeah, from that number. Yeah.
Q. And so that -- I'm just trying to make sure that -- because you have her phone, how did you know it was her that was texting you from this unknown number?
A. Because we just -- I mean, I knew -- I knew it was her. I just don't know the number. I knew it was her.
Q. And through that information with your communication, what did you do with that? What -- I mean, how did -- what did you do after receiving the information she told you?

A. I was still at the house. I was still at my house at the time. She told me that -- that they was trying to steal her wallet and stuff or steal her money or whatever.
Q. And I'm gonna show you State's Exhibit 28 and first point out is this the number that she was texting you from?
A. Yes, sir.
Q. All right. Did anybody else at that time call you bae?
A. No, sir.
Q. Is that one indication of how you knew it was her?
A. Yes, sir.
Q. Okay. All right. And so are these the text -- are these the messages you were receiving at this time?
A. Yes, sir.
Q. Okay. What were you planning on doing after receiving these text messages?
A. At first I asked her like where she was, I think. I asked her where she was or -- I can't remember, but I know -- can you show me the message again? I can't remember.
Q. Was that your response?
A. Yes, sir.
Q. Okay. What were you planning on doing?
A. My -- my plan was to go and give the iPhone back so she could get her wallet back.
Q. Did you end up going back there?

A. No.
Q. And why is that?
A. Because when -- when we actually did talk on FaceTime, she indicated that it was guy out there and he had a firearm. At the time I had no protection, I had no kind of firearm, so I didn't never leave to go back there, but I did tell her to stay at her house, which indicated that I just wanted her to be safe. But at first I did tell her that I was on the way, but I then texted her again and said just stay at your house.
Q. All right. And, again, those are the two messages?
A. Yes, sir.
Q. All right. And was there -- you said that there was a FaceTime call?
A. Yeah, it was a FaceTime call.
Q. All right. And was that -- and that was when you learned about there was -- a guy being there?
A. Yes, sir.
Q. And a guy was there with a weapon?
A. Yes, sir.
Q. All right. Was there any other reason that you decided not to go to -- back to Riverbend?
A. Not other than I didn't have no type of firearm or anything so -- or any type of protection that I could go against a person with a gun.

Q. All right. Take me through your next steps of where you went from there.
A. From home?
Q. Yes.
A. From home I left -- well, at the time that I was at home, my friend Tavares, he came to my house. He was stopping by. He had his grandma's car. At the time it was when everything was going on, so I told him that -- take me to get Nasir because me and Nasir was talking about going and see some girls and stuff like that before as well. He took her -- he took me to go get Nasir. Well, we all rode together and we got Nasir and then we met up with Monee near Gamecock stadium like off Bluff Road.
Q. Were you looking at your phone or your watch or your clock during all this time?
A. No, sir.
Q. So to your -- to the best of your memory, around what time was -- were you in transit from your home to the apartments by Gamecock stadium?
A. I can't remember actually.
Q. But looking at State's Exhibit 46 --
A. Uh-huh.
Q. -- it says that around -- around 8:15 you were in this area of the city, right?
A. Yes, sir.

Q. Okay. And is there a laser pointer that's up there?
A. I think this is.
Q. All right. Can you point to the general area of where your house is on there. If you know.
A. I'm not sure how the map is, but -- no, I don't know actually.
Q. And there's not a lot of street -- street names on there.
A. Yeah, the street names, I can't see the street names.
Q. All right. But you think it's in this area here? Is that about right?
A. Yes, sir.
Q. All right. And you said from there you made your way towards Gamecock stadium?
A. Yes, sir.
Q. Okay. And can you point where -- the rough location where Gamecock stadium is on this map? And I'll zoom out.
A. I would say up in this area.
Q. Okay.
A. I'm not sure.
Q. Or is it --
A. I can't see any street names. I'm not sure.
Q. Okay. Well, if I zoom up, can you see what that road -- that name right there is?
A. Oh, yeah. That's -- that's Bluff Road.

Q. Okay. Can you see that road name there?
A. No, sir. I can see Bluff Road is here, right?
Q. No, that's the river. Yes, there it is. I'm sorry. I'm looking at my own pen. But can you see where -- read that now?
A. That's says South Assembly Street.
Q. Yes. And right -- this one that's diagonal?
A. Right here?
Q. Yes.
A. I can't read it either. I just know right here it says Boulevard, I think.
Q. George Rogers?
A. Yeah, George Rogers Boulevard.
Q. Is that -- is that near the stadium?
A. Yes, sir.
Q. All right. So according to this map you are at your house just before 8:30?
A. Yes, sir.
Q. And you're making your way slowly towards the stadium about twenty-six minutes later?
A. Yes, sir.
Q. All right. And how did you get to the stadium again?
A. Tavares.
Q. Tavares?
A. Yes.

Q. And who is Tavares?
A. One of my friends.
Q. When you got to that area, did you meet up with anybody else?
A. I met with up with Monee.
Q. All right. Do you remember approximately how long you stayed at that area?
A. No. I don't remember approximately, no.
Q. Did you stay there the rest of the night?
A. No, sir.
Q. Where did you go from there?
A. From there we went to Old Chicago.
Q. And Old Chicago is where?
A. Downtown near the Vista.
Q. And downtown near the Vista is -- is that this area here?
A. Yes, sir.
Q. All right. We talked a little bit -- you mentioned that you were with Monee. Who was Monee to you at the time?
A. Monee was like my sister. I met her through my friend Kejuan.
Q. All right. And would you -- how often would you be in communication?
A. Every day.

Q. Okay. Just -- just once or multiple times?
A. Multiple times.
Q. Okay. And would that be phone call or text or --
A. Phone calls, texts, FaceTime's.
Q. And why -- what was the reason you would go to Chicago pizza?
A. They used to have like a certain like little special that started around like at nighttime. I would say it was like after nine. It was a special that we always used to go there and eat.
Q. Now you're saying that was your plan. Did you eat at Chicago pizza that night?
A. No, sir.
Q. Okay. Did you make it to the premises of Chicago pizza, like the location or the parking lot or inside the building?
A. We was in the parking lot, but we never go in.
Q. Why didn't you go in?
A. There was some friends that also was there. When we got there, they were in the car smoking because they wanted to smoke before they went in to eat. Me and Nasir, we got out the car and went to they car and sat in the car with some of our friends and we was just sitting there and they were smoking. I -- I don't smoke, but everybody in the car was basically smoking before they went in Old Chicago or

planning to go in Old Chicago.
Q. Now you say they're smoking, are they smoking cigarettes or something else?
A. They was smoking weed.
Q. And we talked -- you talked about that you would talk with Monee several times a day?
A. Uh-huh.
Q. Would you still talk on the phone even if you were in the same area?
A. Yes, sir.
Q. And tell me more about that.
A. We'd be in the same house. Like, for instance, like we used to always be in Copper Beach, which is Southern, it was it upstairs and downstairs, if she didn't feel like moving or I didn't feel like going up there, she would call or text me. We could be in the parking lot. If I'm four or five cars down and in the car with somebody else instead of her getting out because she's lazy, she would call me or she would just text me.
Q. And the same, you would call her?
A. Uh-huh.
Q. All right. Once you -- again, you said that -- I'll go back to you're in the parking lot with some friends who were smoking.
A. Yes, sir.

Q. All right. How long -- tell me -- tell me what happens from that point on until you leave Old Chicago.
A. We sat in the car for a little bit. They was smoking. We was just sitting there and we was chilling. Monee called me and was basically like trying to see what we was fixing to do. She was still sitting in the car because she was texting her boyfriend, which was Nasir's brother, so she didn't get out the car to go in the car with our other friends, but we was just sitting out there in the parking lot. She was basically saying like y'all need to hurry up or whatever and I was like just chill, we coming, like what you in a rush for basically, and we was just basically talking, having a conversation, and she didn't know how long we was on the phone, but we was just talking, and that was about it.
Q. All right. At any point that night did you go back to West Columbia?
A. We went to West Columbia once I got a phone -- phone call from a number that I didn't know and when I answered it was Keanna and she was telling me that a shooting had happened.
Q. All right. And what did you do next?
A. They finished -- they finished smoking in the car. I told them I -- I told Nasir because we was in the same car, I was like we got to go, like something happened. Me and

Nasir got out and we went to go get back in the car with Monee. I'm not sure how long it took, but it -- it wasn't like instantly, but we ended up getting out of the car with them pretty quick. We left from there and we went to go get Keanna.

Q. And where did you get her?

A. She was near like chicken farm area. I know there's a Family Dollar and a plaza right across from the chicken farm and she was near there.

Q. All right. Just kind of going back to that time that you were at Old Chicago, you were not -- let me -- your testimony is that you're in one car with --

A. Yes, sir.

Q. -- with those other people chilling as you say?

A. Yes, sir.

Q. Monee was -- was Monee in that car as well?

A. No.

Q. Okay. Was she somewhere else?

A. Yeah, she was in her car a couple of cars down from us.

Q. All right. And as you testified before, instead of coming to the car, she -- y'all would call each other essentially?

A. Yeah.

Q. All right. And it's -- at what point in the night did

you become aware that a shooting had happened?
A. Once Keanna called me off the random number.
Q. All right. And, again, you -- and that was when you left?
A. Yeah, we left.
Q. You and Monee?
A. Yes, with Monee and Nasir.
Q. And after you picked up Monee, where did you go?
A. Picked up Keanna?
Q. Thank you. After you picked up Keanna, where did you go?
A. After we -- after we picked up Keanna, we headed back to Copper Beach.
Q. Okay. Did you leave that area for the rest of the night?
A. Copper Beach, no.
Q. All right. Ike, I'm gonna show you some text messages that are already in -- or some things that are already in evidence that the State introduced in their case in chief and I want to see if you -- tell me if you recognize them.
A. Yes, sir.
Q. We'll start with this first one. All right. Is that your number there?
A. Yes, sir.
Q. Okay. And do you -- we saw the -- we had this text

published earlier. Tell me what this text is about.
A. Oh, well, it say we got into it with some stone niggas, who I used to be in Copper Beach with, the town homes that we used to be at, we used to be at my -- some of my friends' house that I knew that stayed out there, and they had an on-going like situation in the neighborhood with some guys that stay on the other side of the apartment complex. And one night it was gunfire exchanged in the neighborhood that night between them because they had on-going problems.
Q. Okay. When was this text sent?
A. 9-3-2018.
Q. All right. And do you remember how soon -- how soon before that incident happened before this text?
A. Can you repeat that?
Q. That was a poorly phrased question. I'm sorry. You mentioned a shooting?
A. Yes, sir.
Q. Okay. Did that shooting take place on or before September 3rd?
A. No, that -- that happened before September 3rd.
Q. Okay. Did it happen before August 30th?
A. No, it happened after August 30th.
Q. Okay. Does this text -- this text involving where you said there's a shooting, does that involve -- are you

talking about the incident at Riverbend apartments?
A. Oh, no, sir.
Q. All right. I'm also showing you now State's Exhibit 39 and this is where on the second page you actually do mention the West Columbia shooting?
A. Uh-huh. Yes, sir.
Q. All right. And you're talking about having to lay low?
A. Yes, sir.
Q. Tell me what you -- what you mean. Why do you have to lay low?
A. I was basically saying that I needed to stay out of the way because my name was brought into the West Columbia shooting. After that night -- well, the same night that it happened, there was threats coming to Keanna's phone basically saying that she had something to do with it and that I was the one that did something for her basically, so that's why I was talking to her, a whole different person. I was telling her basically laying low is basically like staying out of the way, not being in situations that my name could be brought up.
Q. All right. What do you mean by I done did some S-H-I-T?
A. That may have been a whole other situation. I had stuff going on. Like I said, there was stuff going on at

Copper Beach in the neighborhood that I used to stay in, so I can't really remember. It was a while back.
Q. All right. I want to talk about the Range Rover that's been mentioned all throughout this case. State's Exhibit 37 they're mentioning a Range Rover.
A. Yes, sir.
Q. And why are you trying to sell a Range Rover?
A. Well, the Range Rover wasn't actually mine. It was a Range Rover that I used to use from a friend that -- he was a friend of my friend. We knew him. He used to be at the house with us all the time, but he was kind of the cool type of guy that would just let us use his car sometime to -- you know what I'm saying? We was all close. He -- he was the type of dude that he wanted to fit in, so like what -- what was his was mine type thing. We was all just cool friends. So he was trying to sell the Rover and he wanted me to basically like tell some of my friends about him selling the Rover.
Q. All right. And in this case, you're just telling one person, right?
A. Yes, sir.
Q. At least on this text message exchange. All right. And is that a picture of the Rover?
A. Yes, sir.
Q. Do you remember where that picture was taken?

A. Yes, it was in my yard.
Q. Do you remember when that picture was taken?
A. I don't remember when, but I can look at the time and --
Q. Was it taken -- was it taken before the shooting, the shooting that we're here today for?
A. I can't remember.
Q. All right. How did you know it needed a salvage title?
A. Because I -- I don't really know what he had going on with the car, but I can't -- I think it wasn't like legit, like it wasn't registered or anything like that.
Q. Would you personally sell a 2009 Range Rover for five, six hundred dollars if it was yours?
A. No, I wouldn't.
Q. Here at the bottom you mentioned having a paper tag on it. Tell me more about your involvement in that.
A. Yeah, we ended up getting a paper tag for it because his -- he had a regular tag on it, but I think it had expired or whatever the case may be, so we -- we got a paper tag for it.
Q. Okay. What was your involvement in getting the paper tag?
A. I didn't physically get the paper tag, but he did and I got it from him.

Q. All right. I'm also gonna show you now State's Exhibit 36 and this is on page -- on the third page and where you mention that you're gonna get your Rover and bring it by the Copper.
A. Yes, sir.
Q. All right. Why are you calling it your Rover?
A. Like I stated, basically like what -- what was his was mine. Like we was all homeboys, so I just called it mine.
Q. All right. You wouldn't call it ours?
A. No.
Q. Even though it was also his?
A. No. Like if I'm using it, I -- like I would call it mine if I'm using it.
Q. And when you're talking about the S-H-I-T being dead, what are you referring to with that term?
A. When I said something being dead, I was basically saying the situation that me and him was talking about at the time.
Q. All right. And what situation is that?
A. We was talking about something that happened with some guys or whatever and they knew what type of truck that -- that we drove or that we used, so we used to park the truck outside of the -- outside of the apartment and we didn't want the truck out there so they knew that we was there or would try to come start problems, so we didn't keep the